

shall be construed to prevent the Mayor and City Council from constructing any sewer or sewers or system of sewers and paying for same out of the funds of the city nor to prevent the said Mayor and City Council from charging a reasonable sum for the use of said sewer, either by an annual charge or by a charge for the right of connection therewith in perpetuity, all of which powers are hereby granted the said Mayor and City Council; and provided further that the said Mayor and City Council may exercise this right to repave, regrade, recurb, re-sewer and otherwise improve only after the expiration of ten years from the time of the completion of the paving, grading, curbing, sewerage or otherwise improving of the said street, alley or lane which is to be repaved, regraded, recurbed or re-sewered.

78. Whenever the Mayor and City Council shall levy any sum of money on the owners of property in said city for grading, paving, sewerage or otherwise improving the streets, lanes or alleys in said city, or any of them, the sum so levied shall be a preferred lien on said property, the same as city taxes now are; provided said Mayor and City Council shall within ninety days after the completion of such grading, paving, sewerage or other improving, cause to be filed with the Clerk of the Circuit Court for Allegany County, a statement showing the whole amount expended in such grading, paving, sewerage or otherwise improving, and the names of the persons among whom the said sum has been apportioned and the amount apportioned to each, and a general description of the land owned by each of said parties upon which such sums are intended to operate as a lien, and said statement shall constitute a lien on said property for the space of three years and no longer, unless the same shall be revived or enforced by a scire facias as provided in the next succeeding section.

79. Said lien shall be enforceable by scire facias issued out of the Circuit Court of Allegany County in the same manner as mechanics' liens are now enforced by law, and upon such scire facias the defendants may rely upon any defense which would render the imposition of such lien void or operate as a discharge thereof, excepting that no question as to the validity of such lien upon any matter of form shall be heard by any Court in said State, and such scire facias may issue at any time within three years from the filing of the statement required by the last preceding section, but any defendant intending to dispute the validity of said lien and wishing to test the