

PHILIP F. THOMAS, ESQUIRE, GOVERNOR. 1847.

SEC. 6. *And be it enacted*, That for the purpose of CHAP. 306, enabling the said company to transport the produce of Authority to the mines and the produce of the country through make road. which their rail road shall pass in the cheapest and most expeditious manner, the said company and the president and directors thereof shall be and they are hereby respectively invested with all and singular the rights, powers, privileges, authorities, immunities and advantages for the surveying, locating, establishing and constructing a rail road and its necessary appurtenances, beginning the same at the mines of said company and running to a convenient point or points on the basin 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 in perpetuity 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 for the benefit of its incorporators given, granted, authorised and secured to 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 Provisoes. the said Withers' Mining company to occupy or use any portion of the lands that may be necessary for the accommodation of the canal and works of the Chesapeake and Ohio canal company, or 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 any other rail road, if in the opinion and judgment of the commissioners of Allegany county for the time being passed upon full hearing of all the parties interested, no prejudice would be done by such connexion to the said rail road of said company; *provided always*, that when any car shall be placed on said rail road, it be adapted in size and all necessary particulars to said rail road, and shall run on said rail road in accordance with the regulations of said company for running their cars, it shall be lawful for said company to charge, demand and receive for all persons and property transported on the said rail road which they are authorised to construct from their mines to the canal, the