

The objection that warrant to sheriff to condemn land for construction of a railroad by a mining company, instead of merely complying with the requirements of this section, directed 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 sec. 203 relative to condemnations by railroad companies, should be made by a challenge to the array before jurors are sworn, followed by exceptions to ratification of inquisition founded on that specific ground; otherwise objection is waived. *New York Mining Co. v. Midland Mining Co.*, 99 Md. 516. And see *Moores v. Bel Air Water Co.*, 79 Md. 399.

Without considering whether this section applies to a condemnation by a railroad company (see sec. 203), owner is entitled to notice before the property is condemned, and notice of the pendency of inquisition in court for confirmation, is not in itself sufficient. *Baltimore, etc., R. R. Co. v. Baltzell*, 75 Md. 106. *Cf. George's Creek, etc., Co. v. New Central, etc., Co.*, 40 Md. 437.

Fact that co-owner is a public service corporation, does not enlarge its rights as such co-owner. This section provides how and in what manner right of condemnation may be exercised. *Susquehanna Co. v. St. Clair*, 113 Md. 672.

For note on condemnation of land by corporations, see *Hamilton v. Annapolis, etc., Ry. Co.*, 1 Md. 553.

As to condemnations by bridge companies, see sec. 154; by mining companies, sec. 184; by railway companies, sec. 203; by telegraph and telephone companies, secs 295 and 337; by turnpike, plank road and passenger railway companies, sec. 321; by water companies, sec. 330.

See art. 33A and notes to secs. 334 and 337 (this article).

An. Code, sec. 400. 1904, sec. 361. 1888, sec. 249. 1868, ch. 471, sec. 171.

332. If at said time and place any jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to make twenty jurors, and from them each party, or its, his, her or their agent, or if either party be not present in person or by agent, the sheriff for him, her, it or them may strike off four jurors, and from those remaining on the list the sheriff shall select twelve to act as the jury of inquest of damages.

See notes to secs. 331, 334 and 337.

An. Code, sec. 401. 1904, sec. 362. 1888, sec. 250. 1868, ch. 471, sec. 172.

333. The sheriff shall, before they proceed to act as such, administer to each of said jury an oath that he will justly and impartially value the damages which the owner will sustain by reason of the occupation of the said land or materials required by the occupation, and find whether or not the condemnation of such land or material is necessary and proper for the use of such corporation, for the due exercise and enjoyment of its corporate privileges.

See notes to secs. 331, 334 and 337.

An. Code, sec. 402. 1904, sec. 363. 1888, sec. 251. 1868, ch. 471, sec. 173.

334. The jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court for his county, or the clerk of the superior court of Baltimore city, as the case may be; and if no sufficient cause to the contrary be shown, the said inquisition shall thereupon be confirmed by the said court, at such time and after such notice as shall be fixed by its rules; and when confirmed, shall be recorded by said clerk at the expense of said corporation; but if set aside, or if the jury shall fail to agree, the said court may direct another inquisition to be taken in the manner above