

An. Code, sec. 281. 1904, sec. 263. 1888, sec. 176. 1876, ch. 242, sec. 20.

216. Each and every railroad company incorporated under this article, shall annually, in the month of January, make a full report of the condition of its affairs to the comptroller, showing the amount of the capital stock of such company; the gross amount of tolls or receipts, during the previous year; the cost of repairs and incidental expenses; the net amount of profits, and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such road; and the comptroller shall present an abstract copy of such report to the general assembly at each session thereof.

An. Code, sec. 282. 1904, sec. 264. 1888, sec. 177. 1876, ch. 242, sec. 21.

217. Whenever the line of any railroad company now existing, or which may hereafter organize under this article, shall cross any canal, 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 sec. 158—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. 158.