

other, shall be heard anew and determined. Said appeal shall be taken by filing a notice with the Clerk of said County Court, and by serving a copy upon the Mayor of said city, within five days after said assessment of damages by said Council; and within three days after the filing of such notice said aggrieved party shall cause to be transmitted to the said County Court a copy of the order or resolution of said Council, assessing said damages, certified to by the Clerk of said Council, for which copy and certificate said Clerk shall be entitled to receive a fee of two dollars. Upon the filing of said certified copy of said order or resolution, in said County Court, together with an undertaking on the part of said appellants, in the sum of one hundred dollars, executed by two good and sufficient sureties, to be approved by the Mayor of said city, which said undertaking shall be conditioned to the effect that the said appellants will pay all the costs of the appeal and all costs that may be recovered against him or them in said County Court—*provided*, he or they recover therein no greater sum as damages than were assessed or allowed by said Council, together with ten per cent. additional thereto—the County Judge shall order a special term of said County Court to be holden upon a day to be designated, not more than ten days after filing said certified copy of said resolution or order, at which said special term, the said issue as to damages should be tried *de novo*, with or without a jury, as the parties may desire; and upon the rendition of judgment therein, a certified copy thereof shall be transmitted by the Clerk of said Court to the Clerk of the City Council, who, upon the order of said Council, shall cause the amount thereof to be paid by the Marshal of said city to the parties entitled to the same. Said judgment shall separately state the amount of damages to which each party is entitled. If the appellants, or either of them, recover no more in said County Court than the amount allowed or assessed to him by said Council, together with ten per cent. additional thereto, he shall pay the costs of the appeal; but if he or they recover a sum more than ten per cent. beyond the amount so allowed, he shall be entitled to recover of said city the said costs of appeal; *provided*, that if any claimant of damages shall not give notice of appeal in the manner and within the time hereinbefore specified, then he shall be deemed to have assented to said assessment of damages by said Council; and *provided*, further, that if any occupant or owner of such lands shall fail, after being notified as aforesaid, to appear and claim damages, he shall be deemed to have waived his right of appeal to said County Court. The provisions of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and the Acts amendatory thereof and supplementary thereto, shall be applicable, so far as the same are not inconsistent with this Act. There shall be the same right to an appeal from any such judgment rendered in said County Court, as if the action had been originally brought therein. When the