

tion; and the amount of such charges and expenses shall be paid to the examiner or examiners before the plat of the street or avenue, with proper explanations, is returned and filed with the Highways Commission; provided, that in case of an appeal to the Circuit Court, the court may determine whether the costs of the appeal shall be paid by the appellant or appellee.

387. Whenever the owners of a majority of front feet of ground bounding and fronting on any street, avenue or alley, or any part thereof, referred to in the preceding section of this sub-title of this article, may desire to have said street, avenue or alley, or part thereof, condemned, opened, graded and constructed, they may make application to the Highways Commission in writing, setting forth what portion of said street, avenue or alley they want condemned, opened, graded and constructed; but no application shall be entertained by the Highways Commissioners for the opening, grading and construction of any street, avenue or alley, for a less distance than one square; and when the application is presented, the Highways Commissioners shall appoint one examiner or three examiners, in the manner hereinafter provided for, whose duty it shall be to condemn, open, grade and construct such street, avenue or alley, or part thereof, in accordance with said application and the provisions of this sub-title of this article; and before any examiner or examiners shall proceed to act in the premises, he or they shall take an oath or affirmation before some justice of the peace of the State, in and for Baltimore county, that he or they will well and truly assess the damages and benefits happening, arising or issuing from the condemnation, opening, grading and constructing of said street, avenue or alley, or such portion thereof as may be applied for, and will, in all respects, act without prejudice or partiality in said matter; after taking such oath or affirmation, the examiner or examiners shall give at least ten days' notice by publication in one or more newspapers published in Baltimore county, and one newspaper of general circulation, published in Baltimore city, that such application has been made; and after giving such notice, the examiner or examiners shall cause to be made an explanatory plat of said street, avenue or alley, or part thereof, and of the property bounding and fronting on the same, and of the property adjacent thereto, if it should be deemed advisable by said examiner or examiners to do so; and all lands for which damages have been awarded, or to which benefits have been assessed, and any house or improvement of any kind on the bed of the same, which it shall be necessary to remove, in whole or in part, shall be shown on said plat; and if grades have not been established on said street, avenue or alley, or portion thereof applied for, the examiner shall have grades established in the man-