

beginning of the surveys gravely brought forward at this day as a charge against this company.

You are also under an error in supposing that the surveys were suspended at Harper's Ferry by this Board, or at their instance, they have not, nor have their counsel, in any manner interfered with or interrupted the prosecution of them.

The commission to N. S. Roberts and J. Knight, as you are apprised, was directed by the Chancellor after mature deliberation, because he considered the surveys necessary in order to enable him to try and decide upon the rights of the parties; and, in consequence of this decision, the commission was issued *at your own instance*, as appears by your petition of December 6th, 1829, on file in the Chancery court. And this Board hope the canal company will proceed with the commission in the manner already decided on by the Chancellor, so that the questions in controversy may come fully and decisively to trial, and needless discussions and unnecessary delays be avoided. This Board will always be ready to co-operate with the canal company in measures which may be calculated to expedite the surveys, and which will really tend to prepare the suit for a fair and final hearing and decision.

Signed on behalf of the Board.

P. E. THOMAS, *Pres.*

B. & O. R. R. Company.

APPENDIX.

[DOCUMENT A.]

THE BALTIMORE AND OHIO RAIL
ROAD COMPANY,

vs.

THE CHESAPEAKE AND OHIO CANAL
COMPANY.

In Chancery.

To the Honorable Theodorick Bland, Chancellor of Maryland.

The petition of the defendants in the above case respectfully sheweth, that heretofore to wit: on the twenty-fourth day of September, in the year eighteen hundred and twenty-nine, and upon a motion to dissolve the injunction previously issued in said cause, your Honor was pleased to continue said injunction, until the validity and extent of the claims of the defendants can be