

at least two newspapers printed in said city; 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 city shall cause a copy thereof to be published once a week, for four successive weeks, in at least two newspapers printed in said city; and provided further that whenever the said Mayor and City Council open, lay out and extend any street or alley, they shall establish the grade thereof, and if in their judgment proper so to do, they shall grade the same.

44. 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 Allegany county, which said appeal shall be taken by filing written notice thereof with the clerk of said City Council, who shall thereupon without unnecessary delay transmit to said Circuit Court a record of the proceedings of said Mayor and City 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 City Council as defendant; and said party appellant shall thereupon be entitled to a jury trial to assess the amount of damages payable to or amount 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 the trial of said cause in said Circuit Court either may take bills of exception to any rulings of said court upon matters of law arising in the progress of such trial, and either party may appeal to the Court of Appeals of this State from any such rulings, or from the action of said court in quashing or refusing to quash such proceedings.

Right of appeal.

Entitled to jury trial.