

## CHAP. 26.

the notice required to be given by the fourth section of the act to which this a supplement, appeal therefrom by petition in writing, to the Judges of Baltimore City Court, praying the said Judges to review the same; and it shall be the duty of the said commissioners to make it a part of their said notice, that the parties interested are entitled to such appeal, and on any such appeal being made, the said judges, or a majority of them, or the chief Judge, if the City Court shall not be in session, may and shall appoint a day for hearing the said appeal, which shall not be less than five nor more than twenty days after the expiration of the thirty days limited for making appeals as aforesaid, and shall direct the clerk of the said court to issue a subpoena duces tecum to the register of the city of Baltimore, requiring him to produce and deliver to the said court, the return made to him by the said commissioners, and all plots, documents, books and papers connected with such return: and the said Judges of Baltimore City Court, or a majority of them, shall have full power to meet at the time so appointed, and hear and fully examine the subject, and decide on the said appeals, and for that purpose they are hereby authorised and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or hear and decide them separately, and may require the said commissioners, their clerks, surveyor and other agents or servants, or any of them, and all such other persons as they shall deem necessary to attend, and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions to be made to, and of the said return as the said judges shall deem requisite; and the said judges in their discretion, may direct the sheriff of Baltimore county to summon twelve or more persons qualified to be jurors of their court, and may empanel any twelve disinterested jurors, so summoned or attending the court, to try any question of fact, or to ascertain and decide on the amount of damage or benefit under the direction of the said court, and the said judges shall not reject or set aside the return of the commissioners for any defect or omission either in form or substance, but shall amend and supply all such defects and omissions, and reduce or increase the amount of damages or benefits assessed, and alter, modify and correct the said return in all or any of its parts, as to the said judges, or a majority of them, shall seem just and proper, and shall cause their proceedings and decision on the said return and appeal, certified by their clerk, under the seal of their court, to be transmitted to the register of the city of Baltimore, which shall be final and conclusive in every respect.

Cost and charges.

Sec. 3. *And be it enacted*, That the said Judges of Baltimore City Court shall have full power in their discretion to add the reasonable costs of any appeal, to be taxed by them, or any part thereof, to the damages to be collected for the opening of the said street; or to require such costs or any part thereof, to be paid by all or by either of the appellants, as the circumstances of each appeal in their opinion shall justify.