

CHAPTER 738.

AN ACT to repeal and re-enact with amendments sections 69 and 70 of the Code of Public Local Laws of Allegany County, sub-title "Cumberland," as such sections were enacted by chapter 62 of the Acts of the General Assembly of Maryland for the year 1904, and to add an additional section to be known as section 70B, said section relating to liens for street improvements.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sections 69 and 70 of chapter 62 of the Acts of 1904, be and the same are hereby repealed and re-enacted and a new section, to be known as section 70B, is hereby enacted, said section to be and to read as follows:

69. Whenever the Mayor and City Council shall levy any sum of money on the owners of property in said city for grading, paving, sewerage or otherwise improving the streets, lanes or alleys in said city, or any of them, the sum so levied shall be a preferred lien on said property the same as city taxes now are; provided, said Mayor and City Council shall, within ninety days after the completion of such grading, paving, sewerage or other 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, sewerage 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, the 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.

70. Said lien shall be enforceable by scire facias issued out of the court of Allegany county in the same manner as mechanic's 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 City Council in writing, that he disputes the validity of such lien, and wishes to test the same