

No subscription has been made by him to the capital stock of the Maryland Canal Company, nor of the Annapolis and Potomac Canal Company.

In the discharge of their duties, your committee have examined witnesses; and collected documentary evidence. Their labors are not yet concluded—nor are they able to make a satisfactory report on all the subjects embraced in the preceeding orders. But their examinations have progressed so far as to induce the belief on their part, that the State cannot with propriety deny the obligation of her subscriptions to the Chesapeake and Ohio Canal Company, or to the Baltimore and Ohio Rail Road Company. And as the peculiar situation of the affairs of the former Company requires prompt action on all subjects in which its interests are involved, they have thought it their duty to present a partial report, explanatory of the reasons which have influenced their judgment in favour of those companies.

The subscriptions to the two companies alluded to, are made by the act of May 1836, chapter 395, to depend on three conditions,—viz.

First—That those companies shall assent to all the provisions of the act so far as they relate to those companies respectively.

Second—That they shall specially stipulate, that the State shall receive a dividend of six per cent on her subscriptions, out of the profits of the respective works, to the exclusion of other stockholders thereof.

Third—That the subscriptions to the capital stock of the Maryland Canal Company are sufficient, to justify the commencement of the construction of that work, and ensure its completion, by the most northern practicable route.

That the first and second conditions have been complied with, will appear by copies of obligations, entered into by the companies respectively, in the forms prescribed by the act, which are herewith returned.

The third condition is created by the section 8, of the act before alluded to. It provides that the subscription authorised by the act, "to the Chesapeake and Ohio Canal Company, and to the Baltimore and Ohio Rail Road Company, shall not be made until the Maryland Canal Company, shall by their President and Directors have certified to the Treasurer of the Western Shore, that a sufficient amount has been subscribed to the stock of said company, to justify the commencement of the construction of their canal, and to ensure its completion by the most northern practicable route." A certificate has been given by the President and Directors of the Maryland Canal Company, to the Treasurer, in the prescribed form; and assuming the verity of that certificate, the Treasurer by the advice of the Attorney General, has subscribed to the capital stocks of the canal and rail road companies.

Assuming for the purposes of their examinations, that the subscriptions were executory contracts to pay monies, at future days; and that the certificate of the President and Directors of the Maryland Canal Company, was prescribed as a medium of proof, of the ex-