

loss, a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent. per month, until paid.—[*Amendment*, March 29, 1870.]

SEC. 11. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Act or in the assessment, feeling aggrieved by any act or determination of the Marshal in relation thereto, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceeding of the Marshal, shall, within thirty days after the date of the warrant, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Marshal relative to said work; may confirm, set aside, alter, modify, or correct, the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Marshal to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said City Council in relation thereto, at their option. All the decisions and determinations of said City Council, upon notice and hearing, as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section, as to all errors, informalities, and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the City Council to order the work to be done, for which the assessment is made, has been actually published in a newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.—[*Amendment*, March 29, 1870.]

SEC. 12. At any time after the period of thirty-five days from the day of the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section eleven of this Act (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots or portions of lots assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter, during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided. Suit may be brought in the District Court of the Third Judicial District, and on all sums less than three hundred dollars, in the Police Court of the City of Oakland. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be *prima facie* evidence of such indebtedness, and the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in

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