

sons entitled to an appeal, under the provisions of this section, as to all errors and irregularities which said Board could have remedied and avoided. The said warrant, assessment, and diagram shall be held *prima facie* evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the said Superintendent, and of the regularity of all the acts and proceedings of the Board of Supervisors, upon which said warrant, assessment, and diagram are based.—[Amendment April 25, 1863.]

SEC. 13. At any time after the period of fifteen days from the day of the date of the warrant as hereinbefore provided, or if an appeal is taken to the Board of Supervisors, as is provided in section twelve of this Act, any time after five days from the decision of said Board, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section twelve of this Act, (but not less than fifteen days from the date of the warrant) the contractor, or his assignee, may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided; and in all cases of recovery, under the provisions of this Act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost as attorney's fees: *provided*, he shall have waived the percentage on recovery, as provided by law. Suit may be brought in any Court in said city and county. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be *prima facie* evidence of such indebtedness, and of the right of the plaintiff to recover in the action. The Court, in which such suit shall be commenced, shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold, on execution, as in other cases of the sale of real estate, by the process of said Courts; and on appeal, the Appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold, such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter to be brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act; and also, when not in conflict herewith by the Civil Practice Act of this State, this Act shall be liberally construed to effect the ends of justice.—[Amendment March 26, 1868.]

SEC. 14. The Superintendent of Public Streets and Highways may require at his option by notice in writing to be delivered to them personally, or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section three of this Act in front of the property of which he is the owner, tenant, or occupant, to the center of the street, or otherwise, as the case may require, or to remove all filth and dirt from the street in front of his premises; and by a like notice to be served personally upon the President or any officer of a railroad corporation or company, to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this Act, which said corporation or company are required by law to do and perform; said notice to specify what improvement is required or work is to be done. After the expiration of three days the said Superintendent shall be deemed to have acquired jurisdiction to contract for the doing of the work or making the improvements or removing the filth and dirt required by said notice. If such improvement or work of cleansing be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent may enter into a contract with any suitable person applying to make said improvements or to do said cleaning, at the expense of the owner, tenant, or occupant, or railroad corporation or company, as the case may be, at a reasonable price to be determined by said Superintendent; and such owner, tenant, or occupant, or railroad corporation or company, shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded, the sum contracted to be paid shall be a lien, the same as provided in section ten of this Act, and also a lien upon the franchise and property of said corporation or company, and may be enforced in the same manner as other assessments.—[Amendment March 26, 1868.]

SEC. 15. If the expense of such improvements or removing such dirt and filth after the completion thereof be not paid to the contractor so employed, or his agent or assignee on demand, the said contractor or his assigns shall have the right to sue the owner, tenant, or occupant, or railroad corporation or company, under the provisions of this Act, for the amount contracted to be paid, and the certificate of the Superintendent that the work has been properly done, and that the charges for the same are reasonable and just, shall be *prima facie* evidence of the amount claimed for said work and of the right of the contractor to recover for the same in such action.—[Amendment March 26, 1868.]

SEC. 16. In addition, and as cumulative to the remedies above given, the Board of Supervisors shall have power by resolution or ordinance, to prescribe the penalties that shall be incurred by