O. F. S.—Oatmeal and corn meal, 416 Ninth St. nr Broadway—O. F. S.

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mized 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.

Supplemental VI.—*An Act to authorize the Council of the City of Oakland to lay out, open, or improve streets in said city*, approved January 31, 1870, *with the amendment thereto*, approved January 16, 1872.

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

Section 1. Whenever a petition shall be presented to the Council of the City of Oakland, signed by at least three residents and freeholders of said city, each of whom shall be directly interested in the property to be affected thereby, asking for the laying out, opening, extending, straightening, or widening any street or highway in said city, it shall be the duty of the said Council to examine into said matter, and if, in the opinion of a majority of all the members elected to said Council, to be expressed by a resolution to be entered upon their minutes with the names of the members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may, by resolution, direct the City Engineer to survey and make a map of the said proposed improvement and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of said Council to said City Engineer.

Sec. 2. It shall be the duty of the City Engineer, upon receiving such notice, to proceed and survey said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners or possessors there-

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* 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 1871–72. 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.