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The Baltimore & Ohio Rail Road Company, } In Chancery,
 vs. } 18th January,
The Chesapeake & Ohio Canal Company, } 1830.

The petition of the defendants filed on the 6th of December last, with the answer thereto, filed on the 30th of December last, having been submitted without argument, the proceedings were read and considered.

It appears from the pleadings, that the route selected by the plaintiffs for the location of their road, approaches the Potomac river below, and near a place called the Point of Rocks, and proceeds thence westwardly along and near to the left bank of that river, beyond the town of Cumberland, and that the route selected by the defendants for their canal, commences in the District of Columbia, and passes thence along and near to the left bank of the Potomac river westwardly, passing the town of Cumberland, consequently these two routes, as is alleged, approach, cross, or clash with each other, at various places between a point near the margin of the river Potomac, at a short distance below the Point of Rocks and the town of Cumberland, and therefore it becomes necessary to have such surveys made of the routes claimed by each of these parties, as will present to the court a clear view of the extent and magnitude of the interference of the one with the other, and how far such interference can be considered as a partial or total destruction by the one, of the right and title of the other, or how far either of these parties may have by their own acts, acquired any right of pre-emption, or absolute and exclusive title to the lands over which their selected route passes, or whether there be any thing so peculiar in the nature and situation of the land, over which the selected routes of the works of these parties pass, as can give to either of them any right of pre-emption or exclusive claim to it.

From the nature of this controversy, it is evident, that every collision complained of must be represented to the mind by a graphic view of its situation, locality, and extent, as well as by proofs, and a description in words. The plots made and brought into a court of common law, by virtue of a warrant of resurvey, in an action of ejectment, and the manner and extent to which such plots are regarded, as a part of the pleadings in the cause, and the mode in which issue is joined on such plots, is so generally and fully understood, as to require no explanation. These parties will be allowed to hand a survey and plot, made and re-