

APPENDIX.

NO. 1.

[Copy of the memorial to the Legislature of Virginia.]

To the honorable the General Assembly of Virginia:

The memorial of the President and Directors of the Chesapeake and Ohio Canal Company respectfully states, that, by the twentieth section of the act incorporating said company, passed by the Legislature of Virginia on the 27th day of January, 1824, confirmed in all its provisions by the Legislature of Maryland on the 31st of January, 1825, and assented to by Congress on the 3d of March, 1825, "so far as its provisions were necessary to carry it into effect in the District of Columbia, but no further," it is provided that the said company shall complete the eastern section of said canal, which, by an amendment to the charter passed in 1827, is authorized to be terminated at or near the town of Cumberland, in the term of twelve years from the commencement of said work.

And your memorialists state, that, under and by virtue of the said several acts of incorporation, the Chesapeake and Ohio Canal Company was duly organized, by the election of President and Directors, on the 20th day of June, 1828; and on the fifty-second anniversary of American Independence, the President of the United States dug the first spade full of earth from the channel of said canal. It was not, however, until the ensuing September, in the year 1828, that the Chesapeake and Ohio Canal was in effect begun; and from that time the work was vigorously entered upon, and prosecuted from Georgetown upwards.

And your memorialists state, that a dispute and controversy having arisen, between the Baltimore and Ohio Railroad Company and the Chesapeake and Ohio Canal Company, as to the prior right of route, particularly at the narrow pass called the Point of Rocks, about fifty miles above Georgetown, and on the banks of the Potomac river, the said Baltimore and Ohio Railroad Company, on the 23d, 24th, and 25th of June, in the year 1828, filed three several bills of complaint in the high court of chancery, against the said Chesapeake and Ohio Canal Company, and on the last mentioned day obtained an injunction against the said company, forbidding it from proceeding further in the prosecution of its works.

And your memorialists state, that the said injunction was confirmed by the chancellor, and remained in force, and prevented this company from prosecuting its work above the point in question, until the same was dissolved by the court of appeals of Maryland, on the 5th of January, 1832, by which the company was on that portion of the line of the canal delayed and retarded nearly four years.

And your memorialists state, that, if allowance be made for the time during which the company's work was suspended by the