

ating at the same point, if such a case should occur, shall be graded, sewerred, paved and planked, or piled, capped and planked, and kept in repair at the expense assessed as aforesaid, upon the lots and lands fronting thereon, and the contiguous quarter-blocks.—[Amendment, March 28, 1859.]

SEC. 38. In all the streets constituting the water-front of the city, or bounded on one side by the property of said city and county, the expense of construction and repairs of that portion of said streets, from the centre line thereof to the said water-front, or to such property of the city and county bounded thereon, shall be provided for by the said city and county; but no contract for any such work shall be given out, except to the lowest bidder, after an observance of all the formalities requisite in contracts for grading and planking or paving of streets, as hereinafter provided, so far as the same can be applied to the case.

SEC. 39. The Board of Supervisors shall have power to lay out, and open, new streets within the former corporate limits of the city of San Francisco, and west of Larkin and south-west of Johnston streets, in accordance with the condition of the Ordinance of the Common Council, of said city, approved June twentieth, one thousand eight hundred and fifty-five, entitled "An Ordinance for the settlement and quieting of Land Titles;" but shall have no power to subject the city and county to any expense therefor, exceeding the sum of one thousand dollars.

SEC. 40. When any street is located, the Board of Supervisors, when they shall deem it expedient, may order the whole or any portion thereof to be graded, or piled, capped, or planked, after notice of their intention published in some daily newspaper printed in said city and county for the period of ten days, unless the owners of one-half in value, according to the assessment-roll as aforesaid, of the lots and land bounded on such street, or a portion of a street, so proposed to be graded, shall have made written objections thereto, within ten days after the first publication of said notice, and deliver the same to the said clerk of the said Board of Supervisors, who shall indorse thereon the date of its delivery.—[Amendment, March 28, 1859.]

SEC. 41. If the owners of more than one-half in value, according to the assessment-roll as aforesaid, of the lots and land fronting on any street, or portion of a street, or their duly authorized agents, shall petition the Board of Supervisors in writing to grade, or to pile, cap and plank the same—the signatures of the petitioners being verified by their acknowledgement before a Justice of the Peace, or Notary Public, in the form required by law for the acknowledgment of deeds—the Board of Supervisors shall order the same to be done, but in such case they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than one-half of said owners, as in this section required. No order or permission shall be given to grade, or to pile, cap and plank, any street, or a portion of a street, without extending or completing such grading, or piling, capping and planking, throughout the whole breadth of such street, up to the boundary of the lots and lands fronting thereon, except in cases where any street, or portion of a street, has been heretofore graded, or piled, or capped, or planked, in part, and not to the full width of the street, the Board of Supervisors shall order the same graded, or piled, capped and planked, as the case may be, to the full width of said street.—[Amendment, March 28, 1859.]

SEC. 42. The total amount of the expense of grading, or piling, capping and planking, any street, or portion of a street, under the provisions of this Act, shall be assessed on all the lots and lands fronting thereon, or liable to be assessed therefor, in proportion to the value thereof—to be assessed in the same manner as provided for sewer-ing, paving and planking; and the owners of said lots and land shall be liable therefor.—[Amendment, March 28, 1859.]

SEC. 43. Before giving out any contract for grading, sewer-ing, or paving and planking, or piling, capping and planking, of any street or portion of a street, or street-crossing, the Board of Supervisors shall cause notice to be conspicuously posted in the office of Superintendent of Public Streets and Highways, and published in one daily newspaper, printed in said city and county, for a period of ten days, inviting sealed