

miles below Harpers' Ferry, and that up to "the Point of Rocks;" the rail road did not pass over any part of the contested grounds. So far from having changed the cause of policy which induced the making and approval of that proposition on the part of this company, it still is ready, as it always has been, to carry it fully into effect." For a more full and particular view of the efforts to compromise here mentioned, this company refers especially to letter No. 9, of the correspondence in the appendix. ( a )

Thus after the invitation to compromise verbally given by the president of this company on the 3rd March 1829, the subsequent repetition of it on the 27th July, the visit of the canal committee to Baltimore to arrange the terms "upon which this company would consent to make it," the submission of those terms on the 26th August, and the correspondence in consequence—in fact after every reasonable endeavour had been made on the part of this company, all hopes of effecting an amicable adjustment of existing differences, ceased upon the 16th November, 1830, when the letter referred to above, as No. 9, of the Appendix, was written by this company.

During the pendency of the negotiations for a compromise, between the 27th of July and the 16th of November, no steps were taken by either party to continue the survey ordered on the solicitation as before shewn, of the canal company, for the purpose of proving its surveys before the Chancellor; nor, although urged by this company on the canal company, in the last mentioned communication, had any step been yet taken to expedite the preparation of its case for final hearing, by proving, under the order of survey, those facts, to exert upon which the question of right of prior choice for which the canal company contends, can arise and be decided.

On the 16th day of July 1830, the canal company obtained a commission from Chancery to examine witnesses in Washington, District of Columbia, the testimony of some of whom, taken on the 1st of November 1830, having been made part of the supplementary report of the 20th of Nov. 1830, to the stockholders of the canal company, requires a notice in this place, which it would not otherwise receive.—The Engineer of the canal company, Nathan S. Roberts, and one of the commissioners appointed by the Chancellor, was examined as to the difficulties and disadvantages of a joint