

having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Commission shall impose any liability upon the State except as may be paid from the funds provided under the authority of this subheading.

238.

The interest in any land authorized to be acquired and maintained under this subtitle may be the fee simple, or any lesser interest, as determined by the State Roads Commission to be necessary to accomplish the purposes of this subtitle. Such acquisition may be by purchase, gift or condemnation. Any such property acquired by condemnation proceedings shall be so acquired under the provisions of [Article 33A] TITLE 12 OF ARTICLE 21 and Article 89B of [the Annotated] THIS Code [of Maryland (1957 Edition, as amended)]. If [such] THE property is acquired by condemnation, the question of necessity is [deemed to be] a matter of law and shall be determined by the court, and the court may take and hear testimony on [such] THE question. The question of just compensation shall be determined by the court, with or without a jury, as provided by statute and the rules of court.

Article 96.

5.

Whenever the United States are desirous of purchasing or procuring the title to any tract, piece or parcel of land within the boundaries or limits of this State, for the purpose of erecting thereon any lighthouse, beacon light, range light, lightkeeper's dwelling, forts, magazines, arsenals, dockyards, buoys, public piers, or necessary public buildings or improvements connected therewith, and cannot agree with the owner thereof as to the price and for the purpose thereof; or if the owner be feme covert, under age, non compos mentis, or out of the county wherein the said land lies, or for any other cause is incapable of making a perfect title to said lands, the United States, by any agent authorized under the hand and seal of any member of the President's cabinet, may apply by petition in writing to the circuit court for the county where the land lies to have the said land condemned for the use and benefit of the United States; and any such agent of the United States may, for the purpose of ascertaining its bounds and quantity, enter upon the lands, without injury thereto, which the United States may desire to purchase for any of the purposes aforesaid. The condemnation proceedings hereunder shall be conducted in accordance with [Article 33A of the Annotated] TITLE 12 OF ARTICLE 21 OF THIS Code [of Maryland, title "Eminent Domain."].

49.

(a) (5) Subject to the provisions of [Article 33A of the Annotated] TITLE 12 OF ARTICLE 21 OF THIS Code [of Maryland], purchase or condemn lands, rights of ways, easements, and any other interests in land necessary for such improvements, works, and projects and to convey, lease, or otherwise transfer all or any part of such interests to the United States or any agency thereof;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.