

## APPENDIX.

### NO. 1.

*Extract of a letter to the President of the Rail Road Company,  
from the Counsel, dated 15th May, 1830.*

"As regards the bill filed in Washington county court, by the canal company, we have always been under the impression, that both parties considered the court of Chancery at Annapolis, for various reasons—the most convenient and suitable tribunal for preparing the case for final hearing—and that neither party expected or desired that any thing should be done with the case in Washington county. And accordingly, all the subsequent proceedings have been in the Chancery court, and no step has been taken on either side, in the case in Washington county.

When the canal company, even at the late day above mentioned, put in their answer, it was in their power, by stating the whole of the facts in the case, fairly and fully, to have enabled the rail road company to demur to the answer, and thus to have brought the case at once to final hearing. But the answer contains allegations against the rail road company, the truth of which they positively deny—and it omits some facts, and mistakes others, which materially, in our judgment, affect the interest of that company. We could not demur to this answer, because a demurrer would have admitted the truth of every fact stated in the answer by the canal company, and would have precluded us from adducing any proof whatever on our part. It was therefore, impossible for us to have brought the case to final hearing in that form of proceeding, without making an unparadonable sacrifice of the interests committed to our care

After we met at Annapolis to argue the motion to dissolve the injunction, and found that the counsel for the canal company, insisted that the case was then ripe for hearing on its merits, and that no further testimony on either could affect the decision of the controversy, we offered over and over again to put in a general replication, and immediately to set down the case for final hearing. This offer, if accepted, would have excluded only such parts of the answer as were not responsive to the bill, but rested solely on the assertions of the canal company—and would have left to that company, the benefit of every thing of which they had adduced proof, or of which the court could have taken