

the grade of any street or avenue, or any part of any street or avenue, in said city and county, as is hereinafter provided.

SEC. 2. The grade of any street or avenue, or portion of any street or avenue, the grade of which has been fixed by ordinance, shall not be altered or changed, except upon an adjustment of the benefits or damages; and the proceedings shall be as follows:

First—The Board of Supervisors, upon the receipt of a petition in conformity with the provisions of section one of this Act, shall publish in the official newspaper of said city and county a notice of their intention to make such [change]. Said notice shall be published for thirty days, and shall describe the proposed change and designate the limits within which the lots of land to be benefited shall be assessed to pay, and damages that may be awarded by reason of the change.

Second—Within twenty days after the first publication of said notice, any person claiming that he or she would sustain damage by reason of such change, shall file a petition with the County Clerk, addressed to the County Court, setting forth the fact of his or her ownership, the description and situation of his or her property, its market value, and the amount of damage, over and above all benefits, which he or she would sustain by reason of the proposed change, if completed, asking the appointment of Commissioners to assess such damage; which petition shall be verified by the oath of the petitioner, or his or her agent.

Third—On the filing of such petition, the said County Court shall take jurisdiction of the proceedings, and the County Clerk shall immediately give notice thereof to the President of the Board of Supervisors.

Fourth—At the expiration of the time of publication of said notice, and at the time indicated by said notice, or at such other time to which it may be continued, the County Court shall appoint three citizens, who are freeholders in said city and county and competent judges of the value of real estate therein, and not interested in said proceedings, as Commissioners, to assess the benefits and damages to each separate lot of land within the limits designated in the notice.

Fifth—The Commissioners shall be sworn by the County Judge to make the assessments 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 any of the land within the limits designated, which oath shall be filed with the County Clerk as part of the proceedings. A copy thereof and of the order of appointments, certified by the Clerk, may be delivered to said Commissioners as their authority.

Sixth—Said Commissioners shall visit and inspect the premises to be assessed and the premises for which damages are claimed, with a committee from their body, appointed for that purpose by the Board of Supervisors.

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, touching the matters to be investigated, and such other witnesses as they may deem necessary to fully acquaint themselves with the actual amount of benefits and damages which will result to the respective parties interested in the proposed change.

Eighth—Said Commissioners, having determined the damage which will be sustained by each petitioner, over and above all benefits, by the completion of the proposed change, shall proceed to assess the whole amount thereof, together with the costs, charges, and expenses of the proceedings, including the compensation to the Commissioners for their services, to be taxed and allowed by the County Judge, ratably, upon the several lots of land benefited within the limits designated in said notice, so that the same shall be distributed according to the benefits produced by such change as nearly as possible.

Ninth—Said Commissioners shall make their report in writing, and shall subscribe the same and file it with the County Clerk. In their said report they shall describe each piece of property which will sustain damage, stating the amount of the damages which it will sustain, over and above all benefits; and they shall also give a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefit assessed against the same. In case the three Commissioners do not agree, the award agreed upon by any two of them shall be sufficient. On the filing of said report, the County Clerk shall notify the Board of Supervisors, in writing, of the fact, and thereupon the said Board shall, by ordinance, confirm or reject said report. If they confirm it, the grade of the streets shall be changed as contemplated, and the Clerk of the Board of Supervisors shall notify the County Court that the Board have confirmed the report. The County Court shall thereupon enter up judgment against each lot assessed for benefits, describing the same as accurately as can conveniently be done. Upon which judgment an order of sale may issue by order of the Court, commanding the Sheriff of said city and county to collect the amount therein mentioned by sale of the lot assessed, in the mode prescribed by law for the sale of real estate, the proceeds to be paid by the Sheriff to the Treasurer of the City and County of San Francisco, who shall place the same to the credit of the Street Department Fund; and the same shall be paid, and the Treasurer of said city and county shall pay the amount collected for damages

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