

circumstances on the subject, which is certainly one of importance, the opinion of George Sully Esq. the legal Counsel of the Company was taken several weeks ago, and I beg leave humbly to send to you in the hope that it may receive the concurrence of the Attorney General

Duty. In regard to the other conditions I would say that we do not consider a compliance with any of them, (in the manner contemplated) as being calculated to affect injuriously the interests of the Company or the State although we regret their incorporation in the act, though & excepting the one relating to the construction of a lock of forty feet the length of Berkeley by the year 1852. The Board regard this Lock as unnecessary and superfluous, nor do they see how the Company can have funds that may properly be applied to such purpose by the time indicated. They therefore object to a compliance with that condition and expect to be released from the necessity of coming under the obligation it proposes, upon appeal to the Board of Public Works as soon as the Berkeley Commissioners make their report which is now daily expected. If the Board of Public Works refuse to grant the release the law would be ineffectual, unless either this Company should depart from its present position, or the Legislature of Virginia which will commence a sitting in extra session on the 26th Inst. should be induced to repeal the condition. I do not think it likely that the former will be done. If all other matters can be satisfactorily arranged it is probable the latter may be.

I would here observe that at the time the act was passed the gentleman who attended at Richmond on the part of the Company for the purpose of giving information in regard to the necessity for the repairs strongly objected to the condition in question and stated his belief that it would not be complied with by the Company and I presumed it was in view of this fact that the clause authorizing the release by the Board of Public Works was inserted.

The point is therefore whether the Company is authorized to give the security in the manner proposed & to pay the interest and principal of the Bonds to be issued in the manner indicated, and this question should be determined as speedily as possible. It would now indeed scarcely be just to go before the Board of Public Works for their final action on the subject until this has been done.

In conclusion I take occasion to assure you that I have no doubt but that in the course you have adopted & that which you propose to pursue you are influenced solely by a regard for the rights and interests of the State. I will also add that the promotion of the interests of the Company and of the State as connected therewith by lawful and just means is our only object & desire.

Hoping to hear from you before the end of the next week

I am very Respectfully

Your obt. Servant

(Signed) J. M. Conle Procl. Secy. of the C. & O. Canal

The opinion of George Sully Esquire referred to in the foregoing letter is the President & Directors of the Ches. & O. Company Gentlemen. By the Act of Assembly intitled, passed at Dec. Sess. 1844 Chap. 281. The Chesapeake & Ohio Canal Company was authorized and empowered to borrow or raise upon the bonds of said Company, with preferred liens on its revenues, to secure the payment of the principal and the interest to accrue thereon, such sum or sums of money - the said sum