

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 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.

CHAP. 395.

Notice of approach
of locomotives

Damage

SEC. 5. *And be it enacted*, That the said treasurer Treasurer to pay shall be, and he is hereby authorised and directed to pay 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 sum dollars to each of said companies, in any year, in the whole not more than three millions of dollars to each of them, out of the money which he shall receive as the fund par or sum of the State's stocks or bonds that may be issued or disposed of, for the purpose of providing the amount of subscriptions aforesaid, to the stocks of said companies, and that the said several subscriptions and payments for the said stock of each of the said companies are hereby authorised and directed only upon the Condition condition, that none of the rights and remedies of this State, under any contract now subsisting between the State and either of said companies shall be in anywise impaired, waived, relinquished or affected by reason of