

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 other, shall be heard anew and determined. Said appeal shall be taken by filing a notice with the Clerk of said County Court, and by serving a copy upon the Mayor of said city, within five days after said assessment of damages by said Council; and within three days after the filing of such notice said aggrieved party shall cause to be transmitted to the said County Court, a copy of the order or resolution of said Council, assessing said damages, certified to by the Clerk of said Council, for which copy and certificate, said Clerk shall be entitled to receive a fee of two dollars. Upon the filing of said certified copy of said order or resolution in said County Court, together with an undertaking on the part of said appellants, in the sum of one hundred dollars, executed by two good and sufficient sureties, to be approved by the Mayor of said city, which said undertaking shall be conditioned to the effect that the said appellants will pay all the costs of the appeal and all costs that may be recovered against him or them in said County Court: *provided*, he or they recover therein no greater sum as damages than were assessed or allowed by said Council, together with ten per cent. additional thereto—the County Judge shall order a special term of said County Court to be holden upon a day to be designated, not more than ten days after filing said certified copy of said resolution or order, at which said special term, the said issue as to damages should be tried *de novo*, with or without a jury, as the parties may desire; and upon the rendition of judgment therein, a certified copy thereof shall be transmitted by the Clerk of said Court to the Clerk of the City Council, who, upon the order of said Council, shall cause the amount thereof to be paid by the Marshal of said city to the parties entitled to the same. Said judgment shall separately state the amount of damages to which each party is entitled. If the appellants, or either of them, recover no more in said County Court than the amount allowed or assessed to him by said Council, together with ten per cent. additional thereto, he shall pay the costs of the appeal; but if he or they recover a sum more than ten per cent. beyond the amount so allowed, he shall be entitled to recover of said city the said costs of appeal: *provided*, that if any claimant of damages shall not give

Fire Insurance Policies issued immediately upon application, by BABER & ROFF, Agents, Oakland.