

shall thereupon be entitled to a jury trial to assess the amount of damages payable to or amount of benefits assessed 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 on said appeal it shall be competent for the court to quash the proceedings, upon motion by the appellant, for errors and omissions rendering the same fatally defective; and upon the trial of said case in said Circuit Court, either party may take bills of exceptions upon any rulings of said court upon matters of law arising in progress of said trial, and either party may appeal to the Court of Appeals of this State from any such rulings or from the action of such court in quashing or refusing to quash such proceedings.

CHAP. 262

#### MAY PAVE STREETS AND ALLEYS.

167. Mayor and Councilmen may, whenever in their judgment the public interests or convenience requires it, have any street or alley, or parts thereof, in said city graded, paved, guttered, curbed, sewerred or otherwise improved, and levy the whole expense thereof, or any portion thereof, not less than two-thirds, on the property binding on said street or alley, agreeably to the extent of such lots thereon, and collect the expense thereon as directed in Sections 169 and 170, and in case less than the whole cost is assessed upon the abutting property the city shall pay the remainder thereof, and the Mayor and Councilmen shall provide by ordinance for the giving of notice by publication, or by service or written notice, personally, upon the parties to be affected by said proceedings, and allowing them to be heard before any such proceedings are had; but nothing in this section shall be construed to prevent the Mayor and Councilmen from constructing any sewer or sewers or system of sewers, and paying for the same out of the funds of said city, not to prevent said Mayor and Councilmen from charging a reasonable sum for the use of said sewers, either by an annual charge or by a charge for the right of connection therewith in perpetuity, all of which powers are hereby granted to said Mayor and Councilmen.

May pave  
streets and  
alleys.