

the faithful performance of his contract. The expenses incurred for the publication of notices, as required in this article, shall be deemed a portion of the expense of the work to which the same relates.

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-book of all assessments and charges which he is authorized by law to make, in well-bound volumes, in which he shall enter 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, sewerage, paving, planking, or piling, capping and planking, or repairing, 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 and charged therefor, and the amount of such assessment and charge. Every assessment and charge made and recorded according to the provisions of this article, shall be a lien upon the property, and take precedence of all other liens, prior, as well as subsequent in date, for the period of two years, unless sooner discharged; *provided, however*, that a certificate signed by the Superintendent of Public Streets and Highways, stating the name of the contractor, and the name of the person against whom the assessment or charge is made, the amount and date of the same, together with a description of the property upon which it is the intention of the contractor to hold a lien, shall have been recorded in the office of the County Recorder, in the city and county of San Francisco.

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 countersigned 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 their agents, if they can conveniently be found, and if payment be not made, shall demand payment upon the premises. If any payment be made, the contractor or his agent shall receipt the same upon the warrant, or a schedule affixed thereto, in presence of the person making such payment, and shall also give a separate receipt if