

notice of appeal in the manner and within the time hereinbefore specified, then he shall be deemed to have assented to said assessment of damages by said Council; and *provided*, further, that if any occupant or owner of such lands shall fail, after being notified as aforesaid, to appear and claim damages, he shall be deemed to have waived his right of appeal to said County Court. The provisions of an Act entitled An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and the Acts amendatory thereof and supplementary thereto, shall be applicable, so far as the same are not inconsistent with this Act. There shall be the same right to an appeal from any such judgment rendered in said County Court as if the action had been originally brought therein. When the amount of damages shall be finally ascertained and determined, the said Council shall order the City Marshal to pay the amount thereof, to the parties entitled thereto, and upon such payment, or the tender thereof, the said Marshal shall proceed and open said street. All streets that have been laid out by the authorities of the Town or City of Oakland, and declared to be public thoroughfares or streets, and that have been used as such, shall be, and are hereby declared public streets, to the extent that the same may have been used: *provided*, that private rights of property shall not be affected thereby.—[*Amendment*, April 25, 1863.]

SEC. 58. An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and also an Act to amend an Act entitled An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fifteenth, eighteen hundred and sixty-one, and also an Act amendatory of and supplementary to an Act entitled An Act to incorporate the city of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fourteenth, eighteen hundred and sixty-one, and also all other Acts in conflict with the provisions of this charter, are hereby repealed: *provided*, that the validity of the ordinances or proceedings of the Trustees of the Town of Oakland, and of the authorities of the City of Oakland, shall in no wise be affected thereby.—[*Amendment*, April 25, 1863.]

SEC. 59. [Obsolete.]

PUBLIC STREETS.

AN ACT TO AUTHORIZE THE CITY OF OAKLAND TO IMPROVE THE STREETS, LANES, ALLEYS, COURTS, AND PLACES IN THE SAID CITY, APPROVED APRIL 4, 1864. WITH THE AMENDMENTS THERETO, APPROVED MARCH 29, 1870.

The People of the State of California,
represented in Senate and Assembly, do enact as follows:

SECTION 1. The City Council of the City of Oakland shall have power, upon the payment of just compensation, to lay out and open new streets, lanes, alleys, courts, and places within the corporate limits of said city, but shall have no power to subject