

additional width for such side tracks, turnouts, depots, buildings and other works as it shall deem necessary in connection with its said railroad between the termini named in its Certificate or Charter, or so far as its railroad may lie within the State of Maryland; and such Railroad Company is hereby further invested with all the rights and powers necessary and convenient to acquire, either by purchase or condemnation, all land and other property which it may deem necessary for the site of said railroad and the aforesaid additions thereto, either in fee simple or any less estate, in accordance with law; and such Railroad Company may exercise the rights and powers, with which by this section it is invested, from time to time and with respect to any portion of its existing line or railroad as the demands of its business may require; and nothing in this section shall be construed as in derogation of any rights and powers already conferred upon such Railroad Company by any of the provisions of this Article or by Special Act, but the rights and powers hereby conferred shall be construed as in enlargement of and supplementary to the rights and powers of the same kind already conferred upon such Railroad Company by the provisions of this Article or by Special Act. Provided that nothing herein shall be construed to authorize any railroad company to condemn, use or occupy upon, under or over any portion of any public highway in this State without the consent of the proper authorities of the Mayor and City Council of Baltimore as to any highway in Baltimore City, or of the County or City, as to any highway in any county or city therein, nor to take away, modify or restrict the powers of the said local authorities in said Baltimore City, or any other city or county in the State, as such powers existed prior to April 18, 1918, with regard to the imposition of terms and conditions for the grant of any right in, or upon giving their assent to the use of, any portion of any public highway of this State.<sup>1</sup>

As to fire prevention along railroad tracks and the duty of the department of forestry, railroad companies and owners in connection therewith, see art. 39A, sec. 34, *et seq.*

An. Code, 1924, sec. 208. 1912, sec. 273. 1904, sec. 255. 1888, sec. 169. 1876, ch. 242, sec. 13.

**211.** If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation, or public officer, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley or other public way or ground, such company may appropriate so much of the same as may be necessary for the purposes of such road, in the same manner and upon the same terms as provided for the appropriation of the property of individuals by sections 206 and 207; provided, that every railroad company laying down any such track or tracks upon any such public street, road, alley or other public ground, shall be responsible for injuries done to private property by such location, lying upon or near to such public ground, which may be recovered by civil action brought by the owner or owners at any time within two years from the completion of such track or tracks, before the proper court; and provided

<sup>1</sup> Sec. 2 of the act of 1918, ch. 307, provides that any railroad company which avails itself of said act "shall be deemed thereby to have surrendered any exemption from taxation which it may have."