

This section referred to in discussing the burden of proof in a suit under art. 67, "Negligence Causing Death." *Tucker v. State*, use *Johnson*, 89 Md. 490 (dissenting opinion).

Cited but not construed in *State v. Baltimore, etc., Co.*, 13 Md. 189.

As to fire prevention along railroad tracks and the duty of the department of forestry, railroad companies and owners in connection therewith, see art. 39A, sec. 34, *et seq.*

An. Code, sec. 308. 1904, sec. 288. 1888, sec. 199. 1838, ch. 244, sec. 1.

245. 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 courts having civil jurisdiction over the amount claimed in the city of Baltimore, when the amount claimed exceeds one hundred dollars.

A mortgagor, being the substantial owner, may sue for injuries to property under this section. *Annapolis, etc., R. R. Co. v. Gantt*, 39 Md. 141; *Arnd v. Amling*, 53 Md. 200.

An. Code, sec. 309. 1904, sec. 289. 1888, sec. 200. 1838, ch. 244, sec. 2.

246. The damages claimed under section 244 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.

This section referred to in deciding that a turnpike company might be sued in the county where its road is located, where its operations are carried on and where it exercises its corporate powers, although its principal office is elsewhere. *Baltimore, etc., Turnpike Co. v. Crowther*, 63 Md. 572.

An. Code, sec. 310. 1904, sec. 290. 1888, sec. 201. 1838, ch. 244, sec. 2.

247. 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 to execution for the amount of such judgment.

An. Code, sec. 311. 1904, sec. 291. 1888, sec. 202. 1868, ch. 471, sec. 217.

248. No railroad or mining company formed or organized under any of the provisions of this article, or which has organized under any existing laws, charter or act of the general assembly of this State, shall own, conduct or carry on any store, or have any interest in any store, or receive any portion of the profits thereof; but nothing herein contained shall prevent the employees of any corporation from forming co-operative stores.

An. Code, sec. 312. 1904, sec. 292. 1888, sec. 203. 1868, ch. 471, sec. 218.

249. Any railroad company incorporated under the laws of this State may own and operate any line of steamships or steamboats, or may sub-