

surveyed, &c. as will be sufficient to show the impossibility of the two works passing along the Maryland side of the Potomac, in any particular place. at or above the Point of Rocks aforesaid, and your petitioners will pray.

W. WIRT,
W. JONES,
A. C. MAGRUDER,
for defendants.

NO. 5.

Extract from the Instruction of the Canal Company, to the Commissioners, dated 24th of February 1830.

"The Chesapeake and Ohio canal company, never having sought the surveys, &c. which the order calls for, but having, on the contrary, always opposed them, as unnecessary and irrelevant to the question of right, which, as they conceive, must still remain to be decided, let the surveys result as they may, but being desirous to facilitate as far as they can, the removal of every impediment which the Chancellor conceives to stand in the way of his decision, for this reason alone, they have since the Chancellor's first order of the 18th January, 1830, whereby these surveys were resolved on, united in all the measures necessary to hasten the fair execution of the order, in reference to what they understand to be the Chancellor's object in making it, this company not waiving hereby, any of the rights which they have asserted in their answer to the bill of the Baltimore and Ohio rail road company, but now, and at all times, wholly insisting on them, and each and all of them."

NO. 6.

Extract of a letter of 6th November, 1830, from the Canal Company, to the Rail Road Company.

"You will remember, gentlemen, that this survey was not invited by, but required of us."

NO. 7.

*"Office of the Baltimore and Ohio Rail Road }
Company, 27th July, 1830. }*

To the President and Directors of the Chesapeake and Ohio Canal Company.

Gentlemen.—Your communication of the 8th inst. transmitting a copy of instructions issued to Jonathan Knight and Na-