der such contract or contracts, and their decision, after notice thereof given to said companies, shall bind them respectively; and whenever it shall become necessary, in the construction of said rail road, to erect permanent bridges across the said canal, and the said companies cannot agree upon the height and mode of construction thereof, the said commissioners are hereby authorized and required to determine the same; and their decision shall be binding on said companies, respectively

Sec. 4. *And be it enacted*, That the Baltimore and Ohio Rail Road Company be, and hereby is, discharged from all obligation to erect and keep in repair, at any place or places within or upon the margin of the said rail road next to the canal aforesaid, a fence of boards or other materials: *Provided, however*; That the said rail road company shall pay or tender to the said canal company such sum of money as, in the opinion of the said commissioners, or a majority of them, will fully provide for the erection and maintenance of a good and sufficient post and rail fence along the river line of the tow-path, where its side may be precipitous, and the said rail road be so near to the said canal that horses and mules, when tracking canal boats, might be alarmed by the use of locomotive engines on such parts of the said rail road; and that the said rail road company shall give such convenient and appropriate notice of the approach of its locomotive engines on each of such parts of the said rail road as may be agreed upon by the president and directors of the said companies, or, in default of such agreement, then such notice as shall be prescribed by the Commissioners aforesaid, or by a majority of them; or for any damage or injury which may result or happen to any person by reason of any neglect to give the notice which may be agreed upon, or be prescribed as aforementioned, the said rail road company shall be responsible to the full extent of the damage or injury that may be done to the person or property of any one sustaining the same.

Sec. 5. *And be it enacted*, That the said treasurer shall be, and he is hereby, authorised and directed to pay, from from time to time, upon the requisition of the president and directors of said companies, respectively, after six months' notice, not exceeding one million of dollars to each of said companies in any year, and in the whole as