

Sections 248 to 252 inclusive, of the Code of Public General Laws of Maryland, except as herein otherwise provided, and said jury shall be summoned to meet, and the said case shall be tried at the usual place for holding sessions of said court, and if, at any time, any jurors summoned do not attend the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance to make twenty jurors, and from them each party, or its, his or their agent or attorney, (or if either party shall neglect or refuse to do so), then the sheriff shall strike off four names and from those remaining on the list, the sheriff shall select twelve to act as the jury, and shall administer to each of the jury the usual oath administered to jurymen in the trial of civil actions in said court, but it shall be lawful for either party to waive a jury trial, and to consent that the matter should be tried before the court, and said court shall then try said case upon its regular trial docket, if the court be in session when said petition is filed, or may try said case at such time as it shall set, before the adjournment of the then pending term, if that be possible. And upon the trial of said petition, either side may take exceptions to the rulings of the court upon matters of law, in the usual way, and may appeal to the Court of Appeals from such rulings, and if the judgment shall be against the petitioner, he shall pay all the costs of said trial, including the cost of the jury; and if in his favor, the said costs shall be paid by the Mayor and Councilmen of Frostburg. If no petition shall be filed as aforesaid, said ordinance shall be approved, the said Mayor and Councilmen may proceed with said improvement, and thereafter all parties interested shall be stopped from denying the fact that said petition to the Mayor and Councilmen was signed by the owners of a majority of front feet of property on said street or alley, or part thereof, to be improved as required by this section. And the Mayor and Councilmen may appoint commissioners, as provided in Article 1, Section 165 of the Code of Public Local Laws of the State of Maryland, entitled "Allegany County," sub-title "Frostburg," as hereby amended, to assess and levy upon the owners of property abutting on the street or alley, or the part thereof to be improved, according to the number of front feet owned by them, not exceeding two-thirds of the cost of said improve-

Jury to be selected.

Appointment of commissioners.