

would not build up any rival institutions without some adequate motive. There was an implied pledge of public faith, that in the event of the trade of the country, not justly demanding new roads toward the north and north-west in the direction selected by the Turnpike Company, the Legislature would grant no new privileges in that quarter. If this had not been the understanding of the parties, would the Legislature of Maryland, by their grant, have invited the investment of the money of their citizens, or the expenditure of their capital in the turnpike? or would the citizens of the State, have subscribed for the stock, or subsequently purchased it at any price, if any other belief had existed? If it had been said to the people of Maryland in 1804, purchase stock, lay out your money, build the road, take all the hazard of the new and untried enterprize, but remember, hereafter, or at any time, when other citizens come forward and ask us for another charter, or for public aid to build up a rival enterprize, that whether the trade of the country, or the necessities of its citizens demand it, we will freely grant both. If this language had been held, or if any person had dreamed, that such a state of things could have existed, would the turnpike stock have been subscribed for? or could its stock have been subsequently sold? We answer with entire confidence, that under such anticipations, none of these objects could have been accomplished. Holding the principles upon which a new charter in the direction in question, or upon which public aid in any shape should be granted or refused, to be here, honestly, plainly, and clearly stated, we claim most respectfully, to be heard and considered against the Susquehanna Rail Road in the attempt to injure us by constructing a rail road towards Westminster.

What necessity exists for taking the rail road to Westminster? What fact in the public policy of the day demands it? Treating this as a new question, would the Legislature to-morrow authorise the construction of a rail road from Baltimore towards Westminster? Permit us to suppose for the purpose of arriving at just conclusions, that the Susquehanna Rail Road had no existence. Permit us further to suppose, that the parties now interested in that company were soliciting from your honorable body, a charter to construct a rail road from Baltimore to Westminster. How would the expediency of granting the petition then stand? What would be the enquiry on such an application? A rail road to Westminster might and would be convenient. It would bring merchandize and passengers from that point to Baltimore: But those purposes are now answered—fairly and fully answered, by the Turnpike Company. Is there any expense to be saved? The answer is, little

or nothing. Is the saving of time in that quarter of any public consequence? Answer again, it is not one of the great mail routes. It does not communicate with any of the great cities of the nation, nor with its manufactories or mines—Why then should the public build up this rival enterprize? The effect would be to divide the trade, and build up one company, or more probably leave both with inadequate means of support. We challenge enquiry into the fact, whether the fair amount of tolls, or compensation from passengers to be received from this route, would pay any reasonable amount of interest to both institutions, and we insist that the permanent difference, if any, to the public, either in the cost or the time of transportation, would not authorise, either the destruction of the turnpike, or the jeoparding its continuance. In considering this question, the Legislature will consider the interests of the trade north and west of Westminster; and that of the people living south of the road. Destroy the small dividends now earned by the Turnpike Company, and the road both beyond the proposed termination of the rail road at Westminster, and the turnpike road between Westminster and Baltimore must be soon destroyed. We conclude, therefore, if this were a new question, depending now upon its actual merits, independent of past legislation, that no public man would, for a moment, concede its expediency. In deciding that question he would discover certain positive palpable injuries upon the one hand, and no adequate compensation or public advantage upon the other, and forming his opinion upon it, as mere question of expediency, he would find no just reason for disregarding the intention of both parties as impressed upon the charter of the Turnpike Company when granted. No sound argument can be deduced from the course of legislative action in granting the Baltimore and Ohio Rail Road charter, or authorising that company to carry a branch to Washington. The contrast between the benefits to be anticipated, and the injuries to be inflicted, from the grants in those cases, deciding the question of expediency in favor of the grant, finding no support, nor any analogy in a similar contrast in the subject now under consideration.

But it has been said by the Susquehanna Company, that this is not a new question—that when they embarked in their project, they expected to reach the Susquehanna—that they had been disappointed by the legislature of Pennsylvania, and must therefore seek other avenues of commerce. That if they do not find these, their stock must suffer and the public subscription must be lost. The refusal of the Pennsylvania legislature to authorize the construction of the road through that State is the principal reason, the loss to the public of their subscription is the