

tract was awarded, and at the prices the same may have been awarded him; but if such bidder neglects for fifteen days after the first publication of the notice of said award, to enter into the contract, then the City Council shall again publish, for said five days, and pursue the steps required by this section the same as in the first instance. If the owners who may have taken said contract do not complete the same within the time limited in the contract, or within such further time as the said City Council may give them, the said Marshal shall report such delinquency to the City Council, who may relet the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the Mayor of said city, with two or more sureties, payable to the City of Oakland, in such sums as the said Mayor shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Marshal to collect from the contractors, before the contract is signed by him, the cost of publication of the notice required under the proceedings prescribed in this Act.—[Amendment, March 29, 1870.]

SEC. 6. The Marshal of said city is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized by this Act, and to do any other act, either expressed or implied, that pertains to the Street Department under this Act, and the said Marshal shall fix the time for the commencement of the work under all contracts entered into by him, which work shall be prosecuted with due diligence from day to day thereafter to completion, and may extend the time so fixed from time to time under the direction of the City Council. The work provided for in section two of this Act must in all cases be done under the direction and to the satisfaction of the Marshal, and the materials used shall be such as are required by said Marshal; and all contracts made therefore must contain this condition and also express notice, that in no case, except where it is otherwise provided in this Act, will the city be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work in the mode herein provided shall be made by the said Marshal.

SEC. 7. *Subdivision One*—The expenses incurred for any work authorized by section two of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage, at a rate per front foot sufficient to cover the total expenses of the work.

*Subdivision Two*—The expenses of all improvements, except such as are done by contractors under the provisions of section