

said order shall not be passed until after notice to the Company, and an opportunity has been given it to be heard as to such supposed necessity, and that at all such points where the track of any other Railroad Company now existing, or hereinafter to be created and worked by steam, crosses or intersects any turnpike, public road, street or highway, as may be so designated by such County Commissioners, it shall be the duty of the Railroad Company or Corporation owning or using said track to station a guard of at least one person, and it shall be the duty of such guards to warn all persons who may be lawfully upon such street, avenue, turnpike, public road or other highway, of the approach of all locomotives or trains of cars, by displaying in as conspicuous a manner as possible, a flag by daylight, and a colored light during the hours of darkness, and so continue such display, said flag or light, as the case may be, during the continuance of all locomotive or trains of cars in the vicinity of such crossings or points of intersection.

SEC. 2. *And be it enacted*, That if any such Railroad Company or Corporation, owning or using any track, shall fail, neglect or refuse to comply with the provisions of the preceding section, it shall be liable to a fine of not less than twenty-five dollars, nor more than fifty dollars, for each and every day of failure, neglect or refusal to comply with the provisions of the preceding section, to be collected as small fines are collected under existing laws of this State.

SEC. 3. *And be it enacted*, That if any such Railroad Company or Corporation shall fail, neglect or refuse to comply with the requirements of the first section of this Act, on or before the first day of July next ensuing the passage of this Act, then it shall be the duty of the County Commissioners of Baltimore county to station guards and flagmen at the points indicated, mentioned and directed in this Act to be guarded, which guards and flagmen so appointed, shall be paid by the Railroad Company or Corporation whose crossings or intersections or other points are guarded as aforesaid, and the pay of each such guard or flagman shall not be less than a dollar and a-half, or more than five dollars a day, to be fixed and determined by said County Commissioners at the time of their appointment.

SEC. 5. *And be it enacted*, That if any such Railroad Company or Corporation shall fail, neglect or refuse, for the period of sixty days, to pay the wages of any guard or flagman appointed in compliance with the terms of this Act, by the County Commissioners of said county, then the same shall be paid by said County Commissioners, and the said County Commissioners shall forthwith proceed, by suit or action at law, against said Railroad Company or Corporation, upon