

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 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 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 crossings.

*Fourth.* The term "block" shall mean the blocks which are known and designated as such on the map and books of the Assessor of said city and county.

*Fifth.* The term "incidental expenses" shall mean the expense for work done by the City Surveyor, under the provisions of this Act; also, the expense of printing, measuring, and advertising the work done under contracts for grading, and the expense of superintendence of sewers, and of piling and capping or repiling, and recapping, paving and repaving [and] macadamizing.

*Sixth.* The publication of notices, required by the provisions of this Act, shall be published daily, (Sundays excepted) in the newspaper doing the printing by contract for said city and county. [Amended March 31, 1866.]

SEC. 26. *First.* All assessments hereafter to be made, to cover the expense of work provided for by contracts awarded prior to the first day of June, eighteen hundred and sixty-one, and after George T. Bohen became the Acting Superintendent, shall be assessed as provided by the law in relation thereto, and in force at the time said work was awarded; and all assessments heretofore made by George T. Bohen, as Superintendent, under said laws, to cover the expense of such work, shall be deemed and held to have been assessed under the proper law.

*Second.* All assessments hereafter to be made to cover the expense of work provided for by contracts awarded on and after the first day of June, eighteen hundred and sixty-one, shall be assessed according to the provisions of this Act.

SEC. 27. The Superintendent shall appoint a person or persons, suitable to take charge of and superintend the construction or improvement of each and every sewer, and of piling and capping, and repiling and recapping, paving and repaving and macadamizing, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom, to report the same to said Superintendent. He shall be allowed for his time actually employed in the discharge of his duties, such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled, shall be deemed to be incidental expenses within the meaning of those words, as defined in this Act; *provided*, that the owners of more than one-half of the frontage of the lots and lands fronting on the work proposed to be done under this section, may, within forty-eight hours after the work has been commenced, appoint their own superintendent of the work, and provide for his compensation by private agreement. [Amended March 31, 1866.]

SEC. 28. [Legalizes the publication of notices, etc., in the Daily and Weekly "Herald and Mirror."]

SEC. 29. Article four, embracing sections from thirty-six to sixty-four, inclusive, of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen, of an Act entitled an Act amendatory to an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, A.D., eighteen hundred and fifty-six, approved March twenty-eighth, eighteen hundred and fifty-nine, and sections, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, sixteen and seventeen, of an Act entitled an Act amendatory of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved the