

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 of 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. 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 assessment 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.

SUPPLEMENTAL XXI.—*An Act to Modify and Change the Grade of Streets, etc.*—Approved March 23, 1863.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, upon petition of the owners of three fourths of the property to be affected thereby (said property to be ascertained and indicated by said Board of Supervisors in the manner provided in the first subdivision of section two of this Act), to change and modify 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.