

## CHAPTER XCVI.

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 :*

Additional powers

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.

The same.

*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.

Assessment of property.

SEC. 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.

Power to fund debt.  
Rate of interest.

SEC. 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.

Election of officers.

SEC. 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.

Vacancy, how filled.

SEC. 5. If the Council desire to loan the credit of the city to any

improvement 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. May take stock in improvements.

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 All Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.