

fifty cents, for every passenger thus carried by them through the canal: but you will please to observe the *passenger* has never been charged by the canal company, as the compensation, whether large or small, was always paid out of the passage money, charged by the owner of the boats; and I beg to remark, that when the toll or charge or by whatever name it may be called, was only twenty-five cents, or even nothing, the passage money charged by the owner of the boats was two dollars and fifty cents for each passenger, and that when, and after the change took place in July, 1843, passengers were still carried for the same price of two dollars and fifty cents, from which sum, the owners compensated the canal company for the use of the canal. The cause of all these arrangements and changes will be found in the accompanying papers marked A. B. C. & D.

3. A contract or agreement was made in 1843, a copy of which is to be found in the papers above referred to.

4. An agreement was entered into in 1842, not with a steam boat company, but with private individuals; for a copy of which I refer you to the papers before named, and it was cancelled by consent of all the parties interested.

5. For an answer to this, I refer you to the paper herewith submitted marked (E.)

2. This being the most important question, I have deferred it to the last. It is not pretended that there is any express grant to charge toll in respect of passengers carried in boats through the canal; but for the constructive right to do so, the undersigned on behalf of the company, respectfully begs leave to refer you to the preamble, the 4th, 8th, 9th, 10th and 11th sections of the original act of incorporation; and also to the preamble to a supplemental act, passed the 18th December, 1812, chapter 84, and the 10th section of a supplemental act passed the 25th day of May, 1836, bill No. 1.

The undersigned relies with the utmost confidence on the general scope and obvious meaning of the charter, and the several supplements thereto; in which the right is no where prohibited, nor is the company in any case, directed or required to pass any person or thing free of toll, but is required under certain circumstances to pass vessels without charge, for which see the last clause of the 9th section of the original act.

It follows, I trust, as a matter of course, that if nothing can pass free, and nothing is excluded from passing, that boats carrying passengers may pass, and that such vessel so passing, must pay toll to the company, in respect of such passengers. I will submit to the committee, that during part of the year 1829, the whole season 1830, 1831 and 1833, there were regular lines of Steam boats transporting their passengers through the canal, and for which privilege they paid the company, and that no fact was more notorious, as during the season for boating in 1830 and 1831, there was no other communication for passengers between the cities of Baltimore and Philadelphia, and yet the right of the canal company to re-