

amount of damages shall be finally ascertained and determined, the said Council shall order the City Marshal to pay the amount thereof to the parties entitled thereto, and upon such payment, or the tender thereof, the said Marshal shall proceed and open said street. All streets that have been laid out by the authorities of the Town or City of Oakland, and declared to be public thoroughfares or streets, and that have been used as such, shall be and are hereby declared public streets, to the extent that the same may have been used; *provided*, that private rights of property shall not be affected thereby. (*Amendment*, April 25, 1863.)

SEC. 58. An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and also an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fifteenth, eighteen hundred and sixty-one, and also an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fourteenth, eighteen hundred and sixty-one, and also all other Acts in conflict with the provisions of this charter, are hereby repealed; *provided*, that the validity of the ordinances or proceedings of the Trustees of the Town of Oakland, and of the authorities of the City of Oakland, shall in no wise be affected thereby. (*Amendment*, April 25, 1863.)

SEC. 59. [Obsolete.]

## PUBLIC STREETS.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF OAKLAND TO IMPROVE THE STREETS, LANES, ALLEYS, COURTS, AND PLACES IN THE SAID CITY, APPROVED APRIL 4, 1864. WITH THE AMENDMENTS THERETO, APPROVED MARCH 29, 1870.

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

SECTION 1. The City Council of the City of Oakland shall have power, upon the payment of just compensation, to lay out and open new streets, lanes, alleys, courts, and places within the corporate limits of said city, but shall have no power to subject the city to any expenses therefor, except for the necessary expense of surveying and mapping out the same, and when said streets are so laid out and opened the provisions of this Act shall be applicable thereto.

SEC. 2. The City Council are hereby authorized and empowered to order the whole or any portion of the streets, lanes, alleys,