

shall give thirty days' notice thereof in one or more of the newspapers published in the county; and if no newspaper be published in the county he shall give public notice of such intention by setting up a notice at the court house door, and at three public places in the election district in which it is proposed to open, close or alter the road, for at least thirty days.

Sections 88 to 104 do not contemplate the opening of roads through lands already owned by the county. *Gist v. Owings*, 95 Md. 304.

Cited but not construed in *Smith v. Goldsborough*, 80 Md. 57; *Winchester v. Cecil County*, 78 Md. 267.

1904, art. 25, sec. 89. 1888, art. 25, sec. 85. 1860, art. 28, sec. 14.
1853, ch. 220, sec. 2.

90. Counter petitions may be presented to the county commissioners, and when they are, the county commissioners shall take into consideration the reasons contained in the counter petition, and such other testimony as may come before them, and determine the case as in their opinion shall seem right and proper.

Cited but not construed in *Smith v. Goldsborough*, 80 Md. 57.

See notes to sec. 89.

Ibid. sec. 90. 1888, art. 25, sec. 86. 1860, rt. 28, sec. 15.
1853, ch. 220, sec. 3. 1884, ch. 364.

91. 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 the county in which the deed or deeds conveying the said lands are required to be recorded, 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 any county so to contract for land for a public wharf, drains for county roads or order 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 any county are authorized, when the county roads cannot be conveniently drained by drains along the said county roads, to make