

Cost of  
appeal, by  
whom to be  
paid.

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 petition, he shall pay all the costs of said trial, including the cost of the jury, and if in his favor, said costs shall be paid by the said Mayor and City Council of Cumberland. If no petition shall be filed as aforesaid, or if upon trial as herein provided, said ordinance shall be approved, the said Mayor and City Council may proceed with said improvement, and thereafter all parties interested shall be estopped from denying the fact that said petition to the Mayor and City Council 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 City Council may appoint commissioners, as provided in article one, section 66, of the Code of Public Local Laws of Maryland, entitled "Allegany County," sub-title "Cumberland," to assess and levy upon the owners of property abutting upon the street or alley or part thereof to be improved, according to the number of front feet owned by them, not exceeding two-thirds of the cost of said improvement, the balance to be paid by the said Mayor and City Council; provided, that before said commissioners shall proceed to assess and levy said costs, they shall give notice by hand-bills, to be conspicuously posted along the line of the proposed improvement, of the time and place when and where said commissioners will sit to determine said assessments, at which time and place all owners of property interested shall be entitled to appear and be heard in person or by counsel by said commissioners on the question of said assessment and costs. And the Mayor and City Council may provide by appropriate ordinances for carrying out the provisions of this section. And a majority in interest of the owners of undivided interests in any piece of property are to be deemed the owners thereof for the purposes of this section.

Effective.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved April 3d, 1894.