

House of Delegates, to some of the considerations which urge the adoption of this bill; or, of some other means for the same purpose.

From the official answer of the Executive, dated the 5th September last, the Governor is understood to be of opinion "that the proviso in the Act of 1832, was designed to authorize him to consent to a reduction of charges for temporary objects only; and that he would not feel justified in interfering if the Legislature, having the whole subject under consideration, did not think proper to act." It may be stated also, that subsequent to the Executive answer, above referred to, a temporary object arose, growing out of a large assemblage of persons from various parts of the Union, joining in a celebration in the city of Baltimore, in which the Governor is understood to have declined consenting to a reduction. It is therefore supposed to be no strained interpretation of the rule adopted by the Executive, that he will not feel justified in interfering in any case, after the Legislature shall have had under consideration the expediency of reducing the maximum charge, and did not think proper to act.

The law of 1832, although it prescribed the maximum charge of \$2.50 as the regular and ordinary rate, obviously pre-supposed that occasions might arise in which the interests of the State, and of the public would require at least some occasional reduction; and hence to meet such cases, and to prevent loss to the revenue it vested a discretion for that purpose in the Legislature, or, if it should not be in session to act in season, in the Governor. But for the restriction by which it would now appear the authority of this latter functionary is fettered, it is not perceived that the Act as it now stands would not be adequate for any emergency likely to arise; since it could neither be the interest of the State nor the company, that the maximum should be disturbed unless under circumstances rendering a reduction necessary or expedient for both. As it is, however, one branch of the dispensing power provided by the Act of 1832, may be considered for the present at least extinct, or, for all practical purposes, of no efficacy whatever. It may be added, moreover, that the discretion thus given up, is that by which the Legislature intended to provide for most of the occasions which would be likely to arise during the recess.

If, therefore, in the Act of 1832, the Legislature deemed it probable, which it must be taken they did, that circumstances might arise in the recess requiring an alteration in the established charge; and, at the same time, thought it only right that an authority should be provided to act in such contingency, the considerations which urged such provision at that time, have lost none of their weight since. On the contrary, subsequent experience in the operations of the road, in the business relations of the community, and in the progress of other improvements, have all shewn that occasions for the exercise of some discretionary power adapted to such contingencies are more frequent and more urgent, that at the passage of the Act would have been clearly foreseen; and that the interest of