

to the facts; and the said petition shall contain a prayer that the said property may be condemned.

The act of 1912, chapter 117, is constitutional and valid. Appointment of appraisers held to be not so far non-judicial as to render said act void. A condemnation proceeding under said act is a proceeding at law, the judgment being *in rem*; the pleadings should conform as near as may be to pleadings at law. Constructive notice by publication is sufficient to support a judgment *in rem* against non-residents, unknown persons or persons who cannot be found. Where a statute provides for an assessment of the value of land taken in condemnation, it will be held to include damages to the remainder of the tract. The rule by which the value of property taken is to be estimated is a judicial question for the court. Authentication of a statute and the impeachment thereof. Statute required to be engrossed only in the house in which it originated. Purpose of the act of 1912, chapter 117. *Ridgely v. Baltimore City*, 119 Md. 575. And see *Pitznogle v. Western Maryland R. R. Co.*, 119 Md. 677; *Jessup v. Baltimore*, 121 Md. 562.

The jury contemplated by the act of 1912, chapter 117, need not be one selected in the usual way from those which are regularly drawn as jurors to serve at a given term; a special venire may be ordered. Under said act, testimony is to be taken and the case tried in court just as in other cases. The failure of the sheriff to return the names of the persons summoned as jurors does not invalidate the return, nor affect the eligibility of the jurors. *Pitznogle v. Western Maryland R. R. Co.*, 119 Md. 675.

A petition held to sufficiently comply with this section. The charter of a railroad company held sufficient to authorize it to condemn property under this and the following sections. A right of way for a crossing over a city street may be condemned by a railroad company; how the crossing should be constructed. The petition and exhibits and the answer and exhibits, without other evidence, held insufficient to authorize a judgment in a condemnation case; case remanded. See notes to article 23, section 261. *Hyattsville v. Washington, etc., R. R. Co.*, 120 Md. 130 (decided prior to the act of 1914).

See article 23, sections 126, 250, 269, 389, 398, 399 and 405.

The State Board of Forestry has the right of condemnation—article 39A, section 17.

1912, ch. 117. 1914, ch. 463, sec. 3.

2. Upon the filing of said petition, the Court or any judge thereof shall pass an order directing a summons to issue for the defendants, to be served in the same manner as a summons in actions at law, and to be returned by some day to be named in said order, not less than ten days nor more than twenty days from the day of the filing of said petition. If any defendant be not summoned before the return day of said summons, the summons may be renewed from time to time, as often as the Court in its discretion may think proper; or if any defendant is non-resident or unknown, or is returned *non est*, the Court may order the sheriff to set up a copy of the summons for such defendants upon the property, and a notice to be published once a week for three successive weeks, in a newspaper published in the County where such property is situated, and, if the proceedings be in Baltimore City, in one daily newspaper published in said City, requiring such defendant to appear in the said Court on or before a certain day to be named in the order, said day to be not less than thirty days nor more than forty days from the date of the first publication of said order, and show cause why such property, or such defendant's interest therein, should not be condemned as prayed in the petition.