

CHAP. 324.

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 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 Boston and New York Coal 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, or any other rail road, if in the opinion and judgment of the commissioners of Allegany county for the time being, passed upon 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 the said rail road, upon any rail way connected or which may be connected therewith, at the rate of one cent a ton per mile on all goods, merchandise or property of any description whatsoever transported on said rail road or on any lateral way which they may construct, and also not exceeding two cents per mile for each passenger transported on said road; *Provided always*, that when any car shall be placed on said rail road, it be adopted in size and all necessary particulars to said rail road; *And provided further* that the Legis-

Proviso

Proviso

Rate