

great embankments near or entirely in the rapid current of the river itself, which either party would be compelled to make if driven from the selected route, and hence it becomes indispensably necessary to exhibit a profile view of the subject, in addition to that represented by a map.

Let figure second be a profile view of the routes, A, B, and C, D, in the map figure first, then the curved line, 1, 7, 8, 2, will represent the natural surface over which the selected route, 3, 7, 8, 4, of the road, and the selected route 5, 7, 8, 6, of the Canal will pass, the two routes coming in collision from 7 to 8, and the embankment from 7 to 8, is that which either would have to make if permitted to retain their selected route in exclusion of the other. But supposing the Canal to deviate from its selected route, and to pass along the line C, E, H, F, D, as in figure first, then the curved line 9, 13, 14, 10, in figure third would represent the surface over which that deviation (designated by the line 11, 12,) from the selected route of the Canal would pass, and consequently the difference between the extent of the embankment, from 13 to 14 in this deviation, and that from 7 to 8 in the selected route would be the amount of the increased difficulty, or the extent of the obstruction occasioned by the roads, compelling the Canal thus to depart from its chosen course. But on the other hand, if the road should be compelled to give way to the Canal, then the road may be obliged to find a passage by a deep cut, through, or along a rocky precipice, which deep cut must in like manner be represented by a comparative profile view.

It is obvious, that the whole subject in controversy, as to the rightful location of the routes of these two great works can only be perspicuously exhibited by a map with an exactly corresponding section of a profile view, placed as near together, and in as closely connected a form as practical, and in each of the graphic views of a section of the routes of the Rail road and canal, where they come in collision; the nature, distance and dimensions in all respects, of the cutting embankment difficulty, or obstruction must be so laid down, specified and described, as to enable the court as far as practicable, to form a correct judgment upon the subject. This explanation of the mode of exhibiting a single example of a collision, between the routes claimed by these parties, will be sufficient to illustrate and specify the manner in which every case of collision, along the whole route, is expected to be laid down by map and profile. Any object or places may be laid down at the request of either party, by way of illustration of their respective claims and pretensions. All deposition of witnesses, in relation to any matter of claim, pretensions or illustration of either party, may be taken on the ground by the Commis-