

ARTICLE LXXVII.

Rail Roads.

SEC. 1. Rail Road 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. This section to apply to negroes and all other property, real or personal.

2. 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 the county or the court having civil jurisdiction over the amount claimed in the city of Baltimore, when the amount claimed exceeds one hundred dollars.

3. The damages claimed under the first section of this article shall be sued for in the county or city where the injuries shall have been done, and a summons served upon the president, or any of the directors or conductors of any of said companies, shall be considered proper service upon the corporation; *Provided*, said service shall be made at least twenty days before the return day of the writ.

4. If the company summoned shall not appear to answer at the time named in the summons, on the return of two summons served as aforesaid, the court or justice shall proceed to enter up judgment against said corporation as if the said corporation had regularly appeared, but such judgment shall not be rendered until affidavit shall be filed showing the name of the president, director or conductor on whom said service was made, and the day of said service, and any property belonging to the corporation shall be liable for the amount of such judgment.