

equate. Hence to the same extent there is induced a necessity for further appropriations on the part of the state.

The operation then of selling to the company at a nominal premium in order, that it may sell at actual loss is substantially the same as if the first sale on account of the state was at the reduced prices—and upon the estimate before made, the sale at a nominal premium of \$120 is no more than an actual sale at \$110.

Now your committee would remark that the state has stipulated in the words of the act to sell her stock for \$120, which are to be paid into the treasury, whereof 100 are to be paid to the several companies to be applied to the construction of their respective works and the residue is to be retained in the treasury for specific purposes. The obligation of the state is not general to pay her subscription absolutely and at a certain time. But it is a qualified obligation to borrow whenever money can be obtained on certain terms and out of the proceeds of the loan to pay instalments on her subscriptions. If money cannot be obtained on the stipulated terms, she is not bound to modify those terms. She may wait for an improvement in the money market without subjecting her good faith to reproach. She is not bound to acquiesce in any shift or device or contrivance when by the spirit of the law may be evaded by a compliance with its forms. Hence it will appear that the state has it in her power by insisting on this right to compel the companies in question to submit to such modification of the law as the public exigencies require.

If those modifications could be obtained, your committee would still propose to avoid the contracts in question. The companies are distressed. Capitalists will take advantages of the necessities of corporations, just as readily as they will of those of individuals. The stock, if suffered to remain in the hands of the companies, might be sacrificed in the market to the injury of the companies and the discredit of the State; and it does not comport with the honor of the State, that her creditors should be compelled to take her stock at a greater value than the stock will realize. If a loss is to be sustained, it should be borne immediately by the State. Your committee would therefore recommend that the stock of the State be sold on her account, to capitalists able to purchase, and that her subscriptions be paid to the full par value thereof.

Your committee have now discharged the responsible office imposed on them, of reviewing the proceedings of commissioners, who were selected for their integrity and skill. They are sensible of the delicacy of the position they have assumed, by impeaching the judgment of one who has, for so many years, filled the highest judicial office in the State; but they could not permit themselves to forget their responsibilities to this House and to the people of Maryland. It was their duty to consult the convictions of their own judgments on the subjects confided to them. They have performed that duty unawed by the authority of name, and unimpaired of partial censure. In the superior discretion of the House they confidently rely for a correction of their errors, and for a judgment which will respect the public