

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 the Marshal. 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 these words as defined in this Act; *provided*, that the owners of more than one half in 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.

SEC. 26. After a street shall have been paved, planked, or macadamized by authority of this Act, the City Council shall have power to levy a tax from time to time, as occasion may require, upon the property fronting upon said street, sufficient to keep the same in repair. Said tax shall be levied and collected at the time and in the manner prescribed for the levy and collection of city taxes, and the amount thus collected shall be set apart as a Street Department Fund, and appropriated to the repair of said streets, and shall not be used for any other purpose.

SEC. 27. The City Council of said city shall have power to issue and collect an annual tax license on draymen, cabmen, omnibus proprietors, expressmen, and other common carriers doing business in the city of Oakland, the proceeds of said licenses to be devoted to a Street Department Fund for keeping in repair the streets in said city. Said annual license not to be more than twelve dollars nor be less than eight dollars, for such persons so licensed.

SEC. 28. The City Council of the City of Oakland shall have full power and authority to grade or regrade, pave or repave, plank or replank, macadamize, pile, or repile, cap or recap, or otherwise improve Broadway Street in such manner and upon such terms as they may deem proper. To authorize such improvements of said street it shall not be necessary that any petition or petitions shall be presented to said Council, nor shall such improvements be stayed or prevented by any written or other remonstrance or objection, unless such Council deem proper.*

SEC. 29. This Act shall take effect and be in force from and after its passage.

* The Act of the Legislature approved December 29th, 1871, amends the road law of Alameda County, and provides new regulations for levying and collecting road taxes, but the City of Oakland is wholly excluded from the operation of the Act, so that hereafter the Supervisors cannot levy any road tax in Oakland at all. An application was made for a peremptory writ of mandate to compel the County Treasurer to pay to the Treasurer of the City of Oakland \$11,015.44, the amount due Oakland from the taxes for the fiscal year 1871-2. Judge McKee, of the Third District Court, decided that it was the duty of the County Treasurer to pay the money to the City, but he dismissed the application because no showing, based upon legal evidence, was made in behalf of the City to prove the amount due.