

When the State of Virginia subscribed for the \$250,000 of capital Stock it holds in the company, one of the conditions of the act, passed 20th February, 1833, stipulated that the company should construct various locks "to enable the river boats to reach the canal," and among others, one "at or near the ferry across the Potomac at Leight's, or at the mouth of the Opecon in the county of Berkley, by the first of November, 1835. In the fifth annual report made in June, 1833, whilst Mr. Mercer was president of the company, it is stated, on page 4, that "a determination has been more recently formed by the Board to transfer the locks which were about to be commenced two miles above, to a point two miles below the mouth of the Opecon, so as to subserve the connexion" of the River with the canal navigation. Again on page 6—"The transfer of the locks from a point above to one about the same distance below the mouth of Opecon, will also favor the contemplated navigation from that stream, whenever the canal, along the base of the cliffs, shall be completed, by exposing the boats, which descend from its mouth, to a shorter voyage on the broad bed of the river, in conformity, as has been suggested, with one of the conditions of the late Virginia subscription, which the board duly regarded." The locks were accordingly so constructed; and the county of Berkley at present enjoys every reasonable facility of access to the canal. There is a guard lock above Dam No. 4 on the 85th mile, and one above Dam No. 5 on the 108th mile of the canal, and the Pools of these two Dams give to Berkley county, whose whole extent on the river is but about 32 miles, a front of 16 miles of good Slackwater navigation conducting to said locks.

For the reasons above stated, the board have felt it their duty to object to a compliance with the condition alluded to, and, if practicable, to obtain a release therefrom from the Board of Public Works, who, it is presumed are authorised to grant the same by a subsequent clause of the act. So soon, therefore, as the other difficulties at present existing are removed, and the commissioners of Berkley county, who have been appointed to locate the lock, and have recently made their examination for such purpose, shall have submitted their report to their county court, and the necessary action has been had thereon, the reference will be made, and the whole subject, in the best form it can be placed, will be presented to the consideration of the Board of Public Works of Virginia, with a view of obtaining their decision upon all the conditions of the law. We have reason to think, as we have before intimated, that the act will be made effectual, but the difficulties that have been thrown in our way under and by reason of the conditions, and the consequent delay, are greatly to be regretted. They have in fact detracted much from the importance of the law by causing the company to lose the most favorable portion of the current year for the prosecution of the contemplated repairs.

The Court of Appeals of Maryland, in the important decision