

An. Code, 1924, sec. 8. 1912, sec. 7A. 1916, ch. 117.

8. The Court may, in its discretion, permit the opening statements of counsel to be made before the jury is sent to view the premises; and the Court also may, in its discretion, send the jury to view said premises, as provided in Section 7, in charge either of the sheriff as therein provided, or of a bailiff of the Court.

An. Code, 1924, sec. 9. 1912, sec. 8. 1912, ch. 117. 1914, ch. 463, sec. 9.

9. After said view, and the jury has returned to said Court, the trial of the issues of law and fact in the case, relative to the right to condemn said land, and the damages which will be occasioned to the defendant owner or owners thereof by the taking, use and occupation thereof by the petitioner, and the amount of just compensation therefor to each defendant, and of all other issues which may properly arise in said case, shall be proceeded with before said Court and jury in the same manner and under the same rules of law and practice, pertaining to the admissibility of evidence, the instructions of the Court, and all other matters arising under said proceedings, as in other civil cases, except as herein otherwise provided.

Either party may except to any ruling of the Court, admitting or excluding evidence, or granting or rejecting instructions, or made upon any other motion, exception or proceeding in the cause, in the usual method of trials of civil cases, and in case of appeal as hereinafter provided, bills of exceptions shall be presented, settled and signed according to the prevailing practice in said Court.

The burden is on petitioner to establish right of condemnation. *Davis v. Board of Education*, 168 Md. 74.

The burden of proof being upon petitioner to show his right and power to condemn, and the necessity for condemning, he is entitled to open and close case. Generally speaking, burden of proof is upon the party who inaugurates proceeding; hence he has right to open and close. *Kenly v. Washington County R. R. Co.*, 129 Md. 7.

An. Code, 1924, sec. 10. 1912, sec. 9. 1912, ch. 117. 1914, ch. 463, sec. 10.

10. Any person who has not been made a party to said proceedings, who shall have, or claim to have any interest in the property sought to be condemned, may voluntarily intervene in said case, at any time before the trial of the same, and upon petition may, by order of said Court, be made a party defendant to said proceedings upon such terms and conditions as the Court shall direct, and thereupon may take part and defend in the trial of said case, and shall be bound by said judgment in the same way and to the same extent as if such person intervening had been made an original party defendant in said petition.

An. Code, 1924, sec. 11. 1912, sec. 10. 1912, ch. 117. 1914, ch. 463, sec. 11.

11. Any verdict rendered by said jury may be excepted to within the time allowed by the rules of Court in other civil cases; or within the time of said rules of Court, either party may file a motion for a new trial, or in arrest of judgment, or make any other proper motion applicable to such case as in ordinary civil cases, and said motion shall be heard and disposed of by the Court as speedily as reasonably possible.

Upon any such exceptions or motions, if the Court shall set aside the verdict of the jury, it shall forthwith within the time hereinbefore provided, set a new day for the trial of the same, and upon said day so set, said Court shall proceed with the selection of a jury as aforesaid, and a new trial of the