

or any part of the amount of damages and expenses which it shall ascertain will be incurred in locating, opening, extending, widening, straightening or closing up the whole or any part of any street, lane or alley in the city, and for the collection thereof. To provide for the appointment of three persons as Commissioners, who shall be freeholders of the city and not interested in or holding lands through which the street, lane or alley, or portion thereof, is to be laid out, extended, widened, straightened or closed up, to appraise and award damages that will be caused thereby, and to ascertain the assessed benefits that will thereby accrue, as hereinbefore provided. After their appointment the commissioners shall qualify by taking an oath or affirmation to be administered by the Mayor that they will faithfully and impartially perform the duties of their office to the best of their skill and ability. Said commissioners shall have the power and authority to administer oaths or affirmations and to issue subpoenas and subpoenas *duces tecum* for witnesses, either at the request of The Mayor and Aldermen of Frederick or at the request of any person interested. The Mayor and Aldermen of Frederick is hereby authorized to provide for granting appeals to the Circuit Court for Frederick County, with the right to a trial by jury, by either The Mayor and Aldermen of Frederick or any person interested therein, from the decision of the commissioners, provided that every such appeal shall be taken within ten days from the date of the decision by the commissioners. Upon appeal the case shall be tried *de novo* and the court or jury shall determine whether any damage has been caused or any benefit has accrued and to what amount, and may either increase or diminish the amount awarded or assessed by the commissioners. If an appeal to the Circuit Court for Frederick County be taken at a time when the regular jury is in attendance at said court, the case shall be heard before a jury selected from such regular panel, but if the appeal be taken at a time when the regular jury for the term has been discharged then the court shall forthwith cause twenty jurors to be summoned by the sheriff of Frederick County to attend as jurors at said Court at the time fixed by the court for the trial of said cause, which shall not be less than twenty days after any such appeal, provided, however, that every such appeal may be tried before the court without the intervention of a jury, if all of the parties in interest agree thereto. It shall have power to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in the discretion of the corporation, in some stock or otherwise, bearing an interest not exceeding six per cent. per annum, for the use of any such persons who, because of their infancy, absence from the city, or any other cause may be prevented from receiving it, before any street, lane or alley, in whole or in part, shall be opened, extended, widened, straightened or closed up; to provide for the collection of the amounts adjudged to be paid by the owners or possessors, who may be benefited thereby; and to enact and pass all ordinances from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified.