

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 399 to 404, both inclusive of article 23, title corporations.

The jurisdiction of county commissioners being special and limited, that they complied with the requisites to give them jurisdiction must appear on the face of the proceedings. Where the proceeding fails to show that the examiners are "freeholders in the county and not interested in or holding lands through which the road is proposed to be opened," the commissioners have no jurisdiction, nor has the circuit court, and hence an appeal lies to the court of appeals. *Cumberland Valley R. R. Co. v. Martin*, 100 Md. 166.

The county commissioners may close an old road and open a new one without first appointing examiners. This section compared with the local act of 1900, ch. 685, section 208. *Riggs v. Winterode*, 100 Md. 449.

The circuit court upon reversing the action of the county commissioners on appeal (under article 5, section 84), has no power to appoint examiners. *Gist v. Owings*, 95 Md. 307.

Cited but not construed in *Winchester v. Cecil County*, 78 Md. 267.

See notes to sec. 89.

1904, art. 25, sec. 91. 1888, art. 25, sec. 87. 1860, art. 28, sec. 16. 1853, ch. 220, sec. 4.

**92.** The said examiners before they proceed to act as such shall take an oath to execute the trust reposed in them by the commission to them issued, faithfully and without favor, affection or partiality; which oath shall be endorsed on the commission and returned therewith.

See notes to sec. 89.

*Ibid.* sec. 92. 1888, art. 25, sec. 88. 1860, art. 28, sec. 17. 1853, ch. 220, sec. 3.

**93.** They, or a majority of them, after giving thirty days' notice in the manner hereinbefore prescribed, shall meet on the premises and proceed to examine and determine whether the public convenience requires that the road should be opened, altered or closed, as the case may be.

See notes to sec. 89.

*Ibid.* sec. 93. 1888, art. 25, sec. 89. 1860, art. 28, sec. 18. 1853, ch. 220, sec. 3.

**94.** If the application be for opening or altering a road, they shall proceed to locate the same in such manner as will, in their judgment, best promote the public convenience, and shall cause a plot of the same, and also of the old road, where the application is to alter or close a road, to be made out, and shall return the same, together with a full report of their proceedings, under their hands, to the county commissioners, with the reasons on which their opinions are founded.

Cited but not construed in *Winchester v. Cecil County*, 78 Md. 267.

See notes to sec. 89.

*Ibid.* sec. 94. 1888, art. 25, sec. 90. 1860, art. 28, sec. 19. 1853, ch. 220, sec. 3.

**95.** If they shall be of opinion that the road ought not to be opened, altered or shut up, they shall report their opinion to the county commissioners, together with the reasons on which it is founded.

See notes to sec. 89.