

public improvement, and the portion of the said city and county, corporations and companies, so declare to be benefited by the making thereof, and to be assessed for the expenses thereof, and that the damages and recompense to which the owner or owners of such land may be entitled for the same, will be inquired into and determined, and that such damages and recompense, together with the costs and charges of the proceedings for the purpose of acquiring title to such lands and making appointment [apportionment] thereof, will be apportioned and assessed upon the owners and occupants of houses, lots, and other real estate, corporations, and companies, to be benefited thereby, by Commissioners to be appointed by the County Court of the County of San Francisco in the exercise of its civil jurisdiction, at a day in some term thereof to be specified in such notice, not more than ten nor less than three weeks from the first publication thereof. The Said Board of Supervisors shall cause a copy of such notice to be served upon each of the aforesaid corporations and companies, and each of the owners of the respective parcels of land to be taken for such improvement, and of the lands and tenements within the territory declared to be benefited by such improvement, who are residents of said city, so far as the same can be ascertained, and upon each of the occupants of each of said parcels, if such there be, and upon the usual Agents and Attorneys who shall theretofore have had charge of such lands of such owners as may be nonresidents of the said city and county, if such Agents or Attorneys may be found in said city and county; and in case any of such parcels of land are vacant, then by affixing a copy of such notice in some conspicuous place thereon, at least ten days previous to the day specified in said notice for the appointment of such Commissioners by the said County Court. The service and posting of such notices may be proved by the affidavit of any male citizen of this State, of full age, and disinterested in the proceedings, taken and certified by any officer authorized to administer affidavits to be read in Courts of Justice in this State, or by the certificate of the Sheriff of said city and county, as in proceedings in civil cases, and such affidavit and certificate in the respective case shall be received as evidence of the circumstances required by this section to be shown in regard to such service as alternative with personal service or as a substitute therefor.

SEC. 6. Upon the filing in the said County Court a copy of all the proceedings had by the said Board of Supervisors, as hereinbefore provided, certified by the Clerk of said Board, under the corporate seal of said city and county, and also, of all original affidavits showing publications of notices, and of all original affidavits and certificates showing service and posting of notices, and the original map, made as hereinbefore provided, in the said County Court, the said Court shall thereupon have and take jurisdiction of said proceeding as a special proceeding, and shall act therein and continue and determine the same after the manner of cases of equitable cognizance. At the day in such notice specified, or on any other day to which the same may be adjourned by the said Court, the said Court, after ascertaining to its own satisfaction that said notices have been duly served and published, or that sufficient reason for nonservice thereof, personally, has been shown by affidavit or Sheriff's certificate, as hereinbefore provided, and upon hearing the Attorney and Counsel for the said city and county, and any parties interested who may appear for that purpose, shall appoint three discreet freeholders of said city and county, not interested in any of the lands and tenements described in the said notice, nor of kin to any owner or occupant thereof, Commissioners of Appraisal and Assessment. The said Court may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies occurring among them for any causes.

SEC. 7. The said Commissioners shall be sworn faithfully to discharge their duties according to the provisions of this Act without favor or partiality; they shall proceed to view the lands and tenements mentioned and described in the notice, ordinances, resolutions, and map aforesaid, and may examine witnesses on oath, to be administered by any one of them, and shall keep minutes of the testimony so taken by them. In case of any controversy or doubt respecting any legal principle involved in their proceedings, or in any determination to be made by them, they shall apply to the said County Court for instructions, and shall enter upon their minutes the substance of any charge or instruction given them by the Court. They shall appraise the damages which the owner or owners, and if there be any occupants who are not owners, which such occupants of the lands and tenements to be taken for such public improvement will severally sustain by being deprived thereof, and shall apportion and assess the whole amount of such damages, together with the costs and charges of the Board of Supervisors in the proceedings to be taxed and allowed by the said Court, upon all the owners and occupants of lands and houses within the territory deemed by the resolution of the Board of Supervisors to be benefited by such improvement, as near as may be in proportion to the benefit which each shall be deemed to acquire by the making thereof; *provided*, that no damage shall be allowed for the injury, removal, or demolition of any building erected on any of said lands after the filing of said map; and, *provided*, further, that when any street, or part of any street in the said city and county occupied or used by the track of any railroad company shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the,