

of any public road in said county, he shall forthwith so inform the County Commissioners of said county, and if the owner of such property consents to the opening of such outlet or watercourse, and if such owner and the said County Commissioners shall agree upon the value and price to be paid for the same, then such consent and agreement shall be entered on the books of the County Commissioners, and such outlet or watercourses shall be opened by the said County Road Engineer, but if the owner shall not consent, then the County Commissioners shall have such power and authority to condemn the land for such outlet or watercourse as is now or hereafter may be conferred by the Code of Public General Laws of the State of Maryland for condemning public highways, and shall appoint three examiners to go over such proposed outlet or watercourse for such drainage, who, or a majority of whom, shall estimate the damage to the owner or owners of the land through which said outlet or watercourse runs, and where said damage so estimated is tendered to the owner of said private property, the said County Road Engineer shall immediately cause such outlet or watercourse to be opened; said County Road Engineer shall furnish said examiners with a plat showing the proposed location and profile of such outlet or watercourse; and for the purpose of making such plat and profile the said County Road Engineer is authorized to go upon private property through which said proposed outlet or watercourse shall pass, and to make whatever survey or surveys that he may deem necessary for such purpose; provided, that any such outlet or watercourse shall not be opened so as to pass through the buildings, gardens, yards or burial grounds of any person without the consent of the owner in writing.

SEC. 2. *And be it enacted*, That all laws or sections or parts of all laws conflicting or inconsistent with any provision or provisions of this Act be and the same are hereby repealed so far as the same or any of the same conflict or are inconsistent with any provision or provisions of this Act, saving and excepting Chapter 141 of the Acts of the General Assembly of Maryland passed at the January Session, 1908, and the amendments thereto, and Chapter 225 of the Acts of the General Assembly of Maryland passed at the January Session, 1904, and the amendments thereto, which said two last-mentioned Acts and amendments thereto shall in no manner be repealed or amended by the passage of this Act.

SEC. 3. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved April 1, 1910.