

History Comes Alive!

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Tales From the City Archives

LA Law, 1855-Style

■ The Mayor's annual salary of \$500? A pastry fee? A speed limit of 5 mph – for horses? Los Angeles had some mighty curious ordinances on the books soon after its incorporation. Here are some of them.

The Pueblo de Los Angeles was granted cityhood and the name of the City of Los Angeles through the California State Act of Incorporation March 11, 1850, and signed by the Governor March 18, 1850. The City was mandated by this Act until 1878, when the first Charter for Los Angeles came into being, also mandated by the state. It was not until 1889, when Los Angeles gave birth to its first home-rule Charter. In 1850, when Los Angeles became a formalized city, a mayor,

seven Common (City) Councilman, a recorder, City attorney, City marshal, assessor and treasurer were elected for one-year terms. In 1851, the office of Recorder was abolished and became a mayoral duty, known as Council Secretary, precursor to the City Clerk.

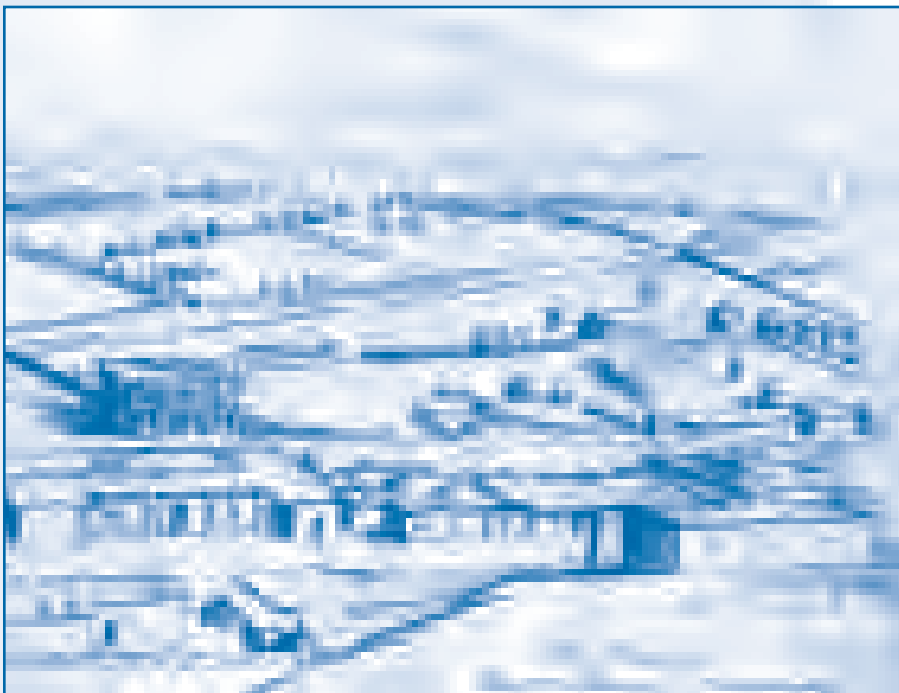
I believe that there were no new formal Ordinances for this American form of government from 1850-1855, because of the rapidity of setting up the new government with the

Act signed in March and elections in May of 1850. Laws or Ordinances were therefore continued from the Mexican Ayuntamiento that ruled the area from 1828-47, and with a possibility of some law changes during the American period from 1847 through 1850, before statehood.

This article looks at the revised Ordinances, the laws that Los Angelenos lived by in that era. You must remember that in 1855, Los Angeles was only four square leagues or 2.63

miles per league or 28 miles, slimmed down from the 100-mile radius during the Mexican era, and the population was approximately 2,143. It should be noted that due to the length of the revisions, it will be impossible to relate the entire document word for word. But the important laws will be stated, with the terminology of that era maintained. This information comes from the City Archives.

I hope you enjoy reading them as much as I had researching them.



One of the earliest known drawings of the pueblo of Los Angeles, 1847. Drawing by William Rich Hutton.



This stone marker in Elysian Park stands near where it is believed the expedition of Gaspar de Portola first looked over the river and valley in 1769 in what is now Los Angeles.

1855 Revised Ordinances

Article I – Of the Common Council and the Publication of Its Ordinances:

Sec.1. The Common Council shall meet every Tuesday evening at 7 p.m. at the City's Council Room. **Sec.2.** All Ordinances and By-Laws of the City shall: be published in a City newspaper and three written or printed copies will be posted in three public places, one being upon the door of the Mayor's Office.

Article II – Concerning Officers and Offices:

Sec.1. Elected officials plus the Overseer of the Water and the Inspector of Cattle, shall enter into bonds with two or more sufficient securities to be approved by the Mayor and made payable to the corporation by its corporate name, conditioned for the faithful performance of their duties.

Sec.2. It shall be the duty of the Marshal and Treasurer to make monthly reports to the Council at their regular meetings. The Mayor, who [is also the judge] collects fines, penalties, forfeitures or other funds belonging to the city, to pay those amounts to the Treasurer and make a report for the Council. All other elected officials handling money will turn it into the Treasurer and be given a receipt.

Sec. 3. The duty of the Mayor, upon trials in his court where the violation of any city

ordinance, when the defendant is found guilty.

Sec.4. The Mayor also assess fees from the City Attorney upon penalty and fees paid for fines or penalties relating to city business. Those fees will be collected by law, with the exception of Indian fees.

Sec. 5. The salary of City Officers for the fiscal year ending on the first Monday next, shall be as follows: the Mayor, \$500; the Marshal, \$200; the City Attorney, \$200; the Assessor, \$250, and the Clerk, \$600.

Sec. 6. The Treasurer shall receive five per cent on all monies received by him in his official capacity, as his compensation.

Sec. 7. The Marshal has many duties: (1) Attend the Mayor's Court and keep law and order in the Common Council Room; (2) Marshal of Common Schools and receives compensation from the County Board of Supervisors; (3) Chief of Police, with the Water Overseer and the Inspector of Cattle as his Police Deputies; and (4) Collector of City taxes.

Article III – Direct Taxation:

Sec.1. The fiscal year begins on the first day of May and ends on the last day of April of each year. The Assessor has the duty for assessing property for taxation purposes.

Sec.2. Between July and November of every year, the Assessor examines and assesses property to conform by law. He keeps rolls of information for County and State purposes.

Sec.3. The Assessor will then provide Council with all monies collected for inspection of all interested persons for ten days.

Sec.4. The Common Council then acts as the Board of Equalization where they will post public notices on the Mayor's door for any complaint against the evaluation of the Assessor. The Board then will evaluate the issue and re-affix the amount of the complained assessment. After the expiration of time, the rolls are then turned over to the Marshal.

Sec.5. The Marshal or his deputies is hereby authorized and empowered to act as collector of City taxes.

Sec.6. The Tax Collector then publishes for ten days in City newspaper that he will be available to collect taxes. After tenth of November to the end of the month set times were made available for tax payment. Monies are then given to the Treasurer and then reported to the Board.

Sec.7. The Tax Collector in accordance with the Assessor demand all unpaid taxes of personal property. The Tax Collector was given the same rights as the Sheriff under an Act entitled 'An Act to provide for Levying, Assessing and Collecting Public Revenue,' passed April 1855, for the enforcement of Poll Tax.

Sec. 8. For the remaining unpaid Real Estate and Personal Property on the first day of December of each year, after another notice is published in a City newspaper, Real

Estate and Personal Property may be sold to collect taxes.

Sec.9. By December fifth, all remaining unpaid taxes by the Collector will have an additional ten per-cent added to the taxes.

Sec.10. All remaining unpaid taxes shall be returned to the Common Council, setting forth reasons for non-payments by the Collector.

Sec. 11. By authorization of this Ordinance, on each one hundred dollars of both Real Estate and Personal Property, one fourth of one per cent taxation will be added.

Article IV – Concerning Licenses:

Sec.1. No person(s) shall pursue any calling or transact any business provided for in the next sections, without first procuring a license, under a penalty of not less than \$25 nor more than \$100, and imprisonment at the discretion of the Mayor; and it is hereby made the duty of the Marshal to see the same enforced;

Sec. 2. Houses where Billiard Tables and Ten Pin Alleys were kept paid \$3 a month; Shooting Galleries paid \$5 a month;

Sec. 3. Bars with hard liquor paid \$10 a month, and executed a bond every three months. Indians were not allowed to be given or purchase hard liquor;

Sec. 4. Bars with any beverage paid \$5 a month;

Sec.5. Circuses, Theatrical, Musical, Rope and Wire Dancing, Magic and Legerdmain

Companies paid the Marshal \$5 for each and every representation;

Sec. 6. Carts, Wagons and Drays engaged in trucking or hauling paid \$2 a month, and required to place the word License and its number in a conspicuous place;

Sec. 7. Hawkers and Peddlers paid \$10 a month. Their license must be carried at all times to show to anyone;

Sec. 8. Street Vendors, Pastry Peddlers and Confectioners paid \$2 a month. This did not apply to those selling wood, water, milk, fish or vegetables;

Sec. 9. Proprietors selling Soda Water and Beer to businesses paid \$5 a month;

Sec. 10. Public Eating Houses, Hotels, Fondas or Restaurants, including Bakeries paid \$5 a month;

Sec. 11. Commercial, Trading and Drug Establishments with invested capital paid any of the following monthly license fees: \$1-500, @\$2 a month; \$500-1,000, @ \$2.50; \$1,000-3,000, @ \$ 3; \$3,000-5,000 @ \$4; \$5,000-10,000@\$6. Every additional \$5,000 of capital, the proprietor(s) will pay an extra three dollars each and every month. All had to take an Oath before City government officials before being granted a license;

Sec. 12. Express Business for Carrying Mail, Parcels, Gold Dust and Bullion paid \$5 per month;

Sec. 13. Pawn Shops paid \$10 a month; and

Sec. 14. Proprietors of Livery Stables and Hay Yards and Livery Keepers paid \$5 a month.

Sec. 15. All Licenses must be paid in advance.

Article V – Concerning Nuisances and Offences:

Mayor made all decisions for imprisonments. **Sec. 1.** No person(s) will be held guilty of a riotous or disorderly conduct in any house, street or place, where by the peace and quiet of the City or any person, may be disturbed, under a penalty of not less than \$5 nor more than \$100 and imprisonment at the discretion of the Mayor, not exceeding ten days.

Sec. 2. No firing of pistols, guns, rifles or other firearms including air guns within the fire limits of the City. Penalty – \$5 first offense, \$10 second offense, and not more than \$50 third offense, and imprisonment not more than ten days;

Sec. 3. No firing or discharging within the City's fire limits of any rockets, crackers, squibs, torpedoes or other fire works, containing combustible material. Penalty – \$10 for each and every offense. And imprisonment not more than ten days. Fireworks were only allowed by the Marshal for special occasions;

Sec. 4. No person(s) shall ride mules or horses within fire limits of the City at a greater speed than five miles per hour. Penalty – not less than \$3 nor more than \$20. And imprisonment not more than ten days;

Sec. 5. Any person(s) found drunk within the City shall be fined a sum not exceeding \$20. Or imprisonment not more than ten days;

Sec. 6. No persons who shall give or fur-

nish liquor to Indians, shall on conviction be fined not less than \$25 nor more than \$200 for each offense. And imprisonment not more than ten days;

Sec. 7. Any person sinking any Wells or Pits within the City limits shall enclose the same in a good, secure and safe manner. If not, and the Marshal must fix, shall pay double the amount of costs, and a fine of not less than \$5 nor more than \$50, or imprisonment not more than ten days;

Sec. 8. Any person(s) throwing earth or filthy matter into any canal or *Acequias* within the City limits shall be fined \$50. Any person(s) bathing, washing clothes, horses or any animal in the canal or *Acequias* will be fined not less than \$5 nor more than \$10 for every offense, or imprisonment not more than ten days;

Sec. 9. Any person(s) throwing bottles, glass, crockery, nails on the street whereby horses, mules or cattle maybe injured, or any rubbish making the streets filthy will be fined \$5 for the first offence, and every subsequent will be fined \$10 or imprisonment of not more than ten days;

Sec. 10. All owners or occupants of property in City limits must sweep rubbish in their front property into the street by ten o'clock every Monday morning. Under a penalty of not less than \$3 nor more than \$10.;

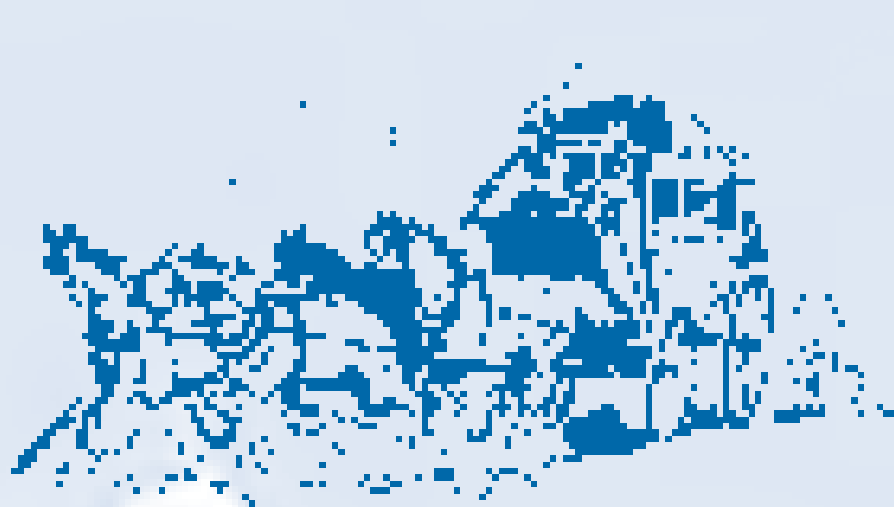
Sec. 11. All owners or occupants of property in City limits shall keep their backyards free from filth under a penalty of \$5 for first offence, \$10 for second offence and \$20 for subsequent offences;

Sec. 12. Every owner or occupant of every store, hotel, barroom or public house of any kind, as also each and every person occupying a house with two rooms or more facing the street, shall hang a light outside the door of his or their building, the first two and a half hours of every dark night, under a penalty of two dollars for the first offence, and five dollars for each and every subsequent offence;

Sec. 13. Any person(s) who shall draw any species of fire arms, or any knife or dirk upon the person of another, within the City limits (unless in defense of person or property) shall be fined a sum of not less than \$10 nor more than \$50 for the first offence and for each subsequent offence; and in either case he or they may be imprisoned not exceeding ten days. The weapon so drawn shall be forfeited to the City;

Sec. 14. Any person(s) who shall assault or resist any peace officer in this City, or refuse to assist him in the discharge of his duty, shall be fined not less than \$25 nor more than \$100.;

Sec. 15. All persons who keep or sell Gunpowder after the first of August, shall procure a License under the penalty provided for under Article IV, for which they will pay the sum of \$10 monthly, and shall have placed in a conspicuous position on the store 'Licensed to sell Gunpowder' Plainly painted thereon; and it shall not be lawful to keep more than fifty pounds of Gunpowder in their store(s) at any one time. Under a penalty of not less than \$50 nor more that \$100 for each provision of this section;



Sec. 16. Whenever any dangerous or suspicious person(s) shall be seen about the City without visible means of support, shall be the duty of the Marshal to arrest such person(s) and take them before the Mayor, and cause them to show in what way and manner they obtain a livelihood; and if proper cause shall not be given for such vagrancy, such offender shall be fined not less than \$10 nor more than \$50.;

Sec. 17. The game of *Peon* is expressly prohibited, as also all unions of Indians in the nighttime, within the corporate limits of the City;

Sec. 18. It is unlawful for any person(s) owning Hogs or Pigs to permit them to run at large within the City limits; and whenever the Marshal shall find Hogs or Pigs within the City limits, he shall cause them to be taken in charge; and after public notice for three days he shall expose them for sale at public auction to the highest bidder. The proceeds shall be first applied to the payment of a fine of \$1 per Hog or Pig and the costs of the sale and keeping, and the residue, if any, shall be deposited with the Treasurer, for the benefit of the owner(s). The purchaser(s) shall receive from the Marshal a certificate of such sale;

Sec. 19. It is unlawful for any person(s) owning any Dog or Slut, to permit them to run at large within the City limits, except as hereinafter provided. It shall be the duty of every owner of every Dog or Slut, to place upon the neck of the same, a metal or leather collar, having therein the name of the owner, and to which shall be attached a tag, which said owner of said Dog or Slut shall procure of the Marshal of the City, whose duty it shall be to provide himself with a sufficient number of tags of brass or other metal, and have stamped or engraved thereon the word 'Licensed.' The Marshal shall receive \$1 for each Dog and Slut licensed and 50 cents for each tag delivered. Every three months the owner(s) of Dogs and Sluts must renew their license with payment.

It shall be the duty of the Marshal to kill and destroy all Dogs and Sluts running at large without the collar and tag herein mentioned; and all such Dogs and Sluts whose owners have neglected or refused to renew their licenses as is herein provided; and for such killing and destroying the Marshal shall be entitled to recover from the owner of such Dog or Slut, in a suit before the Mayor, the sum of \$1 with costs;

Sec. 20. If any person(s) shall obstruct any Public Street, or Alley or Sidewalks within the City limits, either by riding or driving upon the said sidewalks, or permitting their horses to stand upon the same; or leaving carts or vehicles of any description in or upon the same; or permitting or suffering any article to remain in or upon the same, so as to render the same inconvenient or dangerous to pass; or shall pollute any of the Canals or *Acequias* of the City, by washing in or about the same, or shall do anything which is injurious to the health, or indecent or offensive to the senses, or any act which is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property; such person(s) so offending, shall upon conviction before the Mayor of the City, be fined in any sum not less than \$3.00 nor more than \$100, or imprisonment not exceeding ten days, or

both; and every such nuisance may, by order of the Mayor, be removed and abated by the City Marshal, at the cost of party making or committing the same;

Sec. 21. The owners or lessees of all lots of ground within the City limits, before they proceed to erect buildings, or other improvements thereon, shall have the same accurately surveyed and determined by the County Surveyor, who is hereby created ex-officio City Surveyor.

All persons who may neglect or refuse to conform to the provisions of this section, and may encroach upon the line of any street, or upon the property of their neighbors, shall not only be liable to be fined in the sum of \$100, to be paid into the City Treasury. The Surveyor shall receive for his compensation the sum of \$8 for the survey of each lot;

Sec. 22. For the violation of any of the provisions of any section of the Article to which there is no penalty attached, the party found guilty shall be fined in a sum of not less than \$1 nor more than \$100, or imprisonment not exceeding ten days, or both.

The remaining seven Articles, will be continued next month:

- VI – Common Schools
- VII – Water Canals
– Water Regulations
- VIII – Of the Alienation of the City Lands
- IX – Of Slaughtering Cattle: Regulations
- X – Of a Chain Gang, and the Government Thereof
- XI – City Limits – Fire Limits, plus the Rules of Government for the Council

