

their being disproved or explained. They are contained in the following passage, page 9 of the report.

“The appeal, however, which was made to them for this purpose, (meaning the proposition to state a case above mentioned,) disclosed the probability, at least, that the Baltimore and Ohio Rail Road Company would interpose every legal obstacle in their power, to a decision of the pending controversy between the two Companies, in order to retard the progress of the canal over the Point of Rocks. Accordingly, instead of answering the bill of injunction obtained by the Potomac Company, and certain subscribers to the stock of this Company, in Washington county, Maryland, or filing in that Court a cross bill, for an injunction to stay this Company till a final decision upon the former bill, they sued out an injunction from a Court of concurrent jurisdiction at Annapolis, so as to place the controversy before two Courts at the same time.

Here this board was invited to try the question of prior right, as was supposed, between the two Companies; and never did a board more perseveringly or earnestly seek to bring a cause in this, the tribunal preferred by its adversary claimant, to a speedy conclusion.”

The President of the Canal Company, who signed the report containing the above paragraph, was one of the counsel who argued the cause at Annapolis, he volunteering to open it for the defendants; and it is only reasonable to suppose, that he was aware of the legal difficulties of his Company, and understood them. He must have been aware, that it was always understood the case should be prepared for final decision in the High Court of Chancery at Annapolis, with which place the facilities of communication from both Washington and Baltimore, were so much greater than with Hagerstown, the county town of Washington county; for in page 8 of the same report, he speaks of the endeavour made to “agree to a case to be submitted to the Chancellor,” as “early as the month of November, 1828,”—eight months before the argument. With this understanding, therefore, on his part, it is rather unfair and inconsistent to charge the Rail Road Company with improper neglect, in not proceeding in Washington county.

The President of the Canal Company must have known the time when the injunctions from the High Court of Chancery were served on him, which was on the 24th of June