

or any navigable water, the said company shall file with the board of public works the plan of the bridge and other fixtures for crossing such canal or navigable water, designating the place of crossing; and if the said board shall approve of such plan, it shall notify such company in writing, of such approval; but if the said board shall disapprove such plan, or fail to approve the same within twenty days from the filing thereof, then it shall be lawful for such company to apply to the circuit court, or any judge thereof in vacation; and upon reasonable notice being given to the members of the board of public works, said court or judge shall, upon good cause shown, appoint a competent, disinterested engineer, not a resident of any county through which said road passes, to examine such crossing and to prescribe the plan and condition thereof, so as not to impede navigation; and such engineer shall, within twenty days from his appointment, make his return to the circuit court for the county where such crossing is to be made, subject to exception by either party; and thereupon the court shall, at the next term after the filing of said return proceed to examine the same, and unless good cause is shown shall approve and confirm the same, and such order of confirmation shall be sufficient authority for the erection, use and occupancy of such bridge in accordance with such plan; provided, that no railroad company shall be authorized to construct any permanent bridge over any canal of this State, which shall be less than twelve feet in the clear above the top water-line of said canal, and the piers and abutments of such bridge shall be placed so as not in any manner to contract the width of the canal, or interfere with free passage on the towing-path.

The purpose of this section was not to grant the power to railway companies incorporated under this article to bridge navigable streams, but to regulate the method of constructing bridges by companies having the right to build them. This section construed in connection with section 131—see notes thereto. *Dundalk, etc., Co. v. Governor Smith*, 97 Md. 178.

Where the property of a canal company is being administered by a court of equity, no appeal lies from an order of that court granting leave to a railroad company to erect a proposed bridge subject to the payment of such damages as the canal company might thereby sustain. *Chesapeake, etc., Canal Co. v. Western Md. R. R. Co.*, 99 Md. 572.

See sec. 131.

1904, art. 265. 1888, art. 23, sec. 178. 1876, ch. 242, sec. 22.
1890, ch. 553.

283. It shall be lawful for any railroad company heretofore or hereafter incorporated under the laws of this State to consolidate with any other railroad company incorporated under the laws of this or any other State, or of the United States, whose railroad within or without this State shall connect with or form a continuous line with the railroad of the company so consolidating upon such terms as may be agreed upon; provided, however, that the agreement for such consolidation shall be submitted to the stockholders of the railroad company incorporated under the laws of this State at a special meeting called for considering the same, and shall be sanctioned by the holders of a majority of the stock of such company, and if sanctioned at such meet-