

CHAPTER 346.

CHAP. 346.

An act entitled, a supplement to an act entitled, an act to repair injuries done by Rail Road Carriages and Engines, upon the several Rail Roads of this State, passed December session, eighteen hundred and thirty-eight. Passed March 10, 1847.

SECTION 1. Be it enacted by the General Assembly of Maryland, That the owner of any horse, cow, mule, hog or sheep, &c., killed or injured by the engines or cars of either of the rail road companies of this State, shall recover full damages and costs for such killing or injury, if the amount claimed be not more than one hundred dollars, before a district court, or before a single justice of the peace of the county where such killing or injury may be done, or before the county court of said county, if the amount exceeds one hundred dollars, and said district court, single justice of the peace, or county court as the case may be, shall issue a summons to any officer or agent of said rail road company, which summons shall be deemed sufficient notice, upon the return of which, the said district court, single justice of the peace or county court, as the case may be, shall award such amount of damage and costs as upon the evidence shall seem proper and equitable. Owner may recover.

SEC. 2. And be it enacted, That it shall be competent for said rail road company to prove by disinterested witnesses that the damage or injury sustained, was the result of unavoidable accident, and if satisfactory evidence be adduced before the tribunal trying the issue, said rail road company shall not be liable; but it shall not be competent for said rail road company, in any trial had in pursuance of this act, to adduce the evidence of any conductor, agent or other person in the employ of said rail road company, who may be conducting the engine or driving the cars which may do the killing or injury as aforesaid, or the evidence of any agent or employer who may be acting in the capacity of agent, and responsible as such to said rail road company for negligence, carelessness or willfulness, by which any stock may be killed or injured as contemplated by this act; provided, all parts of the act to which this act is a supplement, shall be complied with, except so much thereof as conflicts with the provisions of this act. Rail road may prove by disinterested witnesses. Proviso.

SEC. 3. And be it enacted, That any property belonging to the said corporation, shall be liable for the amount of all judgments rendered under this act; provided how- Property of corporation liable for judgments.

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Baltimore County,
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