

the Mayor and City Council of Baltimore may provide that the assessments of benefits may be made payable in annual installments, not exceeding five, with interest at six per cent. on the deferred installments from the time such proceedings are concluded. If any such ordinance does not provide otherwise as to the time of payment of benefits, then all benefits assessed thereunder shall be payable, at the option of the person assessed, either at once or in five equal installments, one of which shall be due when the proceedings under said ordinance are concluded and the other installments shall be due and payable, respectively, one, two, three and four years thereafter, with interest on each installment from the date when the proceedings were finally concluded; provided, however, that where the same party is assessed in any such proceedings for benefits and also awarded damages, the damages shall be deducted from the benefits to the extent of the damages, and the provision of this section as to paying the benefits in installments shall apply only to the excess of the benefits over the damages. The Commissioners, in their final return, shall state whether or not benefits are to be payable in installments, and if so in what installments.

1912, ch. 32.

178. It shall be the duty of the Clerk of the Commissioners for Opening Streets to serve written or printed notice upon each and every party or parties assessed for damages, caused by the condemnation and opening of any public highway; provided, however, that the service of such notice shall not be so construed as to be one of the pre-requisites to the condemnation and opening of any street under any ordinance heretofore passed, or hereafter to be passed.

Timanus v. M. & C. C., 128 Md. 105.

1912, ch. 32.

179. The Mayor and City Council of Baltimore or any person or persons, or corporations, who may be dissatisfied with the assessment of damages or benefits, as hereinbefore provided, may, within thirty days after the first publication of the notice provided in Section 177, appeal by petition, in writing, to the Baltimore City Court, praying the said Court to review the same, and on any such appeal the Court shall appoint a day for hearing said appeal, which shall not be less than five nor more than thirty days after expiration of the thirty days limited for taking appeals as aforesaid, and shall direct the clerk of the said Court to issue a subpoena *duces tecum* to the clerk of the Commissioners for Opening Streets, requiring him to produce and deliver to said Court the record of the proceedings of the said Commissioners in the case, and all maps, plats, documents and papers connected with such record, and the City Court shall have full power to hear and fully examine the subject, and decide on the said appeal, and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the