

PAPER A

Referred to in the answer of Benj. H. Latrobe, Chief Engineer of the Baltimore and Ohio Rail Road, to the order of the House of Delegates, of February 20th, 1844.

The following is a statement of the manner in which the levels of the Baltimore and Ohio Rail Road, in the valley of the Potomac between Harpers Ferry and Cumberland, were established.

For the purpose of fixing to the satisfaction of the Chesapeake and Ohio Canal company, the location of such parts of the Rail Road as might come into contact with the canal at the narrow passes of the river above Harpers Ferry, Jonathan Knight, then Chief Engineer of the Rail Road, and Charles B. Fisk, Chief Engineer of the Canal, in December 1838, agreed upon the position of the Rail Road at the points of difficulty which occurred within the 6 miles of the Rail Road in Maryland, next below Cumberland, the Canal having been previously located at those places.

The same two officers at the same time agreed upon the levels of the Rail Road at the South Branch and the Great Cacapon, in Virginia, which were adjusted at those points according to the wish of the Canal Company, to permit the future passage, under the Rail Road, of navigable feeders to the Canal from those streams.

The agreements referring to the preceding points, are on file in the offices of the two companies.

Subsequently, in 1839, during the location of the Rail Road in the neighborhood of the Canal tunnel, the Chief Engineer of the Canal, C. B. Fisk, notified the undersigned, that the levels of the Rail Road, at a point on the Pawpaw bend opposite the "tumbling dam falls," should be raised so as to place the Rail Road out of the reach of high water, when a dam contemplated by the Canal Company should be erected at that point, and the Rail Road levels were raised accordingly.

In regard to the location of the rest of the Rail Road in the immediate valley of the Potomac river, between Harpers Ferry and Cumberland, the undersigned freely interchanged ideas with C. B. Fisk, Chief Engineer of the canal, respecting the levels proper to be adopted by the Rail Road; and the undersigned in his determination of those levels was governed by the previously acquired experience of that officer and by his advice in regard to the freshets of the river.

The Rail Road was thus located throughout the immediate valley of the Potomac, by the concurrent act of the two companies wherever there was a danger of collision between their respective works, and where there was none, the Canal Company assented to and approved of the location of the Rail Road as made by the Rail Road company.

The undersigned further states that the levels of the Rail Road