

company, entered not into the conception of any one member of any of the Legislatures who concurred in their charter.

At the moment at which their charter was sought by a part of those gentlemen, all idea of a future collision between the route of their road and the known location of the canal was, by their own proceedings and declarations absolutely excluded.

The undersigned, having with good faith, and a diligence not often surpassed, under difficulties, rarely if ever encountered by any similar enterprise, not only succeeded, in obtaining a prior charter by a compact of four distinct governments, fortified by the antecedent rights of the Potomac company, and among them that of constructing the very canal in question, but made up, the far greater part of the sum required to construct a canal, through the valley of the Potomac, within a very short period after their books of subscriptions were first opened, are confident that they will be sustained by the justice of Maryland, as well as by the plighted faith of her Legislature, in the prosecution of their great work.

Though not presuming to suggest a remedy for it, they cannot but deplore, the delay which the canal has experienced, and which is likely yet to endure, while the limitation of their charter, requiring one hundred miles of the canal to be finished in five years from its commencement, sufficiently manifest that, by all parties to that charter, no such delay was foreseen.

To obviate one of the inconveniences attending this delay, the suspension of the use of more than a moiety of the canal, now nearly completed; and to comply, if practicable, with the above limitation, the undersigned entered into a negotiation for the compromise of a part of their rights, with the adversary claimants; and at one time, a prospect existed of accommodating the rail road and canal along the same shore of the Potomac, as far up the same as Harper's Ferry, though not without considerable injury to the canal from the increased hazard to which its embankments were to be exposed by being protruded into the bed of the river, and to both works from a reduction of their breadth. Of that the rail road, for near two miles, out of the twelve, below Harper's Ferry, to a space wide enough for two tracts only; and of the canal, for the same distance, to a breadth much less than that