

examined and ascertained upon surveys and evidence, which each party may be allowed to make and produce.

Your petitioners state, that an order of survey will be necessary, and that topographical maps, and profiles, will be required, in order to show, that at certain points of the projected route of the canal of your petitioners, there is not sufficient space for the canal, and the road of the complainants, and your petitioners pray your Honor to pass the necessary order, and to appoint the persons who are to make and return said survey, and topographical maps, and profiles, and to give the necessary instructions to the person or persons so appointed. Your petitioners would further represent, that there is no dispute between the parties, as to any point below the Point of the Rocks, particularly spoken of in the bill and answer, and that upon a survey of the route thence, to a short distance above, it will be found that the ground will not admit of the passage, both of the Rail Road and Canal, along the Potomac. Your petitioners state, that a survey, &c. of so much of the route as will ascertain the first point which will not admit of both of them will be sufficient to ascertain the merits of the controversy—and that a survey, &c. beyond that point will be attended with unnecessary expense, trouble, and delay.

Your petitioners therefore pray, your Honor in the order or orders, to be passed as aforesaid, to direct only so much of the said route to be surveyed, &c. as will be sufficient to show the impossibility of the two works, passing along the Maryland side of the Potomac, in any particular place, at or above the Point of the Rocks aforesaid—and your petitioners will pray.

W. WIRT,

W. JONES,

A. C. MAGRUDER, *for Def'ts.*

*In Chancery, December 16th, 1829.*

*Ordered,* That the matter of the foregoing petition stand for hearing on the first day of January next, provided a copy of this order, together with a copy of the foregoing petition be served on the said plaintiffs or their solicitor on the 19th instant.

THEODORICK BLAND, *chancellor.*

Service admitted this 17th December, 1829, of a copy.

WM. GWYNN, *for complainants.*

True copy,

Test,

RAMSAY WATERS, *Reg. C. C.*