

CHAP. 334. agents and servants, the same not being contrary to any law of this State or of the United States.

Right to tax

SEC. 7. *And be it enacted,* That nothing in this act contained, shall be construed to restrict the right of the Legislature, which is hereby expressly reserved in its fullest extent, to impose and levy from time to time and at all times hereafter, such tax as the General Assembly may deem proper by license or otherwise on the estate, funds, and property in which the capital stock of said company hereby incorporated, shall be invested, in common with similar property, funds or estate of any other company, corporation, or individuals of this State.

Prior rights

SEC. 8. *And be it enacted,* That nothing in this act shall be so construed as to prevent the Chesapeake and Ohio Canal Company, or the Baltimore and Ohio Rail Road Company from taking possession of the route which shall and may be located for the rail road or roads incorporated by this act, whensoever or whatsoever they shall be found necessary for the purpose and use of either of said works; *Provided,* that the sum or sums of money laid out and expended by said company in making said road or roads, be refunded to them by the company taking the road as aforesaid.

Proviso

Powers and rights of company

SEC. 9. *And be it enacted,* That for the purpose of enabling the said company to transport the produce of their mines over that part of the county through which their rail road may pass in the cheapest and most expeditious 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 or roads, and their necessary appertences, beginning the same at the mines of the said company, and running to a convenient point or points on the Potomac above the town of Cumberland, in this State, and for the using, preserving and controlling in perpetuity, the said rail roads and their necessary vehicles and appertences and every part thereof, or borrowing money on the credit of the company for its lawful purposes, which by the act incor-

Authority to use said rail road