

locomotives or trains, or a system of electric alarm bells, to give such notice at the approach of trains, or shall erect safety-gates at said crossing, which shall be closed not less than one-half minute before the passage and during the passage of every railroad train or locomotive across said highway; or shall change the said grade crossing so as to pass said highway with an under or over grade crossing, in which case neither a flagman nor safety-gate shall be required.

This section referred to in deciding that the failure of a railroad company to place a flagman at a crossing was not *per se* negligence. Northern Central Ry. Co. *v.* Medairy, 86 Md. 175; Cowen *v.* Dietrick, 101 Md. 49.

This and the following section, referred to in holding invalid the act of 1908, ch. 398 (a special law directing a certain railroad company to maintain safety-gates and flagmen at certain crossings). Prince George's County *v.* B. & O. R. R. Co., 113 Md. 184.

Re. investigation of accidents by public service commission, see sec. 372.
See secs. 213 and 251.

An. Code, sec. 304. 1904, sec. 284. 1888, sec. 195. 1886, ch. 294, sec. 2.

241. If any railroad company shall neglect or refuse to comply with the requirements of the said county commissioners, as provided for by section 240 said railroad company shall be liable to a fine of twenty-five dollars per day for each and every day it shall neglect or refuse so to do.

See notes to sec. 240.

An. Code, sec. 305. 1904, sec. 285. 1888, sec. 196. 1886, ch. 294, sec. 3.

242. 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 said county commissioners.

An. Code, sec. 306. 1904, sec. 286. 1888, sec. 197. 1886, ch. 107.

243. 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 203 of this article; provided, that if any of the said crossings shall be made at the 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 and 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.

See notes to secs. 346 and 379.