

County, which said appeal shall be taken by filing written notice thereof with the Clerk of said City Council who thereupon, without unnecessary delay, shall transmit to said Circuit Court a record of the proceedings of said Mayor and City Council and of said commissioners in said matter, and said appeal shall be docketed upon the trial docket of the then current term of the Circuit Court for Allegany County, and shall have precedence over other civil cases upon said docket; the party taking said appeal shall be docketed as the plaintiff and the said Mayor and City Council as defendant and either of said parties shall be entitled to a jury trial to assess the amount of damages payable to him, and the amount of damages payable to him as determined by said jury shall stand in the place and stead of the assessment 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 party may take Bills of Exceptions 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 such rulings, or from the action of said Court in quashing or refusing to quash such proceedings.

1927, ch. 479, sec. 13.

**127.** In addition to the foregoing provisions for condemnation, said Mayor and City Council may, in their discretion, exercise any and all of the powers of condemnation granted by this Act, including the right to condemn the bed of Will's Creek and all water rights in the same manner and by the same proceedings as is now provided for condemnation by corporations under Article 23, Sections 331 to 337, inclusive, of the Code of Public General Laws of the State of Maryland, and all amendments and additions thereto.

1927, ch. 479, sec. 14.

**128.** Said Mayor and City Council of Cumberland upon the completion of the work and improvement contemplated by the Partial Flood Prevention Plan shall assess against the property located in the Will's Creek Flood District, or the part thereof designated in said Partial Flood Prevention Plan, if any part less than the whole of said District is designated, an amount equal to one-half of the total cost of said improvement, said cost to include the amounts paid for property condemned under this Act, and the assessment against said property shall be made by ascertaining the total amount of the tax assessments of all the real property located in said Will's Creek Flood District, or said designated part thereof, as said assessments appear on the tax assessment rolls of Allegany County, and said one-half of the total cost of said improvement to be so assessed shall be divided among all the properties located in said District or said designated part thereof, in such proportion as the assessed value of each of said properties bears to the total assessment of all real property in said District, or said designated part thereof, and having determined the amount