

tion of flour, meal, or other manufactured grain, shall be the same, weight for weight, with the tolls charged for the transportation of the unmanufactured grain.

CHAP. 282.

No difference in toll between manufactured & unmanufactured grain.

Sec. 3. AND WHEREAS, the Baltimore and Ohio Rail Company, are desirous to extend their road up the north side of the Potomac River, as far as Harper's Ferry, and the state of Maryland being deeply and equally interested in the successful prosecution of the Baltimore and Ohio Rail Road, and the Chesapeake and Ohio Canal, and believing that the successful prosecution of the Baltimore and Ohio Rail Road, will depend upon its being permitted by the Chesapeake and Ohio Canal Company to pass at and near the Point of Rocks to Harper's Ferry; *be it therefore further enacted*, that the special grants made by the first and second sections of this act, be and the same are hereby made upon the following conditions and with the following restrictions:—

Desire of R. Road Company and interest of the state in the route.

Condition of the foregoing grant.

I. That the Rail Road Company shall be permitted by the Canal Company, as soon as the canal shall be completed, that is by the 10th day of May next, between the Point of Rocks and Harper's Ferry, to extend their rail road, with a breadth of twenty feet, through the difficult passes of the Potomac, from the Point of Rocks to Harper's Ferry, and that the Canal Company in the interim shall so conduct their work at each of these passes, as not to augment the difficulty of constructing the rail road, with the breadth aforesaid, along the upper side of the canal, through those passes.

Permission to extend Rail road &c.

II. The difficult passes here meant; are the four passes called the Lower Point of Rocks, the Upper Point of Rocks, Miller's Narrows, and Harper's Ferry Narrows, as far up the same as the present bridge over the Potomac, and their length is the same as that reported by the engineers, Nathan S. Roberts, and Jonathan Knight, in the proceedings in the Court of Chancery of Maryland, in the suit depending in that court, in which the Baltimore and Ohio Rail Road Company were the complainants, and the Chesapeake and Ohio Canal Company were the defendants, and in these passes the canal shall be reduced in breadth where there shall be a necessary or unavoidable interference between the canal and rail road, to fifty feet at the water surface, and the rail road, as before stated, to twenty feet; the reduction of the former to be effected, where in those passes the breadth of the canal exceeds fifty feet, by subtracting from the said breadth at the berm side of the canal, but where such interference does

Difficult passes defined.

Dimension of canal &c. therest.