

Above Cumberland, however, upon the Potomac, the road does not at present extend, nor is it certain that when carried beyond that point it will be by that route; but if it should be, and the improvement of the river to the mouth of Savage should take place before the location of the Rail Road, the levels of the latter work could be adjusted with reference to those previously established for the river navigation, and injury from flooding by the dams could be guarded against by assuming proper elevations for the road, which could be done under those circumstances without a material increase of expense in its construction. So that the Slackwater which would be inadmissible below Cumberland would be unobjectionable above it, with reference to the safety of the Rail Road.

2nd. The next enquiry relates to the *points* at which injury would be sustained by the Rail Road. Those points would, as just stated, be confined to the distance between Dam No. 6 and Cumberland—and on that part of the river they would occur at the localities specified as follows:—1st. From a point twelve miles above Dam No. 6 to a point nineteen miles above the same, making a space of seven miles, opposite a series of flats on the Maryland shore called the “seven mile bottom.” 2nd. From a point twenty-two miles above Dam No. 6 to a point thirty miles above the same, making a space of eight miles, which embraces the flats above and below the Little Cacapon to within a mile of the South Branch. 3rd. From a point thirty-two miles from Dam No. 6 to a point forty miles above the same, and embracing the flats (with some intervening narrows,) between the South Branch mountain and Patterson’s creek.

Upon the three sections of the road just described the levels are at or near the high water mark, being sometimes a little above and at others very slightly below it. The aggregate length of these sections, makes twenty-three miles of low levels, on which slight and not injurious overflow in extreme freshets may take place, in the present condition of the river; and whereon great damage would be done if that condition were altered by such elevation of the water as would attend a lock and dam construction in the bed of the stream. It will be noted that of the twenty-three miles of low levels, fifteen occur below the South Branch and eight above it. For a space of a mile above and a mile below the South Branch the levels were elevated to permit a navigable feeder for the canal to pass under; which will account for that space of two miles not being included in the low levels, which it would otherwise have been.

The four sections of the line between Dam No. 6 and Cumberland, upon which the levels are so far out of the reach of high water as not to be endangered by a lock and dam improvement, are 1st. the twelve miles of hill side location connected with the cut off at the Doe Gulley tunnel. 2nd. The three miles of similar location at the Paw Paw tunnel. 3rd. The two miles of the South Branch crossing elevated above high water for the reason just