

thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within said city and county, for which such owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing and levying either generally on the whole assessable property within said city, or specially on the property of persons benefited, the whole, or any part of the damages and expenses which they shall ascertain will be incurred in locating, opening, extending, widening, straightening, or closing up the whole or any part of any street, square, lane, or alley, in said city and county; to provide for granting appeals to the County Court of the City and County of San Francisco, from the decisions of any Commissioners, or other persons, appointed in virtue of any ordinance, to ascertain the damage which will be caused, or the benefit which will accrue to the owners or possessors of grounds or improvements, by locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city and county, and for securing to every such owner and possessor, the right, on application, within a reasonable time, to have decided, by a jury trial, whether any damage has been caused, or any benefit has accrued to them, and to what amount; to provide for collecting and paying over the amount of compensation adjudged to each person entitled, and to enact and pass all orders, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified; *provided*, nevertheless, that before the Board of Supervisors of the City and County of San Francisco proceed to execute any of the powers vested in them by this act, at least thirty days' notice shall be given of any application which may be made for the passage of any order, by advertisement in at least two of the daily newspapers of the City and County of San Francisco having the largest circulation; *provided*, further, that whenever 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 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 portion of said 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. 2. That before any Commissioners, appointed by any order to be passed in virtue of this act, shall proceed to the performance of their duty, they shall give notice in at least two of the daily newspapers, published in the City of San Francisco, having the largest circulation, of the object of the order under which they propose to act, at least ten days before the time of their first meeting to execute the same.

SEC. 3. That upon the return of any assessment to be made under any ordinance to be passed in virtue of this act, the Clerk of the Board of Supervisors of the City and County of San Francisco shall cause a copy of said assessment to be published for ten days, in at least two daily newspapers of said city and county having the largest circulation.

SEC. 4. That the time within which any appeal is to be made from any assessment, shall be computed from and after the expiration of the ten days mentioned in the preceding section.

SEC. 5. All the expenses resulting from locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said City and County of San Francisco, shall be paid out of the moneys derived from the assessments upon the property benefited by such locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city and county; and the City and County of San Francisco shall not be liable for any expense caused by the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

SUPPLEMENTAL XI.—*An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take Private Lands for certain Public Improvements, and to prescribe the manner of its Execution.*—Approved April 4, 1864.

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to determine, by order, to lay out, open, extend, widen, or straighten, any street, alley, square, park, road, or highway, in said city and county, and that it will be necessary to take private lands for that purpose, and for that purpose they shall enter in their minutes a resolution or ordinance declaring such determination, containing a description of the lands so deemed necessary, and also of that part or portion of said city and county, and those railroad companies and corporations, if any which they adjudge will be benefited by said improvement, and which ought to bear the expense thereof; such descriptions to be made with like certainty as is required by law in complaints in actions of ejectment, to refer to all such lands by the adjoin-