

PETITION FOR REPAVING—NOTICE TO ABUTTING OWNERS  
APPEAL TO CIRCUIT COURT.

Petition for re-  
paving, etc.

168. The Mayor and Councilmen may, upon a petition in writing of the owners of a majority of front feet of property abutting on any street or alley, or part of any street or alley (not less than a block), verified by the affidavit of one or more parties to said petition, cause the same to be regraded, repaved, recurbed, sewerred or otherwise improved, and with such materials and upon such general plan, if any plan is specified, as the said petitioners shall apply for in said petition. After the passage or approval of any ordinance for regrading, repaving, recurbing, sewerred or otherwise improving any street or alley or any part thereof under this section, notice shall, within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement, which notice shall state the fact of the passage or approval of the ordinance, the date of its passage or approval, that the petition was signed by the owners of a majority of front feet of property abutting on the line of the proposed improvement; and anyone interested and denying the fact that said petition was so signed may appeal to the Circuit Court of Allegany county within fifteen days from the posting of said notices; any person interested may present a petition to the Circuit Court for Allegany county, on the law side thereof, which court is hereby given jurisdiction in the premises, setting forth the facts whereupon said court shall inquire and determine, under such rules as it shall prescribe, whether said improvement was petitioned for by the owners of a majority of front feet of property abutting on said street or alley, or part thereof, and if upon the trial it shall be determined it was not so petitioned for, the court shall quash said ordinances, but if it shall be determined it was petitioned for the court shall approve said ordinance. At the hearing of said petition by the Circuit Court either party shall be entitled to a jury trial, and if the said petition shall be filed before a regular session of the Circuit Court, before the jury has been discharged, said petition shall be heard and tried at said term of court, and if said court is not in session and the jury has been discharged then the court may order a special jury summoned, of the inhabitants of Allegany county, as in the case of condemnation of property for corporations, as provided in Article 23,

Entitled to  
jury trial.