

and dam as aforesaid as the said company, upon examination shall deem best, beginning at Westernport or the mouth of Savage river, or at such convenient point in that vicinity, as the said company may select and determine, and running by the most eligible route, either pursuing the course of the river or deviating from it, as may be deemed expedient, to some suitable point on the basin of the Chesapeake and Ohio Canal at or near the town of Cumberland, or at some point on the pool of dam number eight of said canal, above the town of Cumberland, the said improvement being intended to be employed principally as a feeder to the Chesapeake and Ohio Canal, from the coal fields of Westernport and the North Branch of the Potomac; and in the event of the said President and Directors being unable to agree with the owners of lands, through which the said improvement is intended to pass, for the right of way and the site of their said work, the said President and Directors are hereby authorized and empowered to condemn all such lauds as may be necessary for the construction of said locks, dams, abutments, canals, lock-houses, rail roads, embankments, or other works or appurtenances whatsoever, as is given to the Baltimore and Ohio Rail Road Company by its charter, or by any supplement thereto; *provided*, that no private property shall be taken or condemned for the use of said company, without just compensation, as agreed upon between the parties, or awarded by a jury is first paid or tendered to the party entitled to such compensation; *provided further*, that in determining the amount of compensation, which ought to be made by said company, to the party or parties, through or upon whose lands such rail road or canal shall be located and made, the jury shall make no allowance or deduction on account of any real or supposed benefits, which the parties in interest may derive from the construction of said rail road or canal; *and provided further*, that all costs and expenses, which may accrue in consequence of the condemnation of any lands or materials for the use of said rail road or canal, shall be paid by said company.

Provisos.

Shall provide
motive power,
&c.

Sec. 6. *And be it enacted*, That the railroad which it shall locate and construct by this act,