

and construction of their respective works, without the molestation, interference or hindrance of the other."

On the 20th of September, a reply to the above was received from the canal company, containing objections to six out of the eight propositions; the 5th and 8th only, being accepted unaltered. The fourth proposition so far as its stipulation for the right of each company to cross the work of the other, if it could be done without injurious interference, and the seventh, which provided for the compromise of the existing difficulties along the whole line, were peremptorily rejected. The other objections involved considerations of less importance than those last mentioned, and will not here be dwelt upon. The fourth and seventh propositions may require some explanation, to shew how essential the stipulations which they contained, were to this company:

That part of the fourth proposition which was rejected, and which had been recommended by the commissioners, stipulated for the right of passage across either work, by the other. It will be borne in mind, that the canal company applied in December, 1828, to the Legislature of Maryland, to be released from the obligation of furnishing a passage, by means of bridges, across the canal; proposing to establish ferry boats for the purpose of keeping up the communication between the different parts of the same property, or perhaps the same field: Although the exemption from bridging the canal was refused by the Legislature, at the session of 1828, there was a certainty that the application would be renewed, and there was no certainty that it would not, one day, be granted. If it were ever granted, the rail road, without the express stipulation contained in the fourth proposition, would find itself excluded entirely from all profitable or useful purposes, from the Potomac river and from Virginia, since the necessity of ferrying over the canal rail road cars from branch rail roads, or the ferrying across it of the produce and persons to be transported upon the rail road, would effectually prevent the construction of branch or lateral rail roads in Virginia; and turn the whole carrying trade into the canal, without allowing the rail road the chance of a fair competition. Under these circumstances the rejection of the fourth proposition, as above mentioned, was somewhat calculated to produce the suspicion, that the injurious effect thus described, was not only understood by the canal company, but intended and anticipated.