

The New Land Acquisition Law of Maryland

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●THE MARYLAND LEGISLATURE, in its 1956 Session, enacted a new land acquisition law, applicable only to acquisitions for highway purposes. This law is a radical departure from the methods and procedures previously used in land acquisition by the State Roads Commission.

One of the principal intensions of this new law is to try to eliminate land speculation in the face of highway projects by freezing land values and by directing that tentative plats and plans are not to be matters of public information. It further sets up provisions whereby right-of-way for an entire project is made available for construction purposes at once. By the creation of the Boards of Property Review, it was hoped to decrease the heavy load of condemnation cases. At the time of the enactment of this law, some 350 cases were pending in the several Circuit Courts throughout the state.

The law, adding eleven new sections to the existing condemnation law, is as follows:

CHAPTER 59 OF THE ACTS OF THE 1956 SESSION OF THE GENERAL ASSEMBLY OF MARYLAND

An act to add eleven new sections to Article 89B of the Annotated Code of Maryland (1951 Edition).

SECTION 1. Be it enacted by the General Assembly of Maryland that eleven new sections be and they are hereby added to Article 89B of the Annotated Code of Maryland (1951 Edition), title "State Roads," said new sections to be known as Section 9A through 9K and to follow immediately after Section 9 of said Article and to read as follows:

9A. In cases where the State Roads Commission decides to construct a new highway or decides to make a major improvement to an existing highway, the Commission shall adhere to the hereinafter described procedure for acquiring, by condemnation, land and property rights for such highway construction or improvement. Insofar as practicable, the Commission shall use such condemnation procedure in acquiring rights of way and property rights for major highway construction or reconstruction, but in cases where the Commission deems the procedure inappropriate, it shall not be precluded from acquiring property under the provisions of the appropriate sections of Article 89B and Article 33A of the Annotated Code of Maryland (1951 Edition).

9B. When planning to construct a highway or a portion thereof on a new location, or when planning to make a major improvement to an existing highway or a portion thereof, the Commission after appropriate engineering and other studies shall determine the location of the highway to be constructed or reconstructed and it shall also determine the length of the construction as well as the width of the right of way necessary for construction. This construction plan shall be shown on plats or maps prepared by the Commission, which plats or maps shall show the center line of the proposed construction as well as the length and termini of the construction and the width of the necessary right of way on either side of the proposed center line, thereby showing the fee simple and easement area necessary for acquisition by the Commission. The plats shall also show thereon the property lines of the several property owners whose property will be affected by such acquisition. The Commission shall make such engineering and real estate studies, evaluations and investigation as may be necessary to establish in its opinion a fair value of the property and of the rights to be acquired, and the resulting damages to the remainder of the property, if any. Said property lines shall be established from information obtained by the Commission and

may include metes and bounds survey information if such information is available in the Commission's file.

9C. When acquiring land and property rights under these sections for the construction or reconstruction of a State highway, said highway shall, in the alternative, have (a) both of its termini at or within the limits of a city or town of this State, which city or town is recognized by the Commission as a principal traffic generating center, (b) one of its termini at or within the limits of a city or town of the State, which city or town is recognized by the Commission as a principal traffic generating center and the other terminus at or near a public road within this State, (c) both of its termini at or near a public road within this State, or (d) one of its termini at or within a city or town of the State or a public road of the State and the other terminus at the boundary of another State or the District of Columbia connecting with a highway recognized by the Commission as a principal traffic distribution, collection or dispersal artery.

9D. Upon the adoption by the Commission of the location, the length and width of the right of way necessary for the proposed construction or reconstruction in accordance with the conditions prescribed in sub-sections (1) and (2) above, the said Commission shall estimate and determine the fair value of each property taken and damage done, if any, to the remaining property of the owners along the entire route as shown on the above referred to plats or maps, and the Commission shall then make provision to pay said amount to the owner or owners thereof or make provision to pay said amount into the Circuit Court of the County or the Superior Court of Baltimore City, in which the property is located, as the case may be, for the use of the owner or owners thereof. The Commission's estimate of the fair value of the property taken in each case and the damage, if any, to the remainder of the owner's property shall be kept among the permanent records of the Commission, and such information shall not be considered public information, any statute or statutes to the contrary notwithstanding, until such time as all of the property along said section of the highway shall have been finally acquired or the price therefor determined or agreed upon between the parties except in cases being heard by the Board of Property Review, hereinafter created, or by a Court. Plats or maps showing the above engineering and technical information shall be finalized by appropriate resolution of the Commission and the above referred to plats or maps shall be filed among the Commission's records, and made a permanent part thereof. However, said plats or maps shall not be considered public records of the Commission, and shall not be open to public inspection except by permission of the Commission, or its duly constituted officer, any statute or statutes to the contrary notwithstanding, until said plats or maps have been recorded as hereinafter prescribed.

9E. Upon the completion of the aforementioned plats or maps, and upon ascertaining the amount to be paid to the property owners affected thereby, or into Court for their use, the said plats or maps shall be signed by the Chairman of the State Roads Commission, and then recorded with the Secretary of said Commission, with the office of the Secretary of State of Maryland in his office at Annapolis, Maryland, and with the Clerk of the Circuit Court of the County or Counties through which the proposed new highway or reconstructed highway traverses, or with the Clerk of the Superior Court of Baltimore City, as the case may be, and it shall be the duty of the Secretary of the State Roads Commission, the Secretary of State of Maryland and the several Clerks of Court of the State of Maryland, to record the above referred to plats or maps and keep same as permanent public records of their respective offices. The Commission shall forthwith pay to the property owners, whose property is to be taken as shown on the aforementioned plats or maps or into the Circuit Court of the County or the Superior Court of Baltimore City, as the case may be, in whichever jurisdiction the property

is located, such amount as the Commission has theretofore determined to represent the fair value of said property accompanied by a petition stating the name or names and addresses of the property owners, the location of the property and the fair market value of the land and property rights to be obtained as determined by the Commission. Upon the payment of said amount into Court or to the property owner and the recording of the plats or maps as aforesaid, the Commission may thereupon take possession of the property designated on the above mentioned plats or maps for the purpose of proceeding with the contemplated highway construction, and said construction shall proceed without any delay caused by the property owner. However, if a dwelling house or commercial establishment is required to be taken the resident or occupant thereof shall not be required to vacate said building until said property has been condemned in the appropriate Court and an inquisition returned by the jury as provided by law, unless the Commission and the owner otherwise agree.

When said sum is so paid into Court the property owner upon written request to the Clerk of the said Court shall be entitled to receive the said sum without prejudice to any of said property owner's rights if the said property owner agrees to pay back to the Commission the difference between the said sum and the final award, if said final award be less than the sum paid into Court; such payment to the property owner or into Court, however, shall in no wise limit the amount to be allowed under subsequent condemnation proceedings hereinafter provided, and the Commission shall make payment to the owner or owners of said land and property rights, from any funds in its possession or under its control, any further sum that may subsequently be finally awarded in subsequent condemnation proceedings, including interest at the rate of six percent (6%) per annum upon such further sum.

9F. Upon the recording of the plats or maps and the payment of the money as aforesaid, the Commission shall proceed to negotiate with the property owners whose property is affected in an effort to obtain by amicable negotiation such right, title and interest of the owner's property as is necessary for the proposed new construction or reconstruction as shown on the plats or maps heretofore provided. The value of the land and rights to be acquired shall be determined as of the date the plats or maps are recorded and the monies heretofore provided paid to the property owner or into Court, and if both be not done on the same date, the value of the property shall be determined as of the date of the latter.

9G. If the Commission and the property owner be unable to agree as to the fair value of the property taken and the resulting damage to the remainder, if any, within six (6) months after recording the plats or maps and the payment of the money as aforesaid, and the Commission is not able to acquire the title to the property affected by negotiation, it shall then, unless it deems it desirable before that time and unless the property owner requests it to so do prior to that time, certify each dispute to the Board of Property Review, hereinafter created, before the expiration of thirty (30) days from the said six (6) month period and said Board shall promptly hear and determine the issues in the manner and form hereafter set forth.

9H. There is hereby created in each of the several Counties of the State and in the City of Baltimore a Board of Property Review. Said Board shall consist of three (3) members, one of whom shall be an engineer or a person with engineering background and knowledge, one of whom shall be a lawyer and one of whom shall be a person other than an engineer or a lawyer. The said members shall be appointed by the Circuit Court Judges of the several judicial circuits within the State and the said Judges shall appoint a Board for each County within their respective Circuit. In Baltimore City the Board shall be appointed by the Supreme Bench of Baltimore City. Should it be deemed necessary more than one Board may be appointed in any County or Baltimore City. The Board members shall serve for a term

of 2 years from the effective date of this act, and if a vacancy or vacancies shall occur on any Board the appointing authority shall appoint another qualified person to fill the unexpired term of the vacant member or members and shall be compensated on a per diem basis, said compensation to be determined by the appointing authority. The compensation shall be uniform throughout the State; however, members of the General Assembly shall not be eligible to serve on said Boards during their tenure of office. The compensation of the Board members shall be paid monthly by the State Roads Commission upon presentation of vouchers approved by the Clerk of the Court of the respective county, or the Superior Court of Baltimore City. The said Board members, in the performance of their duties, shall be under the jurisdiction of the said Courts and shall be considered as officers of said Courts. It shall be the duty of the local governing bodies to provide suitable space for the Boards to meet, and the Clerks of the several Courts shall, whenever possible, provide suitable clerical assistance. If, from time to time, such assistance is not available the Commission shall, upon request of the Board, provide such assistance. Each Board so appointed shall select its own Chairman and make its own rules not inconsistent herewith. It shall be the power and duty of said Board to promptly hear all cases certified to it by the Commission and determine the amount of the award to be paid by the Commission and it shall also have the authority to determine what portion of said award, if any, shall be paid to any tenant, lessee, mortgagee, or other person having any interest therein. The Board shall hear representatives of the Commission and representatives of the property owner and the owner if said owner desires to be heard. Each side shall have the right to be represented by legal counsel and each side shall have the right of cross-examination. After hearing the witnesses and counsel and reviewing the exhibits offered the Board shall then view the property effected and promptly place a value upon the taking. Strict rules of evidence need not be adhered to in the hearings before the Board; however, legal counsel for either side or the property owner, or a representative of the Commission may make an oral statement to the Board at the conclusion of the view and before the Board reaches its findings. When one or more members of the said Board shall be disqualified, for any reason, from hearing and determining any case or is unable to be present, then the appointing authority shall designate another person or persons with similar qualifications as the absent member or members to so serve; all cases shall be heard and determined by a full Board unless all parties involved agree to the contrary. In cases where the Commission determined that valid and marketable title cannot be obtained without a Court proceeding, and the return of an inquisition by a jury, then and in those cases the Board shall not hear and determine such cases, but same shall be filed as a condemnation case in the appropriate Court as provided by law. In cases where some person having an interest in the property to be acquired is a non-resident of the State and will not accept service and agree to the Board's jurisdiction said cases shall also be filed directly in the appropriate Court for judicial determination. All cases certified to said Board shall be disposed of and terminated not more than five (5) months after being certified to said Board unless a longer period be agreed to in writing by both parties and approved by the Chairman of said Board. and in such cases the value of the property shall be determined as of the date of the filing of the plats and maps as aforesaid.

9I. In the event either the Commission or the property owner shall be dissatisfied with the findings and award of the Board of Property Review either shall have the right, within thirty (30) days therefrom, of appeal to the Circuit Court for the County or the Superior Court for Baltimore City, as the case may be, in whichever jurisdiction the property is situated. Upon appeal the case shall be heard and determined under the procedure

set forth in Article 89B and 33A of the Annotated Code of Maryland (1951 Edition). In cases where the appeal is sought by the property owner he shall so notify the Commission in writing and it shall be the duty of the Commission to prepare and file the condemnation case in the proper Court, as aforesaid, and the case shall be heard de novo and as if there had been no hearing before the Board of Property Review. If the Commission shall have failed to acquire title to the property and ascertained the amount to be paid for same within one year from the date the plats or maps are recorded, as aforesaid, or have failed to file a condemnation suit in the proper Court, as aforesaid, then, and in such case, the value of the property shall no longer be determined as of the date the plats or maps were recorded but shall be determined as of the time of acquisition unless the value be less at the time of acquisition and then, in such cases, the value shall be determined as of the recordation date.

9J. The Commission is hereby empowered to acquire, under the procedure set forth in the foregoing sections or under the appropriate sections of Articles 89B and 33A of the Code (1951 Edition), property other than needed for highway purposes along controlled or limited access highways when such property is cut off from suitable access to a public road because of the construction or reconstruction of any controlled or limited access highway. The said Commission is further empowered to acquire by condemnation land and property rights necessary to provide a right of way or entrance to a public road from any property that has been denied access because of the construction or reconstruction of a controlled or denied access highway.

9K. Condemnation cases pending in the Courts on or after the effective date of this Act in which the State Roads Commission is the plaintiff, may, with the written approval of the Commission and the property owner, and with the consent of the Court having jurisdiction of same, be certified to the Board of Property Review for their determination, as above prescribed, and either party shall have the right to an appeal as above set forth and in cases where the Commission is in the process of acquiring rights of way and has commenced negotiations with the property owners under methods other than prescribed by this Act, the Commission shall, unless requested to do so sooner by the property owner, within sixty days from the effective date of this Act, in all cases where the Commission and the property owner are unable to agree, certify the case to the said Board and it shall be the duty of said Board to hear and determine the case within five months from the date the case is so certified, and either party shall have the right of appeal as above set forth. The value of the land and rights to be acquired in this matter shall be determined as of the time the case is certified to the said Board and so remain until the Board has heard and determined the case and for the appeal period thereafter; however, if there has been no final determination and a condemnation case not filed within said six month period the value of the property shall no longer remain determined as of the time of certification but shall be determined as of the time of acquisition.

SECTION 2. And be it further enacted that if any sub-section, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act; it being the legislative intent that this Act shall be considered severable.

SECTION 3. And be it further enacted that this Act shall take effect on June 1, 1956.

Approved March 2, 1956.

Verbatim.

SYNOPSIS OF THE ACT

Stripped of their legal verbiage, the eleven new sections of Article 89B of the Annotated Code of Maryland (1951 Edition) set forth the following provisions.

1 - (9A). The State Roads Commission shall adhere to the provisions set forth in this act when acquiring rights-of-way for major highway projects; however, in those cases where the Commission deems this procedure inappropriate, it is not prohibited from acquiring rights-of-way through previously existing procedures.

2 - (9B). As the first step in land acquisition, the Commission shall prepare plats and maps defining the right-of-way to be acquired; the minimum information to be shown thereon shall be the centerline and width of the fee right-of-way, any and all easements which may be acquired. Property lines shall be shown, delineating the various ownerships, and such lines may be the result of metes and bounds surveys, but such surveys are not obligatory. The Commission shall also make such engineering studies and right-of-way appraisals as may be necessary to determine the fair market value of the right-of-way taking and any damages to the remainder of the property resulting from the taking for each of the several properties affected by the project.

3 - (9C). This sub-section establishes terminin requirements for projects, the right-of-way for which is to be acquired under the provisions of this act. In substance, it prohibits the Commission from terminating a project at any point other than a traffic generating center or traffic dispersal artery.

4 - (9D). This sub-section provides that during the period of highway design and right-of-way appraisal, the Commission records shall not be considered public records and shall not be open to inspection.

5 - (9E). Provides that, upon completion of plats, maps and appraisals and the determination of the amounts to be paid the various property owners, the plats shall be finalized by the signature of the Chairman of the State Roads Commission. There then shall be paid to the various property owners, or posted with the Clerk of the Circuit Court for the County in which the property is located, the money estimated as the value of the right-of-way takings. At this time, copies of the plats shall be filed among the permanent records of the Clerk of the Court, the Secretary of State of Maryland and the Secretary to the State Roads Commission.

Upon completion of these acts, the Commission may take possession of the right-of-way and proceed with construction. If an occupied dwelling or business establishment is within the right-of-way taking, these improvements may not be disturbed until a final settlement is made either by negotiations or condemnation proceedings.

This section also provides that the property owner, upon written request to the Clerk of the Court, shall be entitled to receive the amount deposited to his credit, without prejudice, provided he agrees to refund to the Commission any amount in excess of the final award. In the event that the case goes to condemnation, interest at the rate of six percent per annum shall be paid on the excess amount of the final award over the original deposit.

6 - (9F). Directs the Commission to proceed with negotiations following the recording of plats and payment of money to the Clerk of the Circuit Court. This section further provides that the value of the right-of-way taking is fixed as of the date that the plats or maps are recorded and payment of money made to the Clerk of the Circuit Court. In the event the plats are recorded and the money posted on different dates, the value of the property is fixed as of the latter date.

7 - (9G). Specifies that the Commission shall have six months to complete negotiations. In the event negotiations are not successful, the case must be certified to a Board of Review for hearing and award within thirty days from the expiration of the six month period.

8 - (9H). Creates in each of the several counties and in Baltimore City a Board of Property Review. These Boards are to be constituted of one lawyer, one engineer and a third member of some other occupation. These Boards are to be appointed for each county by the circuit court judges in the several counties and by the Supreme Bench of Baltimore City. These Board members are to be considered as officers of

the said Courts, but are compensated on a per diem basis by the State Roads Commission. Board members are appointed for two year terms, and each board selects its own chairman.

These boards are charged with conducting hearings under rules which they are at liberty to establish and the making of awards. The board is required to make an award within five months after a case is certified to it.

In cases where the Commission determines that a good and merchantable fee simple title can only be obtained through condemnation proceedings, the Commission is authorized to institute such proceedings directly with the court, and the Board of Property Review shall have no concern with such cases. Where non-resident owners are involved, who will not accept service and agree to the board's jurisdiction, the Commission is likewise authorized to proceed directly with condemnation proceedings.

9 - (9I). Prescribes that either the Commission or the property owner shall have the right to appeal from an award made by the Board of Property Review, but such appeal must be taken within thirty days from the date of the award. The case is then instituted as a formal condemnation proceeding by the Commission with the appropriate County Court or Superior Court of Baltimore City. The case shall be heard as though there had been no hearing before the Board of Property Review and the value of the property shall be determined as of the date the plats or maps were recorded or money posted, provided that the condemnation case is filed within one year of the date of original filing under this act.

10 - (9J). This section is foreign to the rest of the act in its provisions for the condemnation of excess land on controlled and limited access highways where such land is severed without access to any public road. This section also empowers the Commission to condemn for right-of-way for access entrances to properties landlocked by the construction of controlled or limited access highways.

11 - (9K). Authorizes the Commission to certify condemnation cases pending as of June 1, 1956 to the Boards of Property Review, providing that the property owner and the court, having jurisdiction, consent. It also provided that rights-of-way then under negotiation were to be certified to Boards of Review within sixty days from June 1, 1956.

RESULTS OF FIRST SIX MONTHS EXPERIENCE WITH NEW ACT

Although the effective date of this act was June 1, 1956, it was not until the middle of July, 1956, that the first project was filed under its provisions. During this time and, indeed, for some time before and some time after, series of conferences were being held throughout the state by members of the Commission's Legal Staff, the Right of Way Division and the judges of the various circuit courts, as well as the several clerks of the county courts. These conferences were designed to set up uniform methods of recording, filing, etc., and to suggest uniform rules of procedure by the several boards.

As of January 1, 1957, boards have been appointed in Baltimore City and in 21 of the 23 counties. For the most part, these boards have adopted the following rules of procedure, which were determined in the conferences mentioned.

1. That the Boards sit a full day (at least six hours) in order to be eligible to receive a full day's per diem.

2. If a Board should sit less than three full hours, the members thereof be entitled to receive one-half of the daily per diem.

3. That the several Boards, insofar as possible, sit on regular scheduled days and that a notice of that schedule be furnished the Special Assistant Attorney General for the State Roads Commission. If the Board shall determine that it should be necessary to sit on special days, that the said Special Assistant Attorney General be notified of those days at least a week in advance.

4. Should it appear evident in any County that a single Board is unable to promptly hear and determine all of the cases certified to it, that the Chief Judge of that Circuit be promptly notified in order that an additional Board may be appointed.

5. That the aforementioned Special Assistant Attorney General be notified by the several Boards of the proposed hour for commencing the hearings, as well as the scheduled time of adjournment or recess.

6. That the State Roads Commission and the property owner or owners be notified at least one week in advance of the date each case is set for hearing.

7. That all witnesses testifying before the several Boards shall testify under oath (the several Clerks have agreed to administer the oaths to all witnesses at one time prior to the opening of the hearing and supply each witness with a statement to that effect in order that it might be presented to the Board Chairman before the witness testifies).

8. That strict rules of evidence not be followed in the conduct of the hearings; however, hearsay evidence should not be allowed.

9. That, upon conclusion of the hearings and determination by the Boards, a dated report of the Boards' findings be mailed to the State Roads Commission and the property owner or owners, and in addition filed with the Clerk of the Circuit Court for the County, in order that it might be entered on the "State Roads Commission Land Acquisition Docket." (Report forms will be furnished by the State Roads Commission.) Also, it is contemplated that each Clerk will keep and maintain a "State Roads Commission Land Acquisition Docket."

10. The proceedings before the several Boards will not be reported by a Court Stenographer. However, should either side wish the proceedings reported, there will be no objection to same, provided the party making the request provides the stenographer and pays the cost thereof.

11. The Boards will hear and determine all cases certified to them as expeditiously as possible, and in each instance, cases so certified will be heard and determined within five months from the date of certification to the Board. However, the Boards will give precedent, when so requested by either side, to cases where a dwelling house or a commercial building is affected by the land acquisition.

12. The Board Chairman and a representative of the State Roads Commission will, at the conclusion of each day's hearing, certify, on vouchers supplied by the State Roads Commission, that the Board sat on that particular day, and on or before the 10th day of each month, the Chairman of the Board will submit to the Clerk of its respective Court, the vouchers bearing the approval as aforesaid for each day's service of the preceding month in order that the Clerk may approve said bill and submit same to the State Roads Commission for payment.

13. Should any Board member be unable to sit in any particular case, the Chairman or another Board member shall notify the Chief Judge of the Circuit as much in advance of the scheduled date as possible in order that a replacement may be designated.

14. In case any of the several Boards should modify, change or enlarge its rules, it will notify the Special Assistant Attorney General for the State Roads Commission of said changes.

Compensation for board members has been set at \$60.00 per diem.

Up to January 1, 1957, 991 cases were filed on 27 projects, and the Commission had approved the filing of 148 cases on three additional projects. Of the 991 cases, 507 were filed during the month of December on eight projects.

Of the 484 cases filed prior to December, 1956, 131 were settled by negotiation and 149 were certified to Boards of Property Review. The remainder, 204 cases, are in various stages of negotiation at this time.

The Boards of Review have held 59 hearings out of the 149 cases certified and have made awards in 56 cases. Of these awards, the Commission has agreed to accept 26 and has appealed 30. Of the 26 acceptable awards, 11 have been settled, 9 decisions by property owners are being awaited and 6 awards are being appealed by the property owners. In addition, 53 pending condemnation cases were referred back to Boards of

Property Review; 28 hearings have been held and awards made, of which the Commission has accepted 18 and appealed 10 cases. Of these 18 acceptable awards, 8 have been settled, 5 await decisions by the property owners and 5 are being appealed by the property owners.

All of the 87 cases heard were limited to four counties, except for five cases—four in Baltimore City and one in another county. They were also limited to a very few projects in these counties. Therefore, it is obvious that there is no statewide cross-section of results on which to base any valid conclusions, either favorable or unfavorable regarding this act.

A further limitation lies in the fact that the experience to date, as revealed by the foregoing statistics, is not by any means a fair test of the merits of the new act, because all of the cases which have been heard by the Boards of Property Review are cases which, on June 1, 1956, were either pending condemnations or had been under previous negotiations which had failed and were about to be condemned. These last were deliberately filed under the provisions of the new act so that they could be brought before Boards of Property Review. That there would be wide areas of disagreement in the valuation of these takings was fully understood before certification to the Boards Review. The large percentage of appeals taken from board decisions reflects these original disagreements. It would, therefore, be totally incorrect to draw adverse conclusions as to the efficiency of the operation of the new act because of these relatively few debatable decisions.

There are, however, a number of rough spots to be ironed out. These are, for the most part, details of administrative procedures and a recital of them would be, to say the least, quite boring. However, in the conduct of the few cases heard, two problems have developed which will have to be solved.

Problem 1 is the attitude of some attorneys for the defendants in treating Board of Property Review hearings indifferently and as opportunities to gather ammunition for condemnation trials, following appeal from the board.

Since there have, as yet, been no jury trials following appeals from awards by the boards, there is no way of telling what effect this attitude will have in the outcome of such trials. It could be completely negative, and it could be disastrous to the Commission's case, especially if the defendants withheld any pertinent information in the course of the board hearing. This can become an extremely serious problem. Much thought is being given to ways and means to overcome it, but as of now the solution has not been developed.

Problem 2 is the occurrence of last minute requests for postponements of board hearings, after the board has convened. Since board members are entitled to compensation for all time spent in the conduct of hearings, these postponements result in unnecessary extra costs to the Commission. This problem is purely administrative and a solution should readily be found. So far, most of the thinking about this problem is along the lines of charging costs to the property owners, when such costs are occasioned by their failure to appear or by their seeking eleventh hour postponements. To put this into effect will require a change in the rules of the several boards, and perhaps, an amendment to the act itself.

The present session of the General Assembly of Maryland will be asked to make a number of amendments to the act. These, for the most part, will be minor amendments for the clarification, correction and implementation, without changing any of the basic intentions, of the original act.

Some of the major amendments, which it is felt would be desirable, are:

1. Authority to get possession of occupied dwellings and business establishments within a reasonable time after the posting of the estimated compensation with the Clerks of the Circuit Courts and thus eliminate long delays in clearing these properties for construction purposes.

2. Increase time allowed for appeals of awards handed down by the Boards of Property Review from thirty (30) days to sixty (60) days. To accomplish this, the negotiating period would be reduced from six (6) to five (5) months, unless the over-all time was extended to one year and one month, an alteration which it is not felt to be required.

3. Authority to permit utilities to install new facilities, as well as relocate and adjust existing facilities, as soon as the Commission obtains possession of the right of way under the terms of this Act.

4. Authority to compel a property owner to make conveyance to the Commission after the expiration of the time limit for appeal of a Board of Property Review award, if no appeal has been previously noted.

Until these suggested amendments are enacted into law, it would be presumptuous to discuss them in any further detail. However, it is felt that amendments, such as these, are necessary and needful for the successful operation of this law.

As has been stated before, the body of experience to date is inadequate for the drawing of valid conclusions as to the merits of Chapter 59. It is possible to say, however, that the indications are that at least two of its intentions are being accomplished. The freezing of values and the removal of advance information from the public eye seem to be eliminating the widespread land speculation which plagued the Commission for so long. The making of an entire project available immediately has been a benefit and will be greater once a solution to the occupied improvements problem is solved.

As was discussed previously, the effect of the creation of the Board of Property Review is yet to be evaluated. The basic idea is sound. It remains to be seen whether or not the results of its operation measure up to the essential soundness of the theory.