

compromise along the entire line of the route on the Potomac. Under these circumstances, and when the engineers of both companies were earnestly and actively engaged in those labours, which, it was believed, would lead to an amicable adjustment of all existing difficulties, it was not to be wondered at, that this company should consider as unfriendly or ungenerous, the active hostility of the canal company to the applications then making on behalf of this company, to the government of the United States.

The amicable intentions of this Company, however, were not altered by the conduct of its opponents, and the surveys under the agreement that the Commissioners should report from Harper's Ferry and Williamsport, were continued on the part of both companies, with the exception of the unavoidable delay of a few days on the part of this company, that has before been mentioned and explained. On the 2nd July, 1830, the Commissioners, having completed their survey as far as Harper's Ferry, made a return thereof of that date, to the canal and rail road companies respectively, agreeably to the tenor of their instructions. The report was accompanied by ample explanatory maps, and fully complied, in every respect, with the order of the Chancellor.

It appeared from the report, that the total additional expense of the joint location and joint construction of the two works, from a point below, but near the Point of Rocks, to Harper's Ferry, would be \$12,625 55, or \$6,312 77½ to each company, only!! This certainly did not exhibit such a ruinous conflict between the canal and road thus far, as, in the opinion of the Chancellor, could bring the question of the right to prior choice before him, and the commission obtained by the canal company, instead of furnishing proofs of this conflict, proved, so far as it went, and as the rail road company always contended, that no such ruinous conflict could exist, of course the canal company had not yet made out its own case, as required by the Chancellor, and the burden of doing so, still presses upon it— for it must always be borne in mind, that until it could shew that the construction of the two works along the Maryland shore of the Potomac, would cause a "ruinous collision" to one or both of them, it could not call upon the Chancellor, under his opinion, to consider even the question, whether the rail road company should be excluded from its route, on account of such conflict.

Immediately upon the receipt of the report, of the commissioners, this company addressed a letter to the Ches-