

application for a patent, I cannot now make public a detailed explanation of the devices and combinations which make up my claim to patent this new method of constructing and improving canals; and as the public interests require speedy action on part of the Maryland Legislature, in advance of such public explanation, it becomes necessary to procure from you in writing the opinions you have heretofore verbally expressed, that I may exhibit them as the basis of legislation, which cannot be delayed without detriment to an eminent public interest.

Under the Constitution of Maryland, no sale or transfer of the interest owned and held by the State in the Chesapeake and Ohio Canal can be made until it has been sanctioned by the deliberate judgment of two successive legislatures. The largest interests of the State and of the City of Baltimore however, require, that initiatory steps should be promptly taken to procure this legislation, or otherwise a delay of two years in the prosecution of this important work will be unavoidable.

The emergency must plead my excuse for calling on you for expression of your professional opinions in relation to the merits of the proposed new method for construction and improvement of canals. I will ask you to state broadly, and with as much confidence as your candor and truth will justify, your judgment as to the efficiency, the practicability and economy of this new plan or method of improving canals.

Most respectfully,

A. J. MARSHALL,

BALTIMORE, March 1st, 1876.

A. J. MARSHALL, Esq.:

*Dear Sir.*—In answer to your's of the 20th February, we have to say that there is much difficulty in giving our professional opinions on the merits of your new method of improving canals, restricted as we are by the terms of its submission, and forbidden to make explanations which would fortify and sustain our judgment. The emergencies of the occasion, however, are such, and the public interests involved are of such magnitude, and the question of time to be saved, is so important, that we will not evade the responsibility of expressing a decided opinion, which we can hereafter uphold when at liberty to give the full argument.

With these preliminary remarks, we do not hesitate to furnish you with a general endorsement of your new method of improving canals, now in operation. We do not hesitate to say that the plan may be applied with most valuable results to the improvement of the Chesapeake and Ohio Canal. By raising the embankments of the levels, and the walls of the