

line, in a direction towards the District of Columbia, so as to furnish a convenient and speedy mode of communication between the cities in the said district and the city of Baltimore; and they have prayed that a law may be passed to authorize the extension, construction, and use of the said lateral rail road, by the said company, within the said district; the compliance with which prayer, it is believed, will tend to promote the general convenience and welfare of the inhabitants of the said cities, and of many other citizens of the United States,' therefore, &c. &c.

This movement of the Baltimore and Ohio rail road company, being noticed by Dennis A. Smith, he called my attention to it, and desired that as a trustee and counsel for Mrs. Rebecca Smith, his wife, I should do what might be proper and necessary to obtain a reasonable indemnity for the damages, which the construction of said rail road would occasion to her estate in that bridge—then yielding an income of about \$4,000 per annum, exceeding the interest on \$60,000 capital, and which it was believed, would be impaired, as it has been, fully two-thirds,—and which could not come to pass, without an abuse of the privilege that had been gratuitously granted to that company, to locate its main road towards the Ohio, through lands that belonged to her. I consequently asked that a promise should be given by this company that would assure to her a reasonable indemnity for such damages—the disposition to accord it and the purpose to do so were both frankly avowed; but a promise it was said could not be given, as it would be misconstrued, and regarded, as a precedent for numberless, insupportable demands.

After giving Philip E. Thomas, president of said company, fair notice, that unless I received that promise of indemnity, promptly and in some binding form, one that should prove perfectly satisfactory to Mrs. Smith, I would repair to Washington without delay and oppose the application of the company, and thereby constrain it to apply to the General Assembly of Maryland—that promise not having been given, I repaired to Washington, appeared before the committee on the District of Columbia, to whom said bill had been referred, and stated the law and the facts connected with the subject. Mr. Doddridge, chairman, assured me that the committee would modify the preamble of the bill, so as not to lend colour to the claim of the company to construct the work as a lateral road, and to leave this point as they found it; a matter, exclusively between the corporation and the State of Maryland. The bill was accordingly reported by said committee with its preamble modified, as follows:

#### PREAMBLE.

'Whereas it is represented to this present congress that the Baltimore and Ohio rail road company, incorporated by an act of the General Assembly of Maryland, entitled 'an act to incorporate the Baltimore and Ohio rail road company,' passed the twenty-eighth day of February, eighteen hundred and twenty-seven, are