

at present located, on the land side thereof, at all the narrow and difficult passes at and between the Point of Rocks and Harper's Ferry, not exceeding altogether two miles and one tenth in length.

2d. That for the purpose of obtaining suitable and proper curves for the Rail Road, the Canal, its tow-paths and walls, shall be removed further from the hill, if such removal shall be found necessary, and the Rail Road shall be allowed to pass by a viaduct across the said Canal at Harper's Ferry.

3d. That in those parts of the Canal in which its width shall be thus contracted, the partition wall shall be constructed by and at the expense of the Baltimore and Ohio Rail Road company, and also a wall on the corresponding portions of the side of the Canal next the tow-path, with a slope of one foot horizontal to four feet vertical.

4th. That should any portion of the tow-path and wall of the Canal be removed in pursuance of these articles, such removal and the reconstruction thereof shall be made by and at the expense of the Baltimore and Ohio Rail Road company.

5th. That should the Canal be finished in those places between the Point of Rocks and Harper's Ferry, at which the two works will not be in collision, but be kept out of use by the operations, neglect, or delay of the Rail Road company in excavating or graduating their Road, or by any default of the said Rail Road company, the said Baltimore and Ohio Rail Road company shall pay and make good the consequent loss to the Chesapeake and Ohio Canal company, and the amount so to be paid shall be ascertained by the amount of profit realized by the said Chesapeake and Ohio Canal company from the tolls it shall receive on articles transported through that part of the Canal during the same period in the following year.

6th. That the Rail Road company shall provide convenient crossing places over the Rail Road, so as to permit the free and uninterrupted access of persons, and produce to the Canal along the line between the Point of Rocks and Harper's Ferry.

7th. That it shall be fairly and expressly understood that the Baltimore and Ohio Rail Road company shall not, any time hereafter, occupy, or seek to occupy, the ravine of the Potomac, on the Maryland side, at any place above Harper's Ferry, while the same shall be occupied, or liable to be occupied, by the Chesapeake and Ohio Canal company.