

sible, the imminent hazard, as well as the great expense which would attend the crossing of that river, by permanent aqueducts of stone. The construction of such important works, of less durable materials, by occasioning the certain and long continued suspension of the use of the canal, at some future, and not very remote, period, was regarded, as alike inconsistent with the security of the navigation, with sound economy, and the public interest.

Disheartened by the procrastination of the legal controversy which forced these views upon the consideration of the Board, a majority of its members sought at one time to effect a compromise of so much of the ground of controversy, with the Baltimore and Ohio Rail-road Company, as excluded both companies from proceeding to Harper's ferry.

Baffled in this effort, by the refusal of that company to accede to the wishes of this, there remained ultimately no alternative, in the judgment of this Board, but the construction of an expensive feeder of six miles in extent, along the western margin of the Monocacy, and of descending locks, to connect the canal with the river at the Point of Rocks; or to await in patient, though confident hope, a final decision by the court to which they had appealed, of the unhappy controversy which had so long obstructed their progress. It was, therefore, with unfeigned gratification, that this decision, pronounced on the 5th of January last, was received by them, the ensuing day.

Of the many causes for rejoicing at this result, it was not among the least, that it admitted the indulgence of a hope, that, with the termination of the legal contest, that had so long subsisted between the two companies, who were parties to it, would cease every unfriendly feeling, to which it might have given rise. It was with peculiar pleasure, therefore, that this Board, as promptly as circumstances would permit, acceded to the request of the President and Directors of the Baltimore and Ohio Rail-road Company, to arrange a plan of crossing the canal to the Virginia shore, below the Point of Rocks. The other alternative, contained in the proposals of the Baltimore and Ohio Rail-road Company of the 19th day of January last, was presented as an alternative only, and had been, for some time, regarded, in the judgment of this Board, even while the anticipation of a possible decision, in favor of the prior claims of that company, was unavoidably presented to them, as injurious to the interests of both companies, and inadmissible by either. And if so considered by the Rail-road Company, as their decision manifested, who could pass the river Potomac, with a suitable bridge, at any elevation above its surface they might please to select for safety and convenience, how much stronger must have been that conviction on the part of the Canal Company, who, to cross the river at all, must adapt the elevation of a stone aqueduct, capable of holding and conveying over the Potomac a volume of water six feet deep, to the horizontal level of the canal, descending from above that point along the Virginia shore.

In the testimony of the Commissioner of the Court of Chancery, Mr. Roberts, an eminent Civil Engineer, sustained by that of Mr. Cruger, a Resident Engineer of this Company, submitted to