

manner, the said company and the president and directors thereof, shall be and hereby are respectively invested with all and singular the rights, powers, privileges, authorities, immunities and advantages, for the surveying, locating, establishing and constructing a rail road and its necessary appurtenances, beginning the same at the mines of the said company, and running to a convenient point or points on the basin or canal of the Chesapeake and Ohio Canal company, at or near the town of Cumberland, in this State; and for the using, preserving, and controlling in perpetuity the said rail road, its necessary vehicles and appurtenances, and every part thereof; or borrowing money on the credit of the company for its lawful purposes, which by the act incorporating the Baltimore and Ohio Rail Road company, and its several supplements, were for the lawful purposes of said company, and the benefit of its corporators, given, granted, authorised and secured to the said company, and its president and directors, respectively, as fully and perfectly, as if the same were herein severally repeated; *Provided*, that it shall not be lawful for the said Maryland Mining company to occupy or use any portion of the lands in the gorge of the mountains, from the mouth of Braddock's Run towards Cumberland, that may be necessary for the accommodation of the canal, and works of the Chesapeake and Ohio canal company, or for the main route of the Baltimore and Ohio Rail Road, or that may be within the limits of either of the public roads there now existing, except to cross these roads without injury to the same; and *provided also*, that full right and privilege is hereby reserved to the citizens of this State, or any company now or hereafter to be incorporated, under the authority of this State, to connect with the rail road hereby provided for, any other rail road, if in the opinion and judgment of the commissioners of Allegany county for the time being, passed upon full hearing of all parties interested, no injury would be done by such connection to the rail road of said company, and that the said company shall transport on their said rail road, upon any rail ways connected, or which may be connected therewith, at the rate of one cent a ton per

Restriction in the  
gorge of the  
mountains

Rate of toll