

the main canal at Cumberland, so far as is necessary for the purposes aforesaid, be and the same are hereby appropriated and pledged, any thing herein contained to the contrary notwithstanding; provided, that the cost of said branch from Cumberland to or near the mouth of Savage, shall not exceed the sum of one million of dollars.

“Sec. 10. And be it enacted, That nothing in this act contained, nor any provision thereof, nor any thing done under the same, shall be construed to take away, or in any manner impair the right of the State of Maryland, to foreclose any mortgage or mortgages, or enforce any lien or liens heretofore executed to the said State, by the said Chesapeake and Ohio Canal Company, whenever the said State by a resolution of the General Assembly, shall order or direct the same to be done; nor shall it be necessary to make any person or persons, owning or interested in any of the bonds, liens, or mortgages, that may be issued as provided for in this act, parties to any proceedings that may be instituted for that purpose; and in case any mortgage or mortgages as aforesaid shall be foreclosed, the capital stock, estates, goods, chattles, rights and securities, tolls and revenues of the said canal, shall be held by this State, subject to all the liens and pledges by this made, created and provided for; and the State shall take for its own proper use, no part of the tolls or revenues of said canal, until the interest on the bonds mentioned in the third section of this act together with the sinking fund for the payment of the principal thereof, shall be fully paid or provided for; and the holders of the canal scrip, and other creditors of the said canal company, for work actually performed, are hereby authorised to become assignees of the stock of the State in said company, to the extent of their respective claims, and the Treasurer of the State is hereby authorised and directed, to transfer to the holder or holders of such scrip, or claims against the said company, as many shares of the preferred stock held by the State in the capital stock of said company, as may be equivalent at par, to the amount of scrip or claims as aforesaid, held by the said assignees respectively, and and they shall thereafter share with the State in all dividends payable upon such preferred stock as aforesaid, in such proportion as the amount so assigned to them may bear to the whole amount of the preferred stock now held by the State in said company under the acts of December session eighteen hundred and thirty-four, chapter two hundred and forty-one, of December session eighteen hundred and thirty-five, chapter three hundred and ninety-five, and December session eighteen hundred and thirty-eight chapter three hundred and ninety-six; and the scrip or other evidence of debt against said company shall thereupon be assigned to the State, and the State shall be substituted in the place of such assignees of stock as to all their rights against said company, in virtue of said scrip or other evidence of debts; provided, that the Treasurer of the State shall by advertisement published at least once a week for at least four successive weeks previous to the first day of Sep-