

This freshet also clearly indicated how judicious it was in my predecessor, to cause the canal levels along the river to be laid so high—so unnecessarily high as some thought—above low water mark, for the mingled ice and water which filled the river upon that occasion, rose in many places within a few feet of the top of the tow path, and in fact at two points actually overflowed it; at both these points steps have since been taken to guard against the future entrance of the river, during floods.

I now propose to dwell upon the *uniform depth of water* proper to be maintained in the canal whenever the navigation shall be opened from Georgetown to Cumberland.

The 16th section of the charter fixes the minimum depth at “*four feet*” and having cursorily examined the legislative acts referring to this company, I can find no further allusion to the depth of water, except in the act of Congress of May 24th 1828, which requires by its 1st section, that from the Little Falls to Georgetown, the depth beneath water surface shall not be less than “*five feet.*” There seems then to be no legal impediment to the adoption of any uniform depth which will not conflict with the aforesaid provisions : and it would further appear from the 1st annual report of the President and Directors of the Chesapeake and Ohio Canal Company, dated June 1st 1829, wherein Gen. Mercer enters upon this subject at some length, that the selection of an uniform depth of 6 feet above th Little Falls, and of 7 feet below, was entirely voluntary on the part of the company.

And there cannot be the least doubt, that if the construction of the works had been such as to enable the various levels to carry these depths with safety, both the convenience and economy of the transportation upon this canal, would thereby be essentially enhanced.

Such however is unfortunately not the case, for the bottom of the Georgetown level has since been necessarily elevated one foot, to remedy its weakness,—upon many of the levels below Dam No. 5, it is found in practice to be sufficiently difficult to maintain a clear depth of four feet,—And even above Dam No. 5, where the construction of the work is infinitely superior to that below, such is the weakness of the canal profile upon side hill, that I strongly doubt whether a greater uniform depth than five feet could there be safely maintained.

Under these circumstances, I would respectfully advise the directors to issue positive orders to all their superintendants of