

Said lien shall be enforceable by scire facias issued out of the Court of Allegany County in the same manner as mechanics' 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 Councilmen in writing that he disputes the validity of such lien and wishes to test the same so as to free his property from said lien claim, and in such case, unless said Mayor and Councilmen shall issue a scire facias thereon against said party within sixty days after the receipt of such notice, said lien shall be waived and avoided as against his property, and in all cases of writs of scire facias issued under this section, the same shall stand for trial at the first term of court after the issuing thereof; provided the same shall have been served on the defendant and a return of such service made by the Sheriff at least ten days before the commencement of said term, and upon all judgments rendered in such cases there shall be a stay of thirty days and no longer; provided, that either party may appeal to the Court of Appeals of Maryland from any ruling or decision of any question of law decided by the Circuit Court in such trial. And in case the defendant shall appeal and file a proper appeal bond, then said stay of thirty days shall be counted from the affirmance of such judgment, if the same shall be affirmed, and not from the date of the judgment below.

Section 154. The Mayor and Councilmen of Frostburg shall have power and authority to grade and pave all sidewalks and gutters which in their judgment the public convenience may require, and to cause said sidewalks and gutters to be regraded, repaved, repaired or otherwise improved, and to cause said sidewalks and streets to be curbed and recurbed, and to collect the cost thereof from the person or persons owning the property fronting on any said sidewalks, curbs or gutters, and whenever the person or persons owning the property fronting on any such sidewalks, curbs and gutters shall fail or refuse to have such sidewalks, curbs or gutters paved, graded, curbed, repaved,