

shall press for a dissolution of said injunction, before said court of Chancery.

We remain, very respectfully,  
your obedient servant,

"The Chesapeake and Ohio Canal Company," by the  
President and Directors thereof.

Signed, by order,

C. F. MERCER,  
Pres. of the C. & O. C. Com."

NO. 4.

*The Baltimore and Ohio Rail Road Company,* }  
vs. } In Chancery.  
*The Chesapeake & Ohio Canal Company*

To the honourable Theoderick Bland, Chancellor of Maryland.

The petition of the defendants in the above case, respectfully sheweth, that heretofore, to wit: on the twenty fourth day of September. in the year, eighteen hundred and twenty nine, and upon a motion to dissolve the injunction previously issued in said cause; your honor was pleased to continue said injunction, until the validity and extent of the claims of the defendants can be examined and ascertained upon surveys and evidence, which each party may be allowed to make and produce.

Your petitioners state, that an order of survey will be necessary, and that topographical maps and profiles will be required, in order to show that at certain points of the projected route of the canal of your petitioners, there is not sufficient space for the canal and the road of the complainants. and your petitioners pray your honor to pass the necessary order, and to appoint the persons who are to make and return said survey, and topographical maps and profiles, and to give the necessary instructions to the person or persons so appointed.

Your petitioners would further represent, that there is no dispute between the parties, as to any point below the Point of Rocks, particularly spoken of in the bill and answer, and that upon a survey of the route thence, to a short distance above, it will be found, that the ground will not admit of the passage, both of the rail road and canal, along the Potomac. Your petitioners state, that a survey, &c. of so much of the route as will ascertain the first point which will not admit of both of them, will be sufficient to ascertain the merits of the controversy—and that a survey, &c. beyond that point, will be attended with unnecessary expense, trouble and delay.

Your petitioners therefore pray your honor, in the order to be passed as aforesaid, to direct only so much of the route to be