

same to the clerk of the Circuit Court for Montgomery County; such appeal shall be tried at the term of the court then being held, or as soon thereafter as convenient for the court, and upon such trial the court shall give such judgment as shall be proper, including the matter of costs, which in no event shall be given against the said county commissioners unless they be a party to the proceedings, and the judgment so given shall be certified to the said commissioners by the clerk of said court.

473. The proceedings on such appeal shall not be quashed because of any formal defect, and any of the proceedings may be amended as to matters of form as fully as if such case had originated in said court, so that the case may be tried on its merits, and the purposes of justice subserved, or the court may in its discretion remand said case to the said county commissioners for alteration, correction or amendment. All persons so appealing, or against whom such appeal is taken, shall have the right to a trial by jury of all issues of fact involved in such appeal as fully and in the same manner as though the case had originated in said court.

1910, ch. 484, sec. 177t.

474. The said county commissioners shall have the power to issue subpoenas for witnesses, and the president thereof shall have power to administer the oath to any witness who may be examined before the said commissioners, said oath to have all the qualities of an oath taken before any other judicial tribunal or officers, and violations thereof to be punishable as other perjuries are punishable, and the said commissioners shall have full power to give judgment in any hearing before it as to costs, which judgment shall be enforceable in the same manner as other judgments for costs rendered by competent tribunals.

Ibid. sec. 177u.

475. Said commissioners shall have the power to require all notices provided by this sub-title to be given, or which it may be necessary to give in the course of any of its proceedings, to be served by any of the constables of Montgomery county, and to allow the sum of forty cents and no more for the service of every such notice; and any constable failing to serve any such notice or making any false return as to such service, shall be punishable as for other similar violations of duties required by law to be performed by him.

1910, ch. 484, sec. 177v.

476. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, shall be granted by the County Commissioners of