

conceive expedient and necessary for the purpose of conveying water into the said city for the use of the said city and for the health and convenience of the inhabitants thereof, and also the right to enter and pass through, from time to time, as occasion may require, and to use and occupy the said lands, through which it may deem necessary to convey the said water; and it is hereby invested with all the rights and powers necessary for the introduction of water into said city, and to enact and pass all ordinances from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified.

Mayor, &c., v. Appold, 42 Md. 442. Mayor, &c., v. Warren Mfg. Co., 59 Md. 96. Baltimore City v. Merryman, 86 Md. 591. *Cf.*, Baltimore v. Ritchie, 51 Md. 232. Consolidated Gas Co. v. Balto. County, 98 Md. 695. Callaway v. Baltimore City, 99 Md. 316.

Where a municipality furnished water gratuitously to be used in extinguishing fires it acts in a governmental capacity and is not liable for negligence in connection with its water works.

Wallace v. Baltimore City, 123 Md. 638.

Condemnation Proceedings to Acquire Land, etc., for Water Supply.—Measure of damages and how to be Estimated.

Brack v. Baltimore, 125 Md. 378.

City may exercise police power through Water Board.

Lee v. Letch, 131 Md. 30.

(b) SALE OF WATER.

1882, ch. 225. P. L. L. (1888), Art. 4, sec. 916.

To contract with individuals, firms or corporations for the use of the water of said city, on such terms and for such time as it may deem proper and expedient.

Baltimore City v. Day, 89 Md. 555. Merryman v. Balto., 153 Md. 419.

(c) ACQUISITION OF PROPERTY AND MATERIALS BY AGREEMENT.

P. L. L. (1860). Art. 4, sec. 929. P. L. L. (1888), Art. 4, sec. 917.

The Mayor and City Council of Baltimore, or any agent authorized by it, may agree with the owner of any land, real estate, spring, brook, water or watercourse, as aforesaid, earth, timber, stone or other materials which it may conceive expedient or necessary to purchase and hold, for the purpose of introducing water into the City of Baltimore.

Baltimore v. Day, 89 Md. 551.

(d) OR, MAY ACQUIRE SAME BY CONDEMNATION PROCEEDINGS.

1853, ch. 376. P. L. L. (1860), Art. 4, sec. 930. P. L. L. (1888), Art. 4, sec. 918.

If they cannot agree, or if there be any incapacity or disability to contract with the owner of such land or real estate, spring, brook, water or watercourse as aforesaid, earth, timber, stone, or other materials, or with the owner of such lands through which the said city may find it necessary to have a right of entry and passage, for the purpose of conveying the said water into the said city, or if such owner should be absent, out of the State, or unknown, it shall be lawful for the Mayor and City