

such to endanger health in the neighborhood thereof, and said County Commissioners shall determine it to be necessary in order to effectually and permanently abate such nuisance, to grade, pave or drain such road, street, avenue, alley or highway of any kind whether a county highway or not, they shall cause an estimate to be made of the cost of such improvement, including the cost of advertising herein provided for and all other incidental expenses, and of the extent to which, if any, owners of land in the neighborhood of such proposed improvement will be benefited or damaged thereby, including in such estimate of benefits and assessment against the county at large or district road fund of not more than one-half the proposed cost of such improvement in proper cases, copies of such statement, together with a notice of the day and hour on which objection to such proposed plan of improvements and estimates will be heard, shall be served on all persons named in such statements at least five days in advance of the date for such hearing or if for any reason personal service of such statement and notice cannot be conveniently made on all of such persons, said Commissioners shall cause statement to be advertised at least once in not less than two weekly newspapers of general circulation published in Baltimore County, which publication shall be made at least five days before the date fixed for such hearing, and shall be deemed conclusive evidence of the receipt of such notice. If upon the date set for such hearing there be no objection to such proposed plan or estimates, said County Commissioners may finally adopt the same. If there be objections, said Commissioners shall hear and determine the same, and alter or amend such proposed plan and estimates in their discretion, whereupon they shall pass a final order adopting such plan and estimates as originally made or as so amended. If any person shall feel aggrieved by the passage of such order, he shall have the right to appeal therefrom to the Circuit Court for Baltimore County, which shall hear and determine said appeal immediately if then in session, and if not, at the first convenient day during the ensuing session. Upon such appeal, said Circuit Court shall have no power to review the decision of said Commissioners as to the propriety of said proposed improvement or the plan thereof, but shall have power to review only the estimate of said Commissioners as to the amount or extent, if any, to which the appellant will be benefited or damaged thereby, and its decision thereon shall be final. Such appeal shall be taken within fifteen days after the date of such final order, and if not taken within such period the right thereto will be deemed to have been waived, upon the estimates herein provided for becoming final as aforesaid, said Commissioners shall proceed to abate such nuisance in the manner proposed, and shall collect the amount of benefits assessed by suit if necessary, and pay out the amount of damages awarded, if any.

1908, ch. 587, sec. 132-I. B. Co. C. (1916), sec. 271. 1928, sec. 317.

**317.** Nothing in the preceding sections shall be construed as limiting or qualifying the right of said County Commissioners constituting the