

dollars per month. It shall be lawful for the said Deputies 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, except the acceptance or approval of work done. The Superintendent of Public Streets and Highways, or his Deputies, shall superintend and direct the clearing of all sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvements of streets that have been finally accepted as in this Act provided.—[Amendment April 25, 1863.]

SEC. 23. 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, and that the penalties therefor are rigidly enforced. It is required that he shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, parks, lots, and ground, 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 bonds 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; and should said Superintendent fail to see that the laws, orders, and regulations, relating to the public streets and highways, are carried into execution, after notice from any citizen of a violation thereof, the said Superintendent 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. 24. No recourse shall be had against said city and county for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of said city and county, whether originally existing, or occasioned by construction, excavation, embankment, or want of repair of such street or public highway, and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same. But if any person, while carefully using any street or public highway of said city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed, or any horses, animals, or other property, be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unimpaired, or said excavation or embankment remained ungraded, as aforesaid, shall be jointly and severally liable to the person or persons injured for the damage sustained.—[Amendment April 25, 1863.]

SEC. 25. *First.* The City Surveyor shall be the proper officer to do the surveying and other work which may be 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 in this State, of the truth of its contents. He shall also keep a record of all surveys made under the provisions of section one of this act, as in other cases. The Superintendent shall measure and determine any other work which may be done under the provisions of this Act.

*Second.* The words "improve," "improved," and "improvement," as used in this Act, shall include all necessary repairs of all work 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 such street or streets as bound a block. The term "street," shall include crossings.

*Fourth.* The word "block" shall mean the blocks which are known and designated as such on the map and books of the Assessor of said city and county.

*Fifth.* The term "incidental expenses" shall mean the expense for work done by the City Surveyor, under the provisions of this Act; also, the expense of printing, advertising, and measuring, the work done under contracts for grading, and the expense of superintendence of sewers, and of piling and capping.

*Sixth.* The publication of notices, required by the provisions of this Act, shall be published, daily (Sunday excepted), in the newspaper doing the printing by contract for said city and county.

SEC. 26. *First.* All assessments hereafter to be made, to cover the expense of work provided for by contracts awarded prior to the first day of June, eighteen hundred and sixty-one, and after George T. Bohen became the acting Superintendent, shall be assessed as provided by the law in relation thereto, and in force at the time said work was awarded; and all assessments heretofore made by George T. Bohen, as Superintendent, under said laws, to cover the expense of such work, shall be deemed and held to have been assessed under the proper law.

*Second.* All assessments hereafter to be made to cover the expense of work provided for by contracts awarded on and after the first of June, eighteen hundred and sixty-one, shall be assessed according to the provisions of this act.