

form of a report, in which they observe; " that these resolutions divide themselves into two distinct propositions: 1st. The joint construction of the Railroad and Canal, on the north Bank of the Potomac, from the Point of Rocks to Harper's Ferry, and for the Railroad to cross the same at the latter place. And, 2d. To conduct the Railroad across the Canal and river, to the opposite shore of the Potomac, near the Point of Rocks.

After bestowing upon the propositions, all the consideration due to their intrinsic importance, as well as to the highly respectable company by which they are made, the Committee has come to the conclusion that the Board ought not to agree to the first proposition.

To the second proposition " the committee see no sufficient objection, provided the crossing can be effected in a manner not to injure the Canal, nor to impede its free use, nor to hazard its preservation by the abutments and piers in the river, which the rail road may require; but it is the opinion of the committee that the place of crossing be below the Point of Rocks."

Appended to the report of the committee, will be found, the opinion of the resident Engineers of the Canal Company, who were consulted upon the subject, and whose views fully sustain those of the committee.

This report was submitted and adopted at a meeting of the Board on the 14th of March, and the President was instructed to communicate the result to the President and Directors of the Railroad Company; which communication was made by letter, under date of the 16th of March.

It will be observed, that the resolution of the General Assembly, transmitted to this committee by the representative of the State of Maryland, is certified on the 15th of March, and probably received its final passage on the 14th. This comparison of dates leaves no doubt upon the mind of the committee, that the Legislature, when it adopted the resolution in question, could not have known of the action of the Canal Board upon the subject under consideration, and consequently could not have contemplated an appeal to the general meeting of the stockholders, for the purpose of procuring the reversal of an unfavorable decision by the President and Directors.

The proposal made by the Railroad Company, under date of the 7th June, appears to the committee to vary from that communicated to the Canal Board in January, only in the circumstance that it is more full and precise in its details. Each assumes as its basis the surveys, levels, plans, estimates and report of Messrs. Knight and Roberts, made in the year 1830. Each contemplates the contemporaneous construction of both works, under joint contracts and superintendence. Each proposes that the Railroad Company should encounter the entire additional expense which would be consequent upon the adoption of this course.

In the examination which the committee has been enabled to give to the question, it at once occurred to them that the proposal no longer retained its original character of a compromise of doubtful, or, at least, controverted rights, in which a prudent regard to present interests, and prospective advantages, might justify, and even require important sacrifices. During the protracted period which intervened between the institution of the suits between the two companies, and their recent termination, an anxious desire to avoid delay in these great projects of internal improvement, and the disastrous consequences which threatened to involve both in ruin, appeared to require that these grounds of controversy should be removed, even at the expense of great increased expense in the construction of the work of the Canal, additional danger after the construction was completed, and inconveniences which might result from too close a contiguity between the rival enterprises. Under these circumstances, a proposal was made to the Railroad Company, to arrange, by way of compromise, the grounds of controversy which subsisted between the Point of Rocks and Harper's Ferry. Neither the Canal Company, nor its officers, overlooked, or undervalued the sacrifices which such an adjustment would necessarily involve; but, in their judgment, circumstances required they should be made. The proposition then tendered was rejected; and, probably, a careful review of the subject will justify the belief that the rejection was a wise and judicious determination.