

persons and the books, papers, &c., of the Maryland and Delaware Railroad Company, did under and by virtue of said order, require the attendance of a number of witnesses, and the production of all the books and papers of said company, together with its common seal, before them. In the course of the investigation, your committee examined many of the said book and papers; and were greatly assisted in that duty by Isaac C. W. Powell, the former Secretary and Treasurer of said company, who testified under oath. But as your committee were not provided with a stenographer, or ever with a clerk, they are unable to set out in their report all the facts elicited by such examination. They purpose briefly to state the result of their labors and the conclusions to which they have arrived.

It appears that the Maryland and Delaware Railroad Company was incorporated by act of 1854, chapter 274, afterwards amended by act of 1856, chapter 50. The company having been duly organised, became entitled under the act of 1860, chapter 303, to the State's aid by subscription, to the amount of \$140,358 86 upon certain terms and conditions. Under the provisions of the last named act, the sum of \$15,000 was paid over to said company by the Comptroller of the State on the 12th of July, 1860, and the further sum of \$15,000 on the 12th of October, 1860; to the regularity and correctness of which payments, your committee have heard no objection.

It further appears that on the 11th of December, 1861, the regular annual election for President, Treasurer and Directors of said company was held at Easton. Doctor E. M. Hardcastle, William F. Hawkins and Thomas C. Nichol were appointed judges, and took the oath required of them as judges of such election, but did not subscribe the same. The polls were then opened, and after all present had voted, the ballots were counted out, and the said judges announced that Henry H. Goldsborough having received a majority of the legal votes, was duly elected President; and that Reuben Tharp, having received a majority of legal votes, was duly elected Treasurer; and that James Dixen, Samuel J. Hopkins, John Goldsborough, Henry Roussett, James Merrick, Henry Stroughn and N. H. Coverdale having received a majority of legal votes were duly elected Directors of said company, as will fully appear by reference to the qualification and return of said judges, and Doctor C. C. Cox, the President of the meeting, declared the persons so returned to be duly elected the officers of the said company for the ensuing year. Whereupon the said Tench Tilghman, on behalf of himself and others, filed a protest against the action of the judges of said election, in that they refused to receive and count the ballots offered by him for three hundred and thirty-five shares of the stock of the company, held under the forfeiture of the contract of Mitchel &