

of such decision and passage of an order in conformity therewith, and if such appeal is not so taken, or costs not so paid or tendered within said thirty days allowed for same, the right of appeal and all other rights in connection with such appeal shall be considered waived; on the taking of such appeal and the payment or tender of the costs thereof, as aforesaid, it shall be the duty of the clerk to the said commissioners to forthwith prepare a transcript of the proceeding and transmit the 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.

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 the said court.

177U. 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 the 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.

SEC. 2. *And be it further enacted*, That five new sections be added to Article 16 of the Code of Public Local Laws, title "Montgomery County," sub-title "Roads," to follow section 177U, to be known as sections 177v, 177w, 177x, 177y, and 177z, and to be and read as follows:

177v. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of this same, shall be granted by the County Commissioners