

or re-planking, piling, capping and planking, or re-piling, re-capping and re-planking, including the sidewalks of any street, or portion of a street, or the construction of sewers therein, according to plans and specifications, and after a careful estimate of the costs of the work, which shall be furnished them by the Superintendent of Public Streets and Highways; before passing such order, notice shall be given in the same manner as prescribed in section forty-three, and in the manner therein specified, proposals shall be received, and contracts given out, for the work ordered to be done, which contract shall be in writing, and contain the condition and notice specified in section forty-four; *provided*, that the right of the owners to object, as provided in section forty, shall not apply in cases of construction of sewers; *and provided, also*, that no order shall be made to grade any street already officially graded.—[Amendment, March 28, 1859.]

SEC. 54. All the original streets, as laid down upon the official map of said city and county, and all other streets dedicated to public use, as such, are hereby declared open public streets, and the Board of Supervisors shall ascertain and establish the width of all or any of said streets, hereby declared open public streets, as the same may have been originally laid out.—[Amendment, March 28, 1859.]

SEC. 55. Repealed. [Act of May 18, 1861, Sec. 18.]

SEC. 56. The Superintendent of Public Streets and Highways shall require, by written notice, to be delivered to them personally, or left upon the premises, all owners, tenants, or occupants of lots and buildings, situated and fronting upon streets already graded and planked, or paved, or heretofore capped, piled and planked, or which shall hereafter be graded and planked, or paved, or capped, piled or planked, where repairs are needed in the same, or in the sidewalks or sewers, to make such repairs forthwith, each in front of the property of which he is the owner, tenant or occupant, to the center of the street; and all repairs so made, or expenses therefor incurred, shall be assessed and charged to the landlord, and if the same be paid by the tenant, such tenant shall have a lien upon the property, and may retain possession thereof until the amount so advanced shall be paid from the accruing rents.—[Amendment, March 28, 1859.]

SEC. 57. If such repairs be not commenced within three days after notice given, as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent shall employ any suitable person applying, to do the work at the expense of the tenant and owner, or occupant, at a reasonable price, to be determined by the said Superintendent, and such owner or tenant, or occupant, shall be liable to pay the same. If the expenses of the work and material for such repairs, after the completion thereof, be not paid to the contractor so employed, on demand, he shall have the right to sue for the same, under the provisions of section ten of this Act, and the certificate of the Superintendent that the work has been properly done and the charges for the same are reasonable and just, shall be *prima facie* evidence of the right of the contractor to recover in such action.—[Act of May 18, 1861, Sec. 11.]

SEC. 58. In addition and as cumulative to the remedies above given, the Board of Supervisors shall have power, by regulation, to prescribe the penalties that shall be incurred by any person liable, and neglecting or refusing to make repairs when required, as provided in section fifty-six of the Act to which this is an amendment, which fines and penalties shall be recovered for the use of the city and county, and may be applied, if deemed expedient by the said Board, in payment of the expenses of any such repairs, when not otherwise provided for.—[Act of May 18, 1861, Sec. 12.]

SEC. 59. Repealed. [Act of May 18, 1861, Sec. 18.]

SEC. 60. Notices in writing, which are required to be given by the Superintendent, under the provisions of this article, may be served by any private person, or by any Police Officer, with permission of the Chief of Police; and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent, Police Judge, or any Judge or Justice of the Peace; or such notices, whether verbal or written, may be delivered by the Superintendent himself. The Superintendent shall keep a record of the fact of giving such notices, when delivered