

In the soundness of this judgment it certainly does not become this committee to entertain any want of confidence, and they should feel that they were not doing justice to themselves, or to those whose interests they have been called to represent, if they did not express their own concurrence in these opinions, strengthened and confirmed in the minds of a majority of the members of the committee, by a personal and careful examination of the ground. They would beg leave to append to this report the substance of the testimony upon this point to which they have adverted.

It might well be doubted whether the canal company, holding in its hands not only the interests of the individual stockholders, but being, as your committee consider, trustees of the public for great national objects, can lawfully surrender any of its franchises to any other body, upon any consideration. The selection of the route for their operations, should be made purely and exclusively upon scientific principles; and when those in the employ of the company, upon whose scientific acquirements they are bound to rely, and in whose judgment they repose entire confidence, have selected the route which the best interests of the company require to be pursued, it would be unwise and objectionable, in every point of view, to deviate from this plan upon any grounds of policy, or with reference to other interests than those of the company itself. With every desire to promote the views of the Legislature of Maryland, and other great interests involved in the Railroad, your committee entertain the most serious doubts as to the legal competency of this company to subserve them by a surrender of any of its powers, or by abstaining from the discharge of any of its duties.

On the subject of the delay which would result from the adoption of the plan recommended, the opinion of your committee is not less explicit. From the nature of the ground, and the plan of the Canal which was originally recommended and not yet deviated from, the works have been, for a considerable length of time, completed, and in full operation, as high up as the mouth of Seneca creek, a distance of twenty-two miles. The excavation, embankments, and other works, have been, for the most part, finished from that position to the Point of Rocks, and will, ere long, be entirely completed. But this important section of the canal cannot be made available until, by its extension, as high as the contemplated dam, in the vicinity of Harper's Ferry, a competent supply of water may be obtained. The effect of the past controversy with the Railroad Company, has consequently been to deprive this company of the use of all that portion of their works lying above the mouth of Seneca; and they must continue to be equally unavailable, until a sufficient feeder and free communication can be completed from the point above.

In the mean time, the rail road, unembarrassed with any such impediments, has been advancing until it has met the Potomac, near the Point of Rocks; and so far as it has completed its works, has been able to bring them into full operation. The consequence has been, that while that company is in the full enjoyment of about sixty miles of road, this company is unable to employ one half of its works, because of the impediments which have arrested our progress at the Point of Rocks.

In the judgment of your committee, therefore, nothing could be more unwise and inexpedient, than to surrender the power now possessed, of carrying on our operations to the Harper's Ferry feeder, without interruption or molestation, so as to bring into active use, not only the distance which intervenes between the Point of Rocks and Harper's Ferry, but all that expensive and valuable part of the canal, extending downward to the mouth of Seneca, a distance of twenty-six miles.

That this most desirable end can be accomplished, only by pursuing our own course unfettered and unrestricted, appears to the committee perfectly demonstrable. The whole line of the canal, over this debatable ground, is now under contract, and the energies of the company are directed to its speedy and effectual completion. To attempt, at this moment, to substitute a joint construction of the two works, upon the plan proposed, would require an abandonment of that which has been done, would demand a con-