

said Commissioners, their clerk, surveyor, or other agents and servants, or any of them, and all such other persons as the Court shall deem necessary, to attend, and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions to be made to and of the said record of the proceedings as the said Court shall deem requisite; and the persons appealing to the Baltimore City Court, as aforesaid, shall be secured in the right of a jury trial, and the said Court shall direct the Sheriff of Baltimore City to summon twelve or more persons qualified to be jurors, and shall impanel any twelve disinterested persons so summoned, or attending the Court, to try any question of facts, and if necessary to view any property in the city, or adjacent thereto, to ascertain and decide on the amount of damages or benefits, under the direction of the Court; and the said Court shall not reject or set aside the record of the proceedings of the said Commissioners for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings, in all or any of its parts, as the said Court shall deem just and proper, and shall cause the proceedings and decisions on said returns and appeals to be entered in the book containing the record of the proceedings of the Commissioners certified by the clerk, under the seal of the Court, and the book to be transmitted to the said Commissioners, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such record book, or a copy of the proceedings therein, or any part of such proceedings, whether in Court or out of Court, certified by the said Commissioners under their hands, shall be evidence in any Court in this State, and the judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for opening or closing said street or to require such cost, or any part thereof, to be paid by all or by either of the appellants, as the circumstances of such appeal, in his opinion, shall justify. Upon every appeal to the Baltimore City Court from any action of the Commissioners for Opening Streets both the damages and benefits assessed by the Commissioners to the appellant shall be open for review and corrected by the said City Court.

*Trustees v. Mayor of Baltimore*, 2 Md. Ch. 78. *Alexander v. Mayor*, 5 Gill, 383. *Meth. Prot. Church v. Mayor*, 6 Gill, 391. *Page v. Mayor*, 34 Md. 558. *Hazlehurst v. Baltimore*, 37 Md. 200. *Norris v. Mayor*, 44 Md. 598. *Brooks v. Mayor of Baltimore*, 48 Md. 265. *Friedenwald v. Shipley*, 74 Md. 116. *Farrel v. Baltimore*, 75 Md. 493. *Baltimore v. Coates*, 85 Md. 531. *Baltimore City v. Bonaparte*, 93 Md. 161. *Tlmanus v. M. & C. C.*, 128 Md. 105. *Bonaparte v. M. & C. C.*, 131 Md. 80. *Bouls v. Balto.*, 138 Md. 284. *Fairmount Corp. v. Balto.*, 145 Md. 391.

The right of appeal is given by the above section to the Baltimore City Court. A court of equity has no jurisdiction to enjoin the condemnation proceedings in the Baltimore City Court on the ground that the condemnation is undertaken before the establishment of the grade of the street. This question is within the jurisdiction of the Baltimore City Court.

*Baltimore v. Johnson*, 123 Md. 321.

As to effect of inspection by jury of premises, *see*—

*Patterson v. Baltimore*, 124 Md. 153.