

exceeding seven per cent. per annum, to be payable semi-annually, and the principal to be payable in thirty years after the dates thereof, and to provide a sinking fund of twenty thousand dollars annually, until a sufficient amount is accumulated to discharge the principal of said bonds when they become due, the nett tolls that may hereafter accrue and be received on said branch between the mouth of Savage and Cumberland, and the one-half part of the tolls that may be received by the said company for the use of the main canal for the transportation from Cumberland eastwardly, of articles loaded on said branch at any point west of Cresaptown, and introduced from the same into 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; and the said company are hereby further authorised and required, by any proper form of security, to pledge or mortgage the tolls and profits by this section appropriated to the purposes aforesaid: *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: *And provided also*, that nothing done under this section shall be construed to deprive said company of its right of choice in the selection of a route for the main canal from Cumberland westwardly, whenever it sees fit to exercise the same agreeably to the provisions of its charter; and to enable the said company to carry into full effect the provisions of this section, the priorities of this State upon the tolls of the said canal to the extent herein mentioned shall be, and are hereby further deferred and postponed.

SEC. 12. *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 whereon 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 or executed, 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, chattels, 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 act 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 first section of this act, together with the sinking fund for the payment of the principal thereof, shall be fully paid or provided for.