

occupy the firm ground on the land side of the canal; and that the canal, receding from the shore, to give place to the former, shall occupy with its reduced breadth, a larger portion of the bed of the river, where the river itself is hemmed in, by rocky and precipitous cliffs. It is also a part of those terms, that the rail road and canal conjointly constructed shall be separated, for those distances, by a space of but two feet, which is to be occupied by a low partition wall, and that, elsewhere, the canal and rail way shall be apart, not less than eight feet; if such be the pleasure of the Baltimore and Ohio rail road company. The open space beyond what is denominated, the *berm* of the canal, is left for its breadth to the discretion, not of both companies, but to that of the Baltimore and Ohio rail road, singly.

To the reduced breadth which such a compromise must give to the canal, must be added, therefore, its increased cost, augmented hazard and diminished utility. And, first, its increased cost.

As computed by the Engineers of the two companies, this cost, when divided between the two works, amounts on the reduced canal exclusive of the time and money consumed in the conjoint location to but a few thousand dollars; but experience has shown how little, *mere estimates*, however carefully prepared, are to be trusted; no two Engineers scarcely ever agreeing in them; and the same Engineer, if he make successive surveys of the same work, not agreeing, in all cases, with himself.

Moreover, the enhanced cost, and almost insuperable difficulty of repairing, such breaches, as may happen in the canal, or any other injury to its various works, where enfiladed by the rail road, has not entered, at all, into computation of the expense of its conjoint construction, with the rail road. Yet it cannot escape the slightest observation, that the materials for such repairs, cannot be obtained from the Maryland shore, or employed, after the completion of the rail road, without suspending its use, by resting them, till worked up, on the margin of the canal, either in the carriages, by which they may have been transported, or on the road itself, which occupies the ground next to the *berm* of the canal.

As regards the additional hazard to which the canal will be exposed, by a compromise which protrudes it, at all the most rapid falls of a river, there bounded, by lofty precipices, thirty feet further into its rocky bed, it is impossible to