

when the public use thereof may be such that the town need only have such possession and control as will not wholly exclude the possession and beneficial use thereof by the owner, the actual damage from the public use specified in the ordinance. To pay such compensation the commissioners shall assess against the town the amount of benefit to the town and public generally. Parties interested may submit evidence to the commissioners, and the latter shall examine personally the property to be taken and assessed. The parties owning any property taken may remove any improvements thereon. The verdict of the commissioners shall be signed by each commissioner and delivered to the Mayor or person acting in his stead, and contain a correct description of each lot or parcel of private property to be taken and the value thereof. (d) The Mayor or person acting in his stead shall, after rendition of the verdict, report the same to the council, and if the same be not confirmed within sixty (60) days from such report, the proceedings and verdict shall be void. If the verdict and proceedings be confirmed by the council within sixty (60) days, an appropriation shall be made to pay such sum as has been assessed against the town. (e) The town shall not be entitled to the possession of any lots or parcel of property taken until payment of the compensation therefor be made or paid into the Circuit Court of Montgomery County for the person entitled, in case such person be absent, unable or unwilling to receive the same, or the title to the property to be taken shall be in question. (f) In case the town or any person affected by such proceeding feel aggrieved by the verdict of the commissioners, appeal may be taken within twenty days of the approval of said verdict to the Circuit Court of Montgomery County. The party appealing shall perfect his appeal by filing with the town clerk a written notice of his intention so to do within twenty days, and thereupon the clerk shall, within twenty days from said notice, file a complete transcript of the proceedings with the clerk of the Circuit Court and said cause, unless the appeal be dismissed, shall be tried *de novo* in said court at the next jury term of said court after said transcript is filed, in all respects as other trials had in said court. The verdict of the jury shall conform in all respects to the requirements of this section, and shall have the same force and effect as the verdict of said commissioners.

1906, ch. 292, sec. 29.

235. Whenever any work of any nature is to be performed, the estimated cost of which exceeds two hundred (\$200) dollars, which estimate shall be entered on the minutes of the council, notice of two weeks shall be given by posting in some