

or replank, macadamize, pile, or repile, cap or recap, or otherwise improve Broadway street in such manner and upon such terms as they may deem proper. To authorize such improvements of said street it shall not be necessary that any petition or petitions shall be presented to said Council, nor shall such improvements be stayed or prevented by any written or other remonstrance or objection, unless such Council deem proper.*

SEC. 29. This Act shall take effect and be in force from and after its passage.

AN ACT TO AUTHORIZE THE COUNCIL OF THE CITY OF OAKLAND TO LAY OUT, OPEN OR IMPROVE STREETS IN SAID CITY, APPROVED JANUARY 31, 1870. WITH THE AMENDMENT THERETO, APPROVED JANUARY 16, 1872.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a petition shall be presented to the Council of the City of Oakland, signed by at least three residents and freeholders of said city, each of whom shall be directly interested in the property to be affected thereby, asking for the laying out, opening, extending, straightening or widening any street or highway in said city, it shall be the duty of the said Council to examine into said matter, and if, in the opinion of a majority of all the members elected to said Council, to be expressed by a resolution to be entered upon their minutes, with the names of the members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may by resolution direct the City Engineer to survey and make a map of the said proposed improvement and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of said Council to said City Engineer.

SEC. 2. It shall be the duty of the City Engineer, upon receiving such notice, to proceed and survey said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners or possessors thereof, showing the portions owned or

* The Act of the Legislature approved December 29th, 1871, amends the road law of Alameda County, and provides new regulations for levying and collecting road taxes, but the City of Oakland is wholly excluded from the operations of the Act, so that hereafter the Supervisors cannot levy any road tax in Oakland at all. An application was made for a peremptory writ of mandate to compel the County Treasurer to pay to the Treasurer of the City of Oakland \$11,015.44, the amount due Oakland from the taxes for the fiscal year 1871-2. Judge McKee, of the Third District Court, decided that it was the duty of the County Treasurer to pay the money to the City, but he dismissed the application because no showing, based upon legal evidence, was made in behalf of the City to prove the amount due.