

1904, art. 23, sec. 285. 1888, art. 23, sec. 196. 1886, ch. 294, sec. 3.

305. It shall be the duty of said county commissioners to enforce the payment of fines imposed by the preceding section, as other fines are collected, before the circuit court for said county; and the state's attorney thereof shall attend to the prosecution of all such suits when directed so to do by the the said county commissioners.

Ibid. sec. 286. 1888, art. 23, sec. 197. 1886, ch. 107.

306. Every railroad company of this State, heretofore or hereafter incorporated, wherever it shall find it necessary in the construction of its railroad or any lateral branch, is hereby authorized to cross at, under or over grade any railroad now or hereafter constructed; and if the said railroad company cannot agree with 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 269 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.

Ibid. sec. 287. 1888, art. 23, sec. 198. 1860, art. 77, sec. 1. 1838, ch. 244, sec. 1. 1841, ch. 268. 1846, ch. 346.

307. 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.

Application and effect of this section.

This section changes the recognized burden of proof, but makes no other change either in the general law or the law regulating the burden of proof in other cases. This section held to have no application. *Belt R. R. Co. v. Sattler*, 100 Md. 324. And see *Annapolis, etc., R. R. Co. v. Pumphrey*, 72 Md. 87; *Annapolis, etc., R. R. Co. v. Gantt*, 39 Md. 115; *Baltimore, etc., R. R. Co. v. Woodruff*, 4 Md. 256.

History and object of this section; its operation will not be extended by equitable construction. It has no application in a suit by a passenger for personal injuries nor did it apply to cases of the killing or injuring of slaves. *Scaggs v. Baltimore, etc., Ry. Co.*, 10 Md. 275.