

After intimating your "basis" of compromise, your letter presents to us another alternative, when you tell us, that "if it is our determination *not to compromise for the whole route*, it is desirable that we should at once, proceed on both sides, to make the surveys directed by the chancellor, in order that our controversy may be brought to a final hearing as speedily as possible."

You will remember, gentlemen, that this survey was not invited by, but required of us. That we waited long, and at an expense, enhanced by the annual salary of the commissioner appointed at the instance of this board, an engineer to whom your injunction denied any other occupation in the service of this company, while you kept the commissioner, nominated by you, and an officer of your board, otherwise employed, so as greatly to delay the commencement of that survey, which was again suspended at Harper's ferry for the same reason, the assignment to this officer of other duties.

It is needless to add, that the works of this company are now retarded, beyond the "Point of Rocks," solely by your injunction; and that our inclination, and the obvious interests of our constituents, alike prompt us to hasten the decision of the controversy, unhappily subsisting between us, by every justifiable means in our power.

Among these, we are prepared, by recent testimony, to prove to the chancellor of Maryland, and to manifest to yourselves, that the prior surveys of the valley of the Potomac, made, as well by other skilful engineers, as by one of the very commissioners appointed by the chancellor, render any further surveys unnecessary for the purpose of demonstrating, that even if practicable, the joint construction of our two works, along the northern shore of the Potomac, must be conducted at a cost much enhanced, at very great delay and unwarrantable hazard to the canal; a cost falling little short of two hundred thousand dollars, a delay of from three to six years, in the preparatory surveys, and a hazard immeasurable.

Regarding the compromise to Harper's ferry, as precluded by the condition of your late *ultimatum*, we are not only willing but anxious, and we here reiterate our already repeated and most earnest desire, upon this state of facts and such other unquestionable evidence as can be promptly adduced, to submit our controversy, without further delay to the arbitrament of either of the legal tribunals, before whom it is now depending.