

the recording thereof, the book and page where recorded, a general statement of the work done, a description of the lot or lots sought to be charged with the assessments, the amount assessed thereon, that the same remains unpaid, and the proper prayer for relief. In all suits brought to recover street assessments the proceedings therein shall be general, and regulated by the provisions of this Act; and also, when not in conflict herewith, by the Civil Practice Act of this State; but no defense shall be interposed except: first, want of jurisdiction to order 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. It is hereby expressly provided, that nothing but gold and silver coin of the United States shall be received in payment of street assessments, and the judgment or decree in every case shall be made payable in and entered for gold coin.

SEC. 14. The Superintendent of Public Streets, Highways and Squares may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots, or portions of lots, liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section three of this Act, in front of the property of which he is the owner, tenant or occupant, to the center of the street, or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of his premises, and by a like notice to be served personally upon the President or any officer of a railroad corporation or company, or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this Act, which said corporation or company are required by law to do and perform; said notice to specify what improvement is required or work is to be done. After the expiration of five days the said Superintendent of Public Streets, Highways, and Squares shall be deemed to have acquired jurisdiction to contract for the doing of the work or making the improvements, or the removing of the filth, sand, earth or dirt, required by said notice. If such improvement or work of cleaning be not commenced within five days after notice given as aforesaid, and diligently and without interruption prosecute to completion, the said Superintendent of Public Streets, Highways, and Squares may enter into a contract with any suitable person to make said improvements or to do said cleaning at the expense of the owner, tenant or occupant, or railroad corporation or company, as the case may be, at a reasonable price, to be determined by said Superintendent of Public Streets, Highways and Squares; and such owner, tenant or occupant, or railroad corporation or company, shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded in the office of [the Superintendent of] Public Streets, Highways, and Squares, the sum contracted to be paid shall be a lien, the same as provided in section ten of this Act, and also a lien upon the franchise and property of said corporation or company as may be enforced in the same manner as other assessments.

SEC. 15. If the expense of such improvements or removing such sand, earth, dirt or filth, after the completion thereof be not paid to the contractor so employed, or his agent or assignee on demand, the said contractor or his assigns shall have the right to sue the owner, tenant or occupant, or railroad corporation or company, under the provisions of this act, for the amount contracted to be paid, and the certificate of the Superintendent of Public Streets, Highways and Squares, that the work has been properly done, and that the charges for the same are reasonable and just, shall be *prima facie* evidence of the amount claimed for said work, and of the right of the contractor to recover the same in such action.

SEC. 16. In addition and as cumulative to the remedies above given, the Board of Supervisors shall have power, by ordinance, to prescribe penalties that shall be incurred by any owner, tenant, occupant or railroad corporation or company neglecting or refusing to make improvements or remove sand, earth, dirt or filth, as provided for in section fourteen of this Act, which fines and penalties shall be recovered for the use of the City and County of San Francisco, by prosecution, in the name of the People of the State of California, in the Police Judge's Court, of the City and County of San Francisco, which shall have jurisdiction in all such cases. All fines collected hereunder shall be paid into the treasury of the City and County of San Francisco to the credit of the Street Department Fund, at least once in each week.

SEC. 17. The person owning the fee, or the person in the possession of lands, lots or portions of lots or buildings, under claim of ownership, or exercising acts of ownership over the same, or himself or as the administrator or guardian of the owner, or the person in whom on the day the action commenced appears the legal title to the land by deeds recorded in the Recorder's office of the City and County of San Francisco, shall be regarded, treated and deemed to be the owner (for the purposes of this law), according to the intent and meaning of that word as used in this Act; and in case of property leased, possession by a tenant or lessee holding and occupying under an owner, shall be deemed to be possession by such owner.

SEC. 18. The records kept by the Superintendent of Public Streets, Highways and Squares, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records; and such records, or copies thereof, duly certified by said Superintendent of Public Streets, Highways and Squares, may be used in evidence with the