

least two passenger and two freight trains daily in both directions upon said railroad for the whole distance thereof, unless prevented by floods or unavoidable accidents. Trains.

SEC. 6. *And be it further enacted*, That in case any of the holders of the bonds issued under the act of eighteen hundred and forty-four, chapter two hundred and eighty-one, shall fail or refuse to accept their *pro rata* share of the sum thereof provided to be paid by said Washington and Cumberland railroad company to the treasurer of this State for the redemption of the said bonds, or for any other cause, in the discretion of the president and directors, it shall be lawful for said Washington and Cumberland railroad company or its attorney or attorneys, duly constituted according to law, as the assignee of the mortgage executed by said Chesapeake and Ohio canal company to the State of Maryland, and of the other liens and mortgages hereinbefore mentioned, to proceed to sell at public sale the whole of said Chesapeake and Ohio canal and all its property, works and water rights under said mortgages and liens, upon giving ninety days' notice of the time, place and terms of sale, to the highest bidder, at which sale it shall be lawful for said Washington and Cumberland railroad company to purchase said mortgaged property; such sale shall be reported to the circuit court for any of the counties of Allegany, Washington, Frederick or Montgomery for ratification, and thereupon there shall be the like proceedings as are provided for by the Code of Public General Laws, article sixty-six, title "Mortgages," and such court shall pass such order or decree touching such sale and the distribution of the proceeds thereof as may be right, with the same right of appeal to all parties to said proceedings as is now allowed by law; and in case at such sale the said Washington and Cumberland railroad company shall become the purchaser of said canal and its works and such sale shall be finally ratified, the said annuity of fifteen thousand dollars redeemable as hereinbefore provided shall not cease, but shall continue to be payable and redeemable by said company as fully to all intents and purposes as if said sale had not been made; and in case it shall be decided by the court of last resort that the holders of the preferred construction bonds issued under said act of eighteen hundred and forty-four, chapter two hundred and eighty-one, are not entitled to said proceeds of sale or any part thereof, then this State shall be entitled to receive from said Washington and Cumberland railroad company such portion of said twenty-five per cent. of the principal of said bonds hereinbefore provided to be paid by said company to the State treasurer for the purchase or payment thereof, as shall not be applied by the State treasurer for that purpose; it being the intention of this act that in the event of a final adjudication that said bonds issued under said act are not entitled to be paid out of said net To sell  
Proceeds.