

of water, to divert the same from its present or existing location or bed; provided, it is not a navigable stream; and it shall be lawful for such corporation, or for any railroad corporation heretofore incorporated under any general or special law, whose railroad now crosses or may hereafter cross any public or private road or highway, to carry said road or highway over its tracks by an overgrade crossing, or to carry it under its track or tracks by an undergrade crossing; and to make such crossings, such corporations may divert any road or highway, so crossed or to be crossed, from its present or existing location; and for entering upon, taking or appropriating any buildings, gardens, yards or other lands which may be necessary for the new route and location of said road so diverted, said corporation may proceed as in case of land necessary for its railroad, under the powers given to it by law, but said corporation shall, without unnecessary delay, place such road or highway or stream in such condition as to not impair its former usefulness; and such corporation shall be liable for damage caused by the diversion of any stream; and when said new road is properly laid out, completed and constructed by said company with such overgrade or undergrade crossings, in a manner satisfactory to the county commissioners of the county where said road is located, it shall be the duty of the said county commissioner to close the old road and grade crossings; and it shall be lawful for such company to close the former grade crossing.

The constitutionality of this section has never been assailed. This section referred to in upholding the validity of art. 33A (as it stood prior to the act of 1914, ch. 463)—see notes thereto. *Pitznogle v. Western Md. R. Co.*, 119 Md. 680.

See secs. 244 and 251, and art. 27, secs. 460 and 461, and notes to sec. 208 (this article).

An. Code, sec. 279. 1904, sec. 261. 1888, sec. 174. 1876, ch. 242, sec. 18.

**214.** Such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper, of such establishment or change.

An. Code, sec. 280. 1904, sec. 262. 1888, sec. 175. 1876, ch. 242, sec. 19.

**215.** Every railroad company organized under this article shall be required to erect at all points where its road shall cross any public road, at a sufficient elevation from such public road to admit of the free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

Assuming that this section applies to electric railways, an automobile accident may not be attributed to the absence of the sign provided for by this section where plaintiff and the chauffeur knew of the proximity of the tracks and did look and listen for car. *Glick v. Cumb. & W. Elec. Ry. Co.*, 124 Md. 318.

As to the investigation of accidents by public service commission, see sec. 372. See art. 27, secs. 460 and 461.