

vived to incorporate the same, as was recommended in the report made by Mr. Wootten to the house of delegates, on the 14th day of February, 1831—H. J., 1830, fol. 314, 317—from a committee, to whom had been referred the memorial of sundry citizens of this State and the District of Columbia, praying for said revival.

From this period, two years had rolled away, before the Baltimore and Ohio rail road company made an application, at December session, 1832, to the General Assembly for immediate aid in the form of a subscription, as above mentioned. In that interval, the obligation of the company to indemnify Mrs. Smith had been spoken of, and she had heard that some of its directors had expressed an unwillingness to fulfil it, or to regard it as binding under any new act of Assembly.

This report caused her great anxiety, and led her to request that I would ask to have some provision inserted for the protection of her interests, in any new act that might be passed in reference to that work. The assurance was orally repeated by Philip E. Thomas, president, that she should be reasonably indemnified, but still as she preferred that I should endeavor to have provision made, in the act itself, to assure her such indemnity, I solicited the insertion of a clause for that purpose; and it was finally promised on behalf of that company, that a provision in the terms of the 11th section of chap. 175, of 1832, should be so administered as to assure to her said indemnity; with the further understanding, that I would without charge to the company, advise and solicit the grant being made, of the aid which it sought to obtain from the Legislature, in the form of a subscription. To do this, I freely consented, and gave the assurance that I believed the success of its application for State aid could be made certain, if I were allowed to advise that the proposed charge of \$1 75 for conveying each passenger on said road, and giving one-seventh thereof to the State—should be altered so as to allow not exceeding three dollars to be charged for each passenger, and one-fifth thereof to be given to the State. This proposition was heard with apprehension by Mr. Thomas and some of the directors, who were at Annapolis, and I was requested not to make it on the part of the company, lest it might be injuriously regarded, as the evidence of a desire to demand a much higher rate, than might be thought just. I replied, that it was then known that to construct the road, a much larger sum of money would have to be expended than the amount of former estimates; that it was believed that it would certainly cost 1,500,000 of dollars, and most probably 2,000,000 of dollars. And that to secure a suitable income to the state and its citizens, from that large sum of money, if they invested it forever in that work, for the accommodation of persons, of whom at least eight out of every ten, would be citizens of other states; I considered it the absolute duty of the Legislature to increase the rate proportionably; and instead of charging \$1 75 for each passenger, as had been proposed by the company, I thought that the charge of \$3 00 or at least \$2 50 should be authorized, and one-fifth be paid to