

for the satisfaction of the amount due to the contractor, with costs, including three dollars for fees, to be allowed and paid to the Superintendent; and if sufficient personal property of the owner, tenant or occupant, cannot be found on the said premises, then to seize and sell the said premises and real estate, which shall be particularly described in the warrant.

SEC. 58. The officer executing such warrant shall be governed in his proceedings by the laws regulating levy and sale of property on execution from Justices' Courts, 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 assessments 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 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 hereinbefore 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.—[Amendment, March 28, 1859.]

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. 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