

as were the members of the Potomac company, that the Potomac, which intersected, at right angles, so large a portion of the great chain of mountains, would be ascended by the road, in its attempt to pass them; all this gave no uneasiness to the embryo Canal Company, and caused no remonstrance, until after the subscription on the part of the United States, revived the hopes, which even its warmest friends, in common with the rest of the community, had long ceased to entertain. These remarks are necessary to refute the charge, which has been widely circulated, that the Rail Road was a mere scheme, set on foot for the sole purpose of opposing the Canal Company, which, as we have seen, was almost accidentally, and entirely unexpectedly brought into existence, more than a year after the Rail Road company had commenced rapid, expensive and efficient operations.

The bill, upon the prayer of which the injunction just mentioned, was issued, was sworn to in Washington county court, on the 10th of June, 1828, and the order for injunction was granted on the same day. This, it will be observed, was upwards of two weeks after the subscription by Congress, and ten days before the time appointed for the organization of the Chesapeake and Ohio Canal Company. The bill claimed for the Potomac Company, and for the Chesapeake and Ohio Canal Company, as the intended transferee, when it should come into being, of the rights of the former, "the exclusive use and appropriation of the river Potomac and all its tributary streams, and of the adjacent lands in Maryland and Virginia, and the District of Columbia, necessary for the construction of the said Canal, and its incidental or auxiliary works and appendages, under indefeasible grant and compact from the States of Maryland and Virginia, and the United States."

The bill also asserted *on oath*, that, from *credible* information, it was believed, "that the existing survey and location of the Rail Road along the river Potomac," had been made expressly and directly with a view to interrupt and prevent the construction of the Canal, on its designated and surveyed route; and on the ground, that such proceedings on the part of the Rail Road Company, (at a time by the bye, when all hope of a Canal communication with the West, had failed) interfered with the rights so sweepingly claimed, of the Canal Company (which was not then in existence, for any purpose) the injunction was issued, and further proceedings to perfect the writs of condemnation already issued on behalf of the Rail Road Company, were stayed.