

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eighteen hundred and sixty-one, and also all other Acts in conflict with the provisions of this charter, are hereby repealed: *provided*, that the validity of the ordinances or proceedings of the Trustees of the Town of Oakland, and of the authorities of the City of Oakland, shall in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 ways be affected thereby.—[*Amendment*, April 25, 1863.]

SEC. 59. [Obsolete.]

SUPPLEMENTAL III.—*An Act supplementary to an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,' passed March 25, 1854, and repealing certain other Acts in relation to said city," approved April 24, 1862. Approved March 30, 1874.*

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

SECTION 1. At the next election for city officers in the City of Oakland, there shall be elected a City Attorney, who shall hold his office until the election of city officers in eighteen hundred and seventy-six, and until his successor is elected and qualified; and at the election of city officers in eighteen hundred and seventy-six, and every two years thereafter, at the time of the election of city officers, a City Attorney shall be elected, who shall hold his office two years, and until his successor is elected and qualified.

SEC. 2. The rate of taxation in said city shall not exceed one per cent. on the assessed value of property, except such tax as may be levied for the redemption of city bonds.

SEC. 3. It shall be the duty of the City Council, before levying the annual city tax, to establish by ordinance separate funds, representing the several funded obligations of the city, and the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenues of the city apportioned accordingly, and no transfer shall be made, except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds.

SEC. 4. All fees or percentages received or collected by any officer of the city, shall be by such officer, at the end of each month, paid into the City Treasury, for the use of the city, and placed in the General Fund; and no payment shall be made to any city officer for salary, unless he has at the time before mentioned taken and filed with the Clerk an affidavit