

the mayor and city council of Baltimore and the board of estimates, and the price to be charged for new rights, franchises and easements similar to those condemned, shall be the same as the amount of the condemnation award.

The act of 1908, ch. 141, does not give state roads commission authority under police power or otherwise to take or disturb any interest or easement of any corporation otherwise than by agreement, gift, grant, purchase or condemnation. Construing acts of 1908, ch. 141, and 1910, ch. 116, together, commission may not require a railway company to move its tracks at its own cost; intent of said acts was to provide for entire cost of construction and improvement of such roads as might be selected by commission as part of system of state roads; no part of expense was to be borne by electric railway companies, whose rights act declares shall not be disturbed. Agreement between state roads commission and United Railways & Electric Company of Baltimore, construed; as such agreement was made with state roads commission and work done by company was in accordance with former's requirements, liability of parties for cost of work must be determined by act of 1908. That city could require the company to conform its tracks to a change of grade of street is immaterial. *United Rys. & Elec. Co. v. State Roads Com.*, 123 Md. 563.

This section and sec. 40, so far as they confer the power, and regulate procedure of condemnation, were not repealed by adoption of art. 33A of Code, particularly in view of sec. 15 of art. 33A. *Koehler v. State Roads Com.*, 125 Md. 446.

This section referred to in construing sec. 57—see notes thereto. *Weller v. Mueller*, 120 Md. 640.

See notes to sec. 29.

An. Code, sec. 35. 1908, ch. 141, sec. 32C.

29. If the state roads commission shall determine that the public necessity or convenience, or that the purposes of this act require that any turnpike, or part thereof, whether maintained as such by any turnpike company or otherwise, or whether formerly maintained as such and now abandoned by any turnpike company, or that any public road in whole or in part in any county or counties, and forming a section of a through route or continuous thoroughfare between two or more important points in the State, should be taken charge of by said commission for the State for the purposes of this act, then, as to such public road or abandoned or acquired turnpike, whether acquired by purchase or condemnation, the said commission shall file a certified copy of the plan thereof in the office of the county commissioners for the county or the several counties in which said section or sections of road or turnpike may be situated, and setting forth its purpose to acquire and to take over the same, and said commission thereupon, without any further procedure, shall acquire and take over any such and all county roads, turnpikes or sections thereof or interests or rights therein, as in its judgment may be necessary or proper for the purpose of this act, and with full power to widen, relocate, change or alter the grade or location thereof; and said commission shall have full power so to take over and take possession of any county road or abandoned turnpike, and to accept by gift or surrender, and to acquire by purchase or condemnation, any and all existing turnpikes or any sections thereof, or any rights or interests therein, subject to any outstanding occupation, use or franchise of any electric railway company or other public service corporation; and thereafter all highways, however acquired hereinunder, shall be State highways and shall be constructed, improved and maintained by