

This section referred to in construing section 399, *et seq.*—see note thereto. *Moore v. Bel Air Water Co.*, 79 Md. 393.

For the regulations concerning water companies prescribed in the act creating the public service commission, see sec. 456.

1904, art. 23, sec. 359. 1888, art. 23, sec. 247. 1868, ch. 471, sec. 95.

398. If any corporation formed for the purposes mentioned in the preceding section can not agree with the owner or owners of any land or water rights which such corporation may have power to acquire for the purpose of laying pipes or constructing its works; or if such owner or owners, or any of them, be a *feme covert* without power to contract in relation to said property, or under age, or *non compos mentis*, or under any other legal disability, or be absent from the county or city in which the said property may lie when the said land or water rights may be needed, the corporation may proceed to condemn and acquire the same in the manner provided for in sections 399 to 404, both inclusive, of this article.

This section referred to in construing section 399, *et seq.*—see note thereto. *Moore v. Bel Air Water Co.*, 79 Md. 394.

See sections 126, 250, 269, 389, 399, *et seq.*

Condemnation of Property by Corporations.

Ibid. sec. 360. 1888, art. 23, sec. 248. 1868, ch. 471, sec. 170.

399. If any corporation incorporated under the laws of this State which shall be authorized to acquire by condemnation any land, earth or stone, or any interest therein, can not agree with the owner or owners thereof, or if any of such owners be a *feme sole*, and without power to contract in that regard, under age, *non compos mentis*, or under any other legal disability to contract, or be out of the county in which the property wanted may lie at the time the same is wanted, then in all such cases application may be made by any such corporation to any judge of the circuit court for the county in which said land or other materials may lie, or to any judge of the supreme bench of Baltimore city, if the said land or materials lie in the city of Baltimore; and thereupon the said judge, upon its being made to appear satisfactorily to him that said land or materials are necessary and proper to be condemned for the use of such corporation, shall issue his warrant, directed to the sheriff of said county or city, as the case may be, requiring him to summon a jury of twenty inhabitants of said county or city, as the case may be, not related to said owner, or in anywise interested in said land, and not stockholders in said corporation, to meet on the land or near the other property or materials to be valued and condemned, on a day named in said warrant, not less than ten, nor more than twenty days after issuing the same.

The objection that the warrant to the sheriff to condemn land for the construction of a railroad by a mining company, instead of merely complying with the requirements of this section, directed the summons as jurors of inhabitants "above the age of twenty-one years and qualified to act as jurors under the laws of this state" as required by section 269 relative to condemnations by railroad companies, should be made by a challenge to the