

to the bill of injunction filed in the court of chancery, alleges, that the work was so commenced in September 1828. The undersigned however, deem it immaterial whether it was began in July or September of that year, for they entertain the confident opinion, that even if the 100 miles be not completed under the circumstances of this case, agreeably to the requirements of the charter within the five years limited, the charter cannot be forfeited; and the ground of their decided opinion in this respect, is the delay to which the canal was subjected by reason of the injunction obtained against its passage above the Point of Rocks, at the instance of the Baltimore and Ohio Rail Road company. This injunction was obtained in 1828, the year in which the work was began, and continued until the 5th of January 1832, during the interval between which periods, the canal company could not possibly advance with their work above the Point of Rocks, and over the distance of more than fifty miles, part of the one hundred. Surely the State of Maryland would not, if she could, under such circumstances, and especially when the legal obstacles were thrown in the way in consequence of her legislation, (though not so designed,) take advantage of the non-completion of the work within the prescribed limit, to vacate the charter. That would indeed be sacrificing all right and justice to a spirit of relentless persecution, unworthy of any government, surely unworthy of the enlightened and magnanimous government of this State, which regards her character for a just administration of the laws, and a sensitive devotion to the public faith, as too dear and sacred to be thus jeopardised. In this opinion, the undersigned are sustained by a recent report of a select committee of the Legislature of Virginia, one of the contracting parties of this charter, upon the identical question, as will appear from the following extract:—"Believing this estimate to be entitled to confidence, the 102 miles of canal will be, probably, completed by the present resources of the company, within five years from the commencement of the canal, supposing no further time to be claimed by the company, on account of the legal impediments thrown in their way in the very commencement of their existence, by another company.

"Your committee cannot, however, entertain a doubt, but that the canal company could sustain their charter, against any legal effort to dissolve it, on the ground that