

argument—it is a proposition too clear for illustration. It is esteemed no less apparent that additional ponds or reservoirs are wanted, and that the proprietors do not hold land suitable for their construction.

The canal is nine miles long and is required by the charter to be at least thirty feet wide. To the average width therefore on either side of the canal cannot exceed 50 or 50 yards, and on this area not occupied by the bed of the canal, the counter memorialist admits there are 3 ponds one of which is about 8 acres. The residuum of unoccupied ground appears therefore to the minority of this committee altogether inadequate for the construction of more ponds or places of retreat, safe for arks and rafts, some of which are somewhere about ninety feet in length. If other ponds or reservoirs be not wanted, or if the proprietors possess land sufficient for the purposes contemplated by the bill herewith reported, by what motive can the proprietors be influenced when they pray to be endowed with the faculty of purchasing land which must be entirely useless by the terms of the grant, unless they incur the great expense of creating ponds which the public exigencies do not demand. Every principle which ordinarily influences and controls the operations of the human mind fortifies the conclusion to which the minority of this committee has arrived—the integrity of this reasoning is amply sustained by the testimony of witnesses examined before the committee and their concurrent testimony entirely supports these positions.

That places of safe retreat are essential on the canal for public convenience; that the ponds or recesses existing are insufficient; that there is not land enough belonging to the proprietors for the establishment of necessary ponds; that their largest tracts were of sufficient extent, the ponds would be very inconvenient in their location and from the character of the land very expensive in their construction.

It is true that the counter memorialist avers that the proprietors possess all the land "that is now necessary for the purposes of the canal and the water works which are on the 200 acres." This declaration can be reconciled to the testimony of the witnesses familiar with the subject only on the hypothesis that the legitimate "purposes of the canal" as contemplated by the charter, did not extend to docks, or such other safe places of retreat.

If this be the true construction of the charter, in which the minority of this committee begs leave to draw