

SEC. 40. The General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

C. & O. Canal Co. vs. B. & O. Railroad Co., 4 G. & J. 1. Tidewater Canal Co. vs. Archer, 9 G. & J., 479. B. & S. Railroad vs. Compton, 2 Gill, 20. Alexander vs. Mayor, &c., of Balto., 5 Gill, 383. Binney's Case, 2 Bl., 99. Waring vs. Waring, 2 Bl., 673. Hepburn's Case, 3 Bl., 95. Compton vs. The Susquehanna Railroad, 3 Bl., 386. Baltimore vs. McKim, 3 Bl., 453. Hamilton vs. Annapolis & Elkridge Railroad Co., 1 Md., Ch. 107. Harness vs. Chesapeake & Ohio Canal Co., 1 Md., Ch. 248. Hamilton vs. Annapolis & Elkridge Railroad Co., 1 Md., 553. Hoyer vs. Swan, 5 Md., 237. Moale vs. Mayor, &c., of Balto., 5 Md., 314. Steuart vs. Mayor, &c., of Balto., 7 Md., 50. Graff vs. Mayor, &c., Balto., 10 Md., 544. Reddall vs. Bryan, 14 Md., 444. Western Md. R. R. Co. vs. Owings, 15 Md., 199. Kane vs. Mayor, &c., of Balto., 15 Md., 240. State vs. Graves, 19 Md., 369. Douglass vs. Boonsborough Turnpike R. Co., 22 Md., 229. Western Md. R. R. Co. vs. Patterson, 37 Md., 125. State vs. Consolidation Coal Co., 46 Md., 1. Mayor, &c., of Cumberland vs. Wilison, 50 Md., 138. P. R. R. Co. vs. B. & O. R. R. Co., 60 Md., 267. American Telephone Co. vs. Pearce, 71 Md., 535. Ulman vs. M. & C. C. Balto., 72 Md., 587-609. Helfrick vs. Catonsville Water Co., 74 Md., 269. O'Brien vs. Balto. Belt R. R. Co., 74 Md., 363. Balto. Belt Railroad Co. vs. Baltzell, 75 Md., 94. Mayor, &c., Balto. vs. Ulman, 79 Md., 469. Van Witsen vs. Gutman, 79 Md., 405. Garrett vs. Lake Roland Elevated R. R. Co., 79 Md., 277. Deems vs. Mayor and City Council of Balto., 80 Md., 164. Balto. and Eastern Shore R. R. vs. Spring, 80 Md., 510. Turnpike Co. vs. R. R. Co., 81 Md., 247. Mayor & City Council of Balto., et al. vs. The Keeley Institute, 81 Md., 106. Baumgardner vs. Fowler, 82 Md., 631. Poole vs. Falls Road Ry., 88 Md., 536. Cochran vs. Preston, 108 Md. Bond vs. M. & C. C. of Baltimore, 116 Md. People vs. Western Maryland Railway, 119 Md. Ridgley vs. Baltimore, 119 Md.

SEC. 40A. The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore city and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide for the appointment of appraisers by a Court of Record to value such property, and that, upon payment of the amount of such valuation to the party entitled to compensation, or into Court and securing the payment of any further sum that may be awarded by a jury, such property may be taken.*

SEC. 41. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid

*Thus added by Chapter 402, Acts of 1912, ratified by the people November 4, 1913.