

rectors before they shall proceed to use said material or take possession of said lands; *Provided*, that in laying out and opening said road passing the same over any part of any field on which there is a growing crop, said field shall not be opened or taken possession of as aforesaid until after said crop growing has been gathered; *Provided, also*, that in the removal of material for the construction of said road, the right of removal shall be vested in said company, but the same rule shall apply to the non-injury of any growing crops, at the time when said material may be wanted, unless the consent of the owner or occupants first had and obtained.

CHAP. 267.  
Provisos.

SEC. 9. *And be it enacted*, That if any person shall alter or change or in any manner obstruct or encroach upon said road or any part thereof, cut down or destroy any toll or turnpike gate thereon, or cut, destroy, deface or remove any mile-stone set up by said road company on the route aforesaid, or place any obstruction whatsoever on said road or make any pit or dangerous hole therein, such person or persons so offending may be indicted in the Circuit court of Frederick county aforesaid, and being thereof convicted shall be fined in the discretion of the said court for the use of the said corporation or imprisoned according to the nature of the offence; *Provided, nevertheless*, where the damages or injury thus committed shall not be laid at more than twenty dollars, for each offence, and in the whole not more than fifty dollars, the same may be sued for and recovered before a justice of the peace in and for Frederick county, as small debts or damages are recovered.

Road protected from injury.

Proviso.

SEC. 10. *And be it enacted*, That the president and directors of the said road company shall have full power to demand and receive annually after said road is put in operation, and during the time said road is in progress, all such sum or sums of money from the county commissioners as is now levied for the repairs of the said road, such pro rata or allowance as is just and equitable, according to the length of said improvement as above provided, and that it shall be the duty of the county commissioners of Frederick county annually thereafter to place upon the county levy for the benefit of said road company such fair pro rata allowance as is required in their judgment, and is allowed for the road according to its length in said neighborhood,

Annual levy.