

*Seventh Proposition.*

Strike out the whole of this.

This proposition is inconsistent with what the canal company deems indispensable to the vital interests of both companies; which is, that the existing suits between them should be put in train for speedy and final decision, upon the merits of their respective claims to prior and exclusive right of election of their route, so as to have the strict right upon which the parties are now at issue, as to all of the disputed route, not embraced in the present compromise, judicially and definitively ascertained. Any practicable and expedient plan of compromise, on the residue of the route, from Harper's Ferry to Cumberland, is, at the least, highly problematical; and if it should ultimately fail, after the experimental surveys suggested by this proposition, resort to the strict right of priority in the choice of location, between the two companies, becomes inevitable. To suspend all ulterior operations, till one of the works is completed to Harper's Ferry; and then to wait for the laborious and time-consuming surveys proposed, upon the mere contingency of an ultimate compromise, subject to so many and serious obstacles as that part of the route presents, and which may, after all, render any compromise impracticable; and then in case of failure, have to wade through the ordinary course of litigation, would be so absolutely fatal to all the ends and objects of the canal at least, if not to the existence of the canal company under its charter. We think it most just and expedient, to provide in the first instance, for the expeditious adjudication of the question of right, with all the exertions and co-operation of the parties to bring the suit to a final issue, some considerable time must elapse) even after it is prepared for final decision, a preparation requiring in itself but little time) before it can pass through the courts to a final decision. This will leave the parties sufficient time, while the case is progressing through the courts, at any rate before a final decision by the court in the last resort, to ascertain, to their satisfaction, whether a further compromise be practicable and expedient, and on what terms. Then if the experiment fail, the parties will speedily have all the evils and inconveniences arising from suspense (which long protracted are more serious than speedy defeat) ended by a determination of the question of right. The canal company, will, notwithstanding the definite measures to be adopted for the speedy adjudication of the question of strict right, hold itself prepared to co-operate in any reasonable plan