

demand; the warrant shall be returned to the Superintendent within thirty days after its date, with a return indorsed thereon, signed by the contractor or his agent; and if any of the assessments remain unpaid, verified upon oath, and stating that he has called upon the persons assessed, and whose assessments remain unpaid in whole or in part, and demanded payment, or that they could not conveniently be found, and that he has publicly demanded payment on the premises liable for such assessments, and that the same or the amounts thereof, specified in such return as delinquent, remain unpaid; thereupon the Superintendent shall record the said warrant with such sworn return, and also the original contract referred to therein if it has not been already recorded at full length in a book to be kept for that purpose in his office, and shall sign such record.

SEC. 50. If such delinquent assessment or assessments shall remain unpaid for five days thereafter, the Police Judge shall, on the application which it shall be the duty of the Superintendent to make, carefully examine the aforesaid record and also the record of assessments, and finding the proceedings to have been legal and free from fraud on the part of the contractor, shall issue his warrant, to be signed by him and countersigned by the said Superintendent, directed to the Sheriff of said city and county, briefly setting forth the delinquent assessment or assessments, the amounts thereof remaining unpaid, the name or names of the owner or owners, if known, and an accurate description of the property liable therefor, and commanding the said Sheriff to collect the amount of such delinquent assessment so remaining unpaid, with costs, including his legal fees, and fifteen dollars to be collected and paid over to the Superintendent for his services, and also five per cent. damages upon the amount remaining due to the contractor by sale of the property liable therefor, and described in said warrant in the same manner as real estate is required by law to be sold upon execution, and out of the moneys made to pay over the amount or amounts due to the contractor with the said five per cent. damages; which warrant, after having been recorded by the Superintendent in full in his office, shall be delivered to the said Sheriff.

SEC. 51. The warrant so issued shall have the force and effect of an execution upon a judgment or decree entered up in a court of record, and the Sheriff, in his proceedings thereon, shall be governed by the laws regulating sales under execution; and the rights and remedies of the purchaser or purchasers at any sale made by virtue of such warrant, shall be the same as those of purchasers at Sheriff's sales under execution. The property sold may also be redeemed in the same manner as real estate sold under execution, by the owner or any person for him being duly authorized, or by any creditor having a lien thereon. The deed executed by the Sheriff shall briefly refer to the essential steps in the proceeding previous thereto, and shall be *prima facie* evidence of the facts so recited.

SEC. 52. Any tenant or lessee of the property liable, may pay the amount of the delinquent assessment to the contractor or his agent, before the issuing of the warrant of sale, or may pay such amount with damages and costs afterward and before the sale, or may redeem the property sold for the benefit of the owner within the time prescribed by law, and deduct the amount so paid from the rents due, and to become due; and for any sum so paid beyond the rents due, he shall have a lien upon, and may retain possession of, the said property until the amount so advanced be satisfied with legal interest from accruing rents or re-payment by the owner.

SEC. 53. The Board of Supervisors, in the cases and with the requisites prescribed in sections forty and forty-one, may order the entire paving or repairing, planking or re-planking, piling, capping and planking, or re-piling, re-capping and re-planking, including the side-walks of any street, or portion of a street, or the construction of sewers therein, according to plans and specifications, and after a careful estimate of the costs of the work, which shall be furnished them by the Superintendent of Public Streets and Highways; before passing such order, notice shall be given in the same manner as prescribed in section forty-three, and in the manner therein specified, proposals shall be received, and contracts given out, for the work ordered to be done,