

their canal or rail road, respectively shall be so constructed, as shall not be inconsistent with the title to the same, or similar rights and privileges in, or the use and enjoyment of them, in the same beneficial manner by the other company, and all claim by, or on behalf of each company, to any exclusive or pre-emptive right, inconsistent with the arrangement and compact hereby made, is forever relinquished.

And, further, in consideration of this mutual compact, and as a condition thereof, it is hereby mutually stipulated and agreed by each of the said companies, to and with the other, that no part of the lands or privileges hereby granted, conceded and secured to the said companies respectively, shall, by either of the said companies, or by the authority or permission of either of them, be used in any way directly or indirectly for, or in aid of any other object or purpose, than such as is now virtually, or expressly authorized and permitted to each company by their respective charter,—that is to say, that the Baltimore and Ohio Rail Road company binds itself not to use, nor appropriate the said ground except for a rail road, and its necessary appendages,—and the Chesapeake and Ohio Canal company, binds itself not to use nor appropriate the said ground, except for a canal and its necessary appendages.

*Secondly.* It is agreed by the parties aforesaid, that the two companies, with the view to the mutual accommodation of each other, and for the purpose of saving expense, and avoiding misunderstandings with the contractors, will agree to carry on the two works conjointly along the several points, where they come into contact, or very nearly approach each other, viz. at the lower point of Rocks, at the upper point of Rocks, at Miller's Narrows, and at Harper's Ferry Narrows; and as the commissioners aforesaid, appointed by the chancellor of Maryland, to locate the rail road and canal, along the north bank of the Potomac, in estimating the cost of these works, have assumed that the expense will be as follows, viz:

	For the Canal.	For the Rail Road
Excavation of solid rock per cubic yard,	100 cts.	100 cts.
"    loose do.    "    "	40 "	40 "
"    earth    "    "	25 "	"
"    easy earth    "    "	-	12½ "
"    hard do.    "    "	-	25 "
Protection wall for the canal, per perch	35 "	"
Partition wall,	30 "	30 "

Culver  
Found  
Grubb  
Grubb  
"  
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Embar  
cubi  
Embar  
port  
row  
Grubb  
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