

remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the City Council to order the work to be done, for which the assessment is made, has been actually published in a newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done. (*Amendment*, March 29, 1870.)

SEC. 12. At any time after the period of thirty-five days from the day of the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered or modified, as provided in section eleven of this Act, (but not less than thirty-five 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. Suit may be brought in the District Court of the Third Judicial District, and, on all sums less than three hundred dollars, in the Police Court of the City of Oakland. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and 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 29, 1870.)

SEC. 13. The Marshal of said city 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