

motion is filed to quash the proceedings in said case or any other objections are taken to any of the proceedings, the same may be amended as to matters of form, so that the case may be tried on its real merits and the purposes of justice subserved; and in case of any motion to quash for matters of form or substance, whether the defect in said proceedings set up by said motion cannot be remedied by amendment, but shall be capable of being cured or remedied, or where said proceedings may be perfected by the examiner or examiners, it shall be the duty of the court, instead of quashing said proceedings, to remand the same to said examiner or examiners for that purpose, whenever the ends of justice may be secured and delay or expense may be saved thereby and when final judgment is entered by the Circuit Court in any case, said court may determine whether the costs shall be paid by the appellant or appellee, and the amendment aforesaid may be made at any time before the jury may retire to make up its verdict, in case of a jury trial, and in case of a trial before court at any time before judgment is entered; and if no appeal shall be taken within the time designated or if the appeal or appeals should be dismissed, it shall be the duty of the County Commissioners to ratify and confirm the statement, plat and profile as returned and deposited by the said examiner or examiners, and after the ratification and confirmation of such statement, plat and profile by the County Commissioners or by the decision and order of the Circuit Court, as the case may be, the said examiner or examiners shall at such time as he or they may deem advisable advertise for proposals for opening, grading and constructing said street, avenue or alley, or portion thereof applied for, by publication once a week in one or more newspapers published in Baltimore County and twice a week in one or more newspapers of general circulation published in Baltimore City for two successive weeks, and after examining such proposals, said examiner or examiners shall at such time as may be deemed proper to do so award the contract to the lowest responsible bidder and upon such terms and conditions as may be deemed proper and judicious; and the said examiner or examiners are hereby empowered to take and receive a bond of any contractor, with a penalty to the County Commissioners, for the prompt and faithful performance of the work to be done and of the contract entered into.

P. W. & B. R. R. Co. v. Shipley, 72 Md. 88. Friedenwald v. Shipley, 74 Md. 22c.

P. L. L. (1888), Art. 3, sec. 227. 1876, ch. 399. B. Co. C. (1908), sec. 388. 1914, ch. 517. 1916, sec. 531. 1928, sec. 627.

**627.** Whenever it shall be necessary, in order to effect the object proposed, that a house or improvement of any kind, or any part thereof, should be taken, used, destroyed or removed, the examiner or examiners shall examine the matter, and if in their opinion it should be practicable to remove such house or improvement to any other part of the grounds of the owner thereof and to put the same in as good condition and repair as it was in before such removal, the said examiner or examiners shall make an estimate of the probable cost of such removal and repairs, and if the owner should agree in writing to such removal and repairs, then