

the company or companies owning and operating such railroad or railroads, whose track is or tracks are to be crossed, as to the compensation and terms upon which such crossing or crossings shall be made, then the said railroad company may condemn the easement of such crossing or crossings, in the same mode prescribed for the condemnation of the lands of individuals, in and by section 167 of this article; provided, that if any of the said crossings shall be made at grade, then the said railroad company shall, at its own expense, erect a proper signal station at such crossings, and keep a watchman thereat; and the trains of the company owning or operating the said road so crossed at grade, shall have precedence over the trains of the company so crossing said track or tracks; and provided further, that if the said crossings shall be under or over grade, they shall be so constructed by the said railroad company so crossing, as not to interfere with the passage of trains under or over the same by the company or companies operating the railroad so crossed.

P. G. L., (1860,) art 77, sec. 1. 1838, ch. 244, sec. 1. 1841, ch. 266.  
 1846, ch. 346.

**198.** Railroad companies shall be responsible for injuries resulting in death or otherwise, inflicted upon any stock, as cattle, horses, sheep, hogs, and so forth, or by fire occasioned by their engines or carriages, upon any of their roads and the branches thereof, unless the said companies can prove, to the satisfaction of the justice or other tribunal before which the suit may be tried, that the injury complained of was committed without any negligence on the part of the company or its agents.

Balto. & Susq. R. R. Co. v. Woodruff, 4 Md. 242. Scaggs v. Balto. & Wash. R. R. Co., 10 Md. 268. Balto. & Ohio R. R. Co. v. Lamborn, 12 Md. 257. Keech v. B. & O. R. R. Co., 17 Md. 32. B. & O. R. R. Co. v. Dorsey, 37 Md. 19. B. & O. R. R. Co. v. Shipley, 39 Md. 254. B. & O. R. R. Co. v. Mulligan, 45 Md. 493. West. Md. R. R. Co. v. Carter, 59 Md. 308. North. Cent. R. W. Co. v. Ward, 63 Md. 362. Green Ridge R. R. Co. v. Brinkman, 64 Md. 60.

Ibid. sec. 2. 1838, ch. 244, sec. 1.

**199.** The damages caused by such injuries may be sued for and recovered by the owner of such stock, or the person injured by fire, before a justice of the peace, when the damages claimed shall not be over one hundred dollars, and in the circuit court for