

the passage of such ordinance, unless within that time an ordinance shall be introduced to repeal the same. It shall be the duty of said Commissioners to proceed diligently thereafter in the further execution of such ordinance. On or about the first of January, in every year, the said Commissioners shall make a report to the Mayor, and transmit a copy thereof to the City Council, showing the status of their proceedings under every such ordinance which shall have been passed and shall not have been fully executed. Instead of waiting until the benefits are collected, before paying the damages and proceeding with said opening, extending, widening, straightening or closing, the Mayor and City Council of Baltimore may, in its discretion, in the annual Ordinance of Estimates, set aside a sum from the general levy or from any other funds properly applicable thereto to be used, in the discretion of the said Commissioners, with the approval of the Board of Estimates, in paying the damages awarded in any such proceeding in advance of the collection of the benefits assessed in said proceeding. In the event of such advance payments, the benefits when collected shall be credited to the fund from which such payments shall have been made. No such advance payment shall be made until after the expiration of the time for taking appeals from the actions of the said Commissioners, and the final termination of any appeal or other proceeding in which the validity of the ordinance, or of the entire proceedings thereunder, shall be assailed.

175-C. Upon any appeal from the action of the Commissioners for Opening Streets in awarding damages or assessing benefits in the matter of opening, widening, extending, straightening or closing any public highway, the return of the Commissioners for Opening Streets shall be prima facie evidence of the correctness of the amounts of damages awarded and benefits assessed. and the burden of proof shall be upon the party asserting that any such award or assessment ought to be less or more than the amount so fixed by the Commissioners for Opening Streets; this provision, so far as it relates to the burden of proof, shall not apply to an appeal from benefits where no question of damages is involved.

176-A. In any case where a part of a lot, or part of a lot and improvements is taken for opening, widening, extending, straightening or closing a public highway, the Commissioners for Opening Streets in making their award, and in the event of an appeal, the Court or Jury in making its or their award shall not award damages and assess benefits separately, but shall as-