

On the 22d of October, 1872, the affidavit of Mr. S. S. Smoot, President of said Railroad Company, dated at Washington city, D. C., Oct. 19, 1872, was received, stating that *bona fide* subscription to the capital stock of said Company, equal in amount to the sum authorized by the Act of March 30th, 1868, had been made in money, and that said Company would be entitled to the benefits of said Act as soon as the recommendations of the Commissioners of St. Mary's county should be filed in the office of the Treasurer. On the 7th of January, 1873, a certificate dated January 3rd, 1873, was received from the Commissioners of St. Mary's county of the passage of an order by them, recommending the Treasurer of Maryland to subscribe on behalf of the State to the capital stock of the Southern Maryland Railroad Company, in pursuance of the Act of March 30, 1868, chap. 454; received at the same time a copy of an order passed by Judges Brent, Magruder and Ford, of the St. Mary's County Circuit Court, on the 28th of December, 1872, to the effect that an injunction "heretofore granted in the case of the Washington City and Point Lookout Railroad Company vs. the County Commissioners of St. Mary's county be, and is hereby dissolved." On the 4th of Jan., 1873, a certificate was received from the clerk of St. Mary's Court, dated January 3, 1873, stating, that an appeal bond signed by Messrs. S. T. Suit, D. S. Walker and H. Eugene Brooke, and approved by his Honor, Judge Ford, had been filed in the case of the Washington City and Point Lookout Railroad Company, vs. County Commissioners of St. Mary's county. On the same day notice was received from the Counsel of the Washington City and Point Lookout Railroad Company, that the order of the County Commissioners of St. Mary's county, recommending the State subscription to be made to the Southern Maryland Railroad Company, was regarded by them as null and void, though the injunction had been dissolved, that they had prayed for an appeal, filed the necessary affidavits and bond, and that the appeal had been granted. There was next received and filed in the State Treasurer's Office a communication, dated at Washington, D. C., on the 21st of January, 1873, signed by Mr. S. T. Suit, President of the Washington City and Point Lookout Railroad Company, and D. S. Walker, Secretary, and bearing the seal of the Company, notifying the Treasurer that said Company had directed the dismissal of the appeal in the case against the Commissioners of St. Mary's county, from the order of the Circuit Court of St. Mary's county, and enclosing a copy of said order. And that further, they withdrew their protest against the order of said Commissioners, recommending that the State's subscription be made to the Southern Maryland Railroad Com-