

and Highways, and inserted in one of the daily newspapers published in said city and county, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the Superintendent of Public Streets and Highways. All proposals offered shall be delivered over by the said Superintendent, sealed, to the Board of Supervisors, who shall open, examine, and publicly declare them, in open session, and thereupon the contract shall be awarded at the lowest price offered, according to the provisions of the next preceding section; *provided*, that the lot owners, or the major part, as specified in said section, liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days after such award, elect to take the contract, for the price it has been awarded at. The Superintendent of Public Streets and Highways, shall be authorized, in his official character, to enter into written contracts for work upon streets and street crossings, ordered to be done, and awarded, or taken by the said owners, according to the provisions of this article.

SEC. 44. The grading, sewerage, planking, paving, repairing, or otherwise constructing or improving of streets and street crossings, must, in all cases, be done under the direction, and to the satisfaction, of the Superintendent; and all contracts made therefor, must contain this condition, and also express notice, that in no case, (except when it is otherwise provided in this Act), will the said city and county 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 works, in the mode herein provided, shall be made by the Superintendent of Public Streets and Highways.

SEC. 45. If any party directly interested in any such work, contract or assessment, shall feel aggrieved by the acts or determination of the said Superintendent, in relation thereto, he may appeal to the Board of Supervisors, whose decision thereon, upon hearing, shall be final.

SEC. 46. The person in possession of lands, lots and buildings, under claim, and exercising acts of ownership, shall be regarded, treated and deemed, to be the owner, according to the meaning of that term as used in this article; and in case of property leased, the possession of the tenant, or lessee, holding and occupying under him, shall be deemed to be the possession of such owner, so that such owner shall, in such case, be deemed to be in possession by his tenant.

SEC. 47. The Superintendent of Public Streets and Highways shall make, and keep in his office, a record of all assessments which he is authorized by law to make, in well bound volumes, in which shall be entered diagrams, exhibiting each street crossing, the work upon which may have been duly contracted for, and each street, or portion of a street, for the grading, planking, or paving of which, contract may have been entered into, the amount or rate to be paid upon such contract, each distinct lot, or portion of a lot, assessed therefor, and the amount of such assessment. Every assessment made and recorded according to the provisions of this article, shall have the force and effect of a judgment in a court of record, and remain a lien upon the property assessed, and take precedence of all other liens prior, as well as subsequent, in date, for the period of two years, unless sooner discharged.

SEC. 48. The contractor for grading of streets, or work upon street crossings, having fulfilled his undertaking, and the work having been approved by the Superintendent or Board of Supervisors, on appeal, shall receive from the Superintendent a warrant, by virtue of which he shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract; which warrant shall refer to the contract, the work contracted for and performed, and the amount agreed to be paid therefor, and shall specify the amount of each assessment, with the name of the owner of the lot assessed, if known, and shall be signed by the Superintendent, and be countereigned by the Auditor of said city and county who, before countersigning it, shall examine the contract, the steps taken previous thereto, and the record of assessments, and must be satisfied that the proceedings have been legal and fair.

SEC. 49. The contractor or his agent shall call upon the persons so assessed, or