

construction of the canal and rail road above Harper's Ferry to Cumberland, and the probable additional expense of such joint construction, on which points, Mr. Roberts gave testimony very much at length" (a)

He admitted, however, on cross examination that in order to arrive at any correct conclusion as to the advantages or disadvantages, or additional expense of a joint location and continuation of the two works, it was especially necessary that he should know the joint and independent location of both; and he deprived his opinions of all weight or importance, when, by admitting, as he subsequently did, that he did not know the joint or separate location of the rail road, above Harper's Ferry, he shewed that he was without the data, which he himself had said, were essential to form them. The result of the examination, however, as will be seen by reference to it, proved clearly, that the only means of arriving at a correct conclusion as to the difficulties of the passage of the two works along the bank of the Potomac, was by an actual survey with reference to the question, as had been indicated in the order of the Chancellor.

Since the sixteenth of November, there has occurred nothing which has altered or affected the relations existing between the two companies at that date.

In the foregoing detail, this company has endeavoured to confine itself as much as possible to dates and facts, drawing no inferences that were not clearly deducible from them.— This company has endeavoured, to shew, that from the first meeting of the citizens of Baltimore, on the 19th of February 1827, to take the subject into consideration, up to the time when the first injunction of the canal company was issued, it proceeded with a steady, rapid and efficient pace towards the attainment of the object, for which it was incorporated by the Legislature of Maryland; and that, from the commencement of the present legislation in Chancery to this day, in-

(a) Mr. Roberts arrived at his conclusions both as to the additional expense of construction, and expense and time of surveys above Harper's Ferry, by a rule of three, of which the distance and length of collisions below Harper's Ferry, the ascertained cost and the distance and length of collisions above the same place, were the three first terms, and the required cost the fourth, such an application of proportions to civil engineering, may be considered of a doubtful mode of arriving at a correct conclusion especially, when having applied the rule to the time of executing the surveys, Mr. Roberts found that it produced six years!! which he at once reduced to one half, without any rule whatever.