

aminers, it shall be the duty of the court, instead of quashing said proceedings, to remand the same to said examiners for that purpose, whenever the ends of justice may be secured, and delay or expense may be saved thereby; 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; and the amendment aforesaid may be made at any time before the jury may retire to make up their verdict, in case of jury trial, and in case of trial before the court, at any time before judgment is entered; and if no appeal shall be taken within the time designated, or if the appeal or appeals should be dismissed, it shall be the duty of the County Commissioners of Baltimore county to ratify and confirm the statement, plat and profile as returned and deposited by the said examiners, and after the ratification and confirmation of such statement, plat and profile by the said county commissioners, or by the decision and order of the Circuit Court for Baltimore county, as the case may be, the said examiners shall, at such time as they may deem advisable, advertise for proposals for completing said avenue as aforesaid, by publication once a week in one or more newspapers published in Baltimore county, and twice a week in one or more newspapers published in Baltimore city, for two successive weeks, and, after examining such proposals, said examiners shall, at such time as may be deemed proper to do so, award the contract or contracts to the lowest responsible bidder or bidders, and upon such terms and conditions as may be deemed proper and judicious; and the said examiners are hereby required to take and receive a bond of any contractor, with a penalty to the County Commissioners of Baltimore county, for the prompt and faithful performance of the work to be done, and of the contract so entered into.

Who to pay costs.

Advertise for proposals.

SEC. 5. *And be it enacted*, That whenever any assessment for benefits shall exceed the amount of damages, the assessment of benefits may be credited with the damages allowed, and the difference shall be the amount due and collectable for benefits, and such credit shall be recognized and taken as a full settlement, discharge and payment for all such dam-

Benefit assessment may be credited.