



feared would ultimately be so many vexatious steps in diplomacy. At that time the officers and counsel of the rail road company felt the most perfect confidence in its pretensions, and on the other hand, those of the canal company relied, as I saw with equal hope, and I thought with better right, upon success in their strife.

I had deplored uniformly their collision, and would have regarded any other decision than that which was finally made by our Court of Appeals, as being truly disastrous to both works; for if the rail road company had prevailed at law, the result would have brought, in its train, a long series of defeats, in fact. Time has since made manifest to all, what I then foresaw; that each company would require repeated acts of grace at the hands of the legislature, and that neither would obtain these, without a generous support from the friends of the other; in fine, that united they would be strong, divided they would fall.

This truism was demonstrated, to the friends of such works on the passage of the act for the promotion of internal improvements, ch. 180, of 1825, which was carried by the casting vote of Richard Spencer, of Talbot county; and again, at December session, 1827, when \$500,000 were subscribed to the Chesapeake and Ohio canal company, and the same to the Baltimore and Ohio rail road company, and neither could have obtained aught, if aid had been denied to the other. And at every subsequent step in their progress has this axiom been demonstrated, by indications that ought to convince even the most superficial observer. Anxious, as it is well known that I have always been for the early and signal success of these magnificent and truly national works, I need not multiply words to express my griefs over occasional instances of discord in their progress, since happily these were over-ruled and have give place to harmony, which I hope may be perpetual.

Before the Court of Appeals decided against the Baltimore and Ohio rail road company, that the Chesapeake and Ohio canal company was entitled to priority of right to select its route, see 4th *Gill and Johnson*: the officers of this company were anxious to agree with the Baltimore and Ohio rail road company, to construct the two works harmoniously, from the Point of Rocks to Harper's Ferry; but the officers of the rail road company being confident of success in the suit then depending, refused that reasonable application. Afterwards, when the Court of Appeals had decided said suit in favor of the canal company, a similar request on the part of the Baltimore and Ohio rail road company was refused, by the Chesapeake and Ohio canal company. This refusal led to legislative interposition, at December session, 1831, in the form of a resolution, No. 108, reported by Wm. Cost Johnson, chairman of the committee on internal improvements, on the 13th March, 1832, that was adopted without any division, see folio 555-6, House Journal, 1831, and which recommended to the Chesapeake and Ohio canal company to agree to the joint location of the rail road and canal from the Point of Rocks to Harper's Ferry, and