

the provisions of this sub-title of this article, can and shall be had and taken so far as the same may be applicable, for macadamizing, graveling, shelling, paving or curbing any street, avenue or alley, or part thereof.

393. A tenant for ninety-nine years, or for ninety-nine years renewal forever, or the executor or administrator of such tenant, or guardian of an infant owner, or trustees under deeds or wills, or orders of court, in whom the legal title is vested, or a mortgage in possession, shall be deemed and taken as owners for the purpose of any application authorized and provided for by this sub-title of this article; and the application of any such person shall bind the property so represented for any assessment or tax made under the provisions of this sub-title of this article; and when a part of a lot of ground shall be condemned for such street, avenue or alley, or part thereof, and the residue of the lot shall be affected or injured for the purpose for which it is used, or its value be impaired for building purposes, the fact shall be taken into consideration in assessing and awarding damages for the part taken, and in assessing benefits on the residue of such lot; and whenever any street or avenue, or any part thereof, for which application is made to be condemned, opened, graded and constructed under the provisions of this sub-title of this article, and all or any part of the bed of a road, street or avenue shall be adopted and used which may have already graded and constructed, or partially graded and constructed, by the owners of the ground bounding and fronting thereon, or by their grantors or other persons prior to such adoption, condemnation and use thereof by the examiner or examiners appointed under the provisions of this sub-title of this article, said examiner or examiners shall, in awarding damages, and in assessing benefits, take all such facts into consideration, and make a just and proper allowance for such amounts as may have been already expended upon such road, street or avenue, or part thereof.

394. In all contracts of any description made under this sub-title of this article, the examiner or examiners shall reserve twenty per cent. of the amount of such contracts, to be held by him or them as security for the faithful completion of the same until the same shall have been satisfactorily completed; and the said twenty per cent. shall be deducted and reserved from each and every payment under said contracts; and should the contractor, under any contract made under the terms of this sub-title of this article, fail to complete said contract, all sums unpaid at the time of such default, including the twenty per cent. above referred to, shall be for-