CONSOLIDATION OF SACRAMENTO CITY AND
COUNTY GOVERNMENT, 1858-1863

by

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B. Educ. University of Alberta, Canada 1955

THESIS

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF ARTS IN SOCIAL SCIENCE

AT THE

SACRAMENTO STATE COLLEGE

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Date May 29th, 1958
PREFACE

Recent studies of the feasibility of consolidation of Sacramento city and county governments have raised certain questions concerning a similar plan of unification effective between 1858 and 1863. Why was the original plan of local consolidation prepared, tried, and then rejected? Research on these questions has been based on a thorough review of news items in the Sacramento Daily Union, 1857-1858, and from January 1, 1862, to May 1, 1863, with other sources serving as background material.

The subject is introduced by a brief discussion of general factors influential in creating problems for which a consolidated form of government appeared to be a solution. Then follows a discussion of several causes that were considered directly related to the demand for a consolidated form of government, which was established April 24, 1858. The major articles of the Consolidation Act are then analyzed and evaluated. Finally, some serious problems encountered by the new consolidated government are discussed, followed by a description of several factors which led to rejection of this type of government.
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CHAPTER I

SOME REASONS FOR CONSOLIDATING THE GOVERNMENTS OF SACRAMENTO CITY AND COUNTY IN APRIL, 1858

Early in 1857, Sacramento city and county affairs reflected some of the interdependent problems developing out of national, state, and municipal organization. Americans at this time supported belief in a rather extreme form of individualism and the sacredness of property rights, both of which seemed to preclude government action in government reform measures. Sacramentans had been trying to resolve local conflicts between government authority and power, and personal freedom and responsibility. They offered city charter amendments and plans for consolidation of their city and county governments for this purpose. However, authorization for each charter amendment or for any unification plan for Sacramento had to be obtained through state legislation.

State influences on local government. Although California's capital city in 1857 purported to function in harmony with a city charter granted by the legislature in 1850, in reality municipal administration violated the state constitution in three respects. Article IV, section 37, of the state constitution provided for the formation of municipal corporations which would "restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning
their credit, so as to prevent abuses in assessments.\(^2\) Section 35 prohibited "any person or persons, associations, company, or corporation from exercising the privileges of banking, or creating paper to circulate as money." Article XI, section 5, gave the State Legislature power to provide for county boards of supervisors and other officials, while section 9 left the responsibility for payment of these officials to the county or city concerned.\(^1\)

Although the state constitution restricted Sacramento legally from raising revenue by taxation other than that specified for administrative or necessary business ventures, there were other ways to modify the financial structure. Property assessment of city and county fluctuated rapidly. Thus, the assessed value of property in Sacramento declined from $7,000,000 in 1857 to $4,400,000 in 1867.\(^2\) Sometimes local officials evaded restrictions and adjusted their commissions and fees to appropriate the legal revenue available, leaving city expenditures for streets, roads, drainage, sewerage, and levees to be financed by citizens' collection of money or subscriptions. Sacramentans, hampered by legal handicaps,


appeared to be supporting some superfluous local government officials. Because the voting public feared government regulation of property and finances, it sanctioned laws prescriptive and restrictive of government action, supposedly to protect property rights and democratic procedures. These laws were often interpreted by local officials so as to increase their salaries and fees and, at the same time, to permit them to avoid responsibility for city services such as streets, roads, and drainage.

The financial condition of the state was an example of illegal development. Within seven years the state had created a large debt exceeding the legal limits set by the constitution. Because the State Supreme Court had ruled this debt unconstitutional, it became necessary for the people to decide by vote whether they would accept responsibility for the debt incurred. The possibility of repudiation of the state debt at the polls engendered reluctance on the part of New York loan agencies to extend credit to California, as well as to California cities and counties also dependent upon these New York firms for credit. The decision respecting payment of the state debt could be made only by a vote of the people, which could not take place legally until the fall of 1857.

When the City Council sought to increase its revenue by securing a franchise to build a toll bridge across the
Sacramento River, the legislature granted it to a San Francisco company. Furthermore, the legislature did not take into consideration the fact that a high-graded approach would have to be built across Sacramento's Front Street, which was forbidden by city ordinance.

Political and legislative ineptitude also provoked the public. Although the Sacramento Valley Railroad had been granted a franchise by the City Council to place rails along a portion of Front Street in 1855, the exact location was not determined by the City Council until midsummer, 1858. A Wagon Road Act had authorized Placer, El Dorado, and Sacramento counties to start building a wagon road across the Sierras. It became part of the ballot for the fall election of 1857. After the bill had become law, it was discovered that no provision for financing it had been arranged, and the committee had no other course than to wait until the 1858 State Legislature amended the Wagon Road Act in this vital part, raising $50,000 by taxation. In the meantime, responsibility for the road's construction and costs fell upon the counties concerned and individuals in them, the committee in

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3 *Sacramento Daily Union*, April 17, 1857, 4:3. Hereafter referred to as *Union*.


charge raising money by subscriptions. Such laws, which were cumbersome, contradictory, and faulty, could lead to demands for correctives.

**Administrative irregularities.** Irregularities in financial administrative functions created annoyances, especially when local officials violated state laws. The city debt in 1850 exceeded the charter limitation by the end of the first year. The City Council had occasion to reprimand its treasurer for registering warrants out of order, and for paying warrants before they were due and out of the order of their registration. Likewise, an investigation of the county treasurer's handling of funds disclosed that he had been keeping the money in several banks, contrary to regulations of the Act of 1855. This investigation brought legislative action to provide a room and vault for county funds.

The City Council had collected license fees of $1,650 from "Ronde" tables in one month, although such games were illegal under a state gambling act. The city also involved itself in a lawsuit when it hired a lawyer to contest Sutter's claims to lands south of the American River. It was claimed

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in the suit that the City Council had no right to use public funds for this purpose.

Large city and county debts, the effects of self-seeking administrative and governmental officials, prevalent attitudes concerning property rights and money, and faulty laws imposed upon an area supported by a fluctuating gold mining and commercial economy were forcing action. Each of these factors helped to determine the direction of the resultant action.

Sacramento's debt. Large city and county debts also caused the public to be concerned with its form of government. Sacramento's debt pyramided as a result of several unusual factors. The capital city's site in a marshy alluvial area at the junction of the American and Sacramento rivers was responsible for a number of very large debts for the young city. Although this site provided the nearest commercial center for the gold mining industry, it was forbidding and unfavorable in certain other respects. Several destructive floods such as those of 1850 and 1853 increased expenditures for drainage, rebuilding, levees, and repairs, so that by 1857 this city of about fifteen thousand inhabitants had accumulated a debt of over $1,500,000. Levees constructed in 1850 at a cost of $400,000 to protect the city from floods were blamed for initiating the city debt. Funding this debt in 1851, payable in two, three, four, and five years with
interest rates at not less than 2-1/2 per cent per month, was held responsible for over $100,000 of the 1857 debt. In 1852, $75,000 was spent on the levees and in the same year a fire destroyed nearly all of the city. Then in 1853 levees costing $150,000 were built. In this same year a city-owned water system was constructed at a cost of $300,000.10 The water system made it possible to organize an effective fire department, essential but expensive. In addition to topographic features, the shifting and varied character of the population necessitated excessive numbers of law enforcement officials, thereby increasing administrative expenses.

These debts, added to ordinary problems of providing for streets and roads, presented fantastic complications in Sacramento. Plank streets had to be built upon stringers to render them passable during winter months.11 Although the chain gang provided labor for much of the street, levee, and sewer construction, the city was too indebted and impoverished to supply even necessary materials.12 Other responsibilities of the city, such as schools, cemeteries, and public buildings, were adversely affected by the financial predicament, which was approaching a climax.

10 Ibid., May 29, 1857, 2:1; October 23, 1857, 2:1; November 13, 1857, 2:2.

11 Ibid., October 20, 1857, 3:2; November 3, 1857, 2:3.

12 Ibid., December 3, 1857, 2:4.
The debt had increased rapidly as a result of short-term, high interest rate loans. These short-term loans were negotiated or arranged by the use of scrip, or promises to pay. Since no banks existed to provide long-term credit for municipal governments, Sacramento City had financed its debts by scrip. Sacramento County paid most of its bills with scrip, the value of which had declined to fifty cents on the dollar, indicating lack of faith in the ability of the county to pay its debts.13 As a consequence, it became impossible for the county to market the scrip at par, thus adding substantively to the cost to the county of materials, money, and services paid for with scrip.

By the end of 1857, Sacramento County’s debt was approximately $600,000 and the city’s debt was about $1,500,000. Although these debts, and the opposition to paying taxes to meet interest demands on them with little hope of paying off any of the principal had been a matter of much discussion, the situation had not aroused acute antagonism until after the mayor issued his semiannual report early in October, 1857. His statement that the public debt was so large that each new City Council was obliged to follow the same policy as its predecessors hastened agitation for reform of local government affairs in the city. Increased public concern

13Ibid., August 6, 1857, 2:4.
over these city and county debts carrying high interest charges seems to have climaxed the accumulating dissatisfaction with local government and precipitated the reform measure, consolidation of Sacramento City and County.

Weakness of the revenue system. Several phases of the local revenue system also contributed to discontent. Accurate assessment of property was impossible because of the lack of authentic and reliable surveys along the northern and eastern boundaries. The Sacramento city assessor noted that a mile-wide strip of land bordering the rivers could not be sold because the federal Swamp and Overflowed Lands Act of 1850 retained these for the state, yet people lived in these areas and did not pay land taxes. He found that the law regulating the date for assessing personal property made evasion of taxes possible. Likewise, because state law stipulated that property must be assessed in the county where the owner resided, steamers, vessels, showmen, and teamsters avoided local taxes. Furthermore, those persons who possessed money only were not required to disclose the fact, thus evading assessment. The county assessor observed that unsettled conditions arising from the Spanish land grants limited agricultural development, thereby lowering land valuation.

Sacramento city residents, subject to personal and

14Ibid., September 18, 1857, 1:3.
property taxation and to a poll tax, also were subject to additional taxes whenever citizens demanded municipal improvements other than those named in the city charter. Businesses were charged fees and licenses. In 1857, even the steamers and hulks at the landing were assessed for $81,000 in an effort to balance revenue and expenditures. Although a county board of equalization of assessment existed, complaints of exorbitant tax rates were prevalent in both county and city. Because assessed valuation of city property had increased during the past three years while the tax rate had remained constant, taxes had increased proportionately. Therefore, some citizens petitioned for both tax rate and assessment reductions. Owners of property on the corner of Fourth and J streets petitioned for assessment reduction on property listed at $13,500 and unsaleable at $10,000.15

**Tax collections.** The City Council asserted that if taxes could be collected, revenue would meet current administrative expenses in the city. However, tax evasions were common. A representative example was the ineffective law governing collection of the poll tax. By this law, if the poll tax remained unpaid by March 1, a penalty of 33-1/3 percent of the tax was added by August 1. If the taxpayer failed to pay during the following six months, he could be

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15Ibid., November 17, 1857, 3:2.
sued and ten dollars added to the tax. If the tax remained unpaid after one more week, another suit and another ten dollars could be added. Doubtless a review of this farcical procedure prompted the Union's editorial suggestion that the collecting officer, after two hours' notice was given, be granted the power to collect at the time of assessment, and to seize and sell any property in order to get the tax plus the costs of this action. 16

Responsibility for the tax rested on the collector instead of on the individuals paying it. Inhabitants neglected to pay property and real estate taxes, and often deliberately avoided or refused to pay them, expressing their reluctance to cooperate with any government regulation of personal property. Similar evasions and refusals to pay confronted the collector of harbor fees, of draymen, and wagon licenses, and of levee storage fees. 17 Hence for the state and local government to function, its representatives had to resort to coercion in collection of revenue. Penalties were established. Five per cent was added to taxes unpaid by November 1, and a warning issued that after November 14 another fifty cents would be added to the tax to pay for

16 Union, April 29, 1857, 2:2. "Any other plan intended to operate upon a people so unsettled as ours, will fail to accomplish the end desired."

17 Ibid., June 16, 1857, 3:2.
printing the delinquent tax list. Dissatisfaction with assessments and tax rates in the city, resulting in refusal to pay the levy, provoked passage of a state act legalizing the assessment and enforcing the collection of taxes within Sacramento for the year beginning April, 1857.

**Interest payments.** The autumn date set for tax payments proved unsatisfactory because the semiannual interest payments on the funded debt were due on July 1 and January 1; that is, revenue collections alternated with payment dates. This arrangement necessitated short-term borrowing at interest rates of at least 2-1/2 per cent per month, an expense discouraged by diminishing revenue collections. Sacramentoans, realizing the excessive interest rates were rapidly increasing the city and county debts, tried to enact state legislation to curtail interest rates.

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20 *Ibid.*, April 9, 1857, 2:1; April 17, 1857, 2:4; December 3, 1857, 3:3; December 29, 1857, 3:3.

21 In addition to reform measures, an interesting bill illustrating the contradictions between the citizens' professed beliefs and their actions, a usury bill to regulate the rate of interest to be received, was proposed but failed to pass. Opinions expressed in the Union concerning this bill indicate that many people were opposed to government regulation of monetary affairs. About this bill the Union of April 8, 1858, states: "... anyone who would use it would be disgraced for life." Nevertheless, within a few weeks the Consolidation Act arbitrarily reduced and fixed interest rates on funded debts.
CHAPTER II

PROPOSED REMEDIAL MEASURES

Any change in Sacramento’s government had to come through an act of the legislature since the California constitution gave the legislature control of incorporating an area.

Legislative remedial measures. Legislative action in the form of a new city charter had been proposed in 1855. Amendments to the existing charter in 1856, together with plans for consolidation of some functions of county and city governments, culminated in two somewhat similar bills being presented in 1857 at the eighth legislative session. Probably both bills had been patterned after the San Francisco Consolidation Act of 1856, which the State Supreme Court declared constitutional at this time.¹

Neither Assemblyman John Hill McKuna’s consolidation bill nor Senator Josiah Johnson’s consolidation bill received sufficient political support to pass during the Eighth Legislature. Some county residents feared they would be taxed to provide revenue for the city, and many city dwellers objected to the possibility of county citizens legislating for the city’s needs. The bills also proposed that local employees

¹Peter T. Conmy, Director of Historical Research, Grand Parlor, Native Sons of the Golden West, "San Francisco, City and County Consolidation, 1856," Mimeographed.
be given a salary rather than fees alone, which was the customary way of paying some government employees. This procedure was attacked as being dangerous and more costly.² Neither bill presented a sizeable reduction in the total number of officials, which might have offered some financial relief, and the McKune bill did not specifically include any tax rate reduction, a very important factor in securing public support for any reform measure at this time. When it appeared obvious that neither of the consolidation bills would pass during the legislative session in 1857, the City Council formulated and presented to the legislature for approval an amendment to the city charter to meet urgent problems. Property owners were obligated to pay for or construct streets, sidewalks, and sewers adjacent to their city property upon request of the City Council.³

During the 1858 legislative session, Senator Johnson's consolidation bill was reintroduced, and the prospect for its passage precipitated another charter amendment by which the date for the election of city and county officials was changed from the first Monday in April to the first Monday in May in order to provide time for the new government under the

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²Sacramento Daily Union, January 13, 1857, 1:1; and January 20, 1857, 2:2.

³Ibid., October 20, 1857, 3:3.
consolidation act to be organized.\(^4\)

The proposed reform measure, Senator Josiah Johnson's 1858 consolidation bill, was subject to analysis by legislators and by the public throughout the fall months of 1857 and during the ninth legislative session, 1858. The bill in its original form proved objectionable to both city and county residents. It was observed that Article I, sections 3 and 16, specifying that the Board of Supervisors must examine and allow all accounts, contradicted Article X, section 76, which stated that the Board of Supervisors was to have no regulation of city accounts. Secondly, Article V, section 34, stated that the Board will levy city taxes, yet Article X, section 76, excluded the Board from city affairs.\(^5\) Accordingly, section 76 was deleted. A third revision of the consolidation bill provided for payment of the then current floating city debt of about $40,000. The bill originally proposed to fund both current and accumulated debt. Such action required a revenue fund from which yearly interest on funded bond payments could be made, and bonds redeemed at regularly arranged periods. To fund this current debt with previous funded debt would have penalized city employees, who had accepted as salary city scrip valued at par without

\(^4\)Ibid., March 22, 1858, 2:1; March 26, 1858, 2:1.

\(^5\)Ibid., April 7, 1858, 3:3.
interest.6

When the delays occasioned by changes and amendments to the bill, as well as the controversy over county-city interests, seemed about to defeat its passage, the Union reiterated that "some legislation must be enacted or the government of Sacramento City and County will cease, for to collect the taxes under the present law will be found impossible."7 Again, on April 8, the Union stated, "If the bill is not passed, or something that will effect a reform, and a reduction of taxes equally as radical, there will be no taxes collected in this county and city this year."8 The city's delinquent taxes amounted to about $600,000 at this time.

While the Union advocated passage of the consolidation bill, explaining the various sections and amendments, the legislature received remonstrances against the passage of any such bill. Protests arrived from Folsom, San Joaquin Township, Franklin Township, Dry Creek, Mormon Island, Alder Creek, Prairie City, and Western House Diggings in the county and city of Sacramento. About eight hundred persons who were farmers or professed to have farming interests signed these

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6 Ibid., March 10, 1858, 3:2.
7 Ibid., March 17, 1858, 2:2.
8 Ibid., April 8, 1858, 2:1.
petitions. The petitioners favored reform measures but objected to consolidation of the two governments as the means of obtaining redress. Alternative reform measures consisting of city charter amendments or separate state laws to fund the county debt of $600,000 and the city debt of $1,600,000 received some attention, but the consolidation bill remained the center of controversy.

The Consolidation Act, April 26, 1858. The Consolidation Act, an act incorporating the City and County of Sacramento, passed the legislature and became law on April 26, 1858. Senator Josiah Johnson's consolidation bill was the basis of the Act, which consisted of ten articles and a total of seventy-five sections. In response to the charge of unequal taxes, Articles V and VI contained the critical financial measures.

Article V, Revenue, set the tax rate at not more than one dollar per one hundred dollars of assessed real and personal property throughout the county and the city. The state tax was also fixed at the same rate. To facilitate tax collections, the state revenue laws were to apply. This article

9Remonstrances of the County of Sacramento against the passage of the consolidation bill, February 20, 1858, MSS., Legislative Record Group, California State Archives, Sacramento.

10Union, February 22, 1858, 2:3; March 31, 1858, 2:2; 3:3; April 6, 1858, 2:3.
included a separate tax levy for the wagon road, thus making possible further construction of the wagon road over the Sierras, which had been surveyed and begun in 1857. Sections 35 and 36 listed the separate funds to be kept for the city and for the county respectively and set the percentages of revenue assignable to each. In response to the complaint of heavy debt and extraordinary interest rates, Article VI provided for the funding of the $1,600,000 city debt and the $600,000 county debt with bonds payable in thirty, thirty-five, forty, forty-five, and fifty years with interest at 6 per cent per annum payable on January 1 of each year.

The remainder of the Act enumerated the powers and duties of the local government. Attempts to correct abuses previously mentioned are illustrated by section 4 of Article I, which stipulated a fine of five hundred dollars and sixty days in jail for enacting any ordinance contrary to the state constitution or laws. Article III listed the administrative officers and stated their salaries. All fees such as licenses, fines, and commissions were to be paid into the county treasury, after which they were to be apportioned to separate city and county funds on a stated percentage basis. Article VII, dealing with public streets and highways, left the street paving, planking, and sewerage to be done at the expense of the adjacent property owners. Article X, section 72, arranged for payment of city officials' salaries for the
period from January 1 to May 15, 1858, in order that this floating debt would not be funded; however, this debt was not to exceed $50,000. Warrants unpaid by January 1, 1859, or in excess of $50,000 would be funded, after which the City and County of Sacramento was to function on a cash basis. 11

**Consolidation reform efforts.** The Union articles indicated that Sacramentans seriously endeavored to reform their local government. The major portion of the Act dealt with the local government organization and administration. The number of officials was reduced and their salaries set at relatively low figures, instead of by fees. One set of officials functioning for both the county and the city simplified the government and eliminated some overlapping offices. Authorizing the Supervisors to elect quarterly a clerk of the city water works, an engineer of the city water works, two stewards of the fire department, a chief of police, a lieutenant of police who was to act also as harbor master, and up to a total of eight policemen, was an unusual arrangement. The plan to elect these officials quarterly would scarcely grant them time to become acquainted with their duties before they might be exchanged for a new group.

Preoccupation with the huge debt, interest, taxes, or

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11Ibid., April 26, 1858, Supplement, and 2:1, "The Act to Incorporate the City and County of Sacramento,"
simply money, obviously clouded the creativity of these sections. The Act in effect repudiated the funded debts, by fixing the redemption dates on funded bonds at not less than thirty years, by reducing interest rates from about 10 per cent to 6 per cent payable yearly instead of semiannually, and by refusal to accept any bonds presented for funding after January 1, 1859. Bonds were accepted for funding in the order in which they were received, the earliest received bonds having the shortest period of time before redemption. Tax rates were lowered and fixed.

Unfortunately, regulations governing the construction of streets remained unchanged. Local government became almost wholly administrative and was restricted to functioning on a cash basis under a fixed tax rate which ignored the possibility of emergency expenditures.
CHAPTER XIII

EARLY ACTIVITIES OF CONSOLIDATED GOVERNMENT

An examination of events during the remainder of 1858 indicates that the new consolidated government had many problems to solve.

Election of local officers. According to the Consolidation Act, five new supervisors were to be elected the first week in May to work with three incumbent county supervisors, forming the new Board of Supervisors of the City and County of Sacramento. This body was to function until the first week of October, when a general election would take place.

Electioneering began immediately for the interim Board of Supervisors. A group of anti-Douglas Democrats called a nomination meeting promptly. The Union considered this group to be influenced by the county people who were opposed to the consolidation bill.¹ The Union editors, however, urged that a non-partisan citizens' group nominate the five required supervisors. Soon such a list was prepared by prominent businessmen of the city at a meeting called for this purpose.² This group considered that the Consolidation Act, although it

¹Sacramento Daily Union, April 29, 1858, 2:1; 2:2.
²Ibid., April 30, 1858, 2:1; 2:3.
was a necessary measure of county and municipal reform, was an experiment which ought to be in the hands of friends. Since the officers that were to be elected were executive, not political, there was little opportunity for patronage and favoritism. This group won the election.

Election returns were not yet complete when the new Board learned that the retiring Council had neglected to levy the current state and county tax legally due in March. Assessment notices had to be sent out on May 8, but the Board could not officially meet until Monday, May 10. However, it met hastily late Saturday night and completed the necessary preparations for the tax collections.

Reform measures. The Board of Supervisors of the City and County of Sacramento accepted all city ordinances of the previous city government. Then the Board set about correcting errors and enacting new ordinances. It voted to retain the current clerk, the engineer of the water works, the stewards of the fire department, and likewise the harbor master and the chief of police. The _Union_ criticized this action, saying: "People will conclude that if men elected independently of party—then pursue party politics—it is

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3 _Ibid._, May 1, 1858, 2:1; 2:2.

4 _Ibid._, May 10, 1858, 3:1.

5 _Ibid._, May 15, 1858, 3:2.
useless to attempt reform. 6

Testing consolidation. The experiment in consolidation immediately encountered several serious problems which threatened to wreck it. The Frazer River gold rush disrupted commerce by reducing the number of placer miners as well as the quantity of gold mined in California. 7 Real estate, rents, improvements, and railroad contractors were adversely affected. During April, May, and June, about seven thousand immigrants had entered California, whereas over nineteen thousand had emigrated either to the East Coast of the United States or to the Frazer River area. 8

Depressed trade conditions, with the accompanying reduction of city revenue, provided a severe test for the Consolidation Act. Property assessments provoked grievances, real or imaginary, since time for equalizations was too short. 9 The Board of Supervisors levied a total county tax of $1.65 per $100 of assessed value of property, while the city tax rate was $2.65. These rates were specified in the Consolidation Act and showed a reduction of twenty cents in the city tax rate and a reduction of twenty-five cents in the

6Ibid., May 12, 1858, 2:1.
7Ibid., June 10, 1858, 3:3.
8Ibid., July 24, 1858, 2:3.
9Ibid., January 5, 1858, 2:3.
county tax rate.\textsuperscript{10} By August, 1858, it appeared that consolidation had reduced taxes; had brought assessment appeals to one source, the Equalization Board, a subcommittee of the Board of Supervisors; and had effected payment of taxes to one officer, the sheriff. Although local administrators had thought exorbitant tax rates had made some persons unable to pay, while others simply refused, consolidation had not immediately improved the situation since total tax collections decreased.\textsuperscript{11}

Meanwhile, the problems of police and courts provided further tests for consolidation. Very soon the Board realized that it had no legal right to appoint special policemen other than the three specified for each ward of the city. Consequently, the organization of any additional police force was left to the citizens.\textsuperscript{12}

An earlier report of the Grand Jury of California had accused the Court of Sessions of Sacramento County of causing undue expense and delay and of retarding legal progress by neglecting to send to the higher court any exact record of the county courts' proceedings. Testimony of witnesses had not been recorded. Consequently, witnesses had to be called

\textsuperscript{10}\textit{Ibid.}, May 10, 1858, 3:2.

\textsuperscript{11}Weekly and monthly report of taxes and fees collected from all sources were printed in the \textit{Union}.

\textsuperscript{12}\textit{Union}, May 21, 1858, 3:1.
from all over the county at county expense when the cases
were reviewed by the Appellate Court. By this time the sec-
tion of the Consolidation Act assigning to justices of the
peace the task of keeping the records of the police court
during alternate weeks proved to be unworkable. The district
attorney advised the Board to appoint a clerk of the police
court to keep the records but some persons feared that this
might lead to the appointment of more officials, and conse-
quently no action was taken. Furthermore, in regard to
the city prison the Grand Jury report stated, "The prison is
in bad order, and in a filthy condition, and we think that if
the officers in charge of it would do their duty that this
state of things need not exist." Therefore, the Board of
Supervisors proceeded to fulfill Article VIII, section 53, of
the Consolidation Act, which stated that a workhouse for the
county was to be built and a warden appointed. Although a
warden and sheriff of the county jail and workhouse was
selected, the incumbent keeper of the prison brig refused to
relinquish his position, on the grounds that it was necessary
that he first be legally released from his bond. At the

13Ibid., May 17, 1858, 3:4.
14Ibid., May 13, 1858, 3:2.
15Ibid., June 12, 1858, 3:1; August 26, 1858, 3:1. A
similar situation arose with respect to the newly appointed
county physician, who was excluded from his office because
end of the month, both parties presented claims for payment. The legal settlement forced the Board to rescind its action and compelled it to recognize the claims for services rendered by the keeper of the brig. 16

Meanwhile, the committee reporting on repairs needed to make the city retention building usable as a county jail estimated that it would cost at least $4,000. Although the brig was inadequate both as to cell accommodations and safety, the Board of Supervisors decided to make repairs, the cost of which was not to exceed $200, since there were insufficient funds to arrange for any other plan. Police record books were provided as required. The chain gang was discontinued, only to be reestablished in November. 17

The Consolidation Act also hampered attempts to control livestock within the city. Following petitions by groups of city residents, a pound ordinance set boundaries within which livestock were not allowed to run, and a poundmaster was hired. Notwithstanding several weeks of successful enforcement of the pound ordinance, the Board's authority to enact it was questioned. The ordinance was declared

the incumbent declined to leave. However, after a few weeks he did resign.

16 Ibíd., October 8, 1858, 2:1; November 2, 1858, 3:2; November 23, 1858, 4:4.

17 Ibíd., June 11, 1858, 3:1; 3:3; November 23, 1858, 3:3.
unconstitutional, the poundmaster discontinued his services; and livestock roamed within the city limits damaging grains and vegetables. In December the decision regarding the constitutionality of the ordinance was reversed, whereupon the poundmaster resumed his duties.

Teachers protested delays in salary payments. The Consolidation Act required that before a bill or salary could be paid each voucher had to refer to the ordinance which authorized it by title, date, and section, with the further requirement that the Board approve all bills. Teachers could not be paid if collections of taxes, license fees, and other revenue sources were not turned in regularly and in amounts equal to expenditures.

In the interest of economy the law provided that citizens must pay their bills in person. There were no provisions for tax collectors. The mobility of citizens of Sacramento led to irregular collections and evasions of dues. In order to collect the water bills, the clerk of the water works found it necessary to go to the houses personally. Moreover, people in the suburbs were using water for irrigation and gardens without paying for it. The harbor master

18Ibid., November 24, 1858, 3:1.
19Ibid., December 23, 1858, 3:2.
20Ibid., May 18, 1858, 3:1.
met similar difficulties and both departments asked for assistant clerks to help them make collections.21

Meanwhile, water works pumps broke down, flooding the surveyor's office nearby and damaging maps and papers valued at two hundred dollars. In July, the engineer of the water works resigned because the pumping system was nearly worn out. The pump ordered from the East might not arrive for two or three months and he did not wish to be held responsible for damages caused from breakdowns.22

The Consolidation Act also changed conditions in the county hospital, which had been a most expensive activity particularly because it had been financed with county scrip worth about fifty cents to the dollar. Hospital finances under consolidation meant a reduction in cost of about $1,600 per month. The cost of operating the hospital had been approximately $2,500 per month during 1857 and the first six months of 1858. Now an estimated $800 only would be available because the Indigent Sick and Pauper Fund consisted of but 8 per cent of all revenue collected. The August report of the Grand Jury of Sacramento County commended the management of the hospital for economy and efficiency. This report included a recommendation that new metal bedsteads replace

21 Ibid., May 24, 1858, 3:1; May 31, 1858, 3:1.
22 Ibid., July 8, 1858, 3:2; July 20, 1858, 3:1; July 21, 1858, 3:1.
the wooden furniture at the hospital.  

In an attempt to reduce costs of government, the Consolidation Act made property owners adjacent to public streets and roads responsible for the expense of paving, planking, and sewerage. Each property owner was permitted to build his portion of the street, or he and others could petition the Board to contract the work after assigning a tax on the property to pay for the improvements. Many complications, and much discontent with the law, arose from this arrangement for public street construction.

Because bridge construction in the city was not mentioned specifically in the Consolidation Act, the J Street bridge, which had partially collapsed, could not be repaired.  

Action by the Board could not be taken without a petition from property owners requesting repairs and at the same time agreeing to pay for such repairs. The Union commented, "No authority is given to build bridges in the city upon any terms." Certainly this represented an oversight on the part of the framers of the Consolidation Act.

Many citizens using the streets were inconvenienced. However, by the end of October a sufficient number of

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23 Ibid., August 9, 1858, 3:3.
24 Ibid., June 24, 1858, 3:1; June 22, 1858, 2:5.
25 Ibid., July 8, 1858, 3:2; September 10, 1858, 2:2.
signatures of owners along J Street made it possible to contract to have it graveled.\textsuperscript{26} The \textit{Union} warned the Supervisors against having J and K streets graveled before they had collected the necessary tax from adjoining property owners. Apparently, those owners of property along K Street who had paid the tax levy were eager that others who had not paid should be compelled to do so before work was completed. Owners of property on I Street who neglected to pay the tax levy for that street owned some property on J and K streets. They might evade payment in like manner. By the end of the year the Board evidently determined to enforce the previous Council's by-law regulating construction of sidewalks on H Street between Eighth and Ninth streets. Likewise, it voted to spend \$400 on repairs of the J Street bridge.\textsuperscript{27}

Toll rates to be charged on the Sacramento-Yolo bridge had been set by the retiring Council at a rate higher than that suggested by the bridge company. The new Board accepted the latter's schedule. Grading on the Sacramento side of the bridge was completed by the end of June following alterations over fill dirt. On June 29, the bridge was used for the first time.\textsuperscript{28}

\textsuperscript{26}\textit{Ibid.}, October 7, 1858, 3:1; October 20, 1858, 3:2.
\textsuperscript{27}\textit{Ibid.}, December 29, 1858, 3:3; 1:7.
\textsuperscript{28}\textit{Ibid.}, July 8, 1858, 3:1.
In addition to the expense of streets and bridges within the city, Sacramentans had agreed to a special tax levy to build the wagon road from Placerville across the Sierras to Carson Valley. The wagon road was important to Sacramentans, who were much concerned with enticing settlers to enter and remain in the vicinity. Possible routes for the Central Pacific Railroad being surveyed indicated prospects of its entering California by the wagon road route, although the Overland Mail Route had utilized the southern pass near the Mexican border.29 The contract for the wagon road was given to the lowest bidder and construction began. Rumors that the United States mail contractor contemplated contributing $500 or more toward widening the wagon road about four feet proved to be unfounded.30 Soon the Board of Supervisors was involved in difficulties arising out of the wagon road contractor's agreement with another person to finish building the road and the bridge at Brockliss' Crossing over the upper branch of the American River. In addition to complaints of defective and incomplete work, uncertainty about whom to pay for the work completed arose because of a disagreement among the principal members of the initial contract.

Delinquent taxes had been one of the major problems

29 Ibid., November 5, 1858, 2:2.
30 Ibid., July 26, 1858, 2:2.
which led to the Consolidation Act and they continued as the major problem after the Act went into effect. California's Ninth Legislature, 1858, had passed a law legalizing the city assessments for 1857-1858 in order to insure the new Board of Supervisors a legal source of revenue. The County Commissioner's report in May, 1858, valid at the date of consolidation, disclosed delinquent taxes prior to 1857 of over $225,000, notices for which had been carried forward each year at a cost of $500 to $1,000 although nothing was collected. The County Commissioner suggested striking all delinquent taxes prior to 1857 from the records. There were delinquent and collectible taxes amounting to $49,656.56 for 1857, of which he believed $30,000 could be collected within ninety days if the sheriff could begin collecting at once instead of waiting until September, the legal time for collections. Delinquent taxpayers were restrained from offering payment of taxes to the treasurer or sheriff before September, since they were first required to obtain an order from the Board granting them permission to do so. This regulation delayed and discouraged tax payments. In August the Board of Equalization showed that, of $108,000 delinquent taxes classified as uncollectible in 1857, all but about $8,000 was to be collected by the sheriff.

31Ibid., May 25, 1858, 3:4.
Nevertheless, collection of current taxes continued to be a problem. The assessed valuation of city and county property for 1858-1859 amounted to $12,085,545.71, an increase of $886,600.71 over 1857-1858. Total taxes levied for 1858-1859 amounted to $315,487. Under consolidation, the tax rate was reduced from 2-3/4's per cent to 1 per cent per each hundred dollars assessed valuation of property. The tax levy, although reduced, was not so successfully collected as anticipated. The delinquent tax list was found to be over two and one-half times longer than the 1857 list. According to the Union, the cause for this situation "other than neglect and carelessness of payers, is first, inability to pay, and second, many do not feel obligated to pay." 32 By December, 1858, delinquent county taxes for 1857 were reduced to $42,145.86 and delinquent city taxes to $56,770.95. Although a total of $214,866.63 of the combined 1858 assessment and the 1857 arrears had been collected, a balance of $191,774.34 remained unpaid and due on December 11, 1858. This situation evoked further comment from the Union upon the likelihood of consolidation's solving the debt, administration, and taxation problems of Sacramento City and County. 33

32 Ibid., November 23, 1858, 2:2.

33 Ibid., December 11, 1858, 2:2. ' . . . those who do not pay repudiate practically our county indebtedness. In less than three years like this we will not be able to pay
Another Sacramento business, toll bridges and ferries, showed the effects of depression of trade, or reluctance to pay license fees. In December, 1858, nothing had been paid by the licensees of one bridge for a period of thirty months, during which a debt of $800 had accumulated. Another bridge owner owed over $1,200 in license fees. Ferries presented similar predicaments. The Board resolved to notify the district attorney of those bridge and ferry owners who had not paid their license fees, asking that they be brought before the Grand Jury.\(^34\)

Various differences of opinion in regard to the legality of some sections of the Consolidation Act required court determination and produced dissatisfaction with regulations created by the sections concerned, as well as with the officers enforcing them. The I Street ferry ordinance assessed a license fee of $1,000 per annum against the company, which had been licensed under an old ordinance, and enforcement required a court decision.\(^35\) Claims of some

defendants were denied on the ground that under the Consolidation Act the six per cent interest.

Why not enforce payment?

\(^{34}\)Ibid., August 4, 1858, 3:2.

\(^{35}\)Ibid., August 5, 1858, 3:1.
city officers amounting to over $1,100 for salary payments for the period May 1, 1858, to May 15, 1858, before the Consolidation Act went into effect, were placed before the court.\textsuperscript{36} Court action was necessary to recover $1,300 from the city recorder, who refused to pay it except with city scrip or county bonds.\textsuperscript{37} The ex-sheriff brought suit against the Board of Supervisors to force the Board to reimburse him for the cost of food for the prisoners in the brig and to pay him his salary. The Board instructed the district attorney to bring suit against the city and county treasurer in order to settle the question of legal authority regarding payment of his salary without the Board's verification as well as his right to collect fees for certain duties.

Although many Sacramentans had looked on the Consolidation Act as the panacea for all their troubles, it was evident by December, 1858, that the law itself did not eliminate the problems.\textsuperscript{38}

\textsuperscript{36}Ibid., October 27, 1858, 3:1.

\textsuperscript{37}Ibid., August 14, 1858, 3:1.

\textsuperscript{38}The editor of the \textit{Union} attributed the fundamental weakness of the local government to a lack of authority. \textit{Union}, August 25, 1858, 2:1.
CHAPTER IV

THE FLOOD OF 1861-1862

Reconstruction and administrative problems created by the disastrous flood of 1861-1862 brought into focus weak features of the Consolidation Act. Local government was revealed as having inadequate administrative and financial authority.

Influence of the flood. Although additional expenses occasioned by the war were felt throughout the state during 1862, Sacramento City and County had a pertinent reason for reacting to such additional expenses more emphatically than other areas of the state. Sacramento City and large portions of Sacramento County suffered from one of the most devastating floods since the founding of the city. Effects of this flood generated such pressure on local government that it led to efforts to dissolve the revised Consolidation Act.

The first invasion of water came in December, 1861, destroying quantities of live stock, grains, merchantable goods, and household effects. Since the area had been free of severe floods for eight or nine years, memories of damages of the last flood had dimmed and during the preceding five or six years little work had been done to keep levees in repair and strengthened. The swollen American River undermined the levees, allowing the current to break through, flooding the
city. Meanwhile, the Sacramento River also broke through its levees at several points. Flood waters, receding from the crest of December 9, rose rapidly again on January 9, following a downpour of rain, and destroyed completely the hastily constructed repairs to the levees, continuing and extending the destruction of houses and property. The railroad track along 8 Street, and the three thousand dollar public scale, were washed away along with many street crossings.\(^1\) A report in January, 1862, estimated the loss of city property at about $700,000 and the loss in livestock and agricultural implements at about $200,000.

Emergency measures. The first agency to act in this disaster was not the government but a volunteer society called the Howard Benevolent Association, which had been organized in December, 1857, to care for destitute persons. The Association received over $24,000 from subscriptions, of which San Francisco contributed more than $10,000. During the first weeks of the flood the Association expended about $20,000 for lodging, clothing, food, and medical assistance for more than five thousand persons.\(^2\)

Meanwhile, the Consolidated City and County government could do but little to alleviate the situation because of

\(^1\)Sacramento Daily Union, January 3, 1862, 5:1.
\(^2\)Ibid., January 6, 1862, 2:3,4.
restrictions in the Consolidation Act. The *Union* complained that

... the President and the Board do nothing about the streets and levees. They do little more than any other citizen. Now millions of property are damaged and sidewalks have been swept away.³

Although the Board met, it was powerless to solve street, drainage, and levees problems, because by law before action could be taken the people must request it and accompany the request by a demand for sufficient new taxes to meet the added expenses. The *Union* thought it would be better for Sacramento to have a provisional government or to have the State Legislature pass an act to give Sacramento a government that could act.

Sacramentans had been attempting to clean the city from the effects of the initial flood when the second inundation occurred on January 9, 1862. Crews of workmen under the command of the Committee of Safety, a volunteer citizens' committee, worked to repair the levees, drain the streets, and remove the mud from them.⁴ For its part in these activities the Board of Supervisors voted to advertise for bids to construct bridges across Sutter Fort Slough on J and K streets and to construct levees west of Sixth Street. Further, the Board instructed the chain gang to burn carcasses

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of drowned animals and to drain Third Street north of K Street.

The local Board, besides refusing to assume authority by taking prompt, positive action by draining the city streets and organizing street and levee repairs, ignored provisions of the Consolidation Act respecting the creation of debts. The accumulating current debt against the city contingent fund had increased until even the Board estimated that its warrants were worth only twenty-five cents on the dollar. Although the Act forbade the creation of any long-term debt against the city or county, it did provide that bills should be presented, audited, and allowed, even though immediate payment could not be made. Evidently these bills were then used in the same way that scrip had been used, as a sort of money, which led to devaluation. Reduction in the value of the community's credit increased Sacramento's anxiety about finances. At this time evidence of financial instability in some Boston and Philadelphia banks that had suspended payments brought repercussions in related San Francisco and Sacramento firms, adding to the fears of financial losses.  

Unsuccessful attempts to protect the levee near Rebel's Tannery at the foot of Twenty-eighth Street ensnared

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5Ibid., January 3, 1862, 4:3.
the Board in financial and legal difficulties. The Board, after hiring a contractor to try to repair this levee, refused to pay him because the second flood destroyed these repairs. When the contractor retaliated by threatening to bring suit against each member of the Board, the Board requested legislative authorization for a special tax levy to pay this account, but its request went unheeded. 6

The Consolidation Act passed in 1858 restricted the authority of Sacramento's Supervisors to create debts against the city and county, their power to hire additional personnel, and their power to pay for any work contracted but not specified in the Act. 7 Article I, section 4, listed the topics on which ordinances could be passed, and Article V, section 35, had apportioned city revenue into four funds. Fifty-five per cent was to go into the interest and sinking fund, 15 per cent into the salary fund, 8 per cent into the school fund, and 22 per cent into the contingent fund to meet all other expenses. This division of revenue limited the Board's spending power since bills, to be acceptable, had to be verified by reference to specific sections of the Consolidation Act. County revenue was more equitably apportioned. The five county funds included 25 per cent interest

6 Ibid., January 8, 1862, 3:2.
7 Ibid., April 8, 1863, 2:2.
and sinking fund, 10 per cent for the school fund, 8 per cent for pauper and indigent sick fund, 25 per cent for salary fund, and 32 per cent for the general fund. 8

Levee construction. Reconstruction of the city awaited plans for and actual construction of levees. Therefore meetings, discussions, suggestions, and planning all converged upon the topic of levees. One civil engineer consulted believed the Sacramento River could not be controlled by levees alone. Overflow waters cut away the levees. Mining debris from Folsom and other mining areas along the American River created sand and gravel bars which diverted the river current and caused it to cut away the levee bank. The sand bar in front of the Front Street landing, for example, had resulted from the sinking of the Prison Brig. 9 The engineer advocated not only the building of levees but the removal of these bars in addition to straightening or turning the American River. Turning the river would be the least expensive. 10

Everyone seemed to have a theory as to how floods should be prevented. Some persons thought it would be more

8Ibid., April 26, 1858, Supplement, page 1. Consolidation Act, Article V, sections 35 and 36.
9Union, August 29, 1862, 3:3.
10Ibid., February 28, 1862, 2:4, 2:2; March 10, 1862, 3:2.
effective to build levees inside those already constructed. Others believed a turnpike road company ought to contract to build a high graded road at the ends of the present levee, thus extending the length and strength of the levee. Some suggested that a large reservoir or basin should be graded to hold overflow waters, although this procedure would make waste land of rich agricultural areas. Still others thought that a drainage ditch eight and one-half miles long, fifteen feet deep, and eighteen feet wide, connecting the American and the Sacramento rivers would successfully carry away flood waters. Another engineer observed that the river channels could not be deepened because of the hard clay bottom, while the level land made it difficult to widen the channels.  

There were also differences of opinion concerning the manner in which levee construction should be financed. Some said that general funds should be used in preference to a special tax in the areas concerned. While people argued, temporary repairs on the levees had to be made immediately. As many as fifty volunteer workers were organized by the Committee of Safety. This method helped to reduce costs since these workmen received only their board and one dollar per day, paid out of a fund raised by subscriptions.

11 Ibid., September 11, 1862, 1:6.

12 Ibid., January 27, 1862, 2:2; February 6, 1862, 3:1; February 14, 1862, 2:5; February 15, 1862, 3:1; February 18, 1862, 3:2.
While the levees were being repaired, the proposed Levee Bill was being formulated. This Act created the Board of Levee Commissioners and granted it authority to take over any land it required for levees in the city or county. A unified city-county Levee Board was to function under the State Swamp Land Commissioners, having jurisdiction over all city and county levee construction. After a short time, however, a Sacramento City Levee Board was recognized in order to form an organization acceptable to the Committee of Safety, which had collected over $22,000 by subscription and had already spent approximately $13,000 on repairs destroyed by recurring floods.

The Board of City Levee Commissioners accepted complete responsibility for levee construction within the city by May, the project to be financed by taxes. It proposed to guard against future floods in four ways: by levees on the river banks, by secondary levees set back from the river, by providing area reservoirs or basins to contain overflow waters, and by ditches to carry off overflow waters. To strengthen the face of the levees, "puddling"—that is, covering the face of the levee with bricks laid flat and

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14* *Ibid.*, April 18, 1862, 3:3; April 12, 1862, 1:5, 6.
15* *Ibid.*, May 14, 1862, 3:1.
filling the spaces with asphaltum—was tried. Persons who owned property that was damaged or used for levee purposes received compensation. The Commissioners of Levees for Protection of Swamp Lands District No. 2, Sacramento County, had forty miles of levees to repair and maintain.

Taxes to pay for levee construction were to be collected in June, 1862, from city residents in order that work could proceed without interruption. An estimated $200,000 needed for levees required a tax levy of $4.13 for every hundred dollars worth of property assessed valuation within the city, which brought the total city tax rate to $7.23 per hundred dollars, exclusive of poll tax. The total county tax rate was $2.12 per hundred dollars of property.

Work on the levees progressed steadily. By January 1, 1863, the city had completed the levees at a cost of $225,000. A proposal was made to plant wild grape vines, willows, clover, and various other grasses along the outer slopes of the levee in order to learn which would develop the toughest and best-matted roots to strengthen and protect

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16 Ibid., May 26, 1862, 3:1.
17 Ibid., June 2, 1862, 3:1.
19 Ibid., June 23, 1862, 3:1; June 24, 1862, 3:1.
20 Ibid., July 22, 1862, 1:3, 4.
the surface.

The City Levee Commissioners now turned their attention to building an inside levee as high as the outside levee to run on Fifteenth Street from B to R streets, and on R Street from Fifteenth Street to the river. Early in March, 1863, the new Board of City Levee Commissioners met and requested $80,000 more to complete the levees, to complete straightening the channel of the American River, and to make needed repairs on other sections of the levees. Levee construction was expensive and added further pressures on local government.

Street building problems. Important local legislation, fixing grades for the streets of Sacramento, finally developed as a result of the flood. Flood waters had risen twenty-four feet above low water mark. Henceforward, streets and buildings in Sacramento were to be built in accordance with grades set by ordinance.

Throughout 1862, Sacramentans spent much time and money repairing and draining streets and buildings, and

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21 Ibid., January 26, 1863, 3:1.
22 Ibid., February 19, 1863, 3:1; March 3, 1863, 3:1.
23 Records of Sacramento County, Book C. Clerk of County Supervisors Office, County Administration Building, Sacramento, p. 161.
24 Union, February 3, 1863, 2:2.
building bridges. Terms of the Consolidation Act relevant to building streets and roads specified that each property owner was responsible for adjoining streets and sidewalks. However, individuals preferred to plan and work under the Committee of Safety. Money for the work was raised by subscription.

Because the basement, or foundation, of buildings varied in height, streets constructed by one home owner might be several feet higher than his neighbor’s. An overall plan for city streets was needed but none was offered by consolidation government. Therefore, property owners on J Street agreed that several streets should be graded higher than the highest water mark of the flood, that sidewalks should conform with each other and not appear like a step-ladder all over town.

The 1861-1862 floods exposed and emphasized several city administrative problems that had developed under consolidation government. The Board was obliged to purchase the privately owned K Street toll bridge in order to settle the

25 Ibid., July 22, 1862, 1:3, 4.
26 Ibid., April 28, 1858, Supplement, p. 1, Consolidation Act, Article VII, sections 47 to 52.
27 Ibid., March 8, 1862, 3:2.
28 Ibid., March 11, 1862, 3:1.
29 Ibid., March 17, 1862, 3:3.
dispute between the K Street bridge owner and a group of citizens wishing to build cooperatively a free bridge over K Street. This settlement was made possible for the Board only after they obtained permission to levy a tax of ten cents per hundred dollars of property to pay for the bridge. Appar-
etently citizens and administrators alike were confused con-
cerning their respective responsibilities and authority, for the late owner of the K Street bridge now requested permis-
sion to tear the structure down because he did not wish to be held responsible if an accident should occur. Local legisla-
tion was flouted by the owners of the I Street railroad, who demonstrated their disrespect for city street grade ordi-
nances by neglecting to build their railroad grade according to city specifications. The Board’s administrative author-
ity was undermined by lack of money to hire the removal of boats used during the flood which were left in the streets, blocking the passage of teams. Inadequate finances also prevented the Board from draining away the stale water pumped out of the basements of buildings. The Supervisors!

30Ibid., April 18, 1862, 3:1; April 22, 1862, 2:1; 3:1; 3:2; April 23, 1862, 2:1; May 12, 1862, 3:2; May 20, 1862, 3:4.

31Ibid., September 6, 1862, 3:2.

32Ibid., September 23, 1862, 3:2.

33Ibid., June 17, 1862, 3:1.
inaction aroused home owners along N, R, Fifth, and Sixth streets to petition the Board to use the chain gang to drain this area because the homes were surrounded by stagnant flood waters. 34

The flooded streets and buildings introduced another problem for local government. Merchants and other trade-people were using the streets for storage warehouse space. It was found necessary to pass an ordinance regulating the use of Front, Second, J, and K streets for storage of goods shipped to Sacramento. The Board restricted the use for storage on those streets to four feet along the outer edge of the street, whereas five feet could be used for storage on streets from Third to Twelfth. 35 Meanwhile, Second Street was being planked, thereby increasing the confusion. The Board of Supervisors had by ordinance provided for twelve-foot sidewalks on each side of Second Street from I to M Street, and six-foot sidewalks on Second Street from N to R Street. 36

Drainage of the city awaited the raising of street grades. While grading progressed, disagreements arose over use of either planking or cobblestone for surfacing the

34 Ibid., August 12, 1862, 3:2.
35 Ibid., December 17, 1862, 3:2.
36 Ibid., April 9, 1863, 3:2.
streets. The latter had the advantage of being cheaper.37 However, the decision to pave the city streets with cobblestone was not executed, because people objected to paving streets until they were as high as the levees. In the meantime, the graded streets were surfaced with sand.

The Sacramento Valley Railroad. Sacramento's first railroad also contributed to the trouble and confusion. The railroad had lost about $400,000 during the flood and now its tracks interfered with raising the grade of R Street. The Board instructed the chief of police to have the rails removed from R Street and the levees west of Sixth Street, but the latter, believing the Board had made an illegal request, did not act.38 Since the manager of the railroad thought that R Street would accommodate both the levee and the railroad, he refused to comply with the city's request. When the Court established the Board's authority to tear up the track, it was done immediately.39

The Capitol. The 1861-1862 floods led to renewal of agitation for the removal of the State Capitol to a more

37Ibid., January 22, 1863, 2:3.
38Ibid., January 7, 1862, 3:4.
39Ibid., January 10, 1862, 3:7; January 29, 1862, 3:1; February 5, 1862, 3:1; October 7, 1862, 3:3; October 9, 1862, 3:1.
favorably located city. Legislators, after a day or two of traveling to and from the legislative building by boat, moved to San Francisco following the January 9 flood. San Franciscans eagerly encouraged the removal of all offices to San Francisco permanently. The Union, campaigning for retention of the Capitol at Sacramento, explained that gardens and houses do not make a city, but trade does; and, when the water receded, Sacramento's trade would be resumed. Furthermore, it was not necessary for California to hold legislative sessions at the same time the Atlantic States held theirs. California legislative sessions could be held in the fall of the year to avoid the rainy season.

By the fall of 1862, although nearly $33,000 had been spent on the Capitol, certain groups advocated removal of the capital. The granite, discolored from the flood waters, had to be redressed before using it, thereby increasing the costs. However, Sacramantans contended, the State was spending close to $25,000 each year for rent, which would amount to $500,000 over a period of twenty years. Seventy-five thousand dollars each year for three years, raised by taxation, would provide sufficient funds for completion of

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40 Ibid., January 22, 1862, 3:2; January 30, 1862, 3:1; February 5, 1862, 3:1.

41 Ibid., February 22, 1862, 2:3.

42 Ibid., October 1, 1862, 3:1.
the Capitol.\footnote{Ibid., March 17, 1862, 2:24.} For this reason, the Board of Supervisors, striving to retain the Capitol in Sacramento and hoping to influence state legislation to appropriate funds with which to continue its construction, passed an ordinance adding five cents per hundred dollars of assessed property to taxes for building the State Capitol in Sacramento.\footnote{Ibid., April 7, 1863, 3:4.}

Flood damages to public buildings, the destruction of streets, roads, and levees, and the business losses in Sacramento contributed to putting severe strains on consolidation government. In addition, the usual public facilities, school maintenance and construction expense, water service, fire prevention, and health service reflected the effects of the flood and the difficulties of maintenance and development under the consolidation financial and regulatory restrictions.
CHAPTER V

DEPARTMENTS OF EDUCATION, FIRE, WATER, AND HEALTH; AND HERD LAW

The flood of 1861-1862 had caused such damage and confusion that its results seriously strained the authority of the consolidated government and indicated to the people basic inadequacies in the Consolidation Act. The floods also were the occasion for exposing difficulties in the education, fire, water, and health departments of the City of Sacramento.

**Schools.** The public schools of Sacramento City and County and the associated increasing debt remained an ever-present and enlarging problem under consolidation. The school fund did not meet yearly current expenses. Since the Superintendent of Public Schools' report in December, 1860, had shown approved and unpaid bills of over $10,000, the strictest economy had to be practiced during 1861. Nevertheless, by January, 1862, receipts and expenditures for thirteen months showed a balance of bills allowed and unpaid of $2,658.80.

The report also indicated that in 1860 there were fifteen schools, with 1,681 pupils and sixteen teachers. By January, 1862, because of decreased enrollment and unpaid bills, the schools were reorganized into thirteen schools, with 995 pupils, under the supervision of fourteen teachers.
and nine assistants. By the end of August, 1862, records showed that the number of pupils attending school had declined to 972.1

It became apparent by January, 1863, that the financial condition of public education in Sacramento was not satisfactory. Large debts incurred in 1859 were added to the usual yearly expenses and the losses and damages of the 1861-1862 floods. The consolidated government further complicated the matter by fixing the school revenue fund at 8 per cent of total city revenue, an amount inadequate to meet demands of ordinary population growth, school building, and maintenance.

Fire Department. Local government under the Consolidation Act proved unable to meet the financial obligations of an adequate fire department. By March, 1862, about one-third of the fire hose was considered reliable, the remainder being old and rotten. Fifteen hundred feet of hose ordered from Philadelphia could not be obtained for use because the agent was demanding his money before delivery. Of one hundred twenty-two hydrants, however, only one was in poor condition.

The water supply for fighting fires was either unknown or unreliable, but by May the cost of needed repairs could be estimated. However, because of the city's devaluated credit,

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1Sacramento Daily Union, January 1, 1862, 8:1, 2.
if the Board purchased the necessary lumber for repairs, it would cost one hundred dollars per thousand feet; whereas, if the money were raised by subscription, the lumber would cost only twenty-six dollars per thousand feet.\(^2\) Expensive lumber shipped from Oregon was used for building bridges, street crossings, and cistern repairs.

Moreover, city firemen were demanding a pay increase. They were paid fifty dollars a month in scrip, the real value of which amounted to twenty dollars. Fire companies intimated they would be unable to hire stewards to keep the apparatus in order unless monthly allowances were increased.\(^3\)

**Water works.** Prior to consolidation, the water works department had proved itself not only self-supporting but also a reliable source of revenue. However, flood damage canceled the advantage. Pumps and equipment had been allowed to deteriorate. The flood had blocked the mouth of the intake pipe in the Sacramento River by building a sand bar which also helped to form an impure pool of water from which Sacramento took its water.\(^4\) Petitions to have artesian wells dug encouraged the Supervisors to study the possibility of


\(^3\) *Ibid.*, March 7, 1862, 2:1. By autumn the fire control limits of Sacramento were established to include most of the area enclosed by H and M streets between First and Tenth streets.

digging wells near the river from which a supply of water could be drawn.\(^5\)

The water works also had charge of the water cisterns located about Sacramento as local reservoirs. Covers to the water cisterns had been washed away in the flood. New covers would cost six hundred dollars unless the city could pay cash, in which case the cost would be one hundred fifty dollars. Consequently, the Board decided to repair the damaged covers, spending not more than twenty-five dollars on each. Cisterns without covers were to be fenced by the President of the Board of Supervisors.\(^6\)

**Board of Health.** On March 7, 1862, the Board of Supervisors passed a resolution permitting a group of city physicians to organize themselves into a Board of Health for Sacramento.\(^7\) Sacramento's Board of Health presented its first annual report to the Supervisors on April 17, 1863, which report made recommendations that the consolidated government could not legally follow. The main proposal was that the city dig a drainage ditch through the middle of alternate streets between Third and Ninth and I and B streets, covered only at main intersections. It was thought that since the

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\(^5\)Ibid., September 6, 1862, 3:2.

\(^6\)Ibid., September 17, 1862, 3:2.

\(^7\)Ibid., March 7, 1862, 2:1.
whole city would benefit, the whole city should pay for such improvements. According to the Consolidation Act, home owners along these streets would have to petition for, and agree to be taxed for, this extra drainage system.

The Board of Health's advice regarding drinking water was directed at the water works. Sacramento's drinking water was taken from the Sacramento River under conditions sometimes considered unfavorable to health. The Board of Health requested the Supervisors to consider having artesian wells drilled to supply the city with clean water. Likewise, it asked that the fish market and other health nuisances be removed from the area of the city water works. The city authorities' response was to extend the water intake pipe farther out into the river.8

**Herd Law.** When flood waters had swept through Sacramento, they had carried away fences which controlled the meanderings of livestock. When the Board of Supervisors tried to do something about this situation, it found its authority challenged. Crops were endangered because livestock were turned out to graze. Complaints and petitions urged the Board of Supervisors to pass a resolution effective throughout the county to remedy the situation. The Board passed the Herd Law, by which owners of livestock were

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8 Ibid., August 19, 1862, 3:2; August 26, 1862, 3:2.
compelled to fence their animals. 9 Within the city limits, trouble with livestock in the streets added to difficulties because the poundmaster was accused of contributing to this state of affairs by taking bribes and allowing certain persons’ cattle to run. He was later discharged. 10

After the Herd Law was passed, some people kept their children out of school to herd the cows. By early spring of 1863, it was decided to repeal the Herd Law within the city since it was thought better to have the cows running loose in the streets than to have the children out herding them. 11 Moreover, some persons attempted illegally to fence the square enclosed by P and Q streets and Nineteenth and Twentieth streets but were stopped by the Board.

City residents and the local Board struggled along in this manner, bequeathing to future governing bodies the responsibility for constructive changes. 12

9Ibid., April 21, 1863, 2:2.
10Ibid., March 7, 1862, 3:2.
11Ibid., April 10, 1863, 3:2; April 23, 1863, 3:4.
12Ibid., July 10, 1862, 3:3, 3:2.
CHAPTER VI

DEBTS AND FINANCIAL INVOLVEMENTS

The Consolidation Act had become law basically because city and county financial matters had become unmanageable. Legal and illegal debt, deflated paper money called scrip, and many other undesirable financial practices had led to a new form of government in which it was hoped that these things were prohibited or controlled. However, under pressure of repairing flood damages and evolving ideas of government, these very same abuses again developed and led to the repeal of the Consolidation Act.

War influence. The Civil War affected markedly financial affairs in Sacramento. Salaries of federal employees were reduced.¹ The federal government passed a law requiring acceptance of Demand Treasury notes as legal tender and with uniform value.² Although some local government officials refused to accept this paper money, the Sacramento Board of Supervisors did accept it for payments of fines and other penalties in police courts.³ Supporting the war effort also meant accepting an additional tax levy of twenty-five cents

¹Sacramento Daily Union, January 6, 1862, 2:2.
²Ibid., April 4, 1862, 2:2.
³Ibid., February 17, 1862, 3:2.
on each hundred dollars of taxable property.

Debt and scrip. The county auditor's quarterly report in June, 1862, gave the total county debt at $572,022.38. By September it had increased to $606,113.47. The total city debt in the same report was $1,664,133.87, and $1,673,703.29.

Both city and county debts had increased, in direct contradiction to specifications of the Consolidation Act.

A resolution asking the auditor to prepare a financial report had been offered at several Board meetings, but each time some members thought he should not be required to prepare this report without remuneration of about one thousand dollars. Insufficient money in the treasury to pay this expense discouraged action by Board members, who worried about allowing bills in excess of revenue, fearing that individual members might legally be held personally liable.

Meanwhile, the local government had again issued scrip in such a manner that the value of the paper was about twenty-five cents to the dollar. Consequently, the city found that it had two prices quoted for jobs, one for scrip and a much

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4Ibid., May 6, 1862, 3:2.

5Ibid., June 19, 1862, 3:3; September 16, 1862, 3:2.

6Ibid., April 26, 1858, Supplement, page 1, Consolidation Act, Article VI, section 45.

7Ibid., October 21, 1862, 3:3.
lower one for cash. In fact, some contractors refused to accept scrip. Thus, the unsettled contract to build a bulkhead near Rabel's Tannery, which originally would have involved the city's paying $7,500 in cash, now cost $18,000 in scrip. Although the issuing of scrip was illegal under consolidation, it was impossible to conduct government business on a strictly cash basis since revenue was not always collected before it was necessary to pay expenditures.

When Sacramentans had framed the financial regulatory sections of consolidation, they expected that by following these involved rules the city and county would be able to conduct business on a strictly cash basis. The officers elected in 1858 did follow the regulations, but during subsequent years their successors obviously did not.

Proposed reforms. Just as excessive interest rates and large debts of both Sacramento City and Sacramento County had produced government action in the form of the Consolidation Act in 1858, so the severe floods of December 9, 1861, and January 9, 1862, caused financial problems and debts, simultaneously exposing some impractical regulations of the Consolidation Act which resulted in discussion of amendments

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8 Ibid., May 21, 1862, 3:3.
9 Ibid., May 21, 1858, 3:1; June 11, 1858, 3:3; June 24, 1858, 3:1; August 16, 1858, 3:2.
and the possibility of a new city charter. Both periods, the one preceding consolidation and the one following the flood, were accompanied by unstable banking conditions.

It now seemed that the funded debts with 6 per cent interest were extravagant and impossible to pay. Interest alone amounted to over $85,000 a year. Talk of repudiation, or of framing a new city charter incorporating a section providing for a change in the method of repayment of the funded debt, became prevalent.10

Several characteristics of this proposed charter were of special interest to both debtors and creditors of Sacramento City and County. Included were a study of all funded bonds to ascertain the legal portions of each which the city and the county would acknowledge; and secondly, creation of a redemption fund by a special twenty-five cent tax per hundred dollars assessed valuation of property, to be administered by a committee of five persons. The purpose of this committee was to persuade bondholders to sell their bonds back to the city for thirty cents or less on the dollar, on the assumption that bondholders would prefer some financial settlement rather than complete repudiation. Every year the committee was to advertise this proposition. If creditors made no

10 Ibid., February 21, 1862, 2:2; February 20, 1862, 3:4; April 26, 1862, 3:3; May 14, 1862, 3:3; May 19, 1862, 2:6.
bids as low as thirty cents, the tax money collected in the
redemption fund was to be paid into the city treasury and
none of the bonds accepted. This charter would set aside 35
per cent of the total tax levy of the city to pay interest
and to redeem funded bonds. However, 35 per cent of the
total tax levy in 1862 would not pay the interest on the
funded debt at that date unless a part of the funded debt
could be excluded as illegal. 11 It was thought that, should
some creditors accept thirty cents on the dollar, possibly
the remaining bonds might become more valuable within a few
years. An alternate plan for arranging for payment of the
funded debt proposed to retire the debt by converting the
bonds into "falling annuities," that is, yearly payments of
6 or 7 per cent of the face value of the bonds without inter-
est until the debt would be paid in full. However, distrust
of local government officers increased opposition to the an-
nuity bill because the Commissioners recommended to institute
it had all been corrupt city officials before. 12 Neither
the radical charter, offering 30 per cent or less for funded
debts, nor the annuity plan passed the 1862 legislature. 13

11 Ibid., February 20, 1862, 3:4; February 21, 1862, 2:2.
12 Ibid., May 21, 1862, 2:5.
13 Ibid., April 26, 1862, 3:3; May 14, 1862, 3:3;
May 19, 1862, 2:6.
It was this proposal for a new city charter as a way out of the financial confusion which brought into focus the inadequacy of the Consolidation Act provisions regarding public debt. According to the Act, the Board was empowered to audit and approve accounts presented against the city although there was no money in the fund concerned. Thus $125,000 had been audited and approved but was still unpaid.\(^\text{14}\) This procedure, practiced during the past three years, contributed to the growing public debt and the general financial confusion.

In contrast to the first year under consolidation, subsequent Boards of Supervisors had not reported on financial matters.\(^\text{15}\) Since each year the auditor’s books remained unchecked, the present auditor was able only to estimate the financial conditions recorded in the financial report.\(^\text{16}\)

The problem of public debt, deflated scrip, and unaudited books again came into public focus in June, 1862. The people had voted $50,000 for the R Street and Thirty-first Street levees, but the final cost had been $98,000.\(^\text{17}\) When the City Council paid the difference, even one of the

\(^{14}\text{Ibid., March 31, 1862, 2:2.}\)
\(^{15}\text{Ibid., April 9, 1862, 3:3.}\)
\(^{16}\text{Ibid., April 10, 1862, 2:2.}\)
\(^{17}\text{Ibid., June 3, 1862, 3:3.}\)
Supervisors complained. When a resolution was proposed granting the finance committee power to disapprove a bill which could not be paid in the same fiscal year as presented, the Board rejected it because of the city's financial insolvency, thereby adding to the floating debt. Had this resolution been adopted, the local government, without money or any means of credit, could not have retained the overseers and guards of the chain gang.

In October, another attempt was made by one of the Supervisors to ascertain the total amount of the city's floating debt by demanding a complete auditor's statement of the transactions for the year 1862. Thus the Board tried once again to halt the drift toward insolvency. At the following Board meeting one member explained that he considered the resolution to refuse to allow any account that could not be paid within the fiscal year a pretext to introduce an even more radical measure, to stop auditing any more bills, and thus the city and county government would cease to

\[\text{Ibid., July 10, 1862, 3:3.} \quad \text{"The Board had been falling behind and talking of repudiation; the Consolidation Act prohibited making new debts, yet it had been utterly disregarded until now they [the Board] had to pay four prices for everything; six men in the Chain Gang are idle for want of clothes, and credit of the city is so low clothes cannot be bought for them. The prisoners who were at work had very poor tools for the same reason."} \]

\[\text{Ibid., October 8, 1862, 3:3.} \]
exist. Those who had proposed that all bills had to be paid in the same fiscal year as presented were referred to as a reform party. They were accused of arousing fear of repudiation of debts which could not be paid, and of being responsible for the fact that city scrip funds fell in value from forty-five cents on the dollar to twenty-five cents on the dollar.21

The Consolidation Act had not only prohibited public debt but had also fixed the tax rates on personal and real property of Sacramento citizens.22 Since the total assessed value of property in city and county had decreased by about $2,000,000 during 1862 because of the floods, and since the tax rate had been fixed by the Consolidation Act, the result was less revenue for local government. To increase revenue, fees and licenses were added and increased. For example, a poll tax of seven dollars was levied, and a three dollar dog license was adopted.23

Previous to consolidation, local government officials received their compensation from fees collected in their work. However, the Consolidation Act replaced the fee system

20 Ibid., October 10, 1862, 3:3.
21 Ibid., December 16, 1862, 3:2.
22 Ibid., April 26, 1858, 1:1,2. Consolidation Act, Article V, section 34.
23 Ibid., July 9, 1862, 3:2.
with a salary system. Now, in 1862, opinion seemed to be re-
verting to the fee system because of reduced revenue and the
conviction that fees were a better system. In addition to
less assessed property value with fixed rates of taxation,
revenue was also reduced by increased difficulty in the col-
lection of taxes and license fees because of the flood. The
difficulties terminated in the Sacramento Fee Bill, an act to
regulate fees in offices of the City and County of Sacra-
mento. Since the leading government officials and adminis-
trators concluded that administrators executed their work
more diligently if they collected fees rather than a salary,
the Sacramento Fee Bill was passed. Fees charged were in-
creased. 24 The Union reported, "Fees are a much greater
stimulus to officers than salaries." 25 In order to pay the
assistant clerk of the Board of Supervisors, it was necessary
to persuade the legislature to support the resolution pre-
\nted to them requesting that they pass an act authorizing
payment of salary to the assistant clerk. 26

Abuses of the power to collect fees for salaries ap-
peared. The Union complained that the sheriff was getting
about forty thousand dollars a year from salary, commissions,

24 Ibid., May 9, 1862, 1:7; May 10, 1862, 2:3.
25 Ibid., April 28, 1862, 2:5.
26 Ibid., January 22, 1862, 2:1.
fees, and mileage. Moreover, there were abuses of voting privileges at local elections. In order to avoid the buying of votes by competing local aspirants to county and city offices, the Board of Supervisors decided to hold the election of city and county officers without awaiting the customary notification period, which would have allowed time for the bribers to organize support.

27 Ibid., March 15, 1862, 2:2.
28 Ibid., October 7, 1862, 3:2.
CHAPTER VII

REFORM BY A CITY CHARTER

Throughout the five years under consolidation, several amendments had canceled some of the prescriptive financial benefits of the Act. Local governing officials disregarded administrative regulations of consolidation until finally the Corporation's financial insolvency, revealed by the floods, demanded reform action.

The Union seemed to be repeating its views in 1857 and 1858:

... the government must be changed or our city becomes a bankrupt; ... The condition of the people had gone from bad to worse, ... The manner in which the Consolidation Act has been administered involved the city in a more desperate and depleting system of debt and paper credits than ever before experienced.1

Reform proposals. Movements for reform of local government in Sacramento City had begun early in January, 1862, immediately after the flood. The Union declared that legislation was needed to protect Sacramento City from bankruptcy either by providing extensive modification of the Consolidation Act or by an entirely new municipal organization.

Then it appeared that Sacramentans favored placing city affairs in the hands of three or five trustees for

1Sacramento Daily Union, March 19, 1862, 2:2.
three or five years with power to act for the city. For a time, citizens seemed to favor having trustees named by the legislature, with the trustees then appointing all other officers. One of the first responsibilities of this government would be to organize a board of levee commissioners to take complete charge of building the levees.\(^2\) Public opinion seemed to tend toward the separation of the city and county as soon as possible.\(^3\)

Citizens of Sacramento met, organized, and elected a president of their organization. They stated their purposes were to formulate a bill providing for separation of Sacramento city and county governments, and to frame a city charter, stating explicitly and definitively the financial and administrative duties and responsibilities for the city only, so that financial affairs of the city would depend upon the wisdom, judgment, and fidelity of a very few of the soundest and best men. The group expressed dissatisfaction with consolidation, saying, "It was not good enough for extraordinary times."\(^4\) The citizens' group president proceeded to name a committee of eight, two from each ward, to frame a city charter. Meetings and street discussions followed.

\(^2\)Ibid., January 18, 1862, 2:1.
\(^3\)Ibid., January 21, 1862, 2:2.
\(^4\)Ibid., January 21, 1862, 2:5.
Again, as in 1857-1858, officeholders feared for their jobs, scrip holders clamored for their money, and property owners desired reduced taxes.

In contrast to the consolidated government, people hoped that a strong, vigorous city government would be established. This proposed charter differed from consolidation and other previous charters by proposing to have most of the city officers appointed by the city council of trustees. The only officers to be voted on by city citizens would be the mayor and the four aldermen or trustees. The initial election was actually to be a plebiscite on persons selected by the legislature and named in the act itself. Those persons were of course selected in consultation with the citizens' association. None of the then current officers was to be discontinued.

Many people had much to say about provisions of the proposed charter. School directors objected to any change in provisions regulating the schools. Some objected to legislative appointment of the mayor and aldermen. Others thought that paying a police judge was objectionable. One favored some consolidation of city and county offices, specifically that of assessor, collector, treasurer, attorney,

5Ibid., February 14, 1862, 2:3.
6Ibid., February 15, 1862, 4:1,2,3,4,5.
and surveyor, with otherwise separate governments for the city and county. Contradictory proposals provided that the mayor and the four trustees were to be both nominated and elected at the city level. 7

At the same time, a rival city charter, framed and supported primarily by Senate members, contended for approval of the California State Assembly. The essential difference between the rival city charters was contained in the Articles and sections establishing the methods of paying the city's funded debts. In order to decide which charter was supported by the city citizens, an election was held in Sacramento. The Senate did not consider that its proposed scheme was financial repudiation. 8 Sacramento city voters, on March 23, 1862, elected the charter framed by the citizens' committee by a vote of 1,452 votes against 525. The election did not settle the matter. Provisions of the citizens' charter that had the support of the people were amended. After a few more amendments of the citizens' charter were passed, several accusations of "dishonest and unscrupulous leaders" were made. 9 Still more amendments were made in the legislature, eliciting the Union opinion

7Ibid., February 25, 1862, 2:6; February 22, 1862, 2:4; February 28, 3:1; March 8, 1862, 2:1.

8Ibid., March 27, 1862, 2:1,5.

9Ibid., March 23, 1862, 2:1.
that Sacramento's elected representatives worked contrary to
the welfare of the city. Now opposition was directed to
the citizens' charter, as well as to the passage of the bill
to reorganize the county government. A petition of between
seven hundred and eight hundred persons indicated displeasure
over the amended Citizens' Charter Bill. This charter did
not become law, but did result in another amendment or re-
adjustment of the Consolidation Act.

This amendment of consolidation was influential in
bringing about a dissolution of the Consolidation Act. The
amendment developed out of the insolvent financial situation
of the city and out of the effects of previous amendments to
Article V, Revenue. Thus, at the end of the first year of
consolidation, clerks, whose salary had been set, asked for
increases and back pay because the salary was considered in-
adequate. The changes were made. Similarly, in 1861, the
Consolidation Act was amended to allow expenses of the water
works to be paid before the income from this source was
handed to the treasurer. The 1862 amendment to consolida-
tion called for passage of an act to arrange for officers and
clerks to get their salaries from fees collected in each
office before such fees were placed in their respective

10 Ibid., April 15, 1862, 2:5; 2:1.
11 Ibid., April 18, 1862, 2:1.
funds, the salary fund being insufficient to meet the increased salary rates. This act, the Fee Act, becoming effective October 6, 1862, made officers preferred creditors. Actually, the county officers were paid in cash, while creditors were forced to accept scrip with uncertainty of payment.

Dissatisfaction with the functioning of the city government continued. Early in 1863, the debated Citizens' City Charter was reprinted and revised under the Citizens' Protective Union. That section dealing with formulating and setting the grades of the streets of Sacramento was deleted. The city's and county's floating debt was to be paid by a tax of one-half per cent upon all taxable real estate and personal property the first year, and one-fourth per cent yearly thereafter. This city charter, if passed, was to become effective the first Monday in April, 1863, with the exception of sections thirty-one and thirty-three, which were to take effect at once. Section thirty-one provided for the election promptly, in March, of a city assessor and collector, offices which could be held by the same person. Section thirty-three provided for the election of two justices of the peace and two constables for the city, to be

12Ibid., October 13, 1862, 2:2.
13Ibid., February 14, 1863, 3:1.
elected in a manner similar to the assessor. 14

The Citizens' Protective Union's delegation to the State Senate persuaded the latter to except the current indebtedness from those sections of the charter that would have funded it. The arrangement agreed to made it possible to pay contractors in cash the unpaid balances of their accounts for work done on the levees and at the mouth of the American River during 1862-1863. 15

For a time it appeared that the legislature would refer the charter to the people for approval, as had taken place in March, 1862; instead, the Sacramento delegation added several amendments. One required the people to elect a police judge, auditor, assessor, and collector, as well as three trustees. Another amendment, the special tax to pay the floating debt, was changed from one-half per cent of the value of all taxable real estate and personal property to fifty cents per hundred dollars assessed valuation of property, as determined in 1863, until the debt was eliminated. The Act protected the school and levees funds by keeping them separate, and stipulated that 8 per cent of total revenue was to go into the school fund. Salaries of the officers to be elected were fixed and the salary of any officer appointed by

14 Ibid., February 23, 1863, 3:4, 5.
the trustees could not exceed fifteen hundred dollars per
year.\textsuperscript{16} This amended Citizens' City Charter was not referred
to the people but was made law by act of the State Legis-
lature.

While the legislature was considering a separate
charter for the city, a bill for the government of Sacramento
County was introduced in the legislature. Its terms did not
materially deviate from the Consolidation Act, which, the
Union stated, "had given the county the cheapest county gov-
ernment they had ever lived under."\textsuperscript{17} The Sacramento City
Charter and the Sacramento County Bill passed the legislature
and became law April 25, 1863. Elections for officials under
the separate governments were held Tuesday, May 5, 1863.
Sacramento city citizens voted to elect three trustees, a
police judge, an auditor, an assessor, and a collector.\textsuperscript{18}
In order that suitable applicants for these offices might be
nominated, the Union suggested that citizens prepare "a
ticket of skilful financiers for the city election to take
place soon."\textsuperscript{19}

\begin{itemize}
\item \textsuperscript{16} \textit{Ibid.}, March 12, 1863, 2:2.
\item \textsuperscript{17} \textit{Ibid.}, March 27, 1863, 2:1.
\item \textsuperscript{18} \textit{Ibid.}, March 9, 1863, 2:2; March 12, 1863, 3:1;
April 28, 1863, 2:3.
\item \textsuperscript{19} \textit{Ibid.}, April 14, 1863, 2:1.
\end{itemize}
Conclusions. Unusual circumstances were responsible for the huge debts and the taxation and collection problems of Sacramento City and Sacramento County in 1857-1858, with accompanying dissatisfaction with the local government. The dominant unusual factors might be classified as geographical, economic, financial, social, and political. This complex of factors affected administration and legislation adversely, resulting in ill-advised, prescriptive legislation, often accompanied by weak, corrupt administrative action.

The Consolidation Act was planned, framed, and put into effect for purposes of improving the legislative and administrative functions of Sacramento City and Sacramento County government, of paying the large debts of the city and the county, and of controlling tax rates and tax collections.

These three primary goals were being approached during the first eight months of consolidated government. However, by 1862 those Articles and sections of the Act regulating financial affairs and controlling the mercenary appetites of local government officials had been amended out of existence or were simply ignored and evaded.

The Consolidation Act of 1858 placed several administrative duties under the control of one officer for the county and the city. Revenue for the city and expenditures for the city remained in funds separate from county revenue and county funds. The Act made no provision for the
Corporation to use credit to finance its legitimate business, and this in effect made any arrangement for credit dealings illegal, discrediting the Act and destroying confidence in the local government administrators.

Most factors that appeared detrimental to the success of a consolidated form of city and county government in 1858-1863 have now disappeared as a result of the development of Sacramento City and Sacramento County. Sacramento as one hundred years ago showed themselves prepared to deal effectively with sudden, sometimes drastic, changes. Their efforts were directed toward reorganizing local government in order that it would meet the changes, growth, and needs of their community.

One hundred years later, people of Sacramento City and County again contemplate a proposed consolidation of their government. However, there is not much of a parallel between the conditions of 1858 and 1958. In 1858, Sacramento was less than ten years old and facing basic problems of youth, the establishment of foundations, and learning about and adjusting to conditions peculiar to its environment, such as low-lying land, periodic floods, and inadequate transportation. Now, a hundred years later, Sacramento is a well established community with its foundations seemingly fixed on a permanent basis, with considerable work completed in flood protection, such as huge multipurpose dams, drainage basins,
levies, and elevation of the streets. In addition, Sacramento has learned to control its finances and government effectively. However, in 1958, as in 1858, economic matters seem to be producing unnecessary duplication, a lack of central direction, and a tax bill against which citizens are beginning to protest. But in 1958 it is not floods and taxation, but the need for schools, fire protection, recreation, and sanitary facilities for an exploding population which is creating the problems. The failure of the consolidation government of 1858-1863 cannot be taken as evidence that a new attempt at consolidation would fail. However, those who propose the new act would do well to consider the hazards and problems which faced the first attempt at consolidation.
BIBLIOGRAPHY
BIBLIOGRAPHY

A. BOOKS


B. GOVERNMENT PUBLICATIONS


California, Journal of the Ninth Session of the Assembly of State. Published by authority. Sacramento: John O'Meara, State Printer, 1858.


C. PERIODICALS


D. ARCHIVAL AND ADMINISTRATIVE DOCUMENTS


Remonstrances of County of Sacramento against the Consolidation Bill, February 20, 1858. 8 MS., Legislative Record Group, California State Archives, Sacramento.

Sacramento City Records. Book F. A Report to the Common Council by Councilman Phelan from the Special Committees re: Consolidation of City and County. 1856-57. City Hall, Sacramento.

Senate Bill No. 83, original, amendments and additions, February 2, 1858. MS., Legislative Record Group.
California State Archives, Sacramento, also the printed copy.

D. UNPUBLISHED MATERIALS

Connery, Peter T. Director of Historical Research, Grand Parlor, Native Sons of the Golden West. "San Francisco, City and County Consolidation, 1856." (Mimeographed.) 1956.

E. NEWSPAPERS


Sacramento Daily Union, Vols. XII, XIII, XVII, and XVIII. January 1, 1863, to May 1, 1863.
APPENDIX

STATUTES OF CALIFORNIA 1858

CHAPTER CCCL.--An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the City of Sacramento," and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento. (Approved April 24, 1858.)

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

ARTICLE I. CONSOLIDATION OF CITY AND COUNTY

Section 1. For the government of that territory now known as the City and County of Sacramento, there shall be a board of supervisors; and the said board of supervisors, and their successors in office, shall be a body politic and corporate, under the name and style of "The City and County of Sacramento," and by that name they shall be known in law; may make, have, keep, alter, and renew a common seal different and distinct from the seal of the county clerk; shall have perpetual succession; may sue in all courts, and in all actions whatsoever; may under the limitations hereinafter provided, purchase and hold real estate, or personal property, and receive and hold the same, by legacy or donation, for the city and county, or in trust for the use of public schools, or the fire department, or for a poor-house and indigent sick; and they may do all such other things, and exercise all such other powers, as by this act or by any other law are or may be granted or allowed to them to do; but the city and county shall not be sued in any action whatsoever, nor shall any of its lands, buildings, improvements, property, franchises, taxes, revenues, actions, choses in actions, and effects, be subject to any attachment, levy, or sale, or any process whatsoever, either mesne or final.

Section 2. The City and County of Sacramento is hereby made and constituted the successor of the corporation by this act dissolved, and heretofore known as "The Mayor and Common Council of the City of Sacramento." The rights and trust, now vested in or belonging, or in anywise appertaining to the corporation known as "The Mayor and Common Council of the City of Sacramento," are
hereby transferred to and vested in, and are declared to appertain and belong to the city and county of Sacramento, as hereinafter provided.

Section 3. The Board of supervisors of the city and county of Sacramento, shall have, and they are hereby invested with powers, subject to the restrictions and limitations of this act, to sell, use, lease, control, and take care of the property of the city and county; to examine, reject, allow, liquidate, and pay any account, or any part of any account, presented against the city and county; to levy taxes and to cause the same to be collected; to make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons belonging, appertaining, or appropriated to the state, or city and county, or to any of their uses or trusts; and to determine, allow, and pay the salary, fees, or per centage, which such officer or other person may by law be entitled to receive; to lay out, control and manage public roads, turnpikes, and bridges; to license ferries and bridges, under the laws regulating the granting of such licenses; to appoint road overseers; to provide a court-house, jail, work-house, poor-house, school-houses, and other necessary public buildings; to provide for the care, management and support of common schools, paupers, and indigent sick; to provide for the maintenance of a chain-gang, and the compulsory working therein of persons convicted of crime; to provide a house of refuge, for the proper care, treatment, and instruction of minors who may be convicted of crime in said city and county; to control, enlarge, and improve the cemetery heretofore belonging to the city, and to sell or lease lots therein, and to appoint a superintendent thereof, and to regulate and determine his duties and compensation; to build, alter, improve, keep, and repair, and have full control of the levee and water-front; to erect, repair, and regulate wharves and the rates of wharfage and levee dues, and to regulate the berth, landing, stationing and removing of steamboats, sail-vessels, rafts, barges, and all other water-craft; to divide the county into townships and supervisor districts, and to change the same and make new ones; Provided, that the city of Sacramento shall constitute but one township; And, provided, further, that no new township shall be created, nor any township line altered, within ninety days next preceding any general election; to establish and change election precincts and places of holding the polls, and appoint judges and inspectors of elections; Provided, that not more than three election precincts shall be established in any ward of the city, and that in other portions of the county, no precinct shall be established within
a mile and a half of any other precinct; And provided, further, that no election precinct shall be established within thirty days next preceding any general or special election.

Section 4. The board of supervisors shall have the further power, subject to the limitations of this act, to make ordinances, not contrary to the constitution and laws of the state, and to impose a punishment of fine or imprisonment, or both, for breaches thereof; Provided, however, that no fine imposed by any ordinance shall exceed the sum of five hundred dollars, and no imprisonment shall extend beyond the term of six months; And provided, further, that no punishment, either by fine or imprisonment, shall be inflicted for any breach or violation of any such ordinance, except ordinances in regard to vagrants, a workhouse, a house of refuge, a chain-gang, a poor-house, common schools, a board of health, the cemetery, the levee, or levees, built or to be built in the county, and levy harbor dues or wharfage, committed outside the limits defined and described as follows: Beginning at the junction of the American Fork with the Sacramento River; thence down said Jurisdiction Sacramento River to Y street, as designated on the map or plan of Sacramento city, on file in the records of the city; thence along said Y street, east, to the point where said Y street intersects Thirty-first street, as designated on said map; thence along the Thirty-first street until the same intersects the American Fork; thence along the American Fork to the place of beginning—the said boundaries extending to the middle of said Sacramento River and American Fork—which limits shall be taken and deemed to be the limits intended included, and legislated for, whenever the term "city" or "city limits," is used in this act; and within said limits the board shall have the further power to determine what are nuisances, and to provide for their prevention and removal; to establish and regulate a police; to fix and collect a license tax on all theaters, shows, exhibitions, or other places of amusement, and on all trades, professions, and business; to regulate or prohibit houses of ill fame and places of prostitution; to regulate, restrain, or prohibit, theatrical or other amusements, shows and exhibitions; to establish a board of health, and to prevent the introduction and spread of disease; to open and regulate and fix the grade and width of streets and alleys, and provide for the construction of sidewalks; to establish and regulate markets; to provide for the prevention of fires, and to regulate the construction of buildings, sheds, awnings, and signs, and to regulate the landing and storage of gunpowder, camphene, burning fluid; hay, straw, and every other species of combustible material; to sustain and regulate a
fire department; to provide for supplying the city with water, and for lighting the streets, and to restrain and prevent riots; to provide for the arrest and compulsory working of vagrants; to license hackney coaches, cabs, omnibuses, and other vehicles used for hire, and to regulate their stands and rates of fare; to divide the city into wards, and to alter and change the same; Provided, that there shall not be more than seven wards created, and that no new ward shall be created, or any old ward be altered, or divided, within ninety days next preceding any general election.

Section 5. On the first Monday in May next there shall be elected, by the legal voters of the county of Election of Sacramento, by general ticket, and in the manner supervisors provided by law for the election of other county officers at the special election, five supervisors, whose term of office shall continue until the fifth day of October next, and until their successors are elected and qualified; and at the same time and manner, President there shall be elected a president of the board of supervisors, whose term of office shall continue until the general election in the year one thousand eight hundred and fifty-nine, and until his successor is elected and qualified; which supervisors and president elected as herein provided, and the three supervisors of the county elected at the last general election, shall constitute the board of supervisors for the city and county of Sacramento until the next general election, as herein provided. On and after the first Monday of October, one thousand eight hundred and fifty-eight, the board of supervisors shall consist of a president and eight members, to be elected as hereinafter prescribed. Four members of said board, together Quorum with the president, or five members in case of the absence of the president, shall form a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members by such fine and penalties as the board, by ordinance, may determine.

Section 6. The sessions of the board shall be public and the record of their proceedings, and the docu-
Open session ments belonging to their office shall be open to public inspection during office hours.

ARTICLE II. OFFICERS ELECTIVE AND APPOINTED

Section 7. The supervisors, as constituted by this act, at
City officials shall elect a clerk of the water-works, an engineer of the water-works, two stewards of the fire department, a chief of police, a lieutenant of police, who shall act as harbor-master, and not exceeding eight policemen; and the officers so elected shall each take the oath of office, and perform such duties as are imposed by this act, or which may be required by the supervisors, by ordinance; and they shall hold office for three months, and until their successors are elected and qualified, unless sooner suspended, tried, and removed, as is hereinafter provided.

Section 8. There shall be elected, at the general election, in the year one thousand eight hundred and fifty-nine, and every two years thereafter, in the manner provided for the election of other officers, the following: A sheriff; a county clerk, who shall be ex officio county recorder; a treasurer; a district attorney; a clerk of the board of supervisors, who shall be ex officio auditor; an assessor; a public administrator; a coroner; a surveyor; a superintendent of public schools; and a president of the board of supervisors; whose term of office shall continue for the period of two years, and until their successors shall be elected and qualified. In each township in the county there shall be elected at the same time, and each two years thereafter, two justices of the peace, and two constables. In the township of Sacramento there shall be elected, at the same time, and in each two years thereafter, three justices of the peace, and three constables.

Section 9. It shall be the duty of the board of supervisors, as herein constituted, at their first meeting, or as soon thereafter as is practicable, to divide that portion of the county outside the city limits, for supervisors within the city, into four supervisor districts, of equal population, as nearly as may be. In each of said districts, at the general election of one thousand eight hundred and fifty-eight, there shall be elected one supervisor; four of such supervisors shall hold office for two years, and until their successors are elected and qualified, and four of such supervisors shall hold office for one year from the date of the commencement of the term of office, and until their successors are elected and qualified; and to determine the years of their office, at their first meeting said supervisors shall decide by ballot the tenure of each; and annually thereafter, at the general election, there shall be elected four supervisors from the districts

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alternately. After the first election, and a settlement of their terms of office by ballot, as above provided.

Tenure -- the tenure of office of each supervisor shall be for the period of two years, and until their successors shall be elected and qualified. The board of supervisors shall select two of their number, who together with the president of the board, shall constitute a board of equalization, and they shall perform such duties as are now, or may hereafter be, imposed by law.

Section 10. The sheriff shall perform such duties as now are Sheriff or may hereafter be imposed by law or ordinance.

Section 11. The county clerk shall perform such duties as are now imposed on him by law, and such other County duties as may hereafter be imposed by (law or) ordinance. He shall be ex officio county recorder, and perform all such duties as are now imposed by law on that officer, except the duties of county auditor.

Section 12. The treasurer of said city and county shall receive and safely keep in a secure fire-proof vault, Treasurer to be prepared for the purpose, all moneys belonging to, or which shall be paid into, the treasury, and shall not loan, use or deposit the same or any part thereof, with any banker or other person, nor pay out any part of said moneys, except upon demands authorized by law, and after they have been duly audited and ordered paid. He shall keep the key of said vault, and not suffer the same to be opened, except in his presence. At the closing up of the same, each day, he shall take an account, and enter in the proper book, the exact amount of money on hand; and at the end of every month he shall make and publish a statement in one of the daily papers published in the city of Sacramento, of all receipts into, and payments from, the treasury, Statement, and on what account. If he violate any of the monthly provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and he shall be liable to removal, and shall be proceeded against accordingly; if he loan or deposit said moneys, or any part thereof, contrary to Penalty for the provisions of this section, or apply the dereliction same to his own use, or to the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of felony, and on conviction thereof shall suffer imprison-ment in the state prison for a period not less than three nor more than ten years.
Section 13. The treasurer shall keep the moneys belonging to each fund separate and distinct; and shall in no Funds kept case pay demands chargeable against one fund out separate of moneys belonging to another. The said treasurer shall give his personal attendance at his office during office hours; and if he absent himself therefrom, except on account of sickness or urgent necessity, he shall lose his salary during such absence. For the purpose of collecting licenses he may employ a deputy, whose Deputy compensation shall be fixed by the board of supervisors, at a rate not exceeding five dollars per day when necessarily and actually employed.

Section 14. The district attorney shall perform such duties Attorney as now are or may be hereafter imposed by law or ordinance.

Section 15. The clerk of the board of supervisors shall be present at each meeting of the board, and keep a Clerk of the record of their proceedings, and shall have the record of supervisors care of all books and papers belonging to said supervisors board, and shall do and perform such other services as the board of supervisors may direct; and after his election and qualification for office in the year one thousand eight hundred and fifty-nine, as provided in this Act, he shall be, ex officio, auditor of the city and county, and shall perform all the duties, and be subject to all the penalties which now are, or hereafter may be, imposed upon such officer by law or ordinance.

Section 16. Every demand upon the treasury except the salary Auditor of the auditor, and including the salary of the treasurer, must be acted on by the board of supervisors, and allowed or rejected in the order of presentation, and must, after having been approved by the board of supervisors, before it can be paid, be presented to the auditor of the city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury is authorized by law, and out of what fund. If he allow it, he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited, or paid, unless it specify each several item, date, and value, composing it, and refer to the law, ordinance, contract, or authority, by title, date, and section, authorizing the same; Provided, that in all cases demands shall be paid in the order of their approval by the board of supervisors.
Section 17. The auditor must number and keep a record of all demands allowed by him, showing the number, date, date of approval, amount, and name, of the original holder, recording on what account allowed, and out of what fund payable of demands able. The demand of the auditor, on account of his monthly salary, may be audited and allowed by the board of supervisors. The auditor is required to be constantly acquainted with the exact condition of the treasury and every lawful demand upon it, and shall report to the president of the board of supervisors on the Monday of each week, or oftener, if required, the condition of each fund in the treasury. He shall keep a complete set of books for the city and county, in which shall be set forth, in a plain and businesslike manner, every money transaction of the city and county, so that he can, at any time when requested, tell the state of each and every fund, where the money came from, to what fund it belonged, and how and for what purpose it was expended; and, also, the collections made, and the money paid into the treasury by each and every officer. He shall issue all licenses and permits, except as otherwise provided in this act, and countersign all warrants on the treasury. And until the general election, in the year one thousand eight hundred and fifty-nine, he shall receive, for his compensation, at the rate of three thousand dollars per annum, payable from the salary fund, as provided in section thirty-six of this act.

Section 18. No demand upon the treasury shall be allowed by the auditor, or approved by the board of supervisors, in favor of any person or officer in any manner indebted thereto, without first deducting the amount of demands of such indebtedness, nor to any person or officer having the collection, custody, or disbursment, of public funds, unless his account has been duly presented, passed, approved, and allowed, as required in this act; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law or by the regulations established by the board of supervisors; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith, by the president of the board of supervisors, or the supervisor of his respective district.
Section 19. The assessor, public administrator, coroner, surveyor, and superintendent of public schools, assessor, shall perform all the duties which now are, or hereafter may be, required of such officers by law or ordinance.

Section 20. The president of the board of supervisors shall preside at all sessions of such board, except he shall be necessarily absent; in which case some other member President may be elected as president pro tem. He shall sign to preside the minutes of each day's session of said board, after carefully examining their entry and having them read and approved in open board; sign all warrants drawn on the treasury for the payment of money; preserving Warrants in the book from which the warrant is taken, a memorandum of the date of its issuance, to whom it was issued, for what it was issued, the amount, and on what fund it was drawn; and before he shall sign such warrant, he shall ascertain from the books of the auditor, or clerk of the board of supervisors, that there is money enough in such fund to pay the same. And whenever the board of supervisors Contracts of any kind, for the use of said city and county, whether for municipal or for general county purposes, such contract shall specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the current fiscal year; and in no case shall the aggregate liabilities created by the board against any fund provided in this act exceed the revenues applicable to such fund during the fiscal year in which such con-Liabilities tracts or liabilities are made or created. All li- Liabilities are attempted to be created by said board of excess null bilities attempted to be created by said board of supervisors, contrary to the provisions of this section, shall be void as to such excess. The president of the board of supervisors shall have no vote in session of the board of supervisors, unless upon a tie vote; in which case he shall have the casting vote. He shall sign no warrant, authorizing the payment of money by the treasurer, until a copy of the order of the board of supervisors, allowing the amount and ordering the payment thereof, together with the account, have been submitted to the auditor, and his allowance endorsed on said order; unless the auditor shall refuse to audit and allow the same; in which latter case the order shall be presented to the board of supervisors, with the refusal of the auditor endorsed thereon; and unless the board shall order the issuance of such warrant, by a vote of two-thirds of all the members elected, the account shall be declared rejected, and no warrant shall thereupon issue; and if
said auditor shall allow such account in part, a warrant shall issue only for such part, unless the board, by a simi-
lar two-thirds vote, allow a greater sum. Every order or or-
dinance, made or passed by the board of supervisors, before it shall take effect, shall be approved by the president of
the board, by placing his signature thereto, with the word
"approved," prefixed, and the date of such approval. If, upon
the passage of any law, order, or ordinance, by the board, the president shall not approve the same, he shall,
within five days after its presentation to him,
Veto
state his objections to the passage of such law,
power
order, or ordinance, in writing, to the board, and
the clerk shall enter the same on the minutes; and
at their next meeting the board shall proceed to consider the
matter, as if no action had been taken; and if two-thirds of
the supervisors elected shall be found voting in favor of the
passage of such law, order, or ordinance, it shall become the
law, notwithstanding the veto of the president; Provided,
that if the president of the board shall neglect to approve,
or state his reasons for not approving, as before provided,
then such law, order, or ordinance, shall have full force and
effect. He shall be ex officio judge of the violations of
all laws or ordinances made by the board; may ad-

Ex officio
minister all oaths known to the law; may hold to
offices
bail, fine, or imprison, offenders, as such ordi-
nances direct; Provided, that no fine shall be im-
posed exceeding five hundred dollars, nor imprisonment exceed-
ing the term of six months. He shall be ex officio mayor of
the city, superintendent of the streets and water-works.

Section 21. The justices of the peace shall perform all the
duties that they now are, or hereafter may be, required to
perform, by law, or ordinance of the board of
Justices
supervisors; Provided, that, in the city of
of the
Sacramento, the justices of the peace shall, al-
peace
ternately, for one week each, during their term of
office, hold a court, in some place to be provided
for them by the board of supervisors, for the trial of such
actions as are provided for in this act; and in case of the
disability of the justice holding such court, the president
of the board of supervisors shall designate one of the jus-
tices elected in the city, to supply his place; and while
holding such court, shall have, in addition to their authority
as justices of the peace, exclusive jurisdiction of all cases of
misdemeanor and willful injury to property, committed
within the city limits, punishable by fine not exceeding five
hundred dollars, or imprisonment not exceeding six months.
They shall have final and exclusive jurisdiction in all cases of
petit larceny; Provided, that the defendant shall have the
right of trial by jury. They shall have exclusive jurisdiction of the following offenses committed within the city limits: assault and battery, when the same has not been committed on a public officer, in the execution of his duty, nor with intent to kill, and all breaches of the peace which are not made punishable by ordinance of the board of supervisors.

Section 22. The constables shall perform all the duties that now are, or hereafter may be, required of them by law or ordinance; and those constables elected in the city Constables in addition thereto, shall be ex officio police officers, and shall be invested with such power, and subject to such penalties and control as provided in this act.

Section 23. The officers elected at the general election in September, one thousand eight hundred and fifty-seven, for the county of Sacramento shall each continue in office during the term for which they were elected, and until their successors are elected and qualify under this act. They shall perform, for the city and county, all the duties required of such officers in this act, and shall be subject to all penalties that now are, or hereafter may be, imposed upon them by law or ordinance of the board of supervisors.

ARTICLE III. SALARIES AND FEES OF OFFICERS

Section 24. All officers hereafter to be elected or appointed under the provisions of this act, shall receive for their compensation at a rate per annum, respectively, as Salaries, follows: To the county judge, three thousand dollars per annum; district attorney, two thousand five hundred dollars per annum; treasurer, three thousand dollars per annum; county clerk, three thousand dollars per annum; sheriff, four thousand dollars per annum, and such necessary mileage as is allowed by law; assessor, two thousand dollars per annum; public administrator, fees as now or hereafter prescribed by law; coroner, fees as now or hereafter prescribed by law; surveyor, fees as now or hereafter prescribed by law; superintendent of public schools, one thousand dollars per annum; president of the board of supervisors, three thousand dollars per annum; clerk of the board of supervisors, two thousand five hundred dollars per annum; clerk of the water-works, one thousand five hundred dollars per annum; engineer of the water-works, one thousand five hundred dollars per annum; chief of police, two thousand dollars per annum;
lieutenant of police, one thousand two hundred dollars per annum; policemen, and stewards of the fire department, one hundred dollars per month each; county clerk's deputies, not exceeding six in number, one thousand two hundred dollars per annum each, in the discretion of the board of supervisors; sheriff's deputies, not exceeding six in number, one thousand two hundred dollars each, in the discretion of the board of supervisors; and to the assessor's deputies, not exceeding the number designated by the board of supervisors, and while actually employed, three dollars per diem each; laborer at water-works, seventy-five dollars per month. The salaries of the president, members, and clerk of the board of supervisors, county auditor, and treasurer, shall be paid one-half out of the salary fund provided in section thirty-five of this act, and one-half out of the salary fund, provided in section thirty-six. The salaries of the sheriff, county clerk, assessor, district attorney, county judge, and superintendent of public schools, shall be paid out of the salary fund provided for in section thirty-six of this act. All municipal officers shall be paid out of the salary fund, provided in section thirty-five of this act.

Section 25. All officers elected at the general election in September, one thousand eight hundred and fifty-seven, and continued in office by this act during the term Incumbent's of their office, shall receive, respectively, salaries such salaries and fees as are now allowed by law, except the justices of the peace and constables in the city of Sacramento, while attending to criminal business, for which the justices of the peace shall receive six dollars per day for each day's actual service when sitting as a criminal judge; and the constable shall receive for each day actually employed in arresting criminals, or attending on the justices of the peace while sitting as a criminal court, three dollars per day, and they shall receive no other compensation while acting in such capacity. All fees collected by them in criminal cases shall be paid into the treasury, as provided in this act.

Section 26. The supervisors elected in accordance with the provisions of this act, and their successors in office, shall be allowed five dollars per day for each day's Compensation actual attendance at the meetings of the board, of supervisors and mileage at the rate of twenty-five cents per mile in going only from their residence to the county seat; Provided, that no compensation for a longer time than six days, and one mileage to each month, shall be allowed; except, when acting as a board of equalization, they shall receive five dollars per day for
each day's actual service.

ARTICLE IV. GENERAL PROVISIONS

Section 27. The county clerk, and all other officers charged with the duties of collecting fees, and who by this act shall be entitled to receive a salary, shall each keep a book, wherein shall be entered all the legal fees which he is entitled to charge, for any service by him or any deputy or clerk, rendered in an official capacity, except service rendered for the city and county, for which fees each officer severally, and their bondsmen, shall be chargeable; which said book shall be carefully added up on the Saturday of each week, showing the total amount, and a certificate shall be forthwith sent to the auditor, under oath, in the following words and figures, to wit: SACRAMENTO, 18... I, county clerk, (or other officer, as the case may be,) of the city and county of Sacramento, do solemnly swear that the entire fees to which I, or any of my deputies or clerks or any person, for my use or account, or for the use or account of any person connected with my office, were entitled to charge or receive for any official services rendered from the ___ day of ______, one thousand eight hundred and ______, to the ___ day of ______, one thousand eight hundred and ______, amounted to the sum of ______ dollars, and no more; that neither myself nor any deputy, clerk, or other person for me, had performed any service or services whatever, for which fees are authorized by law, (other than for services for the city and county,) that is not entered in my account-book, and charged and added up, to make the aforesaid sum.

The book or books herein provided to be kept, shall belong to and be the property of the city and county, and shall be delivered over to the board of supervisors at the inspection time the officer keeping the same shall go out of office. Such book shall always be open to the inspection of every person; and in any action against such officer, said book so kept by him may be used in evidence against him.

Section 28. Every officer, or other person, having the control, collection, or custody of any money collected weekly for taxes, licenses, water-rents, fees of office, settlement or for any other account not otherwise herein provided, shall pay the same into the treasury on the
Saturday of each week; and shall on the same day file the treasurer's receipt with the auditor; and shall at the same time file with the auditor a statement, under oath, of the sources from whence the money came, and that the money so paid over is the total amount collected since his last payment; and such statement shall also be filed in duplicate with the clerk of the board of supervisors. If the county clerk, recorder, sheriff, clerk of water-works, harbor-master, or any other officer, or person, having the control or custody of any money collected for or belonging to, the state, or city and county, or any money collected for fees which this act provides shall be paid into the treasury, shall fail or neglect to pay over the for fees or moneys collected by him, as required by the preceding section, or shall fail to make his affidavit—he shall forfeit his office; and it shall be the duty of the auditor to inform the president of the board of supervisors, in writing, of such failure; and at the next meeting of said board, after the said president shall receive such information, the said board shall enter an order requiring such officer to show cause, on a certain day, why such office should not be declared vacant; and, upon the return day of such order, or at such time as the matter may be adjourned to, they shall proceed to hear and determine the matter; and, if such officer shall be found guilty of such failure, his office shall be declared vacant.

Section 29. Whenever any vacancy occurs in any office, except that of county judge, the board of supervisors shall, by a majority vote of a full board, fill such vacancy until the next general election, and until the appointee's successor is elected and qualified.

Section 30. The board of supervisors shall have power to order, and shall require any officer who may be intrusted with any of the public moneys, (or other officer) under an ordinance of said board, to give a bond, in such penal sum as to them shall seem proper, conditioned for the due performance of all their duties. All official bonds shall be drawn as now provided by law. The amount of the penalty in the bond of the sheriff, county clerk, coroner, public administrator, justice of the peace, and constables, shall be as now provided by law. The penalty in all other bonds shall be fixed by the board of supervisors. Each officer shall be required to take the oath of office, which shall be endorsed on his official bond.

Section 31. All official bonds shall be approved or rejected, as follows: First, By the board of supervisors, by an order
entered on the minutes, and by endorsement of the word "approved" or "rejected," on the bond, with the date of approval or rejection, and signed by the president.

Examination of the board. And, Second, By the county judge, of bonds who shall approve or reject, by endorsement thereon; and no person shall enter upon the duties of any office requiring an official bond, until such bond shall be properly approved and deposited with the proper officer. The clerk of the county shall be the legal custodian of all official bonds within the city and county, except the bond of the county clerk, which shall be kept by the clerk of the board of supervisors; and the county clerk shall be responsible, on his official bond, for the safe-keeping of all official bonds intrusted to his charge; and every neglect to comply with this act, when the same imposes a duty on such officer, shall be deemed a breach of the condition of his bond.

Section 32. The president of the board of supervisors, in conjunction with the county judge and auditor of said county, shall, every month, examine the books of the Counting treasurer and other officers of said county having the moneys the collection and custody of public funds, and shall be permitted, and it shall be their duty, to see and count over all the moneys remaining in the hands of such treasurer or other officer. If they ascertain clearly that such treasurer or other officer is a defaulter, Defaulters or in any manner unable to attend to his duties, they shall forthwith take possession of all funds, books, and papers belonging to such office, and appoint a person to fill the same, until the said defaulting officer can be proceeded against according to law, which shall be done without delay. The person so appointed shall give bond and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the treasurer or other officer so charged as a defaulter, be acquitted thereof, or disability to perform his duties removed, he shall resume his duties.

Section 33. The fiscal year for the city and county shall commence on the first day of March in each year. All records, books, and papers, appertaining to the office of Fiscal year any and all public officers, as herein provided, shall belong to the city and county, and shall be delivered to their successors in office.
ARTICLE V. REVENUE

Section 34. The board of supervisors shall not have power to levy any greater taxes than as follows, viz.: On the real and personal estate, except such as is exempt by law, throughout the city and county, a tax of one hundred cents on the one hundred dollars; such taxes as the laws may require, and in addition thereto, they shall levy, for municipal purposes, on all real and personal property within the city limits, except such as is exempt by law, a tax of one hundred cents on the one hundred dollars; also, a tax for road purposes, of five cents on the one hundred dollars, on the property outside the city limits. All of which taxes shall be levied and collected strictly in accordance with the revenue laws of the state, except as may be otherwise provided in this act; Provided, that nothing contained in this section shall prevent the board of supervisors from levying, in addition, a tax in accordance with an act passed February, one thousand eight hundred and fifty-eight, entitled an act to amend an act passed April twenty-seventh, one thousand eight hundred and fifty-seven, entitled an act to submit to the people of the counties of Sacramento and El Dorado, a proposition for the construction of a wagon road.

Section 35. The revenue derived from and within the city limits, for municipal purposes, viz.: taxes, licenses, harbor-dues, water-rents, and fines collected in the mayor's court, or otherwise, when paid into the treasury, shall be set apart and appropriated to such funds as follows: fifty-five per cent, to an interest and sinking fund, which shall be applied to the payment of the annual interest and the final redemption of bonds issued for city indebtedness, in accordance with the provisions of this act; fifteen per cent to a salary fund, which shall be applied to the payment of the salaries of municipal officers as provided in this act; eight per cent to a school fund, which shall be applied to the support of schools within the city limits; and the balance, twenty-two per cent, to a fund to be used for all such necessary municipal expenses as are not otherwise provided for in this section, and shall be called the contingent fund.

Section 36. The revenue collected or accruing prior to the first day of January, in the year one thousand eight hundred and fifty-nine, throughout the city and county, except such as may be collected for municipal purposes within the city limits, is hereby set
apart and apportioned as follows, viz.: Twelve per cent to school fund, to be used for school purposes as Sick fund, provided by law; eight per cent to the pauper and salary indigent sick fund; eighteen per cent to the salary fund, etc. fund; twelve per cent to the contingent fund; and the balance to a general fund, which shall be applied to the payment of the outstanding auditor's warrants lawfully drawn on the treasury, and payable in the order of their registry; and the revenue accruing and collected for the county, after the said first day of January, one thousand eight hundred and fifty-nine, when paid into the treasury, twenty-five per cent shall go to the interest and sinking fund; ten per cent to the school fund; eight per cent to the pauper and indigent sick fund; twenty-five per cent to the salary fund; and the balance, thirty-two per cent, to the general fund;—all of which shall be exclusively applied to the several purposes for which such funds were set apart; and if, at the close of any fiscal year, there shall remain a surplus in either of the funds mentioned in section thirty-five, such surplus money shall be transferred to the interest and sinking fund provided in such thirty-fifth section; and if a surplus shall be found at the end of any fiscal year, in either fund mentioned in section thirty-six, such surplus shall be transferred to the interest and sinking fund mentioned in said thirty-sixth section, and any transfer of any sum or surplus from one of the funds mentioned in sections thirty-five and thirty-six, to another fund made at any other time, or in any other manner, than as provided in this act, is hereby strictly prohibited, and any violation of such provision, on the part of any officer, shall constitute a misdemeanor, punished by fine of not less than five hundred dollars, or imprisonment in the county jail not less than three months. All money now in the treasury shall be appropriated as provided in this section.

ARTICLE VI. PUBLIC DEBT OF THE CITY AND COUNTY

Section 37. For the purpose of liquidating, funding, and paying the claims against the city and county of Sacramento, hereinafter specified, the treasurer shall cause County bonds to be prepared suitable bonds of the county of Sacramento, not exceeding the sum of six hundred thousand dollars, and for the city of Sacramento, not exceeding the sum of one million six hundred thousand dollars, bearing interest at the rate of six per cent per annum, from the first day of January, one thousand eight hundred and fifty-nine, and payable at the office of the
treasurer. Said claims shall be funded in the order of their reception; shall, in the order of reception, be entitled to the shortest time; one fourth on the first of February, one thousand eight hundred and eighty-eight; one fourth on the first of February, one thousand eight hundred and ninety-three; one fourth on the first of February, one thousand eight hundred and ninety-eight; and the balance on the first of February, one thousand nine hundred and three.

The interest on said bonds shall be made payable at the office of the treasurer, on the first day of January of each year.

Said bonds shall be signed by the president of the board of supervisors, countersigned by the clerk of the board of supervisors, and endorsed by the treasurer, and shall have the seal of the city and county affixed thereto.

Coupons for the interest shall be attached to each bond, so that they may be removed without injury to the bond; said coupons, consecutively numbered, shall be signed by the treasurer. It shall be the duty of the book-keeper of the city and county, and the treasurer, each, to keep a separate record of all bonds issued, showing the number, date, and amount of each bond, to whom issued, upon what claim, and its amount; and none of the claims herein specified shall be liquidated or paid, except in the manner herein provided.

Section 38. The following claims shall be received and funded under the provisions of this act: First, All legal debts or liabilities against the county of Sacramento, which may be unpaid and unprovided for by this act on the first day of January, one thousand eight hundred and fifty-nine. The annual interest and principal of all bonds issued for claims mentioned in this section, shall be paid from the interest and sinking fund, as provided in section thirty-six, and in the manner otherwise provided in this act. Second, All legal debts or liabilities against the city of Sacramento, which may be unpaid and unprovided for by this act, on the first day of January, one thousand eight hundred and fifty-nine. The annual interest and principal of all bonds issued for claims against said city, shall be paid from the interest and sinking fund, provided in section thirty-five, and in the manner otherwise provided in this act.

Section 39. Whenever, in any year, there remains in either of the interest and sinking funds, mentioned in sections thirty-five or thirty-six of this act, a
a surplus of one thousand dollars, or more, after paying the interest in accordance with the provisions herein specified, it shall be the duty of the treasurer to advertise

Proposals for twenty days, in one of the daily papers pub-

lished in the city of Sacramento, stating the surrender amount in each fund to be disposed of, and that he of bonds will receive sealed proposals for the surrender of bonds issued under the authority of this act; said proposals to be opened in the presence of the president and clerk of the board of supervisors, five days after expiration of said published notice, and they shall accept the lowest public proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand, for redemption, is exhausted. All persons having claims against the county or city of Sacramento, entitled to be funded under the provisions of this act, shall, upon presentation of the same to the treasurer, receive in exchange therefor a bond or bonds of the city and county of Sacramento, as provided in this act; but no bond shall be issued for a less sum than two hundred dollars, nor for fractional parts of a hundred dollars, but the treasurer may issue certifi-
cates for such fractional parts, not bonded, which certifi-
cates shall be transferable and entitled to be funded as before provided.

Section 40. The treasurer shall endorse on the back of each claim received and liquidated, the date on which he received the same, and from whom, and the number of the

Claims bond exchanged therefor, and such claim shall be to be filed and preserved in the office of the clerk of endorsed the board of supervisors. It shall be the duty of the treasurer to pay the interest on said bonds, when the same falls due, out of said interest funds, as provided in this act,

Section 41. The claims specified in this act may be received for funding, and bonds therefor may be issued, prior to the first day of June, one thousand eight hundred and fifty-nine, but not afterward; all claims not pre-
to sent for funding prior to that time, are excluded issue from the provisions of this act, and each blank bond prepared under the provisions of this act, as shall remain on hand, shall be destroyed in the presence of the treasurer, county judge, and the president and clerk of the board of supervisors.

Section 42. It shall be the duty of the president and clerk of the board of supervisors, to attend, at least Registered once in each month, while such bonds are being
issued to examine all claims received by the treasurer, as
aforesaid, and cause the same to be registered and canceled,
in such manner as will prevent them from being re-issued or
put in circulation.

Section 43. The treasurer shall keep full and particular
record of all his proceedings, until article six
Recorded by of this act, and of the bonds redeemed and sur-
treasury rendered, and transmit a copy thereof, with his
quarterly reports, to the board of supervisors.

Section 44. The board of supervisors shall allow for the
necessary expenditures incurred in issuing the
Expenses bonds mentioned in section thirty-seven of this
act, not exceeding the sum of one thousand dollars.

Section 45. The board of supervisors, or either of them,
shall not, nor shall any other person, have
No debt to be power to contract a debt against the city and
contracted county, for any purpose, or under any pretext
whatever.

Section 46. No tax levied and collected on property outside
the city limits, shall ever be used for the payment of the
city debt, or for any municipal purpose within the
County city limits. And any revenues that may be derived
exempt from the sale or rent of any property heretofore
from city belonging to the county of Sacramento, shall be
liability paid into the funds provided for county purposes;
and any revenues which may be derived from the
sale or rent of any property heretofore belonging to the city
of Sacramento, shall be paid into the funds provided for
municipal purposes; and hereafter it shall not be lawful for
the board of supervisors to lease any property belonging
either to city or county, for a longer term than two years;
and no property belonging to other parties shall be leased or
rented for the use of said county and city, for a longer
period than two years, unless sanctioned by the consent of
every member of said board.

ARTICLE VII. STREETS AND HIGHWAYS

Section 47. In the public streets already laid out by lawful
authority, opened and graded, within the limits of said city
of Sacramento, or which shall hereafter be laid out, opened
and graded, as provided in this act, the paving, planking,
sewering, and repairs of every kind, shall be assessed upon
Improvements and done at the equal expense of the adjacent assessed to lots on each side of said streets, each separate property rate owner being at liberty and being required, under the direction of the president of the board of supervisors; to do, or cause to be done, at his own expense, the work, repairs, and improvements, in front of his own premises, to the centre of the street.

The expense of all such work, improvements, and repairs, upon each street crossing, or the space formed by the junction of two or more streets, shall be assessed with equal-street ity upon each quarter block adjoining and cornering crossings upon the same; each distinct lot, or part of a lot, included in such quarter being separately assessed for its equal proportion. For that purpose, all the blocks shall be considered as divided into quarters, by straight lines running through the centres of them, and running parallel with each of the streets bounding said blocks. In cases where the blocks are of irregular shape, and not bounded by parallel streets so that they cannot be equally divided in that manner, the expense of constructing and repairing crossings, or that portion of them adjacent to such irregular shaped blocks, shall be assessed as aforesaid with equality upon the lots in the whole block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be planked, paved, and kept in repair, at the equal expense of the lots fronting thereon and the contiguous quarter blocks.

Section 48. Where any street is located, but not yet graded, the board of supervisors, when they shall deem it expedient, may order the whole, or any portion thereof, to be graded, after notice of their intention, published in some daily newspaper printed in said city, for the period of ten days, unless the owners of one-third in extent of frontage of lands and lots bounded on such street, or portion of a street, so proposed to be graded, shall have made written objection thereto, and delivered the same to the clerk of the said board of supervisors within the said period of ten days.

Section 49. If the owners of more than two-thirds in extent of frontage of land and lots fronting on any street, or portion of a street, not yet graded, or their duly Petition authorized agent, shall petition the board of grading for supervisors, in writing, to open and grade the same, the signatures of the petitioners being verified by their acknowledgment before a justice of the peace, in the form required by law for the acknowledgment
of deeds, the said board of supervisors shall order the same to be done; but, in such case, they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than two-thirds of said owners, as in this section required. No order or permission shall be given to grade any street, or portion of a street, without extending and completing such grading throughout the whole breadth of such street, up to the boundary of the sidewalk thereof.

Section 50. The total amount of the expense of grading any street (or portion of a street) under the provisions of this act, shall be assessed upon, and borne with absolute equality, by all the lands fronting thereon, assessed and in proportion to the frontage, at a rate per foot sufficient to cover such total expense of the work; and the contract therefor, and also all contracts for work authorized to be done upon street-crossings, shall, in all cases, be given to the lowest bidder offering adequate security, and shall be given without security to the owners of the lands and lots, or the quarter part thereof, in extent of frontage, which are liable to be assessed therefor; provided, they offer to take the same at as low a rate as any others, offering adequate security; and if the owner or owners of any lot, or part of a lot, shall have filled in whole or in part, the street opposite thereto, at his own, or at their own expense, such owner or owners shall be entitled to an allowance therefor upon his or their assessment, at the same rate per cubic yard as shall be paid for filling such street, whenever, for that purpose, an assessment shall be made.

Section 51. Before giving out any such contract, the board of supervisors shall cause notice to be conspicuously posted at the court-house door, and inserted in one of the daily newspapers published in said city, for grading a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the board of supervisors, who shall open, examine, and publicly declare them, in open session, and thereupon the contract shall be awarded at the lowest price offered, according to the provisions of the next preceding section; provided, that the lot-owners, or the major part, as specified in said section, liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days of such award, elect to take the contract for the price it has been awarded at. The president of the board of supervisors shall be authorized, in his official character, to enter into written contracts for work upon streets and street-crossings ordered to be done, and awarded or taken by the said owners,
according to the provisions of this article.

Section 52. The assessment for all improvements on street-crossings, or space formed by the junction of two or more streets, shall be taken from the assessment roll of the year in which the improvements are made, and the value of the land shall be only assessed for such purposes. When required by the president of the board of supervisors, the assessor shall make a list which shall state value, per centage, or assessment per foot, as the case may require, for each separate parcel of land liable for improvements made, or about to be made, a duplicate of which shall be handed to the auditor and treasurer, on receipt of which, the treasurer shall cause a copy to be published in some daily newspaper for five successive days, also stating when such assessment will become due, and that he will be ready on that day to receive such taxes; at the end of twenty days after such taxes shall become due and payable, the treasurer shall make a return to the president of the board of supervisors of all such taxes as may remain unpaid; thereupon the president of the board of supervisors shall issue his warrant, directed to the sheriff of the county, briefly setting forth the delinquent assessment or assessments remaining unpaid, the names of the owner or owners, if known, and an accurate description of the property liable therefor, and commanding the sheriff to collect the amount of such delinquent assessment remaining unpaid, with such fees as are allowed, and in the manner provided for the collection of delinquent taxes or assessments in this act.

ARTICLE VIII. WORK-HOUSE AND JAIL

Section 53. The board of supervisors of the county of Sacramento, are hereby authorized to construct and establish a work-house, in connection with the jail of said county, and may appoint a suitable person, and fix his compensation, who shall be known as the warden of the county jail, with such powers and duties as the board of supervisors shall direct, in addition to those prescribed by law. So much of the act concerning sheriffs, passed April twentieth, one thousand eight hundred and fifty-one as is contained in sections three, seventeen, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, forty-one, forty-two, fifty-two, and fifty-three, shall apply to the office of warden of the county jail, and all laws, rules, regulations,
and responsibilities pertaining to the sheriff, as custodian of the prisoners in the county of Sacramento, shall attach to the office of said warden; Provided, that the warden shall only be required to receive or deliver persons in custody at the gates of the jail, except when otherwise provided by proceedings under habeas corpus.

ARTICLE IX. FIRE DEPARTMENT

Section 54. The fire department of the city of Sacramento shall consist of a chief engineer, two assistant engineers, a president, vice president, secretary, treasurer, a board of delegates, a board of trustees, and such organized companies as are at present in the department, with the power to increase their number to ten, in manner as hereinafter provided.

Section 55. There shall be an election annually, on the first Monday in August, for chief engineer, and first and second assistant engineers; said election to be called by the president of the board of delegates of the fire department, by giving ten day's notice in two or more of the daily newspapers; and if the president of said board should fail to call such election within the stated time, it shall be lawful for the vice president of said board to call an election therefor, by giving five day's notice in two or more of the daily newspapers published in the city. The polls shall be held at such place as the board of delegates may designate, and shall be kept open from twelve o'clock at noon, until half-past six o'clock in the evening, under the inspection of three judges appointed by the board of delegates, each from a different company, who shall have power to administer oaths and affirmations at said election. The person receiving the highest number of votes for chief engineer, shall be declared elected. The person receiving the highest number of votes for assistant engineer shall be first assistant engineer, and the person receiving the next highest number of votes, shall be second assistant engineer.

When a vacancy occurs in the office of chief engineer, the president of the board of delegates of the fire department shall call an election, as heretofore provided; Vacancy and in case the president of said board should fail to do so, it shall be the duty of the vice president of said board to call an election, as heretofore
provided, to fill such vacancy; but when a vacancy occurs in
the office of first assistant engineer, the officer next below
in rank shall take the vacant office, and an election shall
be ordered, as above set forth, to fill the vacancy in the
lower office.

All contested elections for engineers shall be decided by a
vote of the board of delegates, and should a tie
Contested vote occur in the office of assistant engineer the
rank of the same shall be decided by a vote of
said board. The election term for each engineer shall be for
one year, or until his successor is elected and qualified.

Section 36. Each and every company, at its stated meeting in
the month of July, in every year, shall elect two of its mem-
bers as delegates to the board of delegates of the
Delegates fire department of Sacramento, which board shall
consist of two representatives from each fire com-
pany, who shall be sworn to faithfully discharge the duties
of their office. They shall have power to elect and define
the duties of a president, vice-president, secretary, treas-
urer, a board of trustees of the charitable fund of the de-
partment, and such other officers as they may from time to
time deem necessary. They shall have power to make all laws
for the government of the fire department, and all laws made
by them shall be binding on every company and member of the
department; any engineer, company, officer, or member of the
department, who shall violate any of said laws, or who shall
refuse to obey the lawful orders of the chief or other engi-
neers, shall, upon complaint, be tried by the board, and, if
found guilty, be censured, suspended, removed from office, or
expelled from the fire department, as the judgment of the
board may direct.

They shall have power to summon any member of the department
to attend and testify in any case where an officer or member
of the department is charged with having broken
Powers its laws; and any officer or member of the depart-
ment who shall disobey such summons may be sus-
pended or expelled from the department, as the judgment of
the board may direct. They shall examine the returns, and
declare the result of all engineers' elections, and give them
their certificates of office. The salary of the
Salaries chief engineer shall be two thousand dollars per
of officers annum, payable from the salary fund provided in
section thirty-five of this act, and he shall be
ex officio fire warden. The salary of the secretary of the
board of delegates shall be one thousand dollars per annum,
payable from the salary fund provided in said section
thirty-five, and he shall be _ex officio_ fire warden, and also _ex officio_ clerk of the board of trustees of the charitable
fund of the department.

Section 57. The president and secretary of the board of dele-
egates of the fire department shall, in all
Affirmations business relating thereto, have power to
administer oaths and affirmations.

Section 58. The officers of a company shall consist of a
foreman and at least one assistant foreman, a secretary, and
a treasurer. It shall require at least fifteen
Companies, persons, twenty-one years of age, to compose a com-
members, pany, all of whom must have signed the constitution
e tc. of the same previous to their petition for admis-
section, and they shall forward a copy of their constitu-
tion, together with the names of their officers and men, and
and their residences, the situation in which they wish to
locate, and a petition for admission into the fire department,
to the board of delegates, whose duty it shall be to determine
whether such addition is required by the department. Whenever
the board, by a majority vote of all its members, shall decide
to recommend the admission of a company, it shall be the duty
of the secretary of the board to forward to the board of
supervisors a certificate of such recommendation, together
with the petition of the company, the constitution of the
same, the names of the officers and men, and their residences,
and the location desired. If such recommendation shall re-
ceive the approval of the board of supervisors, the company
shall be declared admitted into the fire department, and
shall be furnished with an engine or fire apparatus, and a
house suitable for receiving the same, by the board of super-
visors, and no petition for admission of any company shall be
entertained by the board of supervisors until it shall have
received the recommendation of the board of delegates.

Section 59. Whenever an engine or hook and ladder company,
by reason of deaths, resignations, or expulsions, shall have
reduced its roll to less than fifteen active cer-
Disbanded tificate members, and a hose company to less than
ten active members, it shall be the duty of the
secretary to notify the chief engineer and the foreman of the
company of the fact, and it shall be the duty of the chief
engineer to report the condition of such company to the board
of delegates at their regular meeting; and the board shall
then declare whether such company shall be disbanded or con-
tinue in the fire department, to be decided by a majority
vote of the members composing the same.
Section 60. The board of supervisors shall have sole power to order work and supplies for the fire department. All proposals for the same shall be opened by the chief engineer, in presence of the committee on fire and supplies, water of the board of supervisors, and be by them, without unreasonable delay, awarded to the lowest responsible bidder or bidders. All work done for and supplies furnished, said department shall be under the supervision of the chief engineer, and he shall certify all bills for such work and supplies. The board of supervisors shall pay, quarterly, to each fire-company in Sacramento city and county, the sum of fifty dollars for contingent expenses.

Section 61. The chief engineer shall report to the board of supervisors quarterly, in the months of October, January, April, and July, the number, location, and condition of cisterns, hydrants, fire-engines, and other reports of fire apparatus, and the state of fire-company houses, and all property of the city in the keeping of the said department; also, all accidents by fire that may have taken place in the city, with the causes thereof, as well as they can be ascertained, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information, and such recommendation as he may deem proper.

Section 62. All fines collected under any fire laws or ordinances of the city shall be appropriated to the fire department charitable fund. They shall be paid to the treasurer of the city and county, who is hereby authorized and instructed to pay over the same to the treasurer charitable of the fire department charitable fund, taking his receipt therefor, which shall be deposited in the office of the clerk of the board of supervisors.

Section 63. It shall be, and it is hereby, made the duty of the president of the board of supervisors, to draw his warrant on the treasurer for the sum or sums that may be due to any officer or member of the fire department, as provided in this act; and it shall be, and is hereby, made the duty of the treasurer to pay such warrants, on presentation.

Section 64. The chief engineer, the president, and secretary of the board of delegates of the fire department of the city of Sacramento, are hereby authorized and empowered to sign all certificates of persons who are entitled to exempt
certificates, in accordance with the provisions of an act of
the Legislature, entitled an act to exempt firemen from mili-
tia service and jury duty, passed March twenty-fifth, one
thousand eight hundred and fifty-three.

ARTICLE X.

Section 65. The treasurer shall keep a "city school fund,"
separate and distinct from all other funds, into
City which fund shall be paid all moneys appropriated
school to the city schools under the provisions of set-
fund tion thirty-five of this act, all moneys received
from the state on account of the city schools' share of any apportionment of state school funds, and the city's proportion of all county moneys collected or set apart
for school purposes.

Section 66. Neither the board of supervisors nor the auditor
shall allow any claim payable out of the
Board of educa-
city school fund, unless such claim shall
tion to control have been first audited by the board of
education.

Section 67. Whenever any claim against the city school fund
has been audited and allowed, in conformity with
Warrants the requirements of this act, it shall be and it
is hereby made the duty of the president of the
board of supervisors to draw his warrant, or warrants, for
the same, whenever there shall be moneys in the treasury
applicable to such demands, as provided in this act.

Section 68. The public schools within the limits of the city
shall be governed and controlled, in conformity
City schools with the laws and ordinances regulating them,
by a board of education.

Section 69. At the general election, in the year one thou-
sand eight hundred and fifty-eight, and annually
School thereafter, the qualified electors of each ward
directors within the city, shall elect two persons to serve
as school directors, which persons so elected,
shall constitute the board of education; and each of them
shall qualify on or before the first Monday of the month next
succeeding his election, and shall hold office one year, and
until his successor is elected and quali-
Ad interim board of education fied. From the date this act takes effect,
until the first Monday in October, one
thousand eight hundred and fifty-eight,
Section 70. The board of education shall organize by electing one of its members president, and another, secretary. A majority of all the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absentees by such fines and penalties as the board, by its by-laws, may prescribe. The board of education shall have power: First, To establish common schools and school districts within the limits of the city, and to fix the boundaries of such districts; Provided, however, that not more than three districts be established. Second, To make, establish, and enforce rules and regulations, not contrary to law or ordinance, for the improvement and progress of the public schools, the government of the teachers and scholars therein, and for the effectual carrying out of the provisions of the laws and ordinances relating to the subject of education. Third, to fix the salaries or compensation, and to employ and dismiss teachers. Fourth, To require that every teacher, previous to being employed by the board, shall be rigidly examined before the board, or a committee of its members appointed for that purpose; and also that every applicant, before he or she is examined, shall, if the board deem it necessary, furnish satisfactory evidence of his, or her, good moral character. Fifth, To grant a certificate, signed by the president and secretary, of the qualification in respect to moral character, ability, and fitness, and in what department, to each person, who shall, after the examination, be deemed entitled to the same; and at any time, after giving the party interested an opportunity to be heard, to revoke and recall such certificate for good cause, of which cause the board shall be sole judge. The president shall be the executive officer of the board, and shall preside at its meetings, and shall perform such other duties as the board may direct.

The secretary shall receive a salary of six hundred dollars per annum, payable monthly, out of the city school fund; he shall keep a correct record of all the proceedings of the board; shall have the custody of all papers and documents belonging to it; and shall perform such other duties as may be, either by law, ordinance, or order of the board, imposed on him. The president and
secretary may be removed by a majority of the votes of all
the members elected, given at a regular meeting of the board.

Section 71. The board of education, and each of its officers
and members, shall perform such additional and
Additional other duties, as may be by law or ordinance im-
duties posed upon them, or either of them; but no member
or officer of the board, except the secretary,
shall receive any compensation for his services.

Section 72. All warrants drawn by the mayor of the city of
Sacramento upon the treasury, in accordance with the charter
and ordinances of said city, which shall remain
Warrants outstanding and unpaid, on the fifteenth day of
receivable May, one thousand eight hundred and fifty-eight,
for delin-
quaint taxes which may remain due said city on the said fif-
teenth day of May, one thousand eight hundred
and fifty-eight; and such warrants as may remain unredeemed
on the twentieth day of September, one thousand eight hundred
and fifty-eight, shall be paid from the interest and sinking
fund provided in section thirty-five, in this act; Provided,
that the amount used from said interest and sinking fund
shall not exceed the sum of fifty thousand dollars.

Section 73. An act passed March twenty-sixth, one thousand
eight hundred and fifty-one entitled an act to incorporate
the city of Sacramento; an act passed May third,
Previous one thousand eight hundred and fifty-two, entitled
acts an act to authorize the mayor and common council
repealed of the city of Sacramento to contract for supply-
ing the city with water; an act passed April
twenty-sixth, one thousand eight hundred and fifty-three, en-
titled an act to extend, and to better define the powers and
duties of the city council of the city of Sacramento, and to
authorize the establishment of free schools in said city; an
act passed April tenth, one thousand eight hundred and fifty-
four, entitled an act authorizing the mayor and common coun-
cil of the city of Sacramento to issue city bonds for certain
purposes; an act passed May tenth, one thousand eight hundred
and fifty-four, entitled an act to authorize the mayor and
commun council of the city of Sacramento to levy and collect
a special tax for the redemption of the bonds of said city;
an act passed March thirty-first, entitled an act to amend,
and supplementary to an act entitled an act to incorporate
the city of Sacramento, passed March, one thousand eight hun-
dred and fifty-one; an act passed April nineteenth, one thou-
sand eight hundred and fifty-five, entitled an act supplen-
tary to an act entitled an act to amend, and supplementary to
an act entitled an act to incorporate the city of Sacramento, passed March, one thousand eight hundred and fifty-one; an act passed April second, one thousand eight hundred and fifty-six, entitled an act to regulate the fire department of the city of Sacramento; an act amendatory of and supplementary to an act to incorporate the city of Sacramento, passed March, one thousand eight hundred and fifty-one, approved April twenty-seventh, one thousand eight hundred and fifty-seven; are hereby repealed.

Section 74. "The City and County of Sacramento" is hereby exempted from the operation of all laws, or parts of laws, conflicting with the provisions of this act.

Section 75. This act shall take effect on the first day of May, one thousand eight hundred and fifty-eight, except as is otherwise herein provided.