

case the costs of said appeal are not so paid or tendered within said period, it shall be lawful for the county commissioners to proceed to act in the premises as if no such appeal had been taken; and in case any appeal is taken to the circuit court for said county, and a motion is filed to quash the proceedings in said case, any of the proceedings may be amended as to matters of form, so that the case may be tried on its merits, and the purposes of justice subserved; or the court may, in its discretion, remand said case to the county commissioners for alteration, correction or amendment; 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.

Tyson v. Co. Comm'rs of Balto. Co., 28 Md. 510.

1878, ch. 340.

202. The county commissioners shall not advertise any notice of application for opening any new road, or widening, straightening, altering or closing any old road or parts of any old road, unless the parties interested in said application shall pay to the treasurer of Baltimore county, such sum or sums of money as may be necessary to pay the expense of advertising, surveying, making plat and the *per diem* of examiners, and any other expense that may be incurred before the proceedings in the case shall be finally ratified and ordered to be recorded; and when the assessments for benefits shall have been collected and paid into the treasury of Baltimore county, the county commissioners shall give an order on the treasurer for the sum or sums of money paid to him by the parties for such purposes.

Ibid.

203. When no objection shall have been filed within the time designated in section 201, or if objection shall have been filed and the road petitioned for confirmed by the county commissioners, or if in case of appeal the order of the county commissioners shall be affirmed by the circuit court, the county commissioners shall record, or cause to be recorded, such road as a public road of Baltimore county, and the award, if for damages, shall be paid by them to the person or body corporate entitled to receive the same, within ninety days from the ratification of said