

4. The rail road company is to be allowed to begin the construction of the road at the Point of Rocks at any time after the tenth day of May. The canal company binds itself to graduate the rail road through the passes of the Point of Rocks for one hundred thousand dollars; and will bear the expense of any additional cost of graduation. The width of the canal is to be maintained at fifty feet; but if the road be impracticable at any points in the passes with that width, the width may be contracted to forty feet, if the commissioners, hereafter to be mentioned, shall deem that necessary. The canal company, however, within a limited time itself may graduate the rail road, preserving a greater width for the canal than forty feet, if it shall differ in opinion with the commissioners.

5. The rail road is to have a breadth of not less than twenty feet through the passes of the Point of Rocks, and a curvature of not less than four hundred feet radius; and, where it deviates from a horizontal line, an elevation not exceeding thirty feet to a mile.

6. To determine questions as to construction of the road between the companies, a board of commissioners is to be created, formed of three engineers, one chosen by the canal company, one by the rail road company, and another by the president of the United States. These commissioners are to determine the amount of damage payable by the rail road company to the canal company for any interruption during the construction, and in consequence of it, of the use of any part of the canal. Under the direction of the commissioners a fence is to be erected between the two works sufficient to secure the horses used on the canal from accidents from the passage of the locomotive engines. The undersigned adopted this arrangement under a persuasion that upon amicable adjustment alone of the differences depended the value and prosperity of the rail road; and that the aid which the terms of the compromise extended to the canal, could be afforded the more consistently and appropriately as it would promote generally the completion of the work to a productive point in its intended course, and would thus improve the interest already held by the state in the canal. It is to be considered that the resources thus furnished to the canal company are more bounty to that corporation but devoted as they are to be, to the construction of the canal, an equivalent is to be found to the state in the growth of the work and the probability of an increase of its income. If, however, the release