

This proposal was repeated *verbatim*, as above quoted, by the president of the Chesapeake and Ohio canal company, to his board of directors, on the day on which it was made, as appears by an official resolution of that board, adopting the terms of the above proposition, (a) and offering it for formal ratification, to the Baltimore and Ohio rail road company; by which company it was also ratified on the 9th March: and on the 10th March, instructions in accordance with it were signed on behalf of the canal company, and directed to the Commissioners. (b)

It must be remarked, that the Chancellor's order directed such surveys to be made, "along and near the left bank of the river Potomac, from a place below the Point of Rocks to Cumberland, in the manner prescribed by the order, as might be required by either of the parties to the suit, or their solicitors, as to the claim, property or route of either of them;" and that, therefore, if this company had desired to procrastinate the decision of the controversy, as charged, it was only necessary, to have directed the Commissioners not to return any part of the surveys, until the whole survey between Cumberland and the Point of Rocks should be completed—or, at all events, until the surveys should exhibit such a "ruinous conflict," between the two works, as would bring the question of right to the prior choice of routes, fairly and fully before the Chancellor. Instead of which, this company, believing that the Chesapeake and Ohio canal company was honestly desirous of adjusting all existing difficulties, agreed, as above mentioned, for the sake of expedition, that the Commissioners should report the result of their surveys from Harpers' Ferry, and from a point one hundred miles above Georgetown, or at the next feeder above Williamsport, in the hope that this would lead ultimately to a

(a) Proceedings of Board of Chesapeake and Ohio Canal Company of 3d March, 1830.

(b) Notwithstanding the resolution of the Board of the Chesapeake and Ohio Canal Company, herein cited, passed on the report of its President on the 3d March, 1830, in which the surveys are expressly agreed to be extended to Williamsport, with a view to compromise to that place, this gentleman signed a supplementary report of the Board of Directors of the Canal Company, which asserts, that the proposition submitted to the Board of Directors of the Chesapeake and Ohio Canal Company, by the President of the Baltimore and Ohio Rail Road Company, to compromise as far as Harper's Ferry, the controversy subsisting between the two companies, did not extend to a compromise as far as Williamsport, but to Harper's Ferry only! This is another of those mistakes which it is found so difficult to explain.