

were returned to the clerk by Mr. Washington, with the respective answers to both.

1st Interrogatory. Major Bender states that it was suggested to him by you that it would be better to employ Mr. Merrick as additional counsel. Will you state why before the appointment of commissioner, Mr. Merriek's services as counsel were not previously called in requisition by the company?

Answer. I have no distinct recollection of any conversation with Major Bender, with regard to the employment of Mr. Merrick, though I know it was the opinion of the board that the services of Mr. Merrick would be very important to us. He had manifested on previous occasions his talent and influence in obtaining heavy verdicts, in cases where he was adverse to us. We were then about to obtain the right of way through a fertile country, of about thirty miles extent, where lands are valued very high, and from experience had good cause to fear that the condemnation would be excessive. It was made the duty of the commissioner to endeavor by private contract to acquire, whenever practicable, the right of way, and if possible to avoid inquisitions by juries.

It was not until after the heavy condemnations in which Mr. Merrick had been employed against us, that the board became sensible of the importance of enlisting his services, and therefore sanctioned his engagement by the commissioner; who in his answer, has stated the character of these services.

2d Interrogatory by the chairman. In the statement of the debts and credits of the Chesapeake and Ohio Canal Company, embracing the estimated cost of completing the canal to Cumberland, is an item of \$8,000 dollars advanced to the commissioners, appointed to negotiate the loan under the act of 1836. To whom was the money paid, and for what purpose was the advance made?

Answer. The amount of \$8,000 was paid to the commissioners, Judge Buchanan and Gen. Emory, for which we hold their drafts on the Treasurer of the State, to be paid from the commissions to which they are entitled by law. Judge Buchanan's draft \$5,000, Gen. Emory's \$3,000. The purpose of the advance was to enable those gentlemen to visit Europe, with the view of negotiating the State bonds, the wants of the company requiring their immediate agency in the business. The commissioners had previously made a conditional sale to the Chesapeake and Ohio Canal Company, and the Baltimore and Ohio Rail Road Company, of the bonds to which those companies were respectively entitled, but declined making the sale absolute until they had first endeavored to dispose of them in Europe or elsewhere. They were not entitled to draw their commission from the Treasury until sales were made, and found it inconvenient to incur the necessary expenses of the trip from their private means. Under these circumstances the board thought it proper to make the advance.