

which contract shall be in writing, and contain the condition and notice specified in section forty-four; *provided*, that the right of the owners to object, as provided in section forty, shall not apply in cases of construction of sewers; *and provided, also*, that no order shall be made to grade any street already officially graded.

SEC. 54. All the original streets, as laid down upon the official map of said city and county, and all other streets dedicated to public use, as such, are hereby declared open public streets, and the Board of Supervisors shall ascertain and establish the width of all or any of said streets, hereby declared open public streets, as the same may have been originally laid out.

SEC. 55. For the levying, collection and enforcement of such assessments, the same mode of proceeding shall be observed as prescribed in sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, and all the provisions of those sections shall be followed as far as applicable to the case.

SEC. 56. The Superintendent of Public Streets and Highways shall require, by written notice, to be delivered to them personally, or left upon the premises, all owners, tenants, or occupants of lots and buildings, situated and fronting upon streets already graded and planked, or paved, or heretofore capped, piled and planked, or which shall hereafter be graded and planked, or paved, or capped, piled or planked, where repairs are needed in the same, or in the sidewalks or sewers, to make such repairs forthwith, each in front of the property of which he is the owner, tenant or occupant, to the center of the street; and all repairs so made, or expenses therefor incurred, shall be assessed and charged to the landlord, and if the same be paid by the tenant, such tenant shall have a lien upon the property, and may retain possession thereof until the amount so advanced shall be paid from the accruing rents.

SEC. 57. If such repairs be not commenced within three days after notice given as aforesaid, and diligently and without any interruption, prosecuted to completion, the said Superintendent shall employ any suitable person, applying, to do the work, at the expense of the tenant and owner or occupant, at a reasonable price, to be determined by the said Superintendent; and such owner and tenant or occupant, shall be liable to pay the same. If the expense of such work and repairs, after the completion thereof, be not paid to the contractor so employed, on demand, the Police Judge, on application of the Superintendent, shall issue a warrant signed by him, and countersigned by the said Superintendent, directed to any Constable or Police Officer of said city and county, commanding him to seize and sell any personal property of the said owner, tenant or occupant, found upon the premises, that may be sufficient for the satisfaction of the amount due to the contractor, with costs, including three dollars for fees, to be allowed and paid to the Superintendent; and if sufficient personal property of the owner, tenant or occupant, cannot be found on the said premises, then to seize and sell the said premises and real estate, which shall be particularly described in the warrant.

SEC. 58. The officer executing such warrant shall be governed in his proceedings by the laws regulating levy and sale of property on execution from Justice's Courts, and be entitled to the same fees. But if the said real estate be levied on in defect of personal property, under the provisions of the two next preceding sections, it shall be sold for a term of years, and struck off to the lowest bidder, or the person who will take it for the shortest time, and pay the amount of the assessment, with costs. A copy of the warrant, when returned, with the return thereon indorsed, certified by the Clerk of the Police Judge's Court, shall, when any real estate has been sold under it, be delivered to the Superintendent, and be recorded in full in his office. In addition, and as cumulative to the remedies above given in this and the next preceding section, the Board of Supervisors shall have power, by regulation, to prescribe the penalties that shall be incurred by any person liable and neglecting or refusing to make repairs when required, as provided in section fifty-six, which fines and penalties shall be recovered for the use of the city and county, and may be applied, if deemed expedient by the said Board, in payment of the expense of any such repairs, when not otherwise provided for.