

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 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 hereinfore 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 incumbrances) 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