

CHAP. 251. Improvement, a subscription was authorised on behalf of the state of Maryland, for five thousand shares of stock in the Baltimore and Ohio Rail Road Company, with a proviso, among several others, that the president and directors of the said company should agree so to locate said road, that it should go to, or strike the Potomac river at some point between the mouth of the Monocacy river and the town of Cumberland, in Allegany county, and that it should go into Frederick, Washington and Allegany counties; *And whereas*, the route selected by the president and directors of the Baltimore and Ohio Rail Road Company, as being ascertained by them to be the only practicable one for the location of their rail road, so as to comply with the agreement required in the proviso aforesaid, had been chosen by the Chesapeake and Ohio Canal Company as the route and site for a canal, and it has been decided by the court of appeals of this state, that the legislature, by an act passed at December session, eighteen hundred and twenty-four, chapter seventy-nine, had granted to, and vested in the said Chesapeake and Ohio Canal Company, the prior right of choice of the said route, whereby the Baltimore and Ohio Rail Road Company, are excluded from all that part of their selected route which lies west of the Point of Rocks, on the Potomac river, in Frederick county, to which point they have located and constructed their said rail road from the city of Baltimore, and the said Rail Road Company have prayed to be released from the performance of so much of the agreement and condition above mentioned, as they are prevented from performing by the grant and decision aforesaid—and the said prayer being deemed reasonable—Therefore,

Released from condition.

Be it enacted by the General Assembly of Maryland, That the Baltimore and Ohio Rail Road Company, be and they are hereby released from the performance of so much of the condition and agreement mentioned in the above recited supplementary act, as requires the president and directors of the said company, so to locate their said rail road, that it shall go into Washington and Allegany counties; and it shall be lawful for the said company so to change the route of the Baltimore and Ohio Rail Road, which they are authorised by their charter to construct, and to locate and construct the same on, and over such ground, and in such direction, from any point on the said road already constructed, to the Ohio river, as the said company, on investigation and consideration, may deem most beneficial, convenient and practicable: *Provided always*, That if on a careful examination by the engineers of the Baltimore and Ohio Rail

Proviso.