

heard, and shall consider the same and such other testimony as may come before them, and determine the case as in their opinion shall seem right and proper.

Contracts with owners for right of way.

SEC. 204. *And be it enacted,* Whenever the County Commissioners shall decide that it is expedient that a road be opened, as provided in the preceding section, they may contract with the owner or owners of the land through which the said road is intended to run, for the right of way over the land necessary for said road, if he, she or they be competent to contract; and in case the said County Commissioners shall so contract, they shall cause a plat of the said road to be made by a competent surveyor, and filed and recorded in the office of the clerk of the Circuit Court for Baltimore County, which said plat shall be referred to in and shall be a part of said deed or deeds, and the lands so conveyed shall be and become thenceforth the property of the county, in the same manner and to the same extent as other county roads, and no further, subject to the public rights of way over the same; and it shall be lawful for the said County Commissioners of Baltimore county so to contract for lands for a public wharf, drains for county roads or other public use or uses, which said land shall be the property of said county, subject to said use or uses; and whenever the County Commissioners shall deem it expedient that examiners should be appointed to view the grounds for the purpose of opening, altering or closing a road, they shall appoint three persons as examiners, who shall be freeholders in the county, and not interested in or holding lands through which the road is proposed to be opened, altered or closed; but the appointment of examiners shall not prevent the said County Commissioners, at any time thereafter, from contracting with the owner or owners as above provided; and the County Commissioners of said county are authorized, when the county roads cannot be conveniently drained by drains along the said county roads, to make the same upon the property outside the limits thereof; and they shall contract for the lands that may be required for that purpose as above provided, or they may proceed to condemn the lands that may be necessary for the purpose, under the provisions of sections 248 to 253, both inclusive, article 23, title "Corporations."

Appointment of examiners.

Oath of examiners.

SEC. 205. *And be it enacted,* The said examiners, before they proceed to act as such, shall take an oath to execute the trust reposed in them, faithfully and without favor, affection