

widened, straightened or re-located, and to enact all ordinances from time to time, necessary for the proper carrying out of the powers granted; provided, that before they shall proceed to execute any of said powers, at least thirty days' notice shall be given of any application which may be made for the passage of any such ordinance, by advertisement in at least two newspapers printed in said town or by handbills; and provided further, that upon the return of any assessment of damages or benefits, or both, made under any ordinance passed under this section, the clerk of said town shall cause a copy thereof to be published once a week for four successive weeks in two newspapers printed in said town, or by handbills; and provided further, that whenever said mayor and council open, lay out, extend, widen, straighten or re-locate any street or alley, or any part thereof, they shall establish, and if in their judgment proper so to do, they shall grade the same.

1886, ch. 290.

**187.** Any person who shall feel aggrieved by the decision of the commissioners appointed to lay out such streets, as to the amount of damages allowed him or benefits assessed against him, may appeal therefrom at any time within thirty days after said commissioners shall have made their return to the circuit court for Garrett county, which said appeal shall be taken by filing written notice thereof with the clerk of the council, who shall thereupon, without unnecessary delay, transmit to said court a record of the proceedings of said mayor and council and of said street commissioners in said matter; and said appeal shall be docketed upon the trial docket of the next succeeding term of said circuit court, the party taking said appeal to be docketed as plaintiff, and said mayor and council as defendant; and said party appellant shall be entitled to a jury trial to assess the amount of damages payable to or of benefits chargeable against him, as the case may be; and the amount assessed as such damages or benefits by said jury shall stand in the place and stead of the assessment thereof by said commissioners; and upon said appeal, it shall be competent for the court to quash the proceedings, upon the motion of the appellant, for errors or omissions rendering the same fatally defective; and upon trial of said cause in said circuit court, either party may take bills of exceptions to any rulings of