

1888, art. 23, sec. 169. 1876, ch 242, sec. 13.

255. If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation, or public officer, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley or other public way or ground, such company may appropriate so much of the same as may be necessary for the purposes of such road, in the same manner and upon the same terms as provided for the appropriation of the property of individuals by sections 251 and 252; provided, that every railroad company laying down any such track or tracks upon any such public street, road, alley or other public ground, shall be responsible for injuries done to private property by such location, lying upon or near to such public ground, which may be recovered by civil action brought by the owner or owners at any time within two years from the completion of such track or tracks, before the proper court; and provided further, that no railroad company shall be allowed to pass through the city of Baltimore without the consent of the municipal authorities.

Hodges v. Mayor, etc, 58 Md 620. *O'Brien v. Belt R. R.*, 74 Md 364. *Lake Roland Co. v. Webster*, 81 Md. 536. *McColgan v. Belt R. R. Co.*, 86 Md. 326.

Ibid. sec. 169 A.

256. Sections 251, 254 and 255 shall apply to all roads operated by electricity, cable or other improved motive power, and whether incorporated under the provisions of this article or by a special act, and whether the property proposed to be condemned is situated in one of the counties of this State, or in the belt or annexed portions of Baltimore city, where streets and alleys have not been opened and occupied as city streets.

O'Brien v. Balto. Belt R. R. Co., 74 Md. 377. *McColgan v. Balto. Belt R. R. Co.*, 86 Md 326.

Ibid. sec. 170. 1876, ch 242, sec. 14.

257. Such corporation may demand and receive for the transportation of passengers on said road not exceeding three cents per mile, and for the transportation of property on said road, other than coals, ores or other minerals, not exceeding five