

ment, by which they are to incur heavy and burthensome expenses, without accomplishing any useful purposes, either for themselves or the community.

The misinterpretation of the conduct and views of this board in your letter, has made it proper, in their opinion, to give this statement of the nature and character of the differences now subsisting between the two companies, in order to guard themselves against misapprehension.

As relates to the other remarks contained in your letter, they direct me to say, that they did not begin this controversy, and that no act of theirs shall delay its termination. The postponement for a few days (it is believed not more than seven or eight) of the commencement of the surveys directed by the Chancellor, was occasioned, as your board were at the time duly informed, by accidental and unforeseen circumstances "of an urgent character, beyond the control of this board," and were explained in their letter to you of the 9th of April 1830. Upon a reference to that communication which may have escaped your memory, you will perceive that a mistaken impression on your part, has led to the assertion made in your letter, and the commissioner nominated by this board, was kept by them otherwise employed, so as "greatly to delay the commencement of that survey." And this board did not expect, after the frank and satisfactory explanation then given, to find the short and accidental delay in the beginning of the surveys gravely brought forward at this day, as a charge against this company.

You are also under an error in supposing that the surveys were suspended at Harper's Ferry by this board, or at their instance; they have not, nor have their counsel, in any manner interfered with, or interrupted the prosecution of them.

The commission to N. S. Roberts and J. Knight, as you are apprised, was directed by the Chancellor, after mature deliberation, because he considered the surveys necessary in order to enable him to try and decide upon the rights of the parties; and, in consequence of this decision, the commission was issued *at your own instance*, appears by your petition of Decemper 6, 1829, on file in the Chancery Court. And this board hope the canal company will proceed with the commission in the manner already decided on by the Chancellor, so that the questions in controversy may come fully and decisively to trial, and needless discussions and unnecessary de-