

CHAPTER 282.

AN ACT to repeal section seventeen of the act of eighteen hundred and seventy-six, chapter two hundred and forty-two, relating to the crossing by railroads of roads and streams of water, and to re-enact the same with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section seventeen of the act of eighteen hundred and seventy-six, chapter two hundred and forty-two, be and the same is hereby repealed, and the following is re-enacted in lieu thereof:

Repealed and re-enacted.

SEC. 17. That it shall be lawful for such corporation, whenever it may be necessary in the construction of its road, to cross any road, highway or stream 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 track 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 provided 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

Divert from present location.

Overgrade or undergrade crossings.

Liable for damages.