

From the foregoing statement, it will be seen, that the controversy, at present existing in the Court of Chancery, was commenced by the Chesapeake and Ohio Canal Company's successful attempt to stay the Rail Road Company from what this corporation believed to be the fair and honest exercise of its chartered rights. Dates and facts shew that there was no suspicious haste in the proceedings of the Rail Road Company, to justify the charge of improper interference. How could it purpose to interfere with the rights of a body, which was not, and it was believed, never would be, in efficient existence?

It was believed that the Canal Company would have rested satisfied with having protected its alleged rights, if it really believed them to exist, by the injunction which it had obtained. But as if doubting the existence of such rights, no sooner was the Rail Road Company prevented from acquiring land by purchase or condemnation, than the Canal Company resorted to these means on its own behalf; relying, for success, on the defenceless situation to which the injunction had reduced the Rail Road. Had it not been for this, it is more than probable, that this company would never have appeared as a complainant in a court of justice. The conduct of the Canal Company, however, now forced the Rail Road Company to take legal steps, as a matter of sheer necessity; otherwise, the Canal Company, having purchased the site, or constructed, or attempted to construct, its work on the land in dispute, might have rendered it useless to the Rail Road, in the event of a decision in favor of the latter, upon the then pending injunction. To prevent this injurious and unequitable result, the Chancellor of Maryland was applied to; and on the 23d, 24th and 25th of June, injunctions were issued, according to the prayer of the bills filed on behalf of this company, restraining the Canal Company, and its agents, from taking any steps, either in the purchase or condemnation of land, that might interfere with the already acquired rights of the Rail Road Company, "until the claim of the Chesapeake and Ohio Canal, and Potomac companies to a priority and right of election, as to all the lands lying within the actual locations of the Baltimore and Ohio Rail Road, as set forth and relied upon, in the bill of the Canal Company, in Washington county court, should be finally heard and determined upon."

This proceeding, it is apparent, was entirely defensive on the part of this company, and to protect it, in the words of