

contractor from the performance of the conditions of said bond, when good cause is shown therefor. All persons (owners included) who shall fail to enter into contracts, as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days. The owners of the major part of the frontage of lots and lands liable to be assessed for said work, shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of such award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence, to completion, it shall be the duty of the Superintendent of Public Streets and Highways to enter into a contract with the original bidder to whom the contract was awarded, and at the price the same may have been awarded him; but if said bidder neglect, for fifteen days after the first publication of the notice of said award, to enter into the contract, then the Board of Supervisors shall again publish for said five days, and pursue the steps required by this section, the same as in the first instance. If the owners who may have taken said contract, do not complete the same within the time limited in the contract, or within such further time as the Board of Supervisors may give them, said Superintendent shall report such delinquency to the Board of Supervisors, who may relet the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sums as the said Superintendent shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages, by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractors, before the contract is signed by him, the cost of publication of the notices required under the proceedings prescribed in this Act.

SEC. 7. The Superintendent of Public Streets and Highways is hereby authorized, in his official capacity, to enter into all written contracts, and to receipt all bonds authorized by this Act, and to do any other acts, either expressed or implied, that pertain to the Street Department under this Act; and said Superintendent shall fix the time for the commencement and completion of the work under all contracts entered into by him, and may extend the time so fixed from time to time under the direction of the Board of Supervisors. And in all cases where the Superintendent, under the direction of said Board, has extended the time for the performance of contracts, the same shall be held to have been legally extended. And whenever, in any contract heretofore made, the said Superintendent has fixed the time for doing the work, or has extended the same, such acts shall be deemed and held to have been legally done, and it shall be so held in all the Courts of this State; but this provision shall not apply to any contracts the work under which has not been commenced. The work provided for in section three of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent, and the materials used shall be such as are required by the said Superintendent; and all contracts made therefor must contain this condition, and also express notice that in no case (except where it is otherwise provided in this Act) will the city and county be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work, in the mode herein provided, shall be made by the said Superintendent of Public Streets and Highways.—[Amendment April 25, 1863.]

SEC. 8. *One.* The expense incurred for any work authorized by section three of this Act, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specially provided, each lot or portion of lot being separately assessed, in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work.

*Two.* The expense of all improvements (except such as done by contractors under the provisions of section fourteen of this Act) until the streets, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-one of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work, and after such acceptance, the expense of all work thereafter done thereon shall be paid by said city and county out of the Street Department Fund; and if said Fund shall not be sufficient to defray such expenses, the Board of Supervisors may transfer from the General Fund to the Street Department Fund sufficient money to meet any deficiency.

*Three.* The expense of work done on main street crossings, excepting such as are provided for in subdivision eight of this section, shall be assessed upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot, in such quarter blocks, fronting on such main streets, shall be separately assessed, according to its proportion of frontage on the said main streets.

*Four.* Where a main street terminates at right angles in another main street, the expense of