

## CHAP. 291.

## CHAPTER 291.

Passed Mar. 22, 1833 *An act to provide for the continuation of the Baltimore and Ohio Rail Road to Harper's Ferry, and for other purposes.*

Rail Road Comp<sup>y</sup> may subscribe for 2,500 shares canal stock.

Section 1. *Be it enacted by the General Assembly of Maryland,* That the Baltimore and Ohio Rail Road Company be, and it is hereby authorised to subscribe for twenty-five hundred shares of the stock of the Chesapeake and Ohio Canal Company, and to pay, whenever the Baltimore and Ohio Rail Road shall be completed to Harper's Ferry, upon the terms hereinafter stipulated, such proportion of said stock as shall be proportionally equal to the amount which shall at that time have been paid on the stock held by the State in the said Canal Company, the balance of the stock so subscribed by the said Rail Road Company to be paid as the capital stock generally of the said Canal Company, shall be called in and paid.

When to pay for.

When Rail Road is completed to Harper's Ferry.

Assent given to act of Virginia of 27th February 1829

Sec. 2. *And be it enacted,* That whenever the Baltimore and Ohio Rail Road shall be completed, upon the terms hereinafter stipulated, to Harper's Ferry, the assent of this State be, and the same is hereby given, to an act of the General Assembly of the State of Virginia, entitled, "an act further to amend an act incorporating the Chesapeake and Ohio Canal Company, which passed February the twenty-seventh, eighteen hundred and twenty-nine, and to another act of the same state, entitled, "an act to amend the charter of the Chesapeake and Ohio Canal Company, by authorising the commencement of the western section of the canal, which passed February the thirteenth, eighteen hundred and thirty; *Provided,* that in the exercise of the powers conferred upon the Chesapeake and Ohio Canal Company by the first of those acts of selling or otherwise disposing of surplus water, an absolute sale shall in all cases be made of such surplus water, by conveyance in writing; *and provided also,* that the said Chesapeake and Ohio Canal Company shall not at any time, or at any place, be authorised to sell or dispose of surplus water, when such sale, by diminishing the quantity of water in the bed of the river, shall injure the water rights of any individual whatsoever; and no part of the said surplus water, authorised to be disposed of by the said act, shall be applied anywhere within this State, to the manufacture of any species or description of grain; *and provided also,* that the tolls charged on the said canal for the transporta-

And of 15th February, 1830.

Provided.

No sale of surplus water except by writing.

No violation of private water right

No sale for manufacture grain.