

to make all rules and regulations governing their planting, to care for and protect all roadside trees of this State, and to establish one or more State Forest Nurseries for the propagation of trees for such roadside planting.

Act, 1914, ch. 824, held constitutional and valid. Purpose of said act. The requirement of a permit from board of forestry for trimming or removal of roadside trees, so far as it affects proprietary rights, is a regulation merely and not a possible prohibition. The authority of legislature to make reasonable provision for protection of highway easements cannot be disputed. The Constitution does not prohibit the delegation to a public board serving as a governmental agency of a function to fix charges for inspection of conditions prior to issuance of permits and for subsequent supervision. Act of 1914 upheld under police power. *C. & P. Tel. Co. v. Board of Forestry*, 125 Md. 666.

An. Code, 1924, sec. 17. 1912, sec. 15B. 1914, ch. 824.

17. Roadside trees as designated in this sub-title shall mean all trees planted by the Forest Wardens; or existing trees three inches or more in diameter measured two feet from the ground that may be growing within the right of way of any public road or between the curb lines and property lines of any street in an incorporated town in this State.

An. Code, 1924, sec. 18. 1912, sec. 15C. 1914, ch. 824.

18. When the County Commissioners or the Road Supervisors of any County of this State, the State Roads Commission, the Town Council of any city or incorporated town, or any organization or person shall apply to the State Forester for the planting of trees or for the care and protection of existing trees along a public road or street, and the State Forester deems an examination necessary he shall instruct the local Forest Warden to examine the situation where planting, care, or protection of trees is desired and to report the conditions with his recommendations to the State Forester. If, in the judgment of the State Forester, the planting of trees or the care or protection of existing trees is advisable, he shall submit a plan covering the required operations with his recommendations and an estimate of the cost of the work to the organization or person from which the application originated.

An. Code, 1924, sec. 19. 1912, sec. 15D. 1914, ch. 824.

19. No plan of planting or care of roadside trees shall become operative under this Section until such plan has been approved by the organization or person making the application and not until the said organization or person shall guarantee to the State Forester the cost of the work, in which the said organization or person may stipulate a maximum amount that it or he will guarantee. Upon proper assurance that such a guarantee has been given, and the planting of trees is desired, the State Forester shall furnish to the local Forest Warden the trees for planting from any available stock in a State Forest Nursery or elsewhere. If the planting of trees is not required, but it is desired to trim, spray, or otherwise care for existing trees along the portion of the roadside or street for which a plan has been approved by the State Forester and accepted by such organization or person, the Forest Warden shall proceed with the work in accordance with such plans, at such time, and in such manner as in his judgment will be most practicable, but in executing such plans he shall work under the direction of the State Forester. When there exists an officer in any city or incorporated town who has been appointed for the specific purpose of planting and caring for trees along roads or streets, he shall be eligible for appointment as Forest Warden in carrying out the provisions of this sub-title.