

provided further, that the cost of the record in case of appeal shall be paid or tendered to the Clerk of the County Commissioners within thirty days from the date of said appeal, and in case of said costs of said appeal are not so paid or tendered within said period, it shall be lawful for the County Commissioners to proceed to act in the premises, as if no such appeal had been taken, and in case any appeal is taken to the Circuit Court for said county, and a motion is filed to quash the proceedings in said case, any of the proceedings may be amended as to matters of form, so that the case be tried on its merits, and the purposes of justice subserved, or the court may, in its discretion, remand said case to the County Commissioners for alterations, correction or amendment; and all persons so appealing to the Circuit Court for Baltimore County shall be secured in the right to a jury-trial; and the said court shall direct the sheriff of Baltimore County to summon twelve or more persons qualified to be jurors, and shall empanel any twelve disinterested persons so summoned to try any question of fact, and if necessary to view any property in question, and to determine the proper amount of damages of benefits due on account of the same, and when final judgment is entered by the Circuit Court in any case, said court may determine whether the costs shall be paid by the appellant or appellee.

Sec. 214. The County Commissioners shall not advertise any notice of application for opening any new road or widening, straightening, altering or closing any old road, or part of any old road unless the parties interested in said application shall pay to the Treasurer of Baltimore County such sum or sums of money as may be necessary to the expenses of advertising, surveying, making plat and the per diem of examiners, and any other expenses that may be incurred before the proceedings in the case shall be finally ratified and ordered to be recorded, and when the assessments for benefits shall have been collected and paid into the Treasury of Baltimore County the County Commissioners shall give an order on the treasurer for the sum or sums of money paid to him by the parties for such purposes.

Sec. 215. When no objection shall have been filed within the time hereinbefore designated, *or of objection shall have been filed*, and the road petitioned for be confirmed by the County Commissioners of said county, and if in case of appeal the order of the County Commissioners is affirmed by the Circuit Court for said county, the County Commissioners shall

Right to a jury trial.

Commission'rs shall not advertise notice of application for opening road, etc.

If petition confirmed, shall be recorded as public road.