

proposals for the work contemplated. All proposals offered shall be delivered to the President of the Board of Supervisors. The Board of Supervisors shall open, examine, and publicly declare them, in open session, and thereupon shall be awarded to the lowest bidder, at the lowest price offered, according to the provisions of the next preceding section; *Provided*, that the major part of the owners in value, according to the assessment-roll as aforesaid, of the lots and land liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days after such award—notice of which award shall be published in one daily newspaper printed in said city and county—elect to do the work at the price the same may have been awarded, and enter into a contract therefor. The Superintendent of Public Streets and Highways shall be authorized, in his official capacity, to enter into written contracts for grading, sewerage, paving and planking, and for piling, capping and planking, upon streets and street-crossings, to be done, or awarded, or elected to be taken by the said owners, according to the provisions of this article. Should the said owners fail to elect, as herein provided, the Superintendent shall enter into a contract therefor with the persons to whom the same may have been awarded. And the said contractor shall execute a bond, with two sureties, to the city and county of San Francisco, in such a sum as the Superintendent shall deem adequate, conditioned for 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.—[Amendment, March 28, 1859.]

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