

*Extract from the Record of proceedings in Court of Chancery, in Maryland.*

BALTIMORE AND OHIO RAIL ROAD COMPANIES, *Complainants,* } WASHINGTON,  
*vs.* } TOWN, 25th  
 CHESAPEAKE AND OHIO CANAL COMPANY, *Defendants,* } Oct., 1830.

*Interrogatories put to Nathan S. Roberts, a witness produced by the defendants, on behalf of said defendants.*

*1st Interrogatory.* Is the report of Jonathan Knight and yourself, with the surveys, explanatory notes, profiles, &c., accompanying the same, and lately returned into the court of chancery, the joint report of Mr. Knight and yourself, as commissioners appointed to carry into effect the chancellor's decree, and was that report officially made by you as commissioners, and, as in compliance with the concurrent instructions received from both parties, to make report of your proceedings when you reached Harper's Ferry?

*Answer to the foregoing interrogatory.* It was so intended.

*2d Interrogatory.* Is what you describe in that report, and the surveys &c. accompanying the same, as the independent line of the canal, intended to represent the same location and line of the canal described in the previous surveys by Mr. Geddes and yourself, and in the subsequent surveys by the engineers of the Chesapeake and Ohio Canal Company?

*Answer to the foregoing interrogatory.* In running the line with Mr. Knight, I was not guided by previous surveys, but ran the independent line according to my best judgment, and I do not believe it possible, from the nature of the ground, that it could have differed much from the previous surveys. I do not recollect, that, in the most difficult passes, it could have exceeded, at any point, more than from two to five feet, and, in the less difficult passes, not more than six or eight feet, and often ran on the same track. In many places, I saw Mr. Cruger's stakes standing and nearly on the same line, and found the marks and lines cut by Mr. Geddes and myself. I had, in running the line, with me the former surveys, made by Judge Geddes and myself, in 1827 and 1828, and by Mr. Cruger, in the winter of 1828 and 1829.

*3d Interrogatory.* You have spoken of variations between the lines of the former surveys and that you made as commissioner, as the independent line; were those variations greater than usually occur between the survey made for the actual execution of a canal and such actual execution?

*Answer to the foregoing interrogatory.* I suppose they were not.

*4th Interrogatory.* Does such independent line and location of the canal constitute the only eligible location for the canal on that route, if the Rail-road were out of the question?

*Answer to the foregoing interrogatory,* In my opinion, it was the only eligible location that could be made, with the variations before stated in answer to the 2d interrogatory.

*5th Interrogatory.* (To this interrogatory the complainants by their counsel objected.) What are the comparative advantages and disadvantages to the canal, besides the increased cost, stated in your report, of such independent lines and location, and the one suggested in your and Mr. Knight's report, as a compromise between the parties?

*Answer to the foregoing interrogatory.* The comparative advantages and disadvantages in constructing the Canal, independently or conjointly. The advantages of an independent location and construction of the Canal, are, a diminished expense in construction, and more safety to the banks and works of the Canal in particular places, when safety might be consulted, by throwing the Canal further into the rocks, &c. And, in all places along the narrow passes, the greatest advantage could be taken of the location, and for obtaining materials for constructing the Canal, without the inconvenience of crossing the Rail-road, or of giving it the first choice of ground, and the most convenient materials. The advantages of approaching the canal for the purposes of commerce, unobstructed by the Rail-road along the margin of its berm-bank, must be, in many instances, very great; as it frequently occurs, that valuable stone quarries and timber are found in the vicinity of the passes which, in