

public streets, and the expense of the same shall be paid out of the Street Department Fund.

SEC. 22. It shall be the duty of said Marshal to see that the laws, orders, and regulations, relating to the public streets and highways be fully carried into execution, and that the penalties therefor are rigidly enforced. It is required that he shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and ground of the said city, as may be prescribed by the City Council; and should said Marshal fail to see the laws, orders, and regulations relative to the public streets and highways carried into execution, after notice from any citizen of a violation thereof, the said Marshal and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

SEC. 23. If in consequence of any graded street or public highway improved under the provisions of this Act being out of repair, and in a condition to endanger persons, or horses or other animals, passing therein, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person, or if any horses, animals, or other property, being lawfully ridden, driven, or conveyed through such street or public highway, be injured, lost, or destroyed, through any such defect therein, no recourse for damages thus suffered shall be had against the said City of Oakland; but if such defect in the street or public highway have existed for the period of twenty-four hours or more after notice to the said Marshal, then the person or persons on whom the law may have imposed the obligation to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remained unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

SEC. 24. The City Engineer shall be:

*First*—The proper officer to do the surveying and other work necessary to be done under sections one and two of this Act, and to survey, measure and estimate the work done under contracts for grading streets, and every certificate of work done by him, signed in his official character, shall be prima facie evidence in all the courts of this State of the truth of its contents; he shall also keep a record of all surveys made under the provision of section one of this Act, as in other cases. The Marshal shall measure and determine any other work which may be done under the provisions of this Act.

*Second*—The words “improve,” “improved,” and “improvements,” as used in this Act, shall include all necessary repairs of work all mentioned in section three of this Act, and also the reconstruction of all or any portion of said work.

*Third*—The term “main street,” as used in this Act, means