

reported by the committee on the part of the house of delegates, to that body. The undersigned would, however, briefly present a summary of the terms:

1. The Canal Company assents to the joint construction with the Canal, of the Rail Road through the passes of the Point of Rocks to Harper's Ferry.

2. When the rail road shall be completed to that point, the state shall subscribe for twenty five hundred shares of the stock of the canal company.

3. The canal company is to be allowed to sell the water powers of the canal under the conditions of the grant made by Virginia of the like privilege, and with the farther condition that the mill seats that may be disposed of, shall not be used for grist mills.

4. The rail road company is to be allowed to begin the construction of the road at the Point of Rocks at any time after the tenth day of May. The canal company binds itself to graduate the rail road through the passes of the Point of Rocks for one hundred thousand dollars; and will bear the expense of any additional cost of graduation. The width of the canal is to be maintained at fifty feet; but if the road be impracticable at any points in the passes with that width, the width may be contracted to forty feet, if the commissioners, hereafter to be mentioned, shall deem that necessary. The canal company, however, within a limited time itself may graduate the rail road, preserving a greater width for the canal than forty feet, if it shall differ in opinion with the commissioners.

5. The rail road is to have a breadth of not less than twenty feet through the passes of the Point of Rocks, and a curvature of not less than four hundred feet radius; and, where it deviates from a horizontal line, an elevation not exceeding thirty feet to a mile.

6. To determine questions as to construction of the road between the companies, a board of commissioners is to be created, formed of three engineers, one chosen by the canal company, one by the rail road company, and another by the president of the United States. These commissioners too, are to determine the amount of damage payable by the rail road company to the canal company for any interruption during the construction, and in consequence of it, of the use of any part of the canal. Under the direction of the commissioners