

desirous, under the powers *which they claim to be vested in them* by the provisions of the before recited act, to construct a lateral branch from the said Baltimore and Ohio rail road to the District of Columbia,' therefore, &c. &c.

The check thus given to the proceedings of the Baltimore and Ohio rail road company at Washington, caused it anxiously to desire to obtain from the General Assembly of Maryland *express authority* to make that road—but to petition for it would be a surrender of its claim 'to make lateral roads *in any direction whatsoever.*' Leave to introduce a bill to confer the authority on that company, was therefore asked by John S. Nicholas, a delegate from the city of Baltimore—see House Journal, 1830, 5th February, 1831, folio 245. But at this period there were many members of the Assembly who thought, as I did, that it was most expedient that this rail road should be undertaken as a state work,—and I may mention Messrs. Wootton, Nicholas, and Joseph J. Merrick, as being of that number. A bill for this purpose was reported by Mr. Nicholas—see H. J. 1830, 5th February, 1831, folio 244, which was considered in committee of the whole and afterwards in the house, but finally referred beyond the session, on the 14th February, 1831, see H. J. 1830, folio 322.

The bill which Mr. Nicholas reported on 8th February, 1831, H. J. 1830, folio 265, to authorize the Baltimore and Ohio rail road company to construct that branch road was afterwards considered, and met the same fate, being on the 15th February, folio 330, referred to the next General Assembly.

But the Senate subsequently passed a bill, similar in its provisions to the bill last mentioned, which was received in the House of Delegates on the 19th February, folio 370, that was referred, favorably reported on, considered by special order, amended and passed—see H. J. 1830, fol. 372, 373, 376, 380, and 384.

The right, however, was by the second section of this act, ch. 158, of 1830, reserved to the State of Maryland to take at par and hold forever as a separate capital stock, an amount that should be equal to five-eighths of the cost of this road, which right was to be exercised at the option of the State, at any time within the term of two years from the completion and use of the road; and by its third section, the rate which the company might charge for conveying each passenger, was fixed at \$1.50, the cost of the road then being variously estimated, by some at \$600,000, and by others at more than \$1,000,000.

The company found itself unable, however, to undertake the work which the foregoing act authorised, as its provisions reserving as they did to the State the right, without the obligation, to take five-eighths of its cost in the form of capital stock, separated from the stock of the main work, did not grant any present, public or private, aid for the construction of the road. It therefore applied at December session, 1831, to obtain modifications of the law in these and other particulars, and a supplement, ch. 330,