

lien, shall have been recorded in the office of the County Recorder, in the city and county of San Francisco.—[Amendment, March 28, 1859.]

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 demanded; 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