

been treated unfairly by the majority of judges headed by Chief Judge Buchanan in bringing the case on for argument out of place, and that in the opinion written by Judge Buchanan the law had been forced because of a mistaken preference of the canal as a public improvement. Taney wrote in a letter to John H. B. Latrobe:³³

it is difficult to write to you on the subject without saying what I think about the conduct of the three judges who, it now appears, were determined to decide the case against us and resolved that they should do it, while, owing to the absence of one of the Judges, the power remained in their hands.

And again:

and what reasonable ground is there to expect anything from judges who have, by the act of mere despotic power and in such circumstances, ordered on a case of this description, and have decided without taking time to think of it and without having made up their minds what reasons are to be given for it? The argument was a solemn farce, and the determination to use the power in their hands too manifest to be mistaken.

Webster, who took Taney's place in the argument, Taney having been held in Washington by his duties as Attorney General, did not see the case as such an entirely one-sided one. On January 3, 1832, he wrote to William Paige:

Dear William,

You will be glad to hear that I am safe back from Annapolis; arrived at sunset this evening, having come across the country and not around by way of Baltimore. We were seven days, all of us, arguing our cause; I used only part of one. It is not yet decided, though we left the judges there, and shall know in a day or two. The controversy is about a narrow pass, which both companies have occasion to occupy on the banks of the Potomac River, at the foot of a perpendicular precipice, where

33. Semmes, 344.