

financial condition of the State will not permit her to be generous. She has not the means to be just.

No material change has taken place within the year in the receipts from the Baltimore and Ohio, and Washington Branch rail roads, when compared with former years. The dividends on the five hundred thousand dollars of stock held in the Baltimore and Ohio Rail Road Company, fall short of the interest payable on the bonds issued for its purchase. But the dividends, and capitation tax on the Washington Branch, added to the small dividends on the Main Stem of the road, exceed to a small amount the whole interest payable on the million of dollars in bonds issued by the State to pay for its stocks in the two works.

The capitation tax on the Washington Branch, received at the Treasury for the year ending 1st December, 1844, amounts to \$41,040.29. The same tax for the three preceding years averaged annually \$40,157.16. This average shews that the receipts are less than they ought to have been, when the peculiar causes operating to increase the travelling during the year, and the natural increase of our population, are taken into consideration. It is supposed that this failure to enlarge the income may be traced to the establishment of several lines of stages which run daily between Baltimore and Washington City, and convey passengers for a sum less than that which the rail road company is by its charter authorised to charge.

It will be remembered that the attention of the Legislature, at its last session, was invited to the alleged decrease of the State's income from the capitation tax, in consequence of the high charges on the road in comparison with the terms on which the Norfolk line of steam boats were carrying passengers on the Chesapeake Bay. The General Assembly did not then think proper to interpose by any modification of the charter of the rail road company. The whole subject is again, respectfully, submitted to your consideration.

During the recess, my attention has been directed to the eighth section of the act of December session 1832, chap. 175, which gives to the Governor, during the recess of the Legislature, the right to authorise the Board of Directors, having charge of the Washington Branch Rail Road, to reduce the fare for transporting passengers, below the two dollars and fifty cents fixed by the charter of the company. Believing that, under the circumstances, it would have been improper to exercise this discretionary power, the authority was not given to the Board. The charges for transporting passengers should be permanent, and regulated by law, and not regulated by the arbitrary discretion of any individual citizen, holding, for the time being, the office of Chief Magistrate. If the transportation of travellers from Baltimore to Washington city, is to be confined exclusively to the rail road, for the benefit of the State, and the stockholders of the company, it cannot, with propriety, be done by such temporary changes in charges, as will compel stage and steamboat companies to withdraw from compe-