

NOTICIAS del PUERTO de MONTEREY

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Photo Courtesy Steven A. Gann

Colton Hall, Monterey's First Town Hall

THE AUTHORITY GAME

by Dorothy Chesbro Ronald

The end of Mexican rule in California had been arbitrarily set at the time of Commodore Sloat's landing at Monterey. American occupation brought no significant change in the Mexican custom of the granting or selling of town lots by the municipal authorities. It was possible for those who had no previous grants, or wished to purchase such land as was available, to petition the authorities for ownership of a town lot.

In answer to a communication from Col. R. B. Mason, dated June 14, 1848, Alcalde Colton explained the system by writing, "You ask who has the right to sell or deed away lots within the town?" "This right rests within the municipal authority and is exercised by the alcalde, under the advice of the ayuntamiento — such has been the usage in Monterey; all lots have been granted or sold in this form." "The only rule

which appears to have governed the military and civil authorities in these matters seems to have been that of Rob Roy —

'The simple plan

That they shall take who have the power

And they shall keep who can'."

Alcalde Colton and his secretary, William R. Garner, both seemed to hold the same opinion that the land was in good hands, held mainly by the Californians, and that grants should be left undisturbed. The town lots should go first to local citizens, rather than to "speculators and foreign capitalists." When, in March 1847, these two gentlemen began a program of street regulations in Monterey, Alvarado and Tyler streets were laid parallel, creating "many small jots and plots," as Garner put it. Applications poured in for the extra lots and, at the price, 31½ cents per *front line yard*, who could pass up the bargain?

The following account, taken from the minutes of the Ayuntamiento of Monterey, is an example of the authority game, 1850 style.

P. I

The memorials having been dispensed with, the Ayuntamiento of Monterey settled down to its meeting of January 14, 1850.

Alcalde Roach appointed Mr. Boston and himself to enquire into the legal ownership of the building known as the Cuartel, or Government House.

On the motion of Mr. Boston, the board resolved that "all town property be placed under its custody as the proper representatives of the people." A communication was read from the Prefect in relation to the disposal of the lands belonging to the municipality. At this time it was resolved that "all Public Lands belonging to this town shall be granted to actual residents at a uniform price and granted only to such as who have not heretofore received grants."

It was further resolved that "certain town lots now vacant according to a map drawn by J. R. Snyder within the limits do belong to the Town of Monterey. It is further resolved that said lots be granted in lots of not more than three hundred English yards square to applicants in accordance to the foregoing resolution."

(At a later date, the map was said to be incorrect)

A report of the committee on building lots was read at the February 5th meeting of the Ayuntamiento. "The committee in compliance with the resolution under which they were appointed beg to report as follows — that after an attentive examination of the petitions of various citizens 'for town lots' which they state 'are vacant and unoccupied' the committee are of the opinion that if said lots are at the disposal of this Municipality, it be to the interest of the Town to grant them to the petitioners, requiring that within the period of two years after the date of their grant if your Honorable Body so elect — they shall build a dwelling house upon the land seceded or else the land shall revert to the town and the price paid for said lands shall be a forfeiture to the town — Many of the petitions are for persons who have been residents of this town and who never rec. any grant of town building lots, the quantity of land asked for as building lots by the different petitioners are such as may be granted by law — and we recommend that your Honorable Body authorize that the lots being vacant be immediately granted under the conditions of the ordinances recently enacted."

"As some lots and fractions of lots have been applied for by more than one individual we respectfully beg leave to annex a list of the applicants we think best entitled to receive them."

A special meeting of the Ayuntamiento was called to receive and hear a report from Mr. D. Spence, Prefect of Monterey. His letter follows.

February 20, 1850

PREFECTURE OF MONTEREY

Gentlemen

I have the honor to accompany your copy of the Governor's official letter which

I rec. this morning from its contents your Honorable Body will see that they have no right to dispose of any of the Public Lands without the authority of the Legislative and that the lots within the limits of the town ought to be sold by Public Auction.

y Con. Ayuntamiento
of Monterey

Very Respectfully
Your Obt. Servant
(signed) David Spence Prefect

COPY OF THE GOVERNOR'S LETTER AS REC. FROM MR. D. SPENCE

TO DAVID SPENCE, PREFECT OF THE DISTRICT OF MONTEREY IN
THE STATE OF CALIFORNIA —
SIR —

You will please notify the Ayuntamiento of the City of Monterey, that no further sales of the Municipal lands of said place shall be made, except they are put and sold to the highest bidder, after reasonable notice given —

You will also notify them that the common lands belonging to the place, are under the control of the Prefect, and that they are not to be sold by any power, until the Legislature or Congress shall give authority to do so —
San Jose Feb. 8th, 1850

Your Obt. Servant
(signed) Peter H. Burnett
Gov. of the State of California

The above is a true copy of the original —

(signed) D. Spence
Prefect

Following the reading of these letters, the Ayuntamiento resolved that an answer be sent to the Prefect acknowledging his letter and the copy of Gov. Burnett's letter of February 8th and "that the Ayuntamiento cannot look on the said document in the official light that the Prefect does — it having no signature of the Secretary of State nor seal —"

On February 22, 1850, Secretary of the Ayuntamiento, Edward Williams, presented Mr. D. Spence, Prefect of the Town of Monterey a copy of the resolution of February 21. He had been given the authority to hand this resolution to Mr. Spence and had signed his letter which accompanied it, "With much respect I have the honor to be your most obt. and humble servant."

The Ayuntamiento, in session on February 25th, recorded the following "COMMUNICATION FROM THE PREFECT REC. AS FOLLOWS

PREFECTURE OF THE DISTRICT OF MONTEREY
February 25th, 1850

Gentlemen

I return the letter which you authorised the Sect. to direct to me dated 22nd inst, and have to inform you that no such document from the Ayuntamiento will be rec. in my office without the signature of the Presedent and Sect.y —

I likewise suggest to your Hon. Body that in all official letters the etiquette due by law to each authority ought to be observed —

Very respectfully, Your obt. Servant

TO THE HONORABLE AYUNTAMIENTO
OF MONTEREY

(signed) D. Spence, Prefect"

As a result of the receipt of Mr. Spence's letter, the Ayuntamiento ordered, on the motion by Mr. O'Neill, "THAT THE WORD DISTRICT BE SUBSTITUTED IN THE PLACE OF CITY AND THAT IT RECEIVE THE COGNIZANCE OF HIS HONOR THE ALCALDE."

On March 12th, 1850 a communication was received from the Prefect "relative to the affairs of the Ayuntamiento for the past year."

Unruffled still, it was ordered by the town fathers "that the Secretary answer the

Prefect, that there are certain matters pending and when those are settled they will be handed in to him."

Another communication was received from the Prefect containing a copy of a letter from Governor Burnett in answer to that of the Ayuntamiento's of February 21, 1850. Mr. Johnson moved and 'twas resolved that the Ayuntamiento of this town has read with surprise a communication rec. from the Prefecture with which is accompanied the copy of a letter purporting to have been received from his Excellency the Governor of California relative to the sale of Municipal Lands — that believing it to have been from time immemorial a power under American Law and in no manner conflicting with the Constitution of the U. S. or of this State with which the Ayuntamiento of a Municipality has been invested and believing that by complying with the order given in the communication above referred to "That Municipal lands should be put up and sold to the highest bidder" it would not only be unprecedented in this country but would be defeating the very object which the Ayuntamiento has been laboring to effect — it would be allowing the Municipal Lands to pass into the hands of public speculators instead of granting them as the price required by law to actual settlers —"*

(see Colton "*Three Years in California*," p. 359)

"Under such circumstances the Ayuntamiento cannot feel itself justified in recognising the authority of either his Excellency the Governor or of the Prefecture, to interfere in the sale of such Municipal Lands."

"Resolved furthermore, That a copy of the above resolution be forwarded the Prefect and that the communications above referred with a copy of these resolutions be published in the San Francisco papers — Adopted."

At this time Mr. Ripley moved, "That inasmuch as the present map or plan of the Town of Monterey is not correct. It is necessary to have a new survey and that the President of this board be requested to advertize for proposals for such survey —" Although no mention had been made, up to this time, of the imminent plan of Alcalde Roach to resign his office, a letter dated March 14, 1850, from Governor Burnett, acknowledges the Alcalde's letter of the 10th which tendered his resignation. Roach's resignation was accepted, without comment.

REFERENCES: Craig, Donald Monro, editor: *Letters From California From Our Special Correspondent*; Colton, Walter; *Three Years in California*; Robinson, W. W.: *Land in California*; Executive Document No. 17: *Message From The President of the United States 31st Congress*; Record of Proceedings Of The Ayuntamiento of Monterey, Commencing January 2, 1850.

Editor's Note: Dorothy Cesbro Ronald, author of the above article is Curator of Colton Hall Museum in Monterey.

IN MEMORIAM

Claude T. Faw passed away this past month. His death is felt by all those who remember the beginnings and days of trial of the association. It was Claude who worked in the dirt and grime at Casa Serrano when we purchased it in a dilapidated condition. It was Claude who arranged our first long treks as a group to Hearst Castle, etc. It was Claude who spent hours taking fine colored photographs which he used with historical lectures to so many groups for years. It was Claude who was a tower of strength on the Board of Directors. Most of all, we remember the twinkle in his eye as he expressed his deep love of the history of his beloved Monterey County and State.

FIVE CENTS ON EACH HUNDRED FOR SCHOOLS

Monterey's children attended their first tax supported school in 1854. The County Board of Supervisors levied the first tax at their session of Wednesday, April 19, 1854 — a "special tax of five cents on each one hundred dollars for common school purposes."

Two schools were already in session when this levy was declared, as they had been originally funded with State monies in January of the same year. The School Ledger A of the County Treasurer shows that on January 30, 1854 he had received of the State Superintendent of Public Instruction, P. K. Hubbs, in the town of Benicia, the sum of \$1,955.54 for the Monterey School District, and \$881.80 for the San Juan Bautista District. The first withdrawal from these funds was the amount that the County Treasurer was entitled to for traveling to Benicia and for his cut of three percent on the funds — a total of \$159.79.

The first warrants issued by the County of Monterey for teacher's salaries were — February 6, 1854 Warrant No. 1 of San Juan District to Alex Cooper, teacher, in the amount of \$450.00; and February 11, 1854 Warrant No. 1 of Monterey District to James T. Gardner, teacher, in the amount of \$300.00. (San Benito County was then part of Monterey County.)

Other early School Districts established were Alisal (Salinas area) which was first funded in January of 1856 with the teacher being James Webb; and Pajaro District also in January of 1856. These new schools needed supplies and so a warrant was drawn to H. DeGraw for \$100 in July of 1856 for maps, globes, etc. for schools. Henry DeGraw was one of the early owners of the sawmill then operating in Saw Mill Gulch area of the present Del Monte Forest. He later became a sheriff of Monterey County.

Due attention to rules and regulations demanded that all accounts be audited, and Jesus Vallejo was paid the magnificent sum of 94c for audit costs of the Monterey District, and 56c for the San Juan District!

Actually these first schools funded with tax monies were in operation several months before they came under the supervision of the County Treasurer, and the County Superintendent of Schools. In 1852 the State Legislature passed a law providing for public school revenue, under certain conditions. A School District had to be organized by the local residents, a schoolroom provided, a teacher employed, and the school must be in operation for at least three months before it became eligible to tax funds.

Monterey had previously had a number of private schools, supported by subscription, during the Mexican period, and in the late 1840s. Teachers had included the Rev. Willey, Miss Mary Eager, Florencio Serrano, and Mrs. Isbell, but all these schools had been of very short duration. In 1852 the only school in Monterey County according to the report of the State Superintendent of schools was a girls' high school taught by teachers of the convent.

Thus it was a great step forward to the general education of the young when the State Legislature made funds available. In 1853 both Monterey and San Juan organized school Districts, and applied for funds, which were allotted as of January 1854. State monies were forthcoming on a regular basis, and the first County tax funds were placed in the accounts beginning in October 1, 1854 when \$495.64 was placed in the Monterey District account, and \$232.44 in the San Juan Bautista District account.

Who were these teachers — Cooper and Gardner? As for Cooper, of the San Juan District, we know only his name — Alexander Cooper, and that the first regular Warrant was drawn to him. Isaac Mylar who attended that first school wrote that Cooper was preceded by one William B. Harris. Harris was probably the teacher employed during the trial period.

James T. Gardner of the Monterey District emerges a little clearer as a personality

from the past. We have found that he opened a charge account in the Curtis and Conover Store in Monterey as of June 3, 1853. At that time he was charged for bridle — \$2.50; for a saddle \$40.00; for a mare \$57.50; and for one gross of pens \$1.00. In September of 1853 his account was charged \$1.25 for 10 pounds of nails "for school" — so it appears that he was the teacher during the trial period of the Monterey District.

James was obviously a bachelor, as there were no charges for female items nor any for food. In fact he was charged \$144.00 for six months board. He was also somewhat of a dandy. At a time when most men dressed in plain trousers and shirts, James T. Gardner purchased a cravat, fine shoes, gaitors, and even handkerchiefs!

In addition to his position as the teacher Gardner augmented his income by temporary positions. We find his name as a constable in 1854, a Deputy Marshal in October 1851, and an Undersheriff in January of 1860. He also purchased small school supplies, such as two spellers for 50c, 1 arithmetic and 1 primer for 63c. Was he not taking private pupils for tutoring?

In October of 1854 the first official "County Superintendents Report" from Monterey County to the State Superintendent of Public Instruction was submitted, covering the period from November 1, 1853 to October 31, 1854. This report was prepared and signed by Gardner as Deputy for Henry Cocks the Assessor and Acting Superintendent of Common Schools of Monterey County.

The Commissioners of Monterey District were Milton Little, Wm. Curtis, D. R. Ashley, and Philip Roach. There were 395 children between the ages of 5 and 18 within the District, of whom 99 were attending the school and being taught. The teachers during the year had been James T. Gardner who had taught all year — three months at \$90 per month and nine months at \$100 per month; and Miss J. A. Little who had taught six months, three months at \$75 per month, and three months at \$100. Miss Little was Jane Little, a sister of Milton Little. A few years later she went to Texas to live.

The San Juan District had as Commissioners Patrick Breen, John Jordon, and James McMahon. The teachers had been Alexander Cooper who had taught for eight months at \$100 per month, and Wm. B. Harris who had taught for three months and 10 days at \$70 per month. This district had 232 children of school age, of whom 60 were attending school, and the average daily attendance was 38.

In this time of millions of dollars being casually mentioned for a single school district — think of the following as a contrast from the past. The valuation of taxable property in Monterey County (then including all of present Monterey and San Benito Counties) was on November 1854 "One Million Seven Hundred and Sixty Thousand, Seven hundred and Eighty Seven Dolls.", and the total amount of *County Taxes* that had been assessed for school purposes in that year had been "Eight Hundred Eighty-one 89/100 Dolls."!

Sources: Report of Co. Supt. Mty. Co. 1854; Ledger A — School Funds, Mty. Co.; Minute Book of Board of Supervisors 1850; Curtis & Conover Day Books.

COSAS DE INTERES PARA LOS SOCIOS

The Monterey History and Art Association has often had the pleasure of entertaining and assisting other organizations that visit Monterey's historical adobes. This past spring the California Historical Society had their annual meeting on the peninsula (in Colton Hall) and were entertained at Casa Serrano. We print herewith excerpts from a letter received from Mr. Albert Schadel — in order that our members may again be aware of the ever helpful volunteers we have. "I understand that more CHS members attended this annual meeting than any previous one, and only with your help could we have arranged a program so attractive to so many . . . I would be remiss if I did not specifically acknowledge the contribution made by Mrs. C. Tod Singleton, whose unflagging enthusiasm during the

weeks of planning were most reassuring. I am certain that you and your members are proud of the work that she has done at Casa Serrano, just as we were impressed with the adobe and Mrs. Singleton's wit and charm. . . . Without the advice and cooperation of Miss Augusta Fink, it would have been difficult to arrange the luncheon and tour enjoyed by our members. . . . Admiral Stone and the Allen Knight Maritime Museum provided those in the tour group . . . with a memorable experience. They were fascinated by what they saw and heard there, as well as at the Mayo Hayes O'Donnell Library. The existence of the museum and library is another tribute to the hard work of the Association, which has already contributed so significantly to the preservation of Monterey's heritage. . . ."

MARITIME MUSEUM: The Watchstanders of the Maritime Museum — that wonderful group of volunteer men and women — meet regularly on the first Monday morning of the month to hear a short talk by a member. Prof. G. R. Giet has spoken of the excellent library in the museum, and Mr. Hans Skaalegaard — an experienced sailor of square rigged ships — has spoken of ships and sailors — to mention only two programs. We urge those of you who love the sea to consider joining the Watchstanders for a few hours a month, and help others to enjoy the fine collection at the museum. Contact Admiral Stone — Director — at the Museum on Calle Principal — or telephone 372-2608 in the afternoons.

CASA SERRANO: Our beautiful old adobe was wonderfully refurbished these past months and completed in time for the tea of the Adobe Tour. The entire plumbing had to be replaced; the kitchen floor relaid; the new restrooms built; a large door now opens to the back of the Sala; and another door opens to the south garden. Because of limited space around the building, no machinery could be used for digging, etc. — all was done by hand labor. The Board of Directors wishes to express its sincere thanks to William Concolino who drew the plans for the remodeling, and spent hours of his time watching the progress of work, consulting with Mrs. C. Tod Singleton, our House Chairman, and even supplying manual labor when needed. The Board also acknowledges the new beauty brought to the Casa due to the rearrangement of the furnishings under the talented Nelle Currie. Although the same furniture is in the building, there is now a feeling of more space, of blending of colors.

GIFTS: Every day that the Maritime Museum is open, visitors stop in amazement and pleasure to examine the magnificent model of the U.S. Frigate SAVANNAH, flagship of Commodore John Drake Sloat who raised the U.S. flag over Monterey on July 7, 1846. This model was made by our own member, Col. Charles B. Richmond, after years of painstaking work and research. It is the gift of Charles Richmond and his wife Alice Richmond to the Monterey History and Art Association.

When Colton Hall was being restored in the 1930s, Del Reynolds found two old forged spikes which he saved from the dump, and this month his brother, Don Reynolds, has presented them to our association. They will be offered for exhibit at Colton Hall.

For our Library the following have been received: a collection of Californiana from Mrs. James Wells; a group of old pictures from Shelley Pickles; bound copy of "Concepcion Arguello" MSS from Hal Hallett; folio of the "Monterey Centennial Pageant" 1949, from Lexie Sheffield; Dewey Decimal Classification and Index from Mrs. Chas. Fielder; a copy of the new Urban Design Plan from the Urban Renewal Agency; 12 volumes of Bret Harte's writings from Ted Taylor; a copy of Monterey—Presence of the Past, from the author, Augusta Fink.

URBAN RENEWAL: The new Urban Renewal Design Plan has been completed and a copy is available for members to read at the Maritime Museum. Since this plan will affect the historic buildings of the past, our association plans on an evening meeting, hopefully July 11th, at which time the plan will be presented by a group of fine slides. Watch for a letter inviting our membership to this meeting. We cannot now change what has been done to Monterey, but we may help develop guidelines for future development in keeping with the best of the past.

NEW MEMBERS: Mrs. W. L. Hessler, Illan D. Hjort, Mr. & Mrs. Robt. W. Johnson, Jr., Miss Mabel Perkins, Mr. & Mrs. Walter W. Pollock, Jr., Mrs. Morris C. Porter, Mr. & Mrs. Harry Reinhardt, Mr. & Mrs. Dale E. Ruse, Capt. & Mrs. Keith Taylor, Mrs. Frank Timmins, Mr. Stanley P. Backus, Mr. & Mrs. Craig Bowen, Mr. & Mrs. Albert Cross, Miss Georgia Lyke, Miss Davis C. McDaniel, Mr. & Mrs. Carey W. Royster, Mr. & Mrs. De Witt Alexander, Dr. & Mrs. A. E. Vivell, Mr. Wm. J. Thyner, Mr. & Mrs. Richard Carr, Mr. Joseph Olivier, Mr. & Mrs. W. D. McDonald, Mr. & Mrs. Robt. McFarrew, Mr. Troy Tuggle, Mrs. Margaret P. Smith, Miss Margaret Lang, Dr. & Mrs. C. J. Garrison, Mr. Cecil A. Bindel, Mr. & Mrs. James Arthur, Mrs. William Ponder, Dr. & Mrs. Louis Soffer, Mrs. Jack Sumner, Mr. & Mrs. Roy R. Woods, Jamie Waters, Mr. & Mrs. Walter Tradowsky, Mr. J. Porter Thompson, Mr. & Mrs. Leonard Green, Mr. Morley Baer, Mr. & Mrs. Lewis Alabaster, Miss Jean Eyre.

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