

other cases of the sale of real estate by the process of said Courts; and on appeal, the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises, on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter to be brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. This Act shall be liberally construed to effect the ends of justice.—[*Amendment*, March 29, 1870.]

SEC. 13. The Marshal of said city may require, at his option, by notice in writing, to be delivered to them personally, or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section two of this Act, in front of the property of which he is the owner, tenant, or occupant, to the centre of the street, or otherwise, as the case may require, specifying in said notice what improvement is required. After the expiration of three days, the said Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice. If such improvement be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Marshal may enter into a contract with any suitable person applying to make said improvements, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Marshal, and such owner, tenant, or occupant shall be liable to pay the same. After the certificate referred to in section fourteen shall have been recorded, the sum contracted to be paid shall be a lien, the same as provided in section nine of this Act, and may be enforced in the same manner.

SEC. 14. If the expenses of the work and material for such improvements, after the completion thereof, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor or his assigns, shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid; and the certificate of the Marshal, that the work had been properly done, and that the charges for the same are reasonable and just, shall be *prima facie* evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action.

SEC. 15. In addition, and as cumulative to the remedies above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable or neglecting or refusing to make improvements when required, as provided in section thirteen of this Act, which fines and penalties shall be recovered for the use of the city, by prosecution in the name of The People of the State of California, in the court having jurisdiction thereof, may be applied, if deemed expedient by the said Council, in payment of the expenses of any such improvements, when not otherwise provided for.

SEC. 16. The person owning the fee, or the person in possession of lands, lots, or portions of lots, or buildings under claim, or exercising acts of ownership over the same, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons, shall be deemed to be the possession of such owner, and the person so defined to be the owner shall be personally liable for the payment of any charge or assessment lawfully made or assessed upon said lands, lots, or portions of lots, by said Marshal, or contracted to be paid