

It is the passenger who pays, and the company who receives in both cases, and the only difference is that in one case the toll-gatherer collects for the company, whereas, in the other the Captain does. In either case the toll enures equally to the benefit of the company, and to the company alone. But in whatever mode the toll may be collected, your committee utterly deny the constructive authority, thus claimed by this company, and have only to point to the consequences of its exercise to illustrate how dangerous is the doctrine on which it rests. On the whole therefore, upon this branch of the subject, your committee cannot but regard the charge of tolls upon passengers by this company as a clearly unwarranted act, no where justified by its charter, and beyond the just limits of its authority. The sound rule to be adopted in this and similar cases is, that corporations should adhere strictly to the letter of their charter, as there and there alone are to be found their powers and franchises and the extent thereof. If it should be found necessary to ask new powers, in order to give full effect to the meaning of the Legislature in granting them, it is the correct, as it certainly is the safe and respectful course to apply to the Legislature for aid. The same spirit of liberality and regard for the public welfare, which at first prompted the State to give them a corporate existence, will be ever found ready to confer such new powers and privileges as shall be found necessary to carry out the object of their incorporation. If this company, which certainly never asked when they applied for their charter for any such power, had found it advantageous to themselves or beneficial to the public, to add the transportation of passengers to that of merchandise, it should have come to the Legislature, representing that fact and asking the privilege to charge a reasonable toll *per capita* upon passengers, there cannot be a doubt but that they would have obtained such a power without any difficulty. The company however, chose to take another course and proceeded to transcend their just powers, by torturing and wresting them from their obvious import, thereby establishing a precedent as dangerous in theory as it is unwarrantable in fact.

Your committee will now dismiss this branch of the subject, relating to the RIGHT to charge tolls upon passengers, and will proceed to a no less interesting state of facts which have been developed to them in the progress of their examination, and upon which they cannot refrain from commenting. They refer to the MANNER in which these tolls upon passengers were made, and the extraordinary VARIATIONS which are found to exist in the company's action on the subject. If the company had no right to charge these tolls, still less had they a right to impose them in such a manner as to create a large monopoly, in the highest degree odious, and opposed to the letter and spirit of our Government, and the legislation under it. Neither the President, or the said counsel of the company, have said any thing as to these extraordinary variations, and it is fair to infer that they would have preferred to have had them passed over in silence, for it could hardly be contended that