

Public Streets, Highways, and Squares shall make an assessment to cover the sum due for the work performed and specified in such contract, including incidental expenses (if any), in conformity with the provisions of this Act and according to the character of the work done, which assessment shall briefly refer to the contract, the work contracted for and performed and shall allow the amount to be paid therefor, together with the incidental expenses (if any, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot or portion of lot, if known to the Superintendent of Public Streets, Highways, and Squares if unknown, the word "unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner shall not render such assessment illegal), and the amount assessed thereon, the number of each lot or portion of lot assessed, and shall have attached thereto a diagram, exhibiting each street or street crossing, lane, alley, place, or court, or which any work has been done, and showing the relative location of each distinct lot or portion of lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of feet frontage assessed for said work, and contracted for and performed, and such assessment shall in all cases be payable in gold coin of the United States.

SEC. 10. To said assessment shall be attached a warrant, which shall be signed by the Superintendent of Public Streets, Highways, and Squares, and countersigned by the Auditor of said City and County of San Francisco, 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. The said warrant shall be substantially in the following form:

FORM OF WARRANT.

By virtue hereof, I [name of Superintendent], Superintendent of Public Streets Highways and Squares of the City and County of San Francisco, in the State of California, by virtue of the authority vested in me as said Superintendent of Public Streets, Highways, and Squares do authorize and empower [name of contractor], [his or their] agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be [his or their] warrant for the same. San Francisco [date], 18— [name of Superintendent], Superintendent of Public streets, Highways, and Squares. Countersigned by [name of Auditor], Auditor of the City and County of San Francisco.

Said warrant, assessment, and diagram shall be immediately recorded in the office of the Superintendent of Public Streets, Highways, and Squares, and when certified and so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and when suit is commenced within said two years, said lien shall continue for six months after the final determination of said suit; and all assessment liens heretofore created shall continue in full force for two years from the date of the recording of said warrant, assessment, and diagram, respectively; and when suits have been or shall hereafter be commenced within said two years from the date of said recording, said liens shall continue and be in force until the end of six months from the final determination of said suits, respectively; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section twelve of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand; but not until after the payment to the said Superintendent of Public Streets, Highways, and Squares of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant said contractor, or his agents or assigns, 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 and assessment.

SEC. 11. The contractor or his assigns, or some person in his or their behalf, shall call upon the person assessed or their agents, if they can conveniently be found, and demand payment or the amount assessed to each. If any payment be made the contractor, his assigns or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed or their agents cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent of Public Streets, Highways, and Squares within ten days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof; thereupon the Superintendent of Public Streets, Highways, and Squares shall record the return so made in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent of Public Streets, Highways, and Squares is authorized at any time to receive the amounts due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor: *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete dis-