

poration was formed. And shall also have power to lay pipes and construct all such other works as shall be necessary or suitable to carry out the purposes of said corporation; provided, the assent of the municipal authorities of any incorporated town or city in which the operations of said corporation may be carried on shall be first had and obtained, or if the operations of any such company shall be carried on in any county outside of an incorporated town or city, the assent of the county commissioners of said county shall be first had and obtained; and all such works and the exercise of the powers hereby granted, shall, at all times, be subject to such reasonable regulations as said municipal authorities or said county commissioners, as the case may be, may from time to time prescribe; but nothing in this section shall authorize the incorporation of water companies in the city of Baltimore.

Where a company's original charter authorizes it to lay its pipes in the first district of Baltimore County without obtaining assent of county commissioners, and subsequently by amendment to its charter, the company is authorized to extend its operations to other parts of Baltimore County, such company is not authorized to lay its mains under the highways of portions of Baltimore County other than the first district, without assent of county commissioners. *Baltimore County Water Co. v. Baltimore County*, 105 Md. 163.

County commissioners have much greater powers over water companies laying pipes, than over gas companies, as shown by a comparison of this section with section 178. *Consol. Gas Co. v. Baltimore County*, 98 Md. 695 (decided prior to the act of 1910, ch. 55—see sec. 178).

This section referred to in construing sec. 329, *et seq.*—see note thereto. *Moores v. Bel Air Water Co.*, 79 Md. 393.

For the regulations concerning water companies prescribed in the act creating the public service commission, see sec. 413.

An. Code, 1924, sec. 330. 1912, sec. 398. 1904, sec. 359. 1888, sec. 247. 1868, ch. 471, sec. 95.

**328.** If any corporation formed for the purposes mentioned in the preceding section can not agree with the owner or owners of any land or water rights which such corporation may have power to acquire for the purpose of laying pipes or constructing its works; or if such owner or owners, or any of them, be a *feme covert* without power to contract in relation to said property, or under age, or *non compos mentis*, or under any other legal disability, or be absent from the county or city in which the said property may lie when the said land or water rights may be needed, the corporation may proceed to condemn and acquire the same in the manner provided for in sections 329 to 334, both inclusive, of this article.

This section referred to in construing sec. 329, *et seq.*—see note thereto. *Moores v. Bel Air Water Co.*, 79 Md. 394.

See secs. 153, 185, 206, 319, 329, *et seq.*, and art. 33A.

### Condemnation of Property by Corporations.

An. Code, 1924, sec. 331. 1912, sec. 399. 1904, sec. 360. 1888, sec. 248. 1868, ch. 471, sec. 170.

**329.** If any corporation incorporated under the laws of this State which shall be authorized to acquire by condemnation any land, earth or stone, or any interest therein, can not agree with the owner or owners thereof, or if any of such owners be a *feme sole*, and without power to contract in that regard, under age, *non compos mentis*, or under any other legal disability to contract, or be out of the county in which the property wanted may lie at the time the same is wanted, then in all such cases application may be made by any such corporation to any judge of the circuit court for the county in which said land or other materials may lie, or to any judge of the supreme bench of Baltimore City, if the said land or materials lie in the