

of the Baltimore and Ohio rail road company, have authorized the president and directors thereof, to subscribe for as much of the capital stock of the rail road to Washington, as may be necessary to complete the same—which renders it certain that this work will soon be commenced.

I have the honor to be, &c.

JAMES W. McCULLOH.

At the same session of the General Assembly, December, 1832, an act was passed, ch. 175, granting to the Baltimore and Ohio rail road company, to enable it to construct the branch rail road to Washington city, upon terms alike beneficial to that company and the state, but certainly so to the latter.

The 14th section of the act, ch. 123, passed at December session, 1826, incorporating that company, provides that it should have the right to construct lateral roads; nevertheless it seemed to be placed beyond doubt that the road to Washington city had not been regarded by the legislature as a lateral road; because it passed an act at the very next session, December, 1827, ch. 170, to authorize the Washington Turnpike Company to construct a rail road between the cities of Baltimore and Washington; and also, ch. 139, at the next subsequent session, December, 1828, to incorporate the Baltimore and Washington rail road company, for the purpose of constructing a rail road on that route—the turnpike company having decided not to make a rail road. These acts were passed in a spirit of liberality towards the proprietors of the turnpike road company, the chief of whom was George Calvert, of Prince George's county—and towards the owner of the the Patapsco bridge, Mrs. Rebecca Smith, wife of Dennis A. Smith; but both of these grants were suffered to lapse.

The Baltimore and Ohio rail road company observing this state of things, then assumed that the authority conferred on it by the aforesaid 14th section of its charter, entitled it to construct that work as a lateral road—and on this ground it petitioned the congress of the United States to pass an act to authorize the extension of said work within the District of Columbia; and to the bill which it caused to be prepared and reported on the 28th December, 1830, for that purpose, there was the following preamble:

‘Whereas the General Assembly of the State of Maryland, by an act passed at their December session, 1826, entitled ‘an act to incorporate the Baltimore and Ohio rail road company,’ authorized the company thereby incorporated to construct a rail road not exceeding sixty-six feet wide, with as many sets of tracks as they might deem necessary, from the city of Baltimore to the Ohio river; and also to make or cause to be made *lateral rail roads in any direction whatsoever*, in connection with the said rail road; and whereas the president and directors of the said company, by their memorial, have represented that they have constructed a part of the main line of their said rail road, and have decided that they will construct a lateral rail road or branch from their said main