

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

The Memorial of the subscribers, Citizens of Philadelphia, respectfully sheweth—

That, on the thirty-first day of March, 1832, the Legislature of the State of New Jersey enacted a law relative to the Camden and Amboy Railroad Co. and the Delaware and Raritan Canal Co., by the second section of which it is provided, "That it shall not be lawful, at any time during the said railroad charter, to construct any other railroad or railroads in this State, without the consent of the said companies, which shall be intended or used for the transportation of passengers or merchandize between the cities of New York and Philadelphia, or to compete in business with the said railroad," thereby granting to those united Companies a complete monopoly of the business of transporting passengers and merchandize on that important link in the chain of communication between the northern and southern portions of the Union.

That, in consideration of this and other grants, the said Companies conveyed to the said State of New Jersey a large interest in their canal and railroads, and agreed, in addition thereto, to pay to the said State transit duties on all passengers and merchandize carried across the State, to wit: ten cents per head for all passengers, and fifteen cents for every ton of merchandize carried on the said railroads, and ten cents for every passenger, and eight cents for every ton of merchandize carried on said canal.

That, by several laws relative to the said Companies, the passage money payable by travellers between the cities of New York and Philadelphia was limited to three dollars, as the maximum rate.

That on the fifteenth day of March, 1837, the Legislature of the said State enacted another law, by virtue of which the said Companies were authorized to charge the sum of four dollars for each passenger carried on any of the railroads of the said Companies to and from the said cities by day, and five dollars by night, provided that they paid into the treasury of the State one-half of any sum over three dollars that they might charge for each passenger so carried.

That the said State has thus assumed to itself a right contrary, as your memorialists believe, to the Constitution of the United States, to impose, at its pleasure, duties upon all passengers and merchandize entering into, and departing from its territory, and has constituted the said Companies its agents for the collection of those duties.

That the object of this course of proceeding is to throw upon the citizens of other States of the Union the burthen of supporting the Government of that State, and thereby to exempt its own citizens from the payment of taxes for that purpose.

That while thus taxing the citizens of other States, the said State endeavours carefully to guard its own citizens from the effects of the monopoly thus granted, it being specially provided in the law which authorizes a charge of five dollars on passengers between New York and Philadelphia, that the way fare on said roads shall in no case exceed three cents per mile, at which rate the charge for the whole distance would not exceed two dollars and seventy cents.

That in the exercise of this assumed right to impose duties upon passengers and merchandize, the said State has thus destroyed that competition which is absolutely requisite for securing moderation of charge, frequency of communication, and rapidity of transport.

That the charges upon the canal and railroads belonging to these united companies are in almost all cases double, in most cases treble, and in many quadruple, what they would be under a system of free competition, while communication is infrequent, and transportation far less rapid than on other roads.

That the amount collected by this Company, and by the several sub-companies to whom this monopoly is farmed out, exceeds, as your memorialists have reason to believe, two millions of dollars, and consequently that the tax directly imposed upon the people of other States of the Union considerably exceeds a million of dollars.

That in addition thereto it imposes a heavy amount of indirect taxation in various ways, to wit—

By deterring persons engaged in trade from travelling to attend to their own affairs, and thus compelling them to pay commissions to a vast amount.

By preventing the free interchange of commodities between the several portions of the Union, and more particularly between the cities of New York and Philadelphia.

By compelling the shipment by sea of vast quantities of merchandize, thus causing delay and frequent loss of property.

By preventing that free intercourse between the people of the various portions of the Union, so essential to their own improvement, and to the harmony and prosperity of the Union itself.

That the amount of indirect taxation thus imposed considerably exceeds that of the direct taxation, and that your memorialists believe that they should be safe in estimating it at treble that amount.

That because of the existence of the monopoly thus secured to these Companies, the Post Office Department has found it at all times difficult to make satisfactory arrangements for the transportation of the mail, and that the system of correspondence between the cities of New York and Philadelphia and the various intermediate towns and cities, is in a high degree unsatisfactory: whereas were competition permitted, the mail would be carried more cheaply, more frequently, and more rapidly, as your memorialists believe, than in any other portion of the Union.

That by the Constitution of the United States, your Honourable Bodies are empowered to establish post roads, and that in the exercise of that power your predecessors have caused such roads to be made through Maryland, Virginia, and other States.

That the difficulties there to be removed were merely natural ones that would in time have been removed without their aid, whereas the difficulty here existing is an artificial one, that the people themselves are not, and never can be competent to remove.

Your memorialists believe, therefore, that this is a case requiring the special intervention of the Supreme Authority of the Union. They have, for many years, been heavily taxed in the payment of exorbitant charges for the transportation of themselves and their merchandize, and they see no prospect of relief from any action within the State of New Jersey itself, which has just now granted to this Company a further extension of its powers. They therefore respectfully pray that your Honourable Bodies will be pleased to direct the survey of a route for a post road between the cities of New York and Philadelphia, the line of such road to be retained under the perpetual control of the Union, and to be used for the construction of a railroad, the said road to be constructed by the United States, or by a Company to be formed by virtue of an Act of Con-

gress empowering the Postmaster-General to make such arrangements relative thereto as he may deem best calculated to secure to the people of the Union, for themselves, their correspondence, and their merchandize, frequency and rapidity of intercourse, and moderation of charge.

Your memorialists would desire to call the attention of your Honourable Bodies to the fact, that while by the construction of this road the convenience and advantage of the people of the Union will be greatly promoted, the Post Office Department will thereby be enabled to contract for the transportation of the mail free of charge, and the War and Navy Departments will also be enabled at all times to pass both men and munitions of war at a cost less by more than one-half than is now demanded for them, and that thus the measure now proposed is one the adoption of which must greatly benefit the National Treasury.

And your Memorialists will ever pray &c.

Chas. Magargo' Ben^r (Brook)

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