AN ACT supplementary to the Act incorporating the City of Benicia.—[Passed April 13, 1854.]

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

Section 1. The Council of the city of Benicia shall have power in addition to the powers vested in them by the Act incorporating said city:

First: To levy and collect taxes on all property, real and personal, within the city, made taxable by law for State purposes, not exceeding one and one half per cent. per annum upon the assessed value of such property.

Second: To levy and collect on all property, real and personal, made taxable by law for State purposes, an additional tax not to exceed one half of one per cent. per annum upon the assessed value of said property, to be collected in cash when, in the opinion of a majority of the Council, such assessment and collection shall become necessary for the purpose of paying the interest on any city indebtedness.

Third: To make special assessments of taxes for opening, widening, altering or improving any street, alley, or public ground of the city, amounting to not more than two-thirds of the cost of such improvement upon the real property, situated upon either side of the street, alley or public ground, to be so improved according to the benefit to accrue thereby to such property.

Section 2. For the purpose of assessing the amount of such improvement to be borne by the adjacent property, the Mayor, Surveyor and Assessor shall constitute a Board of Assessment, and any person dissatisfied with the assessment of said Board may appeal to the Council, whose decision shall be final; and any of the property on which said assessment shall be levied shall be liable, and may, for the non-payment of said assessment or tax levied thereon, together with the legal costs or charges, be sold in the same manner and subject to the same right of redemption as real estate sold for any other city taxes or assessments.

Section 3. The Council shall have power in their discretion to fund any or all of the city indebtedness at a rate of interest not to exceed twelve per cent. per annum, and payable within ten years, but no bond shall issue of a less denomination than fifty dollars.

Section 4. The Marshal, Treasurer, Assessor and Surveyor shall hereafter be elected by the qualified electors of the city at the annual election for city officers, and shall hold their respective offices for one year, and until their successors are elected and qualified. Whenever a vacancy shall occur in either of the said offices by death, resignation, removal, or otherwise, the Council shall order a special election to fill such vacancy; and until such election can be had the Council shall have the power to appoint some person to fill temporarily the office so vacant. The person elected to fill the vacancy shall hold his office for the residue only of the term of his predecessor.

Section 5. If the Council desire to loan the credit of the city to any
implement within the borders of this State, they shall have power to take stock in such improvement in their corporate name, and pledge the faith of the city for the payment of such stock to such amount as may be authorized by the consent of a majority of the electors of the city previously obtained.

Sec. 6. All Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.

CHAPTER LXVII.

AN ACT to submit the question of the Removal of the County Seat of El Dorado County, to the Voters thereof.—[Passed April 19, 1854.]

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

SECTION 1. The County Judge of El Dorado county shall at least four weeks prior to the next general election, make proclamation to the voters of said county, and shall cause the said proclamation to be published in all the newspapers published in the said county, as often as the same may be issued, that at the said next general election, the question of the removal of the county seat shall be voted on by the qualified voters of said county, and stating the form of ballot to be used at said election, which shall be as follows: "For County Seat," naming the place to be voted for, and the said ballots shall be counted at the same time and in like manner as those cast for the officers to be chosen at the said election.

Sec. 2. The returns of the votes so cast for a county seat shall be made to the County Clerk as in manner provided by law.

Sec. 3. After the returns shall have been canvassed, it shall be the duty of the County Judge to declare that place which shall have received the greatest number of votes, to be the county seat, and he shall cause the same to be certified to the Secretary of State.

Sec. 4. If it shall be ascertained that the place chosen as aforesaid, for the county seat of said county, is other than the town of Coloma, the Court of Sessions shall immediately proceed to make all necessary contract for the erection of a court house and jail, and other necessary offices for the county seat, which contracts shall be given to the lowest responsible bidder. Bonds and sureties shall be required of a responsible character, equal in amount to the price to be paid for the erection of the building specified in such contract; and payments shall be made on the contracts in such form and manner as the Court of Sessions shall deem most conducive to the interest of the county: Provided, That no provision payments shall be made until the completion of the buildings according to contract, and until they shall have been received by the said Court of Sessions.

Sec. 5. No contract shall be made as specified in the preceding section, until after the proposals of such contract shall have been advertised by the Court of Sessions for at least two weeks in all the newspapers published in said county, which proposals shall specify with exactness the size and manner of construction, and the time within which the said buildings shall be completed, and no member of the Court of Sessions,