

were incurred in the winter of 1828, in the confident expectation of a prompt decision of that controversy, in favor of the prior charter of the Chesapeake and Ohio canal company; as well as of the Potomac company, all whose rights had devolved on the former, in conformity with the united authority of both the parties to their charter, and their own consent.

Two distinct tribunals, of like authority, as the undersigned have been informed; the court of Washington county and the Chancellor of Maryland, having the subject matter of this controversy before them, the undersigned are restrained, by a sense of propriety, from any remarks on the obstacles which have retarded its decision. They beg leave to refer the committee of the House of Delegates for such information as they may desire on the subject, to the accompanying printed argument of one of the counsel; accompanied by the Chancellor's decision, on a motion to dissolve the injunction, which restrains the further progress of the canal above the Point of Rocks, and by such documents as were deemed necessary to render both intelligible.

The committee have extended their inquiry, through the letter of their chairman, not only to the nature of the legal difficulties, which obstruct the progress of the canal, but have generously condescended to ask whether any action of the Legislature of Maryland, may be calculated to remove them.

Though thus invited to suggest, what might seem, to their judgment expedient on this subject, the undersigned confiding in the wisdom and justice of the commonwealth of Maryland beg leave to decline any expression of opinion in relation to it.

One thing is due, to themselves and to their constituents, it is to say that had they, and those whom they represent not most confidently believed, that the ground, over which the Chesapeake and Ohio canal had been so long located, or marked out under the authority of the states, who are parties to their charter, had been assured to them, by the concurrent acts of those states, they never could have embarked their capital on this enterprise.

The undersigned are far from intending to complain of the charter granted to the Baltimore and Ohio rail road company, on the contrary, they believe that the route, now claimed for that road, by the president and directors of that