

Superintendent, and shall not be accepted or paid for by the County Commissioners until the said County Road Superintendent has certified to the said Commissioners that the said road has been built according to contract and specifications, signed by the contractors, if such road is built by contract.

1916, ch. 260, sec. 235. 1924, ch. 315, sec. 235.

378. It shall be the duty of the Chairman of the State Roads Commission and Director of Public Works, whenever the office of County Road Superintendent shall become vacant by death, resignation, removal from office or from any other cause, immediately to appoint some one to fill such vacancy in the manner and with the same qualifications as prescribed in Section 372 of this Article.*

1916, ch. 260, sec. 236.

379. Whenever the County Road Superintendent shall find it necessary to open an outlet or watercourse through private property in Somerset County, to secure proper drainage of any public road therein, he shall so inform the County Commissioners of said County, and if the owners of such property consent to the opening of such outlet or water course, and if such owner and the County Commissioners shall agree upon the value and price to be paid for the same, then such consent and agreement shall be entered in the books of the County Commissioners, and the outlet or water course shall be opened by the said County Road Superintendent, in accordance with said agreement; but if the owner and County Commissioners shall fail to agree, then the said County Commissioners shall have such power and authority to condemn the land for such outlet or water course as is now or hereafter may be conferred by the Code of Public General Laws of the State for condemning public highways, and the said County Commissioners shall appoint three examiners to go over such proposed outlet or water course for such drainage, who, or a majority of whom, shall estimate the damage of the owner or owners of the land through which the said outlet or water course may be opened, and the County Commissioners shall tender to the owner of said land the amount of damages so estimated or ascertained by said examiners, or a majority of them, and so soon as the same is tendered to the owner or owners of said property the said County Road Superintendent shall immediately cause such outlet or water course to be opened; said County Road Superintendent shall furnish said examiner with a plan, showing the proposed location and profile of such outlet or water course, and for the purpose of making such plan or profile the said County Road Superintendent is authorized to go upon any private property through which said proposed outlet or water course shall pass and make whatever survey or sur-

*Sec. 2, ch. 315, 1924, and sec. 2, ch. 260, 1916, provides that "any law or laws, or parts of any law or laws, heretofore enacted and affecting or pertaining to the County Commissioners, their powers and duties over roads and ditches in said Somerset County, are hereby saved and shall remain in full effect and force, except so far as the same or any of them may be repealed by or may be inconsistent and in conflict with the provisions of this Act."