

several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon the several parcels of property severally, and shall not be removed until said tax is paid. Immediately upon levying such tax the City Marshal shall serve a notice, in writing, upon each owner of the land so taxed, or his lawful agent; or in case such owner or agent cannot be found, to post such notice in a conspicuous place upon the land and premises so taxed, which notice shall contain the name of the owner (if known), a brief description of the lands taxed and the amount of tax levied, and that the payment of the said tax is demanded by the City Treasurer of the City of Oakland within ten days from the service of such notice. At the expiration of ten days from the time of service on each of said persons and property so taxed as aforesaid, the said Council shall issue to the City Marshal a warrant, to be signed by their President and Clerk, under the seal of the city, commanding him to levy and collect all of the said tax that shall be then unpaid, with his fees for collection from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.—[Amendment, January 16, 1872.]

SEC. 6. Upon receiving said warrant, said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which the said unpaid tax is a lien, in the same manner and with the same authority as on sales on execution by Sheriffs, and shall return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Council may issue, with like effect, a subsequent warrant or warrants until all be collected.

SEC. 7. As soon as money enough for that purpose is received from said tax, said Council shall direct the City Marshal to pay, or tender, to each party to whom damages have been awarded, the sums severally due to them, and thereupon to proceed forthwith and open said street or other improvement; and the same shall thereupon be deemed open to public use, for the purpose and to the extent in the original ordinance prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the city treasury, as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

SEC. 8. All moneys collected under this Act shall be paid into the city treasury as a special fund, for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever.

SEC. 9. The City Engineer and the Commissioners to be appointed, as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examinations above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to ten dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

SEC. 10. All Acts and parts of Acts in conflict herewith, so far as they conflict herewith, are hereby repealed.

SEC. 11. This Act shall take effect immediately.

missioners duly appointed under the law. The Court held that the acts of the Council, after the appointment of Commissioners, were ministerial, and that the parties to whom damages might be awarded could compel the Council by *mandamus* to pass an ordinance levying the tax recommended. A writ was accordingly issued and served, but from other reasons, the parties in interest did not insist upon its enforcement.—COMPILER.