

SEC. 59. An action may be instituted and maintained before any court of competent jurisdiction, by the contractor or his assigns, for work done and materials furnished upon streets, and street-crossings, under the provisions of this article, against the several owners assessed or liable therefor, for the recovery of the amount of their respective assessment, or for repairs as provided in section fifty-six of this Act, which shall be deemed a remedy concurrent with the proceedings for the enforcement of such assessment and charges herein before provided; and the entries kept by the Superintendent of Public Streets and Highways in the record-book of assessments and charges, or a copy therefrom, certified by the said Superintendent to be a true copy thereof, shall be *prima facie* evidence in said court of the regularity of all the proceedings prescribed in this article.

SEC. 60. Notes 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. He shall be allowed one Deputy, to be by him appointed from time to time, at a compensation of one hundred and fifty dollars per month, payable out of the General Fund of the City and County of San Francisco, in the same manner in all respects as provided for the payment of other salaries under this Act. It shall be lawful for the said Deputy to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent.

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 street or public highway, be injured, lost, or destroyed, through any such defect therein, no recourse for the damage thus suffered shall be had against the City and County of San Francisco; but if such defect in the street or public highway have