

archways or culverts, which may be required to be constructed in the elimination of any grade crossing, shall be paid by the company or companies operating such railroad. The other three-fourths of such expenses shall be defrayed by the State Roads Commission. All of the details with respect to such maintenance and repair shall be determined by the State Roads Commission, whose power and duties relating thereto shall be subject to all of the provisions of the foregoing sections concerning notice, hearing, penalties, enforcement of orders, etc., so far as the same may be practicable.¹

1931, ch. 539, sec. 23.

38. Nothing herein contained shall be construed to affect or limit the powers vested in or duties imposed upon the County Commissioners of the several counties under the provisions of Section 242 of Article 23 of the Annotated Code of Maryland.

1931, ch. 539, sec. 24.

39. If any part of parts of this Article or of any section thereof shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining part or parts of this Article or of any section thereof. The Legislature hereby declares that it would have passed the remaining parts of this Article or of any section thereof if it had known that such part or parts thereof or of any section thereof would be declared unconstitutional.

See notes to sec. 27.

Condemnation.

1931, ch. 539, sec. 25.

40. Whenever, for the purpose of building a new road or widening any existing road or crossing the tracks of any railroad, it shall become necessary to condemn any land or water or any interest in, under or over the same which the State Roads Commission is authorized to acquire under the preceding sections of this Article, it shall and may be lawful for said commission to proceed as follows: The commission shall cause to be prepared a preliminary report, with such plat or plats as may be necessary and showing: (a) The description, quantity and nature of the property to be taken; (b) the amount of damages awarded therefor; (c) the amount of benefits assessed to the adjoining land (which shall not exceed the damage awarded and costs of condemnation), and which in case of a railroad crossing shall be governed by the section of this Article for such cases provided; (d) the names of the persons interested in the property taken or benefited, with their respective estates and interests therein (and if any such estates or interests shall belong to the unknown heirs of any deceased owner, the report shall so state); (e) and the damages and benefits awarded or assessed to each. Upon completion of such report the State Roads Commission shall, by an advertisement inserted twice successively in one or more newspapers published in the county where the land lies, give notice to the parties interested (naming them) that such preliminary report is open to inspection at the office of the commission, and that during a period of fifteen days from the date of the first publication of such notice

¹Sec. 2, ch. 223, of acts of 1933 repealed all laws inconsistent therewith to extent of such inconsistency.