

The seventh proposition provided for the compromise of all existing difficulties along the entire distance of collision—that is, from the Point of Rocks to Cumberland. This was rejected altogether by the canal company, which would not agree to a compromise further than Harpers Ferry, beyond which point the exclusive right to prior choice of route was still claimed by it, under any circumstances.

It was evidently immaterial to this company whether the delay consequent upon the litigation of the right of prior choice, took place at the Point of Rocks, or at Harpers Ferry. There was no object to be obtained by reaching Harpers Ferry, which could justify the rail road company in constructing its road so far, if it was to be delayed there by the continuance of the procrastination which the canal company had already caused in the chancery proceedings; or if, in case of a decision against it, it were stopped there altogether: more especially, too, if it were prevented by the intervening canal, from crossing into Virginia. The Point of Rocks was, in many respects, as good, and in some, a better place to stop at, or cross the river, than at Harpers Ferry, and the rail road company had, therefore, no inducement to conduct the rail road into the disputed part of the route, unless a passage throughout was secured to it, either by compromise or by the decision of the proper tribunals—on the other hand, the canal would be a perfect work so far, when it reached Harper's Ferry, at which point it was proposed to erect the dam, that was to supply it with water for more than forty miles—that is, as far down as Seneca creek, the next feeder below. The dam would back the waters of the Potomac, and Shanandoah, and turn into the canal, as into a natural channel, the whole descending trade of both streams; no part of which could be expected to undergo the trouble and expense of unloading, to be transported upon the rail road, terminating, too, as the latter would do, many feet above the canal, and directly against the bluff and inaccessible face of a precipice. While this was the case, it could hardly be supposed that the canal company, enjoying the whole trade of the Potomac and Shanandoah, would offer facilities to the rail road to ascend the former stream to any of the fertile valleys above, to intercept, on fair competition, a portion of their produce on its downward progress, much less allow it to accomplish its great object, a communication with the western waters: more especially, too, when, after having expended its whole capital of three mil-