

bear interest as hereinafter provided. In suits to enforce the lien of a special tax bill, all or any one of the owners of the land charged, or of any interest or estate therein, may be made defendants, and a judgment in such suit shall bind all the right, title, interest and estate in the land that the defendants and each of them owned at the time the lien of the tax bill commenced or acquired afterward. It shall be the duty of the sheriff of Montgomery county at the request of the holder or owner of any tax bills issued under this act, to serve upon the party or parties named in such tax bill a notice of the issuance thereof, which such service shall be made in the same manner provided by law for the service of writs of summons in civil cases. The return of the sheriff as to service shall be conclusive of the facts therein stated, and any person who may be injured by a false return shall have his right of action for damages resulting therefrom against the sheriff on his official bond. For the service of each notice the sheriff shall be entitled to one-half of the fee that may by law be allowed for the service of a writ of summons. Whenever the sheriff shall make a return of "not found" against any party, the institution of the suit thereafter shall be deemed and taken to be the equivalent of such notice of and demand of payment. In case the owner of the ground is a non-resident of the county, suit may be brought by attachment, which shall be equivalent to notice and demand for payment.

Such certified bills shall in all cases be prima facie evidence of the execution of the work, and of the correctness of the rates and prices, amount thereof, and of the liability of any person therein named as the owner of the land, charged with such bill, to pay the same; provided, that nothing in this section shall be so construed as to prevent the party charged with the payment of said bill from setting up by way of defense, in reduction of the amount of the same, that the work was not done in a good and workmanlike manner, according to the class of work mentioned in the contract, and that such party, before the commencement of the suit, tendered to the contractor a fair value of such work done, and if he shall establish the same on trial the recovery shall only be for the amount so tendered, and judgment for costs shall be rendered against the plaintiff.

The county shall not be liable in any manner whatever for or on account of any work done which is to be paid for by special tax bills.

Provided, however, that every special tax bill authorized by this act to be levied or assessed for the construction or re-con-