

1828, (a) and that he himself did not argue the cause until the 20th July, nearly a year after the filing of the bills. It is difficult, therefore, to understand him, when he states that no board ever more perseveringly or earnestly sought to bring a cause to a speedy conclusion, than did that over which he presided;—especially when he himself attempted, at Annapolis, in July, 1829, to explain and apologize for the delay, by attributing it to the difficulty which he experienced in having the answer prepared.

On the 7th July, 1829, the president of the canal company, signed an official letter, (b) addressed to the president and directors of this company, notifying them that the canal company would move and press for a dissolution of the injunction, (an interlocutory, and not a final proceeding) before the Court of Chancery; and yet, in the paragraph above quoted, it is stated, that the Rail Road company "invited" the Canal company "to try the question of prior right between the two companies," before the Chancellor; when the only notice or invitation, was one given by the president of the Canal company, himself, to argue an interlocutory motion!!

As has been stated before, the president of the Canal company, was one of the three counsel who argued the cause at Annapolis; and it is to be presumed, was present at the consultations of his colleagues. He must have known, therefore, of the offer above mentioned, made by the counsel of the Rail Road company, "to put in a general replication, and immediately to set the case down for final hearing." If so, it is yet to be explained how he can, consistently with his knowledge of such offer, or his knowledge of any of the facts which, it is to be presumed, even if not strictly proven, that he did know, allege, "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 depending controversy between the two companies," and that, accordingly, it did the acts with which he charges it.

The mistakes and contradictions, here exhibited, can have proceeded only from a strange and unaccountable forgetfulness on the part of the president of the canal company, who has either made or sanctioned them, and given them to the public. The paragraph, or the report, that contains them, can certainly

(a) See Appendix 2.

(b) See appendix 3.