

JUNE 29th, 1836.

Referred to a committee consisting of the President, William Gunton, and Walter Smith, together with all other papers relating to the subject.

By order,

J. P. INGLE, Clerk.

No. 10.

*Report of the committee on the claim of Joseph J. Merrick, Esq. referred to on the preceding page.*

At the session of the Maryland Legislature, commencing in Dec. 1834, a memorial was presented, prepared by James W. McCulloh, Esq. as chairman of the committee for that purpose, by the Baltimore Internal Improvement Convention.

The embarrassments of the company, it is well known to the board, were at the time, of the most distressing character, and but for the timely aid afforded by Maryland, the further prosecution of the work must have been suspended, with but little hope of its resumption perhaps for years, as we could look with reasonable confidence to no other source for aid; the company being at the same time overwhelmed with debt, and without means of liquidation.

It was under these anxious and pressing circumstances, that the aid of Mr. McCulloh was invoked in procuring the favorable action of the legislature on the application of the canal company. He had been the steady friend of internal improvement in the State, possessing talents of the highest order, great influence and untiring zeal and industry. His services were promptly rendered, and in the most disinterested manner. On visiting Annapolis, he found the question of further aid to the canal company encompassed by difficulties, rendering its ultimate success extremely doubtful, and requiring every effort of its friends, and the employment of the best talents and influence in the State. With this state of things in view, Mr. McCulloh believing that he was consulting the best interests of the company, and the views of the board, united the aid of J. J. Merrick, Esq. with the assurance of liberal remuneration from the company for his services. It is true that Mr. McCulloh was not instructed by the board to employ counsel, or stipulate for fees, but in giving us his aid at our request, he no doubt felt that he was authorised to make that aid efficient by the adoption of such measures as he conceived the interests of the company demanded under this crisis in its affairs—nor could he for a moment have suspected that engagements made by him under such circumstances, would ever be seriously questioned. Indeed it is fair to presume, that had the board at the time been made acquainted with the nature of Mr. McCulloh's engagement with Mr. Merrick, and the amount of the contingent fee he was to receive in the event of success, that the engagement would have been confirmed sooner than have dispensed with his services.