

eminent domain is hereby conferred, and the same may be condemned *and the procedure shall be as provided for in Article 33A of the Annotated Code of Maryland, title "Eminent Domain"*. [Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights of way for railroads, so far as the same may be applicable and s] Such damages as may be awarded as compensation shall be paid by the board of drainage commissioners out of the first funds which shall be available from the proceeds of sale of bonds or otherwise.

138.

Whenever the county commissioners shall decide that it is expedient that a road be opened as provided in Section 137 of this article they may contract with the 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 other 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 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 334 to 339, both inclusive of Article 23, title Corporations.] *Article 33A of the Annotated Code of Maryland, title "Eminent Domain"*.

199.

Any person feeling himself aggrieved by any determination of the county commissioners, or by any proceedings had under this sub-title relating to works of improvement, may appeal to the circuit court of the county in which such determination was made or proceedings were had, and shall be entitled to trial by jury,