

and be entitled to the same fees. But if the said real estate be levied on in defect of personal property, under the provisions of the two next preceding sections, it shall be sold for a term of years and struck off to the lowest bidder, or the person who will take it for the shortest time, and pay the amount of the assessment, with costs. A copy of the warrant, when returned, with the return thereon indorsed, certified by the Clerk of the Police Judge's Court, shall, when any real estate has been sold under it, be delivered to the Superintendent, and be recorded, in full, in his office. In addition, and as cumulative to the remedies above given in this and the next preceding section, the Board of Supervisors shall have power, by regulation, to prescribe the penalties that shall be incurred by any person liable and neglecting or refusing to make repairs when required, as provided in section fifty-six, which fines and penalties shall be recovered for the use of the city and county, and may be applied, if deemed expedient by the said Board, in payment of the expense of any such repairs, when not otherwise provided for.

SEC. 59. An action may be instituted and maintained before any court of competent jurisdiction, by the Contractor, for work done and materials furnished, upon streets or street crossings, under the provisions of this article, against the several owners assessed and liable therefor, for the recovery of the amounts of their respective assessments, which action shall be deemed a remedy concurrent with the proceedings for the enforcements of such assessments herein-before provided.

SEC. 60. Notices in writing which are required to be given by the Superintendent, under the provisions of this article, may be served by any private person, or by any police officer, with permission of the Chief of Police, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent, Police Judge, or any Judge or Justice of the Peace; or such notices, whether verbal or written, may be delivered by the Superintendent himself. The Superintendent shall keep a record of the fact of giving such notices, when delivered by himself personally, and, also, of the notices and proof of service when delivered by any other person.

SEC. 61. The records kept by the Superintendent of Public Streets and Highways, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence, with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

SEC. 62. The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office.

SEC. 63. It shall be the duty of the said Superintendent to see that the laws, orders and regulations, relating to the public streets and highways, are carried into execution; that all nuisances and unlawful obstructions are removed therefrom; and that the penalties therefor are rigidly exacted by legal process. It is required that he shall keep himself informed of the condition of all public streets and highways in said city and county, by personal inspection. He shall also perform such other duties in the supervision of public streets and highways, and, also, of all public buildings, parks, lots and grounds of the said city and county, as may be prescribed by the Board of Supervisors. He shall, before entering upon the duties of his office, give bond to the city and county, in such sum as may be fixed by the Board of Supervisors, conditioned for the faithful discharge of the duties of his office.

SEC. 64. If, in consequence of any graded street or public highway being out of repair, and in a condition to endanger persons, horses, or other animals, passing therein, any person, while lawfully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damages to his person; or if any horses, animals, or other property, being lawfully ridden, driven, or conveyed through such