

## CHAP. 79.

Tolls prescribed

Restrictions, B.  
& O. R. R. C.Crossing high-  
ways, &c.Penalty for da-  
maging

provided, and as soon as any portion of said road shall be completed, under and by virtue of this act, the company completing the same, shall be empowered and entitled to charge and take tolls for freight and transportation thereon at the rates now allowed by the charter of the said Baltimore and Ohio Rail Road Company; *provided*, that it shall not be lawful for the said company, to reduce the tolls on their said road below the tolls charged on the Baltimore and Ohio Rail Road, east or west of the point of junction of the said road therewith, and in case the said company should, at any time charge tolls less than the tolls last aforesaid, except in the article of coal, the actual produce of the mines of Maryland, and in the article of lumber, the Legislature reserves the right and power to annul and revoke all and singular the rights and privileges hereby granted; *provided always*, said rail road shall be so constructed as not at any time to obstruct or impede the free use and passage of the Baltimore and Ohio Rail Road, or of any public road which it may pass along or intersect; *and provided also*, that the right of the Baltimore and Ohio Rail Road Company to occupy such and so much land as may be necessary for the construction of its road, in case it shall be extended westerly beyond Williamsport along the ravine of the Potomac, or between Hagerstown and Williamsport, and the North Mountain, in the ravine of said river, be, and the same is hereby reserved as a prior right, notwithstanding the actual prior construction of the Franklin Rail Road; *and provided also*, that whenever the said Franklin Rail Road, shall cross any one of the public highways of Washington county, it shall be the duty of said company so to locate and construct their road as to make the same public highways capable of being travelled with facility and convenience by the public; *and provided also*, that whenever the said road shall be located through the land of any individual, it shall be the duty of said company to provide for such individual at least one convenient wagon way from one part of his land to another.

SEC. 5. *And be it enacted*, That if any person or persons shall wilfully and maliciously, by any means injure or destroy any part of the road hereby authorized to be constructed, or any of the works, buildings, ve-