

other instrument under which the owner or owners hold the same, to the Mayor and City Council of Cumberland, and upon the receipt of said report, the said Mayor and City Council shall thereupon give a notice by publication once a week for two consecutive weeks in two daily newspapers published in the City of Cumberland to all said owners of said property of the substance of said report, and shall post a copy of such notice on each property affected, or shall serve such notice personally on the owners of said properties, warning all said owners to appear in person or by agent or solicitor before the said Council at such time as the Council may determine and prescribe in said notice for the purpose of stating any objection any of said owners may have to their property being included within said Will's Creek Flood District. The said Mayor and City Council shall, after having heard said objections and given due consideration thereto, determine and thereafter by ordinance establish an area to be known as the Will's Creek Flood District.

1927, ch. 479, sec. 3.

**117.** If any owner of any of said property shall feel aggrieved at the decision of said Mayor and City Council in having his property included within said flood district, or omitted therefrom, he shall have the right of appeal to the Circuit Court for Allegany County, Maryland, provided that he shall file a written notice thereof with the City Clerk of Cumberland within ten days from the date of said ordinance establishing said district. The City Clerk shall, upon receiving notice of said appeal, immediately transmit a record of the proceedings of the said commissioners relative to the property of the party appealing and of the proceedings of the said Mayor and City Council relative thereto to the Clerk of the Circuit Court for Allegany County, Maryland, who shall docket the same with the name of the protestant as plaintiff and the Mayor and City Council of Cumberland as defendant upon the then current trial docket, and the same shall stand for trial forthwith in said Circuit Court, and shall have precedence over all other cases pending in said Circuit Court, with the exception of criminal cases and such cases as may relate to hearings upon writs of habeas corpus, provided that upon the trial of said case on appeal no question as to mere matter of form or pleading shall be construed as decisive of the matter in controversy; and upon the trial of said cause in said Circuit Court either party may ask for a jury trial and may take Bills of Exceptions to any rulings of said Court upon matters of law arising in the course of said trial, and either party may appeal to the Court of Appeals of this State from any such rulings, or from any substantial error of the Court with relation to said trial.

1927, ch. 479, sec. 4.

**118.** Upon the final adoption of the report of the Commissioners, and the determination of any appeals therefrom, the said Mayor and City Council of Cumberland shall prepare or cause to be prepared a plan for the prevention of floods in said Will's Creek Flood District, or any desig-