

tion of said Board, at a salary not exceeding one hundred and fifty dollars per month each, who shall be paid out of the General Fund. [Amended April 4, 1870.]

SEC. 11. The City and County Attorney of the City and County of San Francisco is hereby authorized, after the passage of this Act, to appoint an Assistant City and County Attorney, whose duty it shall be to sue for and collect all and every delinquent street assessment, such suits to be prosecuted as hereinafter provided. Such Assistant City and County Attorney to receive no compensation except a fee and percentage in each action, which shall be as follows: After suit brought, and before judgment or decree, said Attorney shall be entitled to charge and collect, in addition to the said principal sum or sums for which suit is brought; interest, costs of suit and disbursements, fifteen dollars in each case where suit is commenced, which he shall have for his own use; but if a judgment or decree is rendered, fifteen per cent. shall be added and collected as his fee for collection; *provided*, that said percentage fee of fifteen dollars [per cent.] shall not be allowed to exceed the sum of one hundred dollars in any one judgment; and *provided further*, that if any suit is carried on appeal to the Supreme Court, he shall be entitled to receive an additional sum of one hundred dollars, and it is further provided, that the said assessment or assessments shall draw interest at the rate of ten per cent. per annum, from the date of the recording of said assessment, down to and after judgment or decree, any law to the contrary notwithstanding. It shall be the duty of said Assistant City and County Attorney to commence suit and recover said assessments within ten days after the same is delivered to him; and said action shall be brought in the name of the People of the City and County of San Francisco. The costs required to commence and prosecute said actions to be drawn from the Street Department Fund hereinafter mentioned and returns [returned] to that fund when collected; and no defense shall be interposed except:

*First.* Want of jurisdiction to order the work.

*Second.* That the assessment has been paid.

*Third.* Fraud in the assessment or in any of the acts or proceedings prior thereto, setting out the facts showing such fraud.

And it is further provided, that when any contract for any street work shall have been made by the proper officers of said city and county, and shall be fully and faithfully performed by the contractor thereof, or his assigns, in every respect, and in accordance with the terms of said contract, and afterwards assessment for the payment of said street work shall be declared invalid by the highest courts in the State, and if such invalidity shall appear by the decision of said courts not to have been in any manner caused by the frauds, acts, conduct or omissions of said contractor, then it shall be the duty of the said Board of Supervisors of said city and county to order the full amount or amounts of such contract, or whatever amounts shall be due and owing on said contract, to be paid to the contractor, or his assigns, out of the Street Department Fund, together with all such fees to the said attorney, as he, the said attorney, would have been entitled to if the same had been collected after judgment; and the City and County Auditor shall audit, and the Treasurer shall pay the same; *provided*, that the claim of said contractor shall be presented within six months after the final determination of the cause by such Court; and upon such payment to such contractor, as aforesaid, the said contractor, or his assigns, shall assign said contract to the City and County of San Francisco. Said Assistant City and County Attorney shall be required to enter into a bond in the sum of twenty thousand dollars, payable to the said Street Department Fund, with two or more sureties, to be approved by the County Judge of said city and county, and conditioned faithfully and diligently to perform his duties as Assistant City and County Attorney, and to sue for and collect all assessments that may be delinquent under the provisions of this Act, and to pay, on the last day of each month, all moneys collected during the month to the Treasurer of the City and County of San Francisco, accompanied with a statement to the City and County Treasurer which shall designate the fund or funds to which said money shall be applied; and it is especially *provided*, that the duties of such Attorney shall extend only to the collection of delinquent street assessments, and counsel relative to street work, and in no case shall be entitled to any claim against or compensation from said City and County of San Francisco, except as hereinbefore provided. The percentage to be paid said Assistant City and County Attorney, when assessments are declared invalid, shall be allowed and paid monthly, in the same manner that other claims against the City and County of San Francisco are allowed; but said claim shall only be paid out of the special fund collected as aforesaid. On collections made and received before judgment or decree, the percentage may be retained by him. [Amended April 4, 1870.]

SEC. 12. The owner, contractor, or his assigns, and all persons whether named in the assessment or not, feeling aggrieved by any of the acts or determinations of said Superintendent, in relation to the acceptance of work, or to the assessment, or to any act, proceeding, matters or thing done, suffered or committed by him, shall, within fifteen days after the first publication of notice of the issuance of said assessment, as herein provided, appeal to said Board of Supervisors, as provided in this section, by briefly stating their objections in writing and filing the same with