

stituted against said Washington and Cumberland railroad company by any person or corporation whatever, or unavoidably and in good faith instituted by said Washington and Cumberland railroad company to acquire or establish its title by condemnation proceedings or otherwise, then the time above named shall be enlarged so as to cover the period during which the operations of said company shall be so delayed; the said Washington and Cumberland railroad company shall succeed to, use and enjoy all the water-rights of the said Chesapeake and Ohio canal company, and may sell, lease or otherwise dispose of the same as it may deem desirable, and that these water-rights may be the more effectually used and enjoyed, it shall be the duty of the said Washington and Cumberland railroad company to maintain so much of the said canal and such of the dams across the Potomac river, and especially so much of the Georgetown levee thereof as said railroad company may deem necessary or desirable; in consideration of the execution of said lease said Washington and Cumberland railroad company shall within six months from the execution thereof pay to the treasurer of this State, who shall receive the same under the responsibilities of his office, a sum equal to the principal and accrued interest of the repair bonds issued under the act of eighteen hundred and seventy-eight, chapter fiftv-eight, which sum said treasurer shall at once apply to the payment or purchase of said repair bonds and coupons thereon; also a sum of seventy thousand dollars to be applied to the payment of the outstanding claims against said Chesapeake and Ohio canal company for the work and labor done and material furnished in and upon said canal which accrued between January the first, eighteen hundred and seventy-seven, and January the first, eighteen hundred and ninety, which claims upon the presentation by the owners thereof, duly sworn to and certified to be correct by the president and treasurer of the Chesapeake and Ohio canal company, the treasurer of the State is hereby directed to purchase and pay for with said sum; also a sum equal to the outstanding judgment for about thirty thousand dollars and interest thereon recovered in the circuit court for Allegany county at the October term, eighteen hundred and eighty-eight of said court, by William Walsh and others against said Chesapeake and Ohio canal company, which amount the treasurer shall in like manner apply to the purchase or payment of said outstanding judgment and interest thereon; upon the payment by the treasurer with said sums so received by him from said Washington and Cumberland railroad company of said repair bonds and coupons thereon of said outstanding claims for labor and materials and said judgment, this State shall be held to be subrogated to the rights of the holders of said repair bonds and coupons of said claims for labor and materials and of said judgment, so that the said debts shall not be extinguished by such payments, but shall

Washington & Cumberland R. Co.

To pay interest.

Liabilities.