

Gittings and Gunton as trustees, is a subject for legal adjudication, and to be ascertained by the result of a suit in Chancery, which is now pending against them to compel a settlement of the trust. The item charged to the commissioners appointed by the Executive of Maryland to sell sterling bonds amounting to eight thousand dollars, is for so much money advanced to Chief Justice Buchanan, and the late General Thomas Emory, at the time they went to Europe to negotiate the sale of the bonds issued by the State of Maryland, for the several internal improvement companies under the act of 1835, chapter 395, better known as the eight million law.

As this advance was made to render effectual an appointment by the then incumbent Governor of Maryland, pursuant to a law of the state, it is properly chargeable to the state; and we would therefore beg leave to suggest the propriety of the legislature's allowing the company to credit that amount and the interest due thereon, upon the interest due from the company to the state on its loan of \$2,000,000, in order that it may be omitted in the future statements of the company.

The other items contained in the credit side need no comment. Assuming however that all the credits as contained and estimated, in the statement referred to, can be made available to the amounts set down, which is more than can be reasonably expected, and the clear indebtedness of the company over and above its means and charges, amounts to the sum of \$1,291,677 70.\* And this debt is regularly increasing by the accumulation of interest, and must continue to increase until the canal is put in a condition to arrest it.

The company is now much harrassed with law suits instituted for the collection of debts due, and being wholly unable to meet its liabilities, must anticipate a continuance of these costly vexations and unavailing proceedings, unless some stop be put to them by legislative action. Under these circumstances it becomes a matter of some moment to the State of Maryland to look to its rights under its mortgages, and to guard against any infraction of them by these suitors in the federal and state courts; and it seems also to be required by the existing condition of the company, for the state to determine whether it contemplates at any period the enforcement of its liens, and the foreclosure of its mortgages. If such a design be entertained we cannot perceive a more favorable time than the present to bring the question to issue. It would then be for the state after such foreclosure, in the event of success, to deal with the other stockholders, and the creditors of the com-

---

\*NOTE.—To this sum must also be added the amount due to the state of Maryland for *interest* on its subscription to the stock of the company, with the cost of its transmission to London, and the difference of exchange, pursuant to the provisions of the acts of 1838, chapters 386 and 396. This claim is usually embraced in the annual report of the State Treasurer, and to that document we must refer for the amount, as there are no sufficient data in the office of the company from which it can be ascertained.