

*An act to repair injuries done by Rail Road Carriages and Engines, upon the several Rail Road Companies of this State.* Passed Mar. 20, 1839.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the several rail road companies in this State, shall be responsible for injuries hereafter, resulting in death, or otherwise, inflicted upon any stock, as cattle, horses, sheep, hogs, &c., or by fire occasioned by their engines, or carriages, upon any of their roads and the branches thereof, unless said company can prove to the satisfaction of the justice, magistrate's court, or other tribunal, before which said suit may be tried, that the injury complained of, has been committed without any negligence on the part of said company or their agents; the damages claimed shall be sued for, and be recoverable by action of the owner or owners of said stock, or the person or persons, injured by fire as aforesaid, before a single justice of the peace, when the damages claimed shall not be over fifty dollars; before the magistrates' courts, when the damage shall not be over one hundred dollars, and before the county courts, when the damages shall be over one hundred dollars.

Sec. 2. *And be it enacted,* That the damages claimed under this act, shall be sued for in the county where the injuries shall have been done, and that summons served upon the president, or any one of the directors or conductors of any of said companies, shall be considered proper service upon the corporations; *provided,* that said service shall be made at least twenty days before the day of trial; *and provided,* that if said company shall not appear to answer at the time therein specified, on the return of two subpoenas, served as aforesaid, then the court shall proceed to enter up judgment against said corporation, as if said corporation, had regularly appeared, provided said judgment shall not be rendered, until affidavit shall be filed, shewing the name of the president, director or conductor, on whom said service was made, and the day of said service.