

ject of which shall be to determine the proper application of the net revenues of the Company. Provision is therein also made for a speedy hearing of the case in the Court of Appeals. And the 3rd section enacts, "that in no event shall the State of Maryland be held liable for any costs that may accrue in this case, or in any case that may arise under the provisions of this Act. The State of Maryland has invested in the Canal Company a sum, principal and interest, of about twenty millions of dollars. Every citizen, and especially every tax-payer, is interested in its being made productive as soon as possible. It has an interest involved in the decision of this question of compound interest, of perhaps a half million of dollars. It has mortgages upon the entire work, property and revenues of the Company, waived only to the extent of the Act of 1844, chapter 281. It asks to be made a defendant to defend its rights involved in that waiver. It comes not as a sovereign State, but as a creditor, seeking with other creditors, a decision of its own Courts upon its rights under laws and contracts, but declines to be liable, as other creditors and parties to the same suit are, for the usual costs incident to its defence, such as copies of its mortgages and other documents necessary to be exhibited with its answer, Clerks' fees, printing of briefs, &c. I feel sure the provision originated in a misconception of the purposes of the suit, and of the interest of the State as creditor involved in it, and not with a purpose or expectation of embarrassment to the Court or to its officer in the discharge of the duty required of him. I was upon the point of addressing a note to a member of the General Assembly upon this subject, when I received the order of the Senate, to which I have been compelled to make a more hurried reply than I desired, and in doing so, beg most respectfully to invite their attention to the provision of the Act, to which, with reluctance and regret, I have deemed it my duty to advert. It is most respectfully submitted, that if the interest of the State in the controversy be deemed of sufficient importance to be defended, it is due to the Court and to the dignity of the State, that its request to be admitted as a defendant, shall not be coupled with a condition of special exemption from the incidents which belong equally to all parties to suits, and for which provision is made in all other cases in which the State is a party.

Very respectfully,

Your obedient servant,

ISAAC D. JONES,

*Attorney General.*