

issue his warrant, directed to the sheriff of said county or city, as the case may be, requiring him to summons a jury of twenty inhabitants of said county or city, as the case may be, not related to said owner, or in anywise interested in said land, and no stockholders in said corporation, to meet on the land or near the other property or materials to be valued and condemned, on a day named in said warrant, not less than ten, nor more than twenty days after issuing the same.]

339.

Nothing herein contained shall authorize any incorporated company to take or use property without just compensation, as agreed upon with the owner, or awarded by a jury, having been first paid or tendered to the parties entitled thereto, or paid into a court [, after inquisition confirmed, as provided for in Section 338 of this article]; and nothing herein contained shall authorize the location of any public road on private property without consent of the owners or the decision of the county commissioners, upon due hearing as now prescribed by law for opening or altering public roads.

340.

Any of the corporations formed under class thirteen, Section 28 of this article, as codified by the Code of 1904, shall have the power which is conferred upon telegraph companies incorporated under this article by Section 318, and may construct and lay any part of its line or lines underground or any route for which it is authorized to construct such lines in whole or in part, above ground, and such corporation may acquire by condemnation any property or right whatsoever necessary for its purposes in its discretion, either in fee simple or the use thereof in fee simple, or for a less estate, [either] in the manner set forth in Article 33A of the *Annotated Code of Maryland*, title "Eminent Domain" [Sections 193 and 160, or Sections 334 and 339 of this article]; provided, however, that all corporations incorporated, or to be incorporated by virtue of said Section 28, class thirteen, (Code of 1904) and all corporations heretofore or hereafter incorporated under the provisions of the Corporation Law of 1908, shall obtain the assent and approval of the mayor and city council of Baltimore City, before using the streets or highways of Baltimore City, either the surface or the ground beneath the same. The provisions of this proviso, however, not to apply to such corporations as are now in practical operation and have laid or constructed their lines, pipes, mains or other structures, or any part thereof in the City of Baltimore, except as to the use and occupancy by them of new and additional streets and highways in the City of Baltimore by their lines, pipes, mains or other structures.

SEC. 19. *And be it further enacted*, That Section 9 of Article 24 of the Code, title "Costs", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

9.

When in any [action or proceeding at law or in equity or in any] proceeding before an orphans' court a bond is required to be filed and the surety upon such bond so filed is a surety company authorized by the laws of this State to qualify upon such bonds, then the party