

ARTICLE 33A.

EMINENT DOMAIN.

15. This Article applicable to all condemnation proceedings, except street or highway cases.

1.

Not necessary for corporation to allege public necessity for construction for which land is petitioned to be condemned. *Improvement Co. v. Gas, etc., Co.*, 156 Md. 585.

This article referred to in construing Maryland Constitution, art. 3, sec. 40A, to permit Baltimore to condemn property under provisions of City Charter or under this article. *Hubbard v. Baltimore*, 158 Md. 48.

Proceedings under ordinance for condemnation of property for library in Baltimore City complied with provisions of this article. *Johnson v. Baltimore*, 158 Md. 101.

This article cited but not construed in *Baltimore v. Libowitz*, 159 Md. 36.

6.

The method of condemnation provided under this section does not impair obligation of contract in B. & O. R. R. charter, this section merely changing the remedy to enforce right of condemnation. *Metropolitan Branch built under act 1865, ch. 70. B. & O. R. R. Co. v. Maughlin*, 153 Md. 375.

7.

Inquisition cannot be vacated for refusal to allow jury to view property of defendant on other side of street in absence of anything to indicate impairment of value or utility of such land by condemnation of land in question. *Port Development Commission; harbor improvement. Public use. Evidence. Instructions. See notes to sec. 15. Marchant v. Baltimore*, 146 Md. 524.

11.

This section referred to in construing sec. 12.

12.

No appeal lies from an order sustaining a demurrer to a plea in bar in a condemnation proceeding. *Davis v. Board of Education*, 166 Md. 123.

An. Code, 1924, sec. 15. 1912, sec. 14. 1912, ch. 117. 1914, ch. 463, sec. 15.
1933, ch. 341.

15. The State, and any municipal or other corporation, commission, board, body or person, which under the laws of this State, has a right to acquire property by condemnation, shall acquire such property, if condemnation proceedings be resorted to, in pursuance of, and under the provisions of this Article, anything in any other Public General Law or Public Local Law or private or special statute to the contrary notwithstanding; pro-

As to condemnation of property for public roads, see art. 89B, sec. 4.