

of article 397, when the labor or materials required on any municipal works, in his division, have not been performed or furnished in the manner and at the time prescribed, he must report thereon to the council.

400. The council, on such report, authorizes the road inspector to cause the work to be done or the required materials to be furnished at the cost of the corporation, by some person selected either by it or by the inspector.

401. The cost of such works or materials, is paid on the order of the road inspector, by the secretary-treasurer of the council, and is recovered by the corporation from the persons in default, with twenty per cent, over and above the amount thereof, and costs, in the manner prescribed for the recovery of penalties imposed by this code.

402. The amount of any judgment rendered in favor of the road inspector or of the corporation, on any action brought to recover the value of the works performed or the materials furnished by either the road inspector or the corporation, and the twenty per cent in addition thereto, together with interest and costs, is assimilated to municipal taxes.

403. In every action brought, either by the road inspector or by the corporation to recover the value of such works or materials, the evidence of the road inspector is sufficient proof, if it is not contradicted by a witness worthy of belief, in the case where he establishes :

1. That the required formalities have been observed ;
2. That the works have been executed, and the materials furnished.
3. That the amount claimed is the real value of such works or materials ;
4. That the defendant is a person legally liable for the same.

404. The road inspector must, between the first and fifteenth days of June and October, in each year, and moreover whenever he is required by the council or mayor :