

( No. 45. )

*Office of the Baltimore and Ohio Rail Road Company.* }  
 August 26th, 1830. }

The Chesapeake and Ohio Canal company, having intimated their readiness and wish to receive a proposition from the Baltimore and Ohio Rail Road company, for the mutual adjustment of the disputed question of right of way, for the location, construction and use of the canal and the rail road, contemplated by the said companies respectively, along that part of the left bank of the Potomac river, which lies between, and includes the lower point of rocks, and the narrows at and below Harper's ferry. The president and directors of the said rail road company, have authorized the proposition of the following terms of mutual arrangement, which, if assented to by the president and directors of the said canal company, within thirty days from this date, shall immediately become, and be thereafter binding on both the said companies, and the existing legal controversies between them in the equity courts of Maryland, so far as relates to the above described limits, shall be adjusted accordingly:—but if not assented to, and such assent in writing be not duly certified to this company, within thirty days from the date hereof, this proposition to be considered as rejected and void.

## TERMS.

*First.* The Chesapeake and Ohio Canal company, and the Baltimore and Ohio Rail road company, shall be authorized to cause their respective canal and rail road, to be constructed by mutual consent of the two companies, and for their respective accommodation, from the point or place where the routes of the said canal and rail road, as heretofore first surveyed and located, first come in contact or collision near "the lower point of rocks," along the left bank, or north eastern side, of the Potomac river, to Harper's ferry, agreeably to the survey and location made and recommended by Jonathan Knight and Nathan S. Roberts, commissioners acting under the appointment of the court of chancery of Maryland, as reported by the said commissioners to the said court, on the seventh day of July, in the year eighteen hundred and thirty, and in the manner prescribed in the said report; and to use and enjoy, in the most beneficial manner, all such rights of way and privileges incident and necessary thereto, in, over and adjacent to the land on which