

the form in which they are presented, and for the reasons, among others, which they now proceed to assign. About three months before the commencement of the present session, the Governor was, for the first time, made aware that the Baltimore and Ohio Railroad Company had since July, 1868, refused to pay any longer into the Treasury the one-fifth of the revenues derived from the transportation of passengers over its Washington Branch as required by the Act of 1832, and its several supplements, basing its refusal upon an alleged conflict between that requirement and the Federal Constitution, and in addition thereto, alleging a claim of set-off on account of certain premiums on gold paid in remitting to London the interest on the sterling debt in 1863 and 1864.

In view of the gravity of the questions raised by the Company, the Governor, very properly, as this Committee thinks, deferred taking action to enforce the rights of the State until he should first have the advice of the General Assembly, then about to convene. At an early day of the session, this Committee submitted certain Joint Resolutions, looking to the enforcement of the rights of the State, and the obtention of adequate security for their future maintenance by a writ of *scire facias* to forfeit the existing charter of the Company.

With a generous forbearance towards the Company which thus far has failed to elicit any change in its hostile attitude towards the State, the House of Delegates engrafted on those Resolutions a provision that a committee should be appointed by the Legislature to investigate the demands of the State and the claims of the Company, and if the Railroad Company should conform itself within a specified time to the award of the Committee, then that proceedings under the *scire facias* should not be taken. Thus qualified, the resolutions were adopted by more than three-fourths of the members present, and were sent to the Senate. That body, after long consideration and protracted debate, finally, upon the 16th day of March, dissented from the Resolutions of the House, and upon the 24th day of March, adopted in stead the Resolutions now under consideration. Your Committee have to suggest that if the united wisdom of the two Houses has, during nearly three months, failed to make a satisfactory conclusion in the premises, this fact must supply a cogent reason to justify the Executive in delaying action until the advice of the General Assembly could be taken; moreover, the Constitution itself contemplates that the Legislature, no less than the Governor, is charged with the general duty of directing the legal proceedings to be instituted in behalf of the State whenever necessary or appropriate. In the third section of the fifth Article it is provided, that the Attorney General "shall