

Excavating  
and transport-  
ing earth and  
rock.

denn as aforesaid the easement of a right to erect, employ, provide, and use in, on, over and along said canal, all such temporary structures, appliances, devices, ways, means, plans and methods as will enable it to excavate the earth and rock upon the north side of said canal for the roadbed of its said railroad, and to transport the same over and across said canal to the south side thereof, at all such places where the adjacent bluffs and declivities of the mountain make the same necessary or proper, in and during the construction of said railroad. But this right of condemnation of such easement shall not be held to include any right to place or use any structures, means or appliances in, upon, over, or along said canal which shall obstruct or prevent transportation upon said canal, or the free passage along and over the towing path of the same, except during such times as said canal may be closed to traffic.

State's consent  
to the con-  
demnation.

SEC 7. *And be it enacted*, That the consent of the State of Maryland is hereby given to the condemnation as aforesaid of any right, title or interest it has as mortgagee or otherwise in any such land, property or rights of said Chesapeake and Ohio Canal Company, so desired as aforesaid by said Western Maryland Railroad Company, for the purpose of its said railroad or in constructing the same.

Rights of com-  
pany not  
abridged

SEC. 8. *And be it enacted*, That nothing in this Act shall be construed as in any manner abridging any of the rights and powers which the Western Maryland Railroad Company now has, which have hitherto been conferred upon it by its charter, or any additions thereto or amendments thereof, but that the powers conferred upon it by this Act are in addition to all the same and not in curtailment thereof.

SEC. 9. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved March 9, 1904.

#### CHAPTER 57.

AN ACT to repeal Sections 175A, 175B, 175C, 175D, 175G, 175L and 175P of Article 1 of the Code of Public Local Laws of the State of Maryland, title "Allegany County," under the sub-title "Intoxicating Liquors," as enacted by the Acts of 1894, Chapter 140; the Acts of 1896, Chapter 118, and Act of 1902, Chapter 415, and to re-enact the same, with amendments.