

not constituting a necessary part of the channel or direct water-way of said canal, and whether said strips and parcels shall be required for said right of way and roadway of said railroad, or for piers and other structures requisite to support its bridges on its right of way, or crossing said canal.

SEC. 5. *And be it enacted*, That the Western Maryland Railroad Company be and it is hereby expressly authorized to condemn as aforesaid for its use in perpetuity as a part of the right of way for its railroad as now located thereon, such pieces and parcels of ground of said canal company (or any interest therein as aforesaid) on the southern or towpath side of the same, lying adjacent to, or on the outer edge or side of the towing path thereof, as shall be required for the placing and erection thereon of piers and other works proper to support the said bridges and railroad across said canal and said Potomac valley and river at the places where said railroad is now located, or at such other places as it may be found necessary to cross said canal; and also to condemn the easement of the use of any requisite parcels of ground on the southern or towpath side of said canal outside the towpath thereof upon which to deposit waste material to be taken from the north side of said canal across to the south side thereof, as herein-after provided, such waste material, however, shall be deposited in such places and in such a way that it will not substantially or injuriously diminish or contract the flood area of the Potomac river; and the Board of Public Works of Maryland is hereby authorized to permit any other crossings of said canal by said railroad that shall be found necessary and to approve such plans and fixtures therefor as it shall see fit; but no part of said towing path shall be occupied by said railroad, piers, bridges or other structures in such a way as to obstruct the free passage along the same, or transportation on and along said canal. And said Western Maryland Railroad Company shall, before it attempts to exercise any of the rights of condemnation given to it by this Act, as to the said canal lands, and within sixty days after the passage of this Act file with the Secretary of State, who shall have official custody thereof, a plat or plats, showing said line of railroad and the limits of the whole right of way thereof as now located and laid out on the ground as aforesaid between said Big Pool, in Washington County, and the point of its connection in Mineral County, West Virginia, near Cumberland, Maryland, with the West Virginia Central and Pittsburg Railway Company.

Condemnation  
of land along  
the canal.

To deposit  
waste mater-  
ial.

Plats to be  
filed with  
Secretary of  
State.

SEC. 6. *And be it enacted*, That the Western Maryland Railroad Company be and it is hereby expressly authorized to con-