

SEC. 21. When any street or portion of a street has been or shall hereafter be constructed to the satisfaction of the committee on streets, wharves, grades and public squares of the Board of Supervisors and said Superintendent, and shall have a brick sewer or cement pipe constructed therein under such regulations as said Board shall adopt, the same shall be accepted by the Board of Supervisors, and thereafter shall be kept open and improved by the said city and county, the expense thereof, together with all work done in front of city property to be paid out of the Street Department Fund; *provided*, that the Board of Supervisors shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length or one entire crossing); and *provided, further*, that the Board of Supervisors may partially or conditionally accept any street or portion of a street without a sewer or pipe therein, as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, when a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superintendent shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto. [Amended, April 4, 1870.]

SEC. 22. 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 not more than eleven deputies, to be by him appointed from time to time. Three of said deputies shall receive a salary of two hundred dollars per month each, and four of said deputies shall receive a salary of one hundred and fifty dollars per month each, and four of said deputies shall receive a salary of one hundred and twenty-five dollars per month each. 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. [Amended, April 4, 1870.]

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 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 unrepaired, or said excavation or embankment remained ungraded [unguarded?], as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained. [Amended, April 25, 1863.]

SEC. 25. 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