

leges and rights of incorporated companies, are usually so expressed as to be easy of interpretation, whenever such institutions are created; but as doubts have recently been suggested elsewhere, we deem it due to all who may be interested, to be explicit. This is distinctly a charter to improve a navigation, and we cannot perceive in either this charter, or that of the old Potomac Company, the benefits of which enure to this company, other intentions on the part of the legislatures which granted them; except the provision made for the benefit of proprietors of water powers in section 13, of the Potomac company, passed 1784.

The legislature of Maryland at no time intended to authorise the Chesapeake and Ohio Canal Company to draw off the waters of the Potomac river, or of its tributaries, for the purpose of creating water power for mills or manufactories. The use of those streams was permitted for the purpose of creating an improved navigation, and a right was given to use or dispose of surplus or waste water, but no more; except as provided for in the 13th section alluded to. The committee would deem it impolitic, if it were not otherwise wrong, to encourage the making of establishments, which might subject the company to the temptation of endeavouring, by an unfair and an unequal system, as by charging a lower rate of tolls on the raw than the manufactured articles, to draw custom to their works, to the injury of other previously existing manufacturing establishments.

Upon the subject of converting a company established for navigation, into the proprietors of streets, by authorising them to sell or let land for warehouses in towns, already accommodated with many unoccupied warehouses, and perfectly competent to furnish as many more as may be required by the most extended commerce. Your committee deem such a proposition not only impolitic, but decidedly inconsistent with, and injurious to those who may already enjoy the grounds adjoining to the canal and basins, that may be constructed for the purposes of the company. Under the power conferred upon the company to obtain by condemnation, lands necessary for a canal, it is evident, if this privilege were granted, that a canal company, could possess itself of all the most valuable property near its line, or at its termini, and by agents build up towns, and even if steam were used in lieu of water, become also manufacturers by agency. Surely this prayer is equally inadmissible, and your committee cannot but believe, that upon more mature reflection the president and directors asking will so consider it. *As* there has been no experience within the state of the value