

or of disability of the owners to contract, or of their absence from the State, the corporation may obtain the lands, or property of any kind, or interest therein, earth and stone by condemnation. The corporation may proceed to condemn under the provisions of Title 12 of THE REAL PROPERTY Article [21] of [this] THE Code.

193.

The president and directors, or their agent or agents, authorized by them, may agree with the owner or owners of any land, earth, gravel, stone, timber, streams or materials, or any improvements which may be wanted for the proper construction or repair of any of the roads, or any of their works, for the purchase and use and occupation or diversion of the same; and if they cannot agree, or if the owner or owners of any of them be an infant, non compos mentis, or out of the county where the property wanted may lie, when the property may be wanted, or for any other cause be legally incapable of contracting, the company may proceed to condemn under the provisions of Title 12 of THE REAL PROPERTY Article [21] of [this] THE Code.

196.

Whenever any railroad company finds it necessary for the purpose of avoiding annoyance to public travel, or dangerous, or difficult curves or grades, or unsafe, or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portion of its road the railroad company may make the changes of grade and location, not departing from the general route prescribed in the certificate of the company; and for the purpose of making such a change in the location and grades of any road the company has all the rights, powers and privileges to enter upon, and take, and appropriate the lands, and make surveys necessary to effect the changes and grades as provided for in Title 12 of THE REAL PROPERTY Article [21] of [this] THE Code and is also liable in damages, when any have been caused by the change, to the owner or owners of the lands upon which the road was heretofore constructed to be ascertained and paid, or deposited as aforesaid; but no damages may be allowed unless claimed within thirty days after actual notice of the intended change has been given to the owner or owners, if residing on the premises, or sixty days' notice by publication in some newspaper in general circulation in the county, if nonresident; provided, that when any condemnation has been made under this section, the condemnation is finally binding upon the company, unless within thirty days it elects to abandon the location.