

On appeal the Street Commissioners, clerks and other agents are competent witnesses, and may be summoned and examined as to the principles upon which their awards and assessments were made.

Patterson v. Baltimore, 124 Md. 153.

Cannot assess benefits in excess of damages.

Balto. v. Md. Trust Co., 135 Md. 36.

As to when lien attaches, *see*—

Dyer v. Dobler, 137 Md. 682.

City or landowner may ask for jury trial.

Patterson v. M. & C. C., 127 Md. 233.

1912, ch. 32.

**180.** Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the condemnation and opening, extending, widening, grading or closing of any street, lane or alley, in said city, shall be set aside, or declared null and void by a Court of competent jurisdiction, to wit: The Baltimore City Court or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the city, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the City Register in favor of any and all persons or their legal representatives, who may have paid into the city treasury any sum or sums of money on account thereof; which shall be forthwith paid out of any sums in the treasury not otherwise appropriated. The Comptroller shall likewise draw his warrant on the City Register for the payment of all expenses which may have been incurred by virtue of any such ordinance in carrying out the provisions thereof, for which the city may be liable under existing ordinances.

1912, ch. 32. 1914, ch. 494.

**181.** If no appeal shall have been prayed, then, within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the said Commissioners, their return shall be transferred to the City Collector, who shall proceed forthwith to notify the parties assessed for benefits by means of bills specifying the several sums so assessed and the installments thereof due and payable, and warning them that if the same be not paid within two months from the date of such transfer of said Commissioners' returns, he will proceed to sell the specific pieces or parts of property on which said unpaid sum or sums of money shall have been assessed, in the manner and after having given the notice directed by this Charter. Thereafter, as each installment becomes due, the Collector shall give the same notice; if any installment be not paid, and the Collector shall proceed to sell, under Section 182 of this Charter, the right of the party assessed, to pay the remainder of said assessment in installments, shall be forfeited, and the Collector shall collect from the proceeds of said sale the entire amount of the assessment not theretofore paid, with interest at six per cent. to the date of such collection.

*State, ex rel. Henderson, v. Taylor*, 59 Md. 338. *See* decision of Brown, C. J. City Court, in *Re Webster v. Mayor*, October 16, 1874. *Fairmount Corp. v. Balto.*, 145 Md. 391.