

He shall, before entering upon the duties of his office, give bonds to the city and county in such sums as may be fixed by the said Board of Supervisors, conditioned for the faithful discharge of the duties of his office; and should said Superintendent of Public Streets, Highways, and Squares 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 of Public Streets, Highways, and Squares 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. 23. 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, or embankment, or want of repair of said street or public highway, and whether such damages 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 remain unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

SEC. 24. The City and County 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 given by him, signed in his official character, shall be *prima facie* evidence in all 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 of Public Streets, Highways, and Squares shall measure and determine any other work which may be done under the provisions of this Act.

*Second*—The words "improve," "improved," and "improvements," 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 crossing.

*Fourth*—The word "block" shall mean the blocks which are known or designated as such on the map and books of the Assessor of said City and County of San Francisco.

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

*Sixth*—The publication of notices required by the provisions of this Act shall be published daily (Sundays and non-judicial days excepted) in the newspaper doing the printing by contract for the said City and County of San Francisco.

*Seventh*—The word "paved," within the meaning of this Act, shall be held to mean and embrace [any] pavement of stone, iron, wood, or other material which the Board of Supervisors shall by ordinance adopt, whether patented or not.

SEC. 25. All assessments hereafter to be made to cover the expense of work provided for by contracts awarded prior to the passage of this Act shall be assessed by the Superintendent of Public Streets, Highways, and Squares, in manner as is provided by the law in relation to assessments in force at the time said work was awarded. The office of the Assistant City and County Attorney is hereby abolished, and the City and County Attorney is hereby substituted for such officer for the purposes of the prosecution and collection of the assessments issued under the provisions of the Act, approved April fourth, eighteen hundred and seventy, and is invested with the same authority to commence suits and prosecute and continue all suits now pending: *provided*, that any contractor or his assigns, for whose benefit any such assessments may have been made, may, at his or their option, collect the same, in which event the City and County of San Francisco shall be liable and responsible for no part or portion of such assessment. Any assessment, diagram, and certificate, in the possession of the Superintendent of Public Streets, Highways, and Squares, or of the Tax Collector, or of the City and County Attorney, made in pursuance of the Act, approved April fourth, eighteen hundred and seventy, shall, on demand of the contractor named therein or his assigns, be delivered to him or them, as the case may be, and thereupon all moneys which have been collected on account of said assessment shall be paid to the City and County Treasurer, as provided by the Act, approved April fourth, eighteen hundred and seventy, and by the Treasurer paid over to the parties entitled thereto; such delivery of the assessment, diagram, and certificate, or either, shall terminate the