

may seem just, or he may annul the same, if he finds the contract on which the same is based has not been performed, and make a new assessment on performance thereof, and republish said notice of ten days, with the like right to object to any second assessment on the part of the owners, and of appeal to said Board as herein provided. Said Board on appeal, may correct, alter or modify said assessment, as to them shall seem just, and may annul the same, and may order a new assessment to be made in the manner by them directed, and may make any order or decision in relation to any contract or the performance thereof, or in relation to any of the acts of the contractor or the said Superintendent, prior to the date of the hearing of said appeal. And all the decisions and determinations of said Board shall be final and conclusive upon all persons entitled to an appeal. At the expiration of said ten days, if no appeal is taken to said Board, or if an appeal is taken and the appeal is dismissed, or after the decisions of said Board on appeal have been complied with, said assessment, diagram and certificate shall be recorded in suitable books kept in the office of said Superintendent for that purpose, and when so recorded the several amounts assessed shall be a lien upon the land, lots or portions of lots assessed, respectively, until the same shall have been fully paid, and have a priority to all other liens, taxes excepted; and from and after the date of said recording all persons shall be deemed to have notice of the contents of the record thereof, and of all the records, proceedings, orders, resolutions and notices of the said Board of Supervisors or of said Superintendent in relation to street work. After jurisdiction to order any work has been obtained, no irregularity in any of the subsequent proceedings shall render any assessment illegal. [Amended, April 4, 1870.]

SEC. 13. Actions for the collection of any delinquent street assessment shall be brought in the name of The People of the City and County of San Francisco, and in any of the District Courts in and for said City and County of San Francisco, and against the owners and all persons having any interest therein, and the said original assessments delivered to the said Tax Collector of said City and County of San Francisco for collection, shall, at the expiration of the said fifteen days from the first publication thereof, be delivered to the Assistant City and County Attorney, with the word "Paid" marked opposite to each sum assessed and which shall have been paid; also, to whom and by whom paid and the date of payment; and said assessment or assessments, or the original record thereof, shall be *prima facie* evidence of plaintiff's right to recover in the action, and as to all defences not hereinbefore enumerated, it shall be conclusive evidence of the right of the plaintiff to recover. And in case any one or more of the items in the assessment or assessments are against owners thereof who cannot with due diligence be found, the service in each of such actions may be had either in manner as is now prescribed by the Civil Practice Act of this State, or in manner as is prescribed by an Act of the Legislature of the State of California, entitled an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four, and the remedies therein provided are cumulative; and the said Assistant City and County Attorney shall have all the powers and authority which are conferred upon the District Attorney by said last mentioned Act. The Court in which such suit shall be commenced shall have power to judge and decree a lien against the premises assessed, and to order such premises to be sold on execution or decree, 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 bringing an action to recover street assessments, the complaint need not show any of the proceedings prior to the issuance of the assessment, diagram and certificate, but it shall be held legally sufficient if it shows the title of the Court in which the action is brought by the parties plaintiff and defendant, the date of the issuance of the assessment, the date of the recording thereof, the book and page where recorded, a general statement of the work done, a description of the lot or lots sought to be charged with the assessments, the amount assessed thereon, that the same remains unpaid, and the proper prayer for relief; said complaint may be verified by said Assistant City and County Attorney. In all suits now pending or hereafter to be brought to recover street assessments, the proceedings therein shall be general and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. It is hereby expressly provided that nothing but gold or silver coin of the United States shall be received in payment of street assessments, and the judgment or decree in every case shall be made payable in and entered for gold coin. [Amended April 4, 1870.]

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 dirt and filth from the street in front of his