

8.

The burden of proof being upon the petitioner to show his right and power to condemn, and the necessity for condemning, he is entitled to open and close the case. Generally speaking, the burden of proof is upon the party who inaugurates the proceeding; hence he has the right to open and close. *Kenly v. Washington County R. R. Co.*, 129 Md. 7.

11.

See notes to section 1.

12.

There is nothing in article 33A which prohibits the City of Baltimore from condemning property subject to a reservation of a right of way in place of an existing roadway. *Brack v. Baltimore*, 128 Md. 430.

14.

No reference is made in this article to the public service commission act. This section and sections 1, 2 and 3, referred to in construing article 23, section 306, and the public service commission law, particularly section 438—see notes to sections 413 and 438. *City & Sub. R. R. Co. v. W., W. & G. R. R. Co.*, 122 Md. 656.

See notes to article 91, section 34.

Surveys for Public Works.

1916, ch. 649, sec. 1.

18. Civil engineers and surveyors, when they are in the employ of the State, or any County, or any city, town or village of the State, shall have the right to enter upon any private lands, or property for the purpose of making surveys, running lines of levels, or obtaining any needful information or data for the preparation of plans, reports or new legislation necessary for any proposed public sewerage system, water works, establishment of corporate boundaries or any extension of the same, highways or improvements thereto, or any public undertaking of like nature.

1916, ch. 649, sec. 2.

19. Civil engineers and surveyors, when acting under the authority of this sub-title, shall not damage or destroy any property or lands entered by them in the performance of their work, but they shall have the right to set stakes, markers or monuments or other suitable landmarks or reference points where necessary.

1916, ch. 649, sec. 3.

20. No owner, occupant or agent of private lands so entered shall obstruct, impede or annoy civil engineers or surveyors, or their employees, in the performance of their work under this sub-title, nor shall any such owner, occupant, or agent, destroy, obliterate or remove any stakes, markers, monuments or other landmark set or placed by such civil engineers or surveyors; and any owner, occupant, or agent violating the provisions of this sub-title, shall be guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or to imprisonment for not less than thirty days nor more than sixty days, or both, in the discretion of the Court.