

it may also provide for appeals to the Baltimore City Court from the decisions of the Commissioners for Opening Streets or any Commissioner or Commissioners, or other person or persons appointed to determine the amount of assessment to be made upon any property under any such ordinance; and in the trial of such appeal the practice shall conform as near as may be to the practice in the trials of street appeals, including the right of appeal to the Court of Appeals.

Mayor, &c., v. Moore, 6 H. & J. 375. Mayor, &c., v. Hughes, 1 G. & J. 480. Eschbach v. Pitts, 6 Md. 71. Mayor, &c., v. Greenmount Cemetery, 7 Md. 517. Henderson v. Mayor, 8 Md. 352. Mayor, &c., v. Porter, 18 Md. 284. N. C. Ry. Co. v. Baltimore, 21 Md. 105. Mayor, &c., v. Horn, 26 Md. 194. Balto. & Pot. R. R. Co. v. Reany, 42 Md. 118. Dashiell v. Mayor, 45 Md. 616. Burns v. Mayor, 48 Md. 198. Mayor, &c., v. Scharf, 54 Md. 499. Mayor, &c., v. Johns Hopkins, 56 Md. 1. Gould v. Mayor, 58 Md. 46. Gould v. M. & C. C. of Baltimore, 59 Md. 378. Moale v. Mayor, &c., 61 Md. 224. Mayor, &c., v. Hanson, 61 Md. 462. Mayor, &c., v. Johnson, 62 Md. 225. Mayor, &c., v. Hook, 62 Md. 371. Alberger v. Mayor, 64 Md. 1. Kelley v. Mayor, 65 Md. 171. Baltimore v. Raymo, 68 Md. 569. Ulman v. Mayor, 72 Md. 591, 609. Baltimore v. Ulman, 165 U. S. 719. O'Brien v. Balto. Belt R. R., 74 Md. 273. Baltimore v. Ulman, 79 Md. 469. Balto. v. Cowen, 88 Md. 457. Guest v. Church Hill, 90 Md. 693. Balto. City v. Stewart, 92 Md. 535, 551. Cahill v. Baltimore City, 93 Md. 233. Kent County v. Godwin, 98 Md. 84. Frostburg v. Wineland, 98 Md. 243. Patterson v. M. & C. C., 130 Md. 645.

For further decisions relating to grading, paving and curbing, *see*,

Clements v. Mayor, &c., of Baltimore, 16 Md. 208. Mayor, &c., v. Harwood, 32 Md. 471. Peddicord v. Balto., Catonsville, &c., Co., 34 Md. 463. Cumberland v. Willson, 50 Md. 138. Hitchins v. Frostburg, 68 Md. 100. C. & P. Tel. Co. v. McKenzie, 74 Md. 48. M. & C. C. of Balto. v. Turnpike Co., 80 Md. 536. Smyrk v. Sharp, 82 Md. 97. Hagerstown v. Startzman, 93 Md. 609. DeLawder v. Balto. County, 94 Md. 1. Offutt v. Montgomery Co., 94 Md. 115.

The ten days' notice of the passage of an ordinance authorizing paving prescribed by Act of 1892, ch. 219 (now sec. 6 of Charter) must be given or a Court of Equity will intervene.

Bond v. Malster, Daily Record, July 6, 1899.

As to degree of care city must exercise in keeping the streets in repair, *see*,
Baltimore City v. Lobe, 90 Md. 314.

Liability of municipal corporations for defects in streets—Negligence—Notice—
Defects not apparent on surface.

Sweeten v. Baltimore, 123 Md. 88.

A plaintiff cannot recover otherwise than according to the allegations of his Declaration, and a prayer based on other facts is improper—Negligence—Recovery cannot be had upon testimony as to conditions appearing sixteen months later, in the absence of all testimony as to how the work had been done.

Baltimore v. Stalfort, 123 Md. 269.

(d) GRADING, PAVING, CURBING, ETC., STREETS.

(General Ordinance, Application of Owners.)

1874, ch. 218. P. L. L. (1888), Art. 4, sec. 811.

To provide by general ordinance, subject to provisions and requirements of Section 85 of this Article, for the grading, graveling, shelling, paving or curbing, or for the regrading, regraveling, reshelling, repaving or recurbing of any street, lane or alley, or part thereof, in said city, without the passage of a special ordinance in the particular case, whenever the owners of a majority of the front feet of property binding on such street, lane or alley, or part thereof, shall apply for the same, upon terms and under conditions to be prescribed in the same general ordinance, and for the assessment in any such case of the cost of such work, in whole or