

the streets, lanes or alleys in said city, or any of them, or shall make a charge for the right of connecting to a sewer, the sum so levied or charged shall be a preferred lien upon said property the same as city taxes now are; provided said Mayor and Councilmen shall within ninety days after the completion of such grading, paving, curbing, sewerage, regrading, repaving, recurbing, resewering, or otherwise 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, curbing, sewerage, regrading, repaving, recurbing, resewering, 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 *scire facias* as provided in the next succeeding section, and said sum shall also bear interest at the rate of six per centum per annum from the date on which said statement is filed.

Said lien shall be enforceable by *scire facias* issued out of the 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 same before the expiration of said time may at any time after the filing of said statement give notice to said Mayor and Councilmen in writing that he disputes the validity of such lien and wishes to test the same so as to free his property from said lien claim, and in such case, unless said Mayor and Councilmen shall issue a *scire facias* thereon against said party within sixty days after the receipt of such notice, said lien shall be waived and avoided as against his property, and in all cases of writs of *scire facias* issued under this section, the same shall stand for trial at the first term of court after the issuing thereof; provided the same shall have been served on the defendant and a return of such service made by the Sheriff at least ten days before the commencement of said term, and upon all judgments rendered in such cases there shall be a stay of thirty days and no longer; provided, that either party may appeal to the Court of Appeals of Maryland from any ruling or decision of any question of law decided by the Circuit Court in such trial. And in case the defendant shall appeal and file a proper appeal bond, then said stay of thirty days shall be counted from the affirmance of such judgment, if the same shall be affirmed, and not from the date of the judgment below.

Hitchins v. Frostburg, 68 Md. 100. Frostburg v. Hitchins, 70 Md. 57.