

places of residence. If the City Council so resolve, it shall direct the City Marshal to give written notice to the owners or the occupants of the land embraced within the lines of said street, or owning or occupying the lands abutting upon the same, which said notice shall briefly state the substance of said petition, and shall require such owners or occupants to appear before such Council, at the time which said Council shall designate by resolution, which shall not be less than twenty days from the adoption of such resolution, and not less than ten days after the service of said notice upon said owners or occupants, then and there to state any objections they may have to the opening of said street; *provided*, however, that whenever the lands embraced within said lines of said streets, or abutting upon the same, are vacant or unoccupied, or the owners or occupants thereof cannot be found within the limits of said city by said Marshal, then, and in that event, it shall be a sufficient service of said notice upon said owners or said occupants to post the same in a conspicuous place upon said vacant or unoccupied lands, and also at the office of the Mayor of said city, at least ten days prior to the said time fixed for said appearance. At the time appointed for said hearing, the parties notified shall appear and briefly state, in writing, their objections, if any they have, to the opening of said street or streets; and if damages are claimed, shall also therein state the amount thereof; if damages are claimed, the Council shall designate a day to determine the same, which shall not be less than ten days after the time so appointed to hear said parties as aforesaid. Upon such designated day, or such other day to which the hearing of the same shall be continued, the Council shall proceed to hear the allegations of the parties, and such process [proofs] as may be produced in support of or against the same, for which purpose the presiding officer at such meeting of said Council shall have power to administer all the necessary oaths or affirmations, and if the party to whom the same is administered shall wilfully, corruptly, and falsely swear touching the matter in issue before said Council, he shall be deemed guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the State Prison for any term not less than one nor more than fourteen years. Thereupon, said Council shall separately assess the amount of damages to each person entitled to the same; *provided*, that if the opening of said street or streets shall benefit the lands abutting upon or adjacent to the same, and increase the value thereof, such benefit and increase in value shall be estimated and deducted from the damages. If, however, after being notified as aforesaid, said owners or occupants fail to appear and claim damages as aforesaid, the said Council shall only award them nominal damages. Any owner or occupant of land aggrieved by the action of the Council respecting the amount of damages allowed them, shall have the right to appeal to the County Court of the County of Alameda, where said question of damages, and none