

*Third.* On filing such petition, the Clerk shall immediately give notice thereof to the President of the Board of Supervisors.

*Fourth.* After the expiration of the time of publication of said notice, the County Judge shall appoint two citizens, who are freeholders in said city and county, and competent judges of the value of real estate therein, together with the City and County Assessor, as Commissioners, to assess the benefits and damages to each separate lot of land within the limits designated in the notice.

*Fifth.* The Commissioners, as appointed, shall be sworn by the County Judge, to make the assessment of benefits and damages to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in the premises, which oath shall be indorsed on the certificate of appointment, subscribed by said three Commissioners, certified by the County Judge, and filed with the County Clerk; a copy thereof, certified by the Clerk, may be delivered to said Commissioners, as their authority.

*Sixth.* Said Commissioners shall go to the premises to be assessed, with a committee for that purpose, to be appointed by the Board of Supervisors. Should the Assessor, in any case, appear to be interested, the County Judge shall appoint some other person in his stead, with the like qualifications of the other Commissioners.

*Seventh.* Said Commissioners shall have power, and it is hereby made their duty, to examine, under oath, which any one of them is hereby authorized to administer, any witnesses produced before them by any party, and all other witnesses which they may deem necessary to fully acquaint them with the true amount of benefits and damages which result to any of the parties interested by the completion of the proposed work.

*Eighth.* Said Commissioners having determined, by their award, the amount of damages which will be sustained by each of the petitioners, over and above all benefits, by the completion of the proposed change, they shall proceed to assess the whole amount thereof upon the lots and lands benefited within the limits designated in said notice, so that the same shall be distributed according to the benefits produced by such change to each lot respectively, as nearly as possible.

*Ninth.* Said Commissioners shall make their report in writing and subscribe the same, and file it with the County Clerk, describing the petitioners' property, and naming the amount of damages which will be sustained by each of them respectively, over and above all benefits, by the execution of the work, with a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefits assessed against the same; and in case the three Commissioners do not agree, the award agreed upon by any two shall be sufficient. On filing said award, the Clerk shall deliver notice thereof, in writing, to the Clerk of the Board of Supervisors, who shall file the same, and publish a copy thereof for five days.

*Tenth.* The County Court shall have ample and general control of all the proceedings, as fully as in cases of reference. Any party interested, or the Board of Supervisors, in behalf of the city and county, being dissatisfied with the award of the Commissioners, may, within ten days after the first publication of notice of the filing thereof, by petition, in writing, to that effect, filed in the County Court, demand that the question of benefits, or damages, be passed upon by a jury, in which case said Court shall have full power to submit the same matter to a jury, under the rules and regulations governing jury trials in other cases, and appeals may be taken to the Supreme Court, as in other civil cases. Any final awards of damages by said Commissioners, or final judgment for damages entered upon the verdict of the jury, shall be entered as a judgment against said City and County of San Francisco, without the right to issue execution thereon; and for the amount of benefits finally assessed and awarded against any such lot, a judgment shall be entered either jointly or severally, in favor of said City and County of San Francisco, and against each of such owners, respectively, describing the lot with convenient certainty, against which the assessment stands, upon which judgments an order of sale may issue, by order of the Court, briefly reciting the judgment, and commanding the Sheriff to collect the amount therein mentioned, by sale of the lots assessed, respectively, in the mode prescribed by law for the sale of real estate in execution, the proceeds to be paid by the Sheriff to the City and County Treasurer, who shall place the same to the credit of the Street Department Fund; *provided*, that any party may, at any time after filing the award by the Commissioners, pay the amount of his assessment into the City and County Treasury, which shall be placed to the credit of the Street Department Fund, and the Treasurer's receipt therefor countersigned by the Auditor may be filed in the cause in the County Court, and the same shall be a full satisfaction of such assessment. Before ordering such work, the Board of Supervisors shall order the damages finally assessed to be paid, and no change of grade shall be made under the provisions of this Act, until all such assessments have been paid into the treasury; and the same shall be paid to the parties entitled thereto, out of the Street Department Fund; so also, shall be allowed and ordered paid out of said fund, a reasonable compensation to each of said Commissioners, and any other incidental or necessary expenses attending the proceedings.