

same shall have been taken under the provisions of this Act, it shall be lawful for the Commissioners appointed as in this Act provided, and whose duty it may be to make a just and equitable assessment of the whole amount of costs, damages, and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby, to assess such portions of such costs, damages, and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the said city and county, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

Sec. 8. The said Commissioners shall make a report thereof under their hands, or the hands of a majority of them, to the said County Court, in which report they shall describe, with all practicable certainty, the several pieces and parcels of land taken for such improvement, and the names and residences of the owner or owners thereof, respectively, and the rights of such owners, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of the owners and occupants of the said several parcels of land, or his or their recompense for being deprived thereof, or of his or their estate and interest therein, including any and all lands purchased by, and conveyed to said city and county for the purposes of said improvement as hereinbefore provided and the cost and expense thereof. They shall also in such report specify, in the form prescribed by law for assessment rolls in said City and County of San Francisco, the sums of money which each and every owner or occupant of houses and lands, corporation or company, deemed to be benefited by such improvement, whether known or unknown, as aforesaid, should pay towards the expense of making the same, and the lands in respect to which he shall be deemed by them to be so benefited; and in case the land in respect to which any person shall be deemed benefited shall be the same of which any portion held by him under the same title shall be taken for such improvement, that fact shall be stated in their report; they shall also file a duplicate of such report in the office of the Clerk of said city and county.

Sec. 9. Upon the filing of such report, the said Court shall assign a day for hearing objections to the confirmation thereof; and on the day assigned, or on such other day or days to which the same shall be adjourned by said Court, shall hear the allegations of all persons interested, and may take proof in relation thereto, from time to time, and shall confirm the said report, or may set the same aside and refer the matter to the same or to new Commissioners, who shall thereupon proceed as hereinbefore provided.

Sec. 10. Upon the confirmation of the report of Commissioners of Appraisal and Assessments, the said County Court shall enter an order that the City and County of San Francisco shall be entitled to take the lands and tenements specified in the report of such Commissioners as necessary for the making of such public improvement on paying the amount of damages assessed to the owners and occupants thereof in such report; and where any damages shall be awarded, and any assessments for benefits of the improvements in respect to which such damages are awarded shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land, a part of which shall be taken for such improvements, in that case the said City and County of San Francisco shall become vested with the title of such lands, (free from all encumbrances) upon paying or depositing, according to the law, the amount of the difference between the sums of money so awarded and assessed.

Sec. 11. The said Commissioners shall be entitled to compensation for their services under this Act, to be certified by the said County Court, and taxed by said Court as a part of the expenses of the proceedings.

Sec. 12. Any person conceiving himself aggrieved by any part of such report that shall have been confirmed by said County Court, may, within one month after such confirmation, give notice to the said Board of Supervisors and to the Clerk of said County Court of his intention to appeal to the Supreme Court to review the said report, or the proceedings of the said Commissioners, or of the said County Court, or of any or of all of them upon matters of law, and to correct the said report. Said notice shall specify the grounds of such appeal with sufficient certainty, and shall be accompanied by the undertaking or deposit provided for in section three hundred and forty-eight of the Act to regulate proceedings in Courts of Justice in this State, commonly known as the Civil Practice Act. When the party appealing shall desire a statement to be annexed to the record, the same shall be prepared as in other appeals in civil cases with the like effect, and any portion of the testimony taken by the Commissioners or Judge, or of the minutes of the Commissioners pertinent to the appeal, may be inserted in such statement.

Sec. 13. The giving of such notice and filing of such undertaking, or making such deposit, shall suspend all further proceedings of the Board of Supervisors in relation to the taking of the lands and tenements which shall be the subject of such notice, until a decision thereon as herein-after provided. The Supreme Court shall proceed to hear such appeal, giving the same such procedure as may be consistent with the dispatch of public business in the said Court, and may