

ARTICLE 33A.

EMINENT DOMAIN.

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| <ol style="list-style-type: none"> 1. Petition, where and against whom filed and what to contain; unknown owners. 2. Summons for defendants; renewal; publication. 3. Answer of defendants; default; disability. 4. Amendments; demurrers, etc. 5-7. Trial, when had; jury, how selected; view of premises, regulation of. 8. Opening statements, when made; jury may view premises in charge of sheriff or bailiff. 9. Trial, evidence, instructions, etc.; exceptions; bills of exceptions. 10. Interested persons not parties may intervene, when and how. 11. Verdict may be excepted to; motion for new trial and in arrest; new trial; judgment, how entered. 12. Appeal, bill of exceptions and record, when to be filed. | <ol style="list-style-type: none"> 13. Payment of compensation after judgment; how and when title may be had. 14. Appeals, when heard; defendants counsel fee, when taxed against petitioner. 15. This article applicable to all condemnation proceedings save street or highway cases. 16. Costs, who to pay. 17. How possession may be had pending appeal; bond; final judgment. 18. Invalidity of sec. 17 not to affect remainder of law. <p style="text-align: center; margin: 10px 0;">Surveyors for Public Works.</p> <ol style="list-style-type: none"> 19-21. Public engineers or surveyors may enter private property; property not to be destroyed; stakes, etc., may be set; owners not to obstruct work; penalties. |
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An. Code, 1924, sec. 1. 1912, sec. 1. 1912, ch. 117. 1914, ch. 463, secs. 1 and 2.

1. The proceedings for the acquisition of private property for public use shall be as follows:

The proceedings shall be begun by the filing of a petition in the Circuit Court for the County in which the property sought to be condemned is situated, on the law side thereof, or in one of the law courts of Baltimore City, if such property is situated in Baltimore City, by the State, Municipal, or other corporation, commission, board, body or person seeking to have the property condemned, and against the owner or owners thereof, and the husbands and wives of married owners.

In case any owner or owners is or are not known, he or they may be described in such petition as the unknown owner or owners, or the unknown heir or heirs of a deceased owner. The petition shall set forth a description of the property sought to be acquired, sufficient for identification, a statement of the purpose for which same is sought to be condemned, and that the petitioner is unable to agree with the owner or owners thereof, or that one or more of said owners is or are under some legal disability to contract, unknown or non-resident, according to the facts; and the said petition shall contain a prayer that the said property may be condemned.

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.

See art. 3, secs. 40 and 40A of the Md. Constitution.

As to condemnation of property for public road; see Art. 89B, secs. 5 and 40.