

Question. Was there anything said about the legality or illegality of that provision of the ordinance at the time of the assignment?

Answer. Not a word.

Question. Have you ever done or attempted to do anything to enforce the bond they gave you to carry out faithfully that ordinance?

Answer. We have not.

Question. Why?

Answer. One reason was, the bond was not in our possession.

Question. Where was it?

Answer. It was deposited in the hands of Mr. Sewell.

Question. Could it not be got at if you wanted it?

Answer. I presume it might by a process of law.

Question. It is held on to then so that it requires a process of law to get it?

Answer. He had better answer that question for himself; we have made requisition for it and it has not been forthcoming.

Question. For what purpose did you make it?

Answer. We wished particularly to show the Mayor that we had taken bonds to carry it out.

Question. Then Mr. Sewell has all this time refused to produce it?

Answer. He has failed; he has promised all the time to do so—never positively refused.

Question. Are you still urging?

Answer. We have not, because the matter has been fully explained to the Mayor, who fully understands our position in regard to it?

Question. Please state your position as defined to the Mayor?

Answer. It is stated in our correspondence with the Mayor.

[Witness here read two letters, addressed to the Mayor, as follows?

BALTIMORE, June 3d, 1859.

Honorable Thomas Swann, Mayor, &c.

DEAR SIR:—We have received your communications of the 1st and 3d inst., and, in reply, beg leave to say that it is our intention fully to comply with the provisions of the ordinance, passed by the City Council and approved by your Honor, in relation to the construction of a City Passenger Railway.

It has been our effort so far, as it shall be for the future, to comply with all requisitions of the contract we have made with the city.

In pursuance of the 2d section of the ordinance, we sent the enclosed communication to the City Commissioner, to which we had hoped before this to have received a written response, as we had learned from the Commissioner himself, verbally, that so far no objection had been taken on his part to the proceedings of the company.

In regard to one of the sections of the ordinance there is some difficulty, as to the manner only in which its terms are to be met. This settled, (which we have no doubt will be done during to-morrow,) we think there can occur no trouble to give alarm either to the Mayor and City Council, who have granted, nor to the community, who are to receive the benefits of the City Passenger Railway.

We only ask the indulgence and protection which we are sure your honor is willing to extend to us, to fulfil to the utmost extent all the obligations we have incurred in regard to this important public improvement.

Very respectfully,

Your obedient servants,

[Signed,]

WM. H. TRAVERS,
WM. S. BROWNING,
ROBERT CATHCART,
WM. DEGOEY,
J. B. SUMWALT.