

that if either of said companies shall neglect or refuse to proceed with the portion of said joint construction for the space of sixty days after the plan thereof shall have been so determined, and notice thereof given to them by said commissioners, it shall be lawful for the other of said companies to proceed independently to construct its works upon the scite designated by said commissioners; *provided*, that in no instance shall the plan adopted by said commissioners for the joint construction of the two works require a reduction of the width of the canal below the minimum width required by the charter of said Chesapeake and Ohio canal Company.

CHAP. 395.
Case of Chesapeake
Company not progres-
sing

The other may

No reduction of
width of canal

SEC. 2. *And be it enacted*, That in the joint construction of said two works at the difficult passes aforesaid, the said commissioners shall provide that the said canal and its works shall be constructed securely, and in no case at any more expense to said canal company than such part or parts of its canal or works would have cost if the same had been separately or independently constructed, and such cost shall be determined by the estimates of said commissioners.

Canal securely con-
structed, and at no
increased expense

SEC. 3. *And be it enacted*, That there shall be a board of commissioners appointed immediately upon said companies assenting as aforesaid, to the provisions of this act, to consist of two engineers, one to be appointed by each of said companies; and in any case of disagreement of said engineers, they shall have power to select and appoint a third person or engineer, and in the event of their not concurring in a selection they shall report the fact to their respective companies, and such third person shall then be appointed by the Governor of Maryland at the request of said companies, or of one of them, if the other shall neglect or refuse to unite in such request, and the majority of said three persons shall in the matter of disagreement aforesaid, have all the power and authority by this act given to said two engineers, and said commissioners shall perform the duties hereinbefore indicated, and shall act as arbitrators under oath or affirmation, truly and impartially to decide, between the parties in all

Board of commis-
sioners—how consti-
tuted

To arbitrate