

furnished to said commissioners, satisfactory assurances for the payment of their portion of the expenses thereof, the Treasurer of the Western Shore be, and he is hereby authorised and directed to pay to said commissioners, such sum or sums of money as may be necessary, not exceeding in all five hundred dollars, out of the tobacco funds, to be applied by them to deepening the dock in front of the State's property on said wharf;

Which was read the first and by a special order the second time; assented to and sent to the senate.

Mr. Le Grand, from the committee on internal improvement on the claims of M. Duval, submitted the following report:

The committee on internal improvements to whom was referred the petition of Malachi Duval, praying the payment of certain claims by him under his contract for the construction of the Eastern Shore Rail Road, for work and labor done, and money expended by him in the fulfilment of that contract, before the prosecution of the work was suspended by the act of 1839 chapter 323, beg leave to submit the following report:

The consideration of these claims has occupied a great deal of the time and attention of your committee: and their opinions upon them have been formed upon the most careful and laborious investigation. The many other engagements of your committee, and the near approach of the period of adjournment, will not allow your committee, as they desired, to enter into a detailed account of the nature of these claims, or to state at large, the reasons which have governed their decision. To do this might be productive of delay, which would work gross injustice to the petitioner. They must, therefore, content themselves with merely stating the conclusions at which they have arrived.

Your committee are of opinion that the award by the commissioners appointed under the act of 1839, chapter 323, is not a bar to the consideration and allowance of the claims preferred, and that your committee were not only authorised but bound on every principle of justice to consider and allow such of these claims, as were, in their judgments, fairly and justly due for work done and money expended by the contractor on this work, before it was abandoned by the act of the State.

In ascertaining what was justly due to the petitioner, your committee have considered the claims with the most anxious desire to reduce the claim within the narrowest limits consistent with the obligations of sheer and strict justice. In doing so, they have, in every case of dispute as to the amount of work done, confined themselves to the final estimates of the company itself. They have allowed no claim which was not fully and incontestibly proved before the commissioners, and admitted before them by one of the commissioners to have been so proved; and they have, when their opinion as to the value of the labor differed from that of the witnesses reduced the charge according to that opinion. They have also excluded all the