

LEGAL ASSISTANCE ENGAGED

TRUSTEES EMPLOY ATTORNEYS TO FIGHT HENRY SUIT.

Taxpayer Murray Makes a Kick on the Question of Street Improvement Expenses.

The City Board of Trustees held its regular weekly meeting last night, Trustees McKay, Tebbets, Douglas, Paine, Dolan, Kent, Brown and Devine being present.

A committee from the Red Cross Society, consisting of Mrs. Purnell, Mrs. T. W. Sheehan, Mrs. G. E. Smith, Mrs. E. I. Galvin, Mrs. Frank Miller, Mrs. Weinstein and Mrs. Lawton, appeared before the board to ask for an appropriation for the society and Trustee Tebbets moved that \$100 be appropriated.

Trustee Devine, who had moved that \$75 be appropriated, explained that the immigration fund had been depleted by the appropriations for Memorial Day and Fourth of July celebrations.

Mrs. Purnell, of the committee, said that the society was engaged in a great work, that of giving comfort and assistance to the men who were fighting for their country. She considered it a better one than blowing away the money in celebrating the day of our independence. She had hoped that more would be given than she had asked for what it had done.

Trustee Tebbets moved that the amount be increased to \$150 that it might be a precedent for the Supervisors, and the motion was carried unanimously.

Trustee Tebbets introduced a resolution relating the suit of W. E. Henry for \$571,000 against the city and resolving that the President of the board and the Mayor be authorized to enter into a contract with C. T. Jones, A. J. Bruner and Elwood Bruner to defend the suit, they to be paid \$1,000 as a retaining fee and on the final determination of the action, such amount as the Board of Trustees should determine, if any.

Trustee Devine opposed the resolution, as he did not think it necessary to employ extra counsel, the circumstances now being different from what they were at the time of the former suit.

Trustees Paine and Tebbets said the suit was a very important one and Henry had employed the best of counsel and the city should also have good counsel to defend it.

A. J. Bruner said that the case was a very serious one, and would be hard fought from beginning to end. The first complaint did not state that a proper amount of pure water had been received to supply the city. It was defeated by a demurrer on that ground. The new complaint does state that there is plenty of pure water to be furnished to the city.

Devine opposed it strongly, and said the water was to be satisfactory to the board, but it was not satisfactory. There was a cunning provision in the contract that provided that in case of a lack of water the Water Works could be used. In that case, the professional fakers who wrote up the water question would have said the river was the best in the world. It had been said that \$1,500 was a ridiculously low fee, but he did not think so.

Trustee Kent made the point that the board had no right to charge the city to dictate to the Mayor who he should employ.

C. T. Jones said the fight would be a hard one, and he thought that \$1,500 would be a ridiculously low fee. He would guarantee that the city would win the suit, but it would be a hard fight.

The resolution was passed, Devine and Kent voting no.

CHARGED TOO MUCH. George Murray appeared before the board and complained that property-owners are charged \$1 a day for the use of the steam roller in rolling the streets. He had been credibly informed that it cost only \$9 a day to run it.

He was told that it cost more than that to run it, and that there are expensive repairs to be made, and, moreover, the contractor who has contracted the street had to pay for the roller, so that the property-owners lose nothing.

The matter was referred to the Street Committee.

MAYOR'S MESSAGES. The following messages from the Mayor were read: To the Board of Trustees: I respectfully report that on June 2, 1898, I counted the money placed before me by the City Treasurer, and found in possession money as follows: Gold, \$142,380; silver coin, \$440. Total, \$142,820.

The above amount agrees with the books of the City Auditor and City Treasurer. Respectfully submitted, WM. LAND, Mayor.

To the Board of Trustees: I hereby transmit to your honorable board the

report of the Water Inspector for the month of May, 1898. Very respectfully, WM. LAND, Mayor.

To the Board of Trustees: I herewith return to your honorable board Ordinance No. 17, entitled "An ordinance amending Section 11 of Ordinance No. 17, entitled 'An ordinance consolidating, revising and codifying the ordinances of the city of Sacramento,' passed June 27, 1872, and fixing the duties of and the fees to be collected by the Superintendent of City Cemeteries," without my approval. My reasons for disapproving the ordinance as passed by your board are as follows:

On March 31, 1898, I transmitted to your honorable board an ordinance, entitled as above, regulating the fees to be collected by the Superintendent of Cemeteries, and the manner in which certain work was to be performed. You gentlemen are familiar with the reasons which actuated me in suggesting to you the passage of such an ordinance, and I do not deem it necessary at this time to refer to them. Suffice it to say that the ordinance passed by your board and now under consideration very carefully eliminates all fees for placing "concealers," and ingeniously evades the very purpose and intent of the amendments as originally transmitted to your board. The ordinance should be passed as originally drafted and presented to the board. Very respectfully, WM. LAND, Mayor.

Trustee Devine thought the subject spoken of in the Mayor's report should be very carefully considered. Fees had disappeared in the past, and it is a matter of importance to the city. He moved that the ordinance be referred back to the Mayor and corporation to have it remedied to suit his views.

Trustee Kent said he had moved to strike out the clause relating to concealers because he did not believe in taxing the undertakers, who had shown some progressiveness in making funerals less repulsive. Besides, the people had to pay for the funerals who would have to pay the extra tax.

Trustee Devine said that if work were done by the city's employes for an undertaker he ought to pay for it.

Trustee Paine said that the city's employes had nothing to do with digging the graves or fixing the concealers.

Devine insisted that the city pays the gravediggers, and should be compensated.

Mayor Land said that his reason for introducing the ordinance was for the purpose of having the city employes do the digging work, and when he took office he had the records investigated, with the result that some money was paid in which the city would not otherwise have received. If people can pay for costly funerals the city should get some return for the extra work done by its employes in digging the graves. This ordinance would bring the city \$500 more a year, and there would not be such a fight over the Superintendency. That was his object in introducing the ordinance.

The matter was laid over for a week. A contract offered by C. F. Jones and A. J. and Elwood Bruner, in accordance with the resolution, was approved by the board, Devine and Kent voting no.

WANTED NO INSPECTOR. Mr. Murray resumed his remarks, taking up the subject of the Seventeenth-street improvement. He said that when the Mayor appointed the appointment of an assistant to the Superintendent of Streets it was on the ground that the latter could give his time to inspecting the proper performance of street contracts. He had thought that would be the case, but he found that the same old barnacle on Seventeenth street in the shape of an inspector, as on other streets. An inspector is not necessary, and the contractors pay no attention to him, and tell him to go to hell when he criticizes. He thought that expense would be saved, but it seemed the Mayor had fallen down, and the inspector is utterly incompetent, and knows nothing of streets.

The Mayor said he had not fallen down, and if an incompetent man was engaged as inspector he would not stay there.

Superintendent Touhey said the law allowed him to put on an inspector, and it had always been done. He could not always be on hand to inspect the work, as he had other duties.

Trustee Devine said Mr. Murray had never had one during his term.

Mr. Murray asked what the City Surveyor was doing, as his bill amounts to about \$90 a block. Furthermore, the contractor's bid for curbing was 10 cents a foot, but he had in his pocket a bill showing he was charged over 15 cents a foot. He thought the city officials should protect the taxpayers. He had another grievance. He had never understood that when a Trustee was elected, his whole family was elected, but the brother of one of the Trustees in an Indian Territory.

Trustee Tebbets objected to Mr. Murray's bringing personalities into the matter. A Trustee's brother had as much right as any one else to make a living. He agreed that there was no need of inspectors, but he needed an amendment, and the Superintendent of Streets is allowed to employ one.

Mr. Murray said that all the taxpayers asked was to have justice, and that the improvement of streets should be made as light as possible on them.

MISCELLANEOUS. Trustee Tebbets said that the bill of Trustee Douglas for salary the last month had \$5 deducted from it on account of his absence through sickness. Mr. Douglas had attended five meetings during the month, besides looking after contracts, etc., and he did not think he should be docked. He moved that the other \$5 be allowed, and the motion was carried unanimously.

Trustee Devine moved that, before any more calls are made on the immigration fund, the remainder of it be devoted to the Fourth of July Committee, but the motion met with no second.

Dolan moved that a committee of three be appointed to see if not to exceed thirty more electric lights cannot be added to the number decided on, before the contract with the electric company is closed.

The motion was carried, and Trustees Dolan, Paine and Douglas were appointed.

After some discussion on the construction of the subway for electric wires, the city was decided that work proceed under the supervision of the Superintendent of Streets.

G. A. Burns was confirmed as extra-man on engine No. 2 unanimously.

E. J. Croly offered the city to furnish the automatic flush tanks for the sewers at \$70 each, and the matter was referred to the special committee on improvements.

Trustee Kent wanted the committee to report on building sewers as soon as possible, and give the people a chance for sewers.

Trustee Tebbets said the committee was at work hard, making plans and specifications for the sewers, so that they can be submitted to the people properly according to the charter. He favored the submitting the proposition for a City Hall at the same time.

Frank and M. Ignacio petitioned for

a saloon license at 804 K street, and it was granted.

P. H. Menken and Coney Dittmar petitioned for a saloon license at Ninth and J streets, and it was granted, as was one to W. Dilgus at 513 K street.

A petition from property owners on Fifth street from R to Y, that an approach be built on Fifth street to the R-street levee, was submitted.

Trustee Brown moved that the Street Committee be instructed to confer with the railroad officials in reference to the lowering of the railroad track all the way along on R street. Carried.

Thomas Norton petitioned for a saloon license at 315 K street, and the matter was referred to the Chief of Police.

A petition from a number of liquor dealers and wholesale merchants was read, asking the board to grant a license to Henry Hopfin at Sixteenth and M streets.

A resolution allowing Assistant Chief of the Fire Department Louis Montgallard half-pay from the date of his injury at the Metropolitan Theater fire, was referred to the Corporation Counsel to report on its legality.

The Buffalo Brewing Company asked a reduction on its water rates on account of its using well water. The matter was referred to the Water Committee, and the board adjourned.

DEFICIENCIES. Applications Made to the State Board of Examiners. Three communications requesting deficiencies were up for consideration at the meeting of the State Board of Examiners yesterday, but as deficiencies can only be allowed by the unanimous vote of the board, and as only Secretary of State Brown and Secretary of the Board Gorman were present, no definite action could be taken.

One of the requests was from the State Board of Prison Directors, recommending that a deficiency of \$15,000 be granted for the purpose of erecting a plant to dispose of the sewage from the prison and prevent its flowing into and contaminating the waters of the American River.

The correspondence that passed between the Sacramento Chamber of Commerce and the Prison Directors, relative to the condition of the water after leaving the prison, and setting forth that the same, or part of the same water is afterwards used in this city for domestic purposes—all of which has been published in the "Record-Union"—was appended to the communication.

The second request for a deficiency was from Adjutant-General Barrett. It was presented as an emergency matter, and recommended that \$5,000 be allowed for paying the expenses incurred by calling out the National Guard before its acceptance as volunteers by the United States Government.

The third request was from the Railroad Commissioners, and called for \$100 for furnishing their office in San Francisco.

It is understood that a full meeting of the Board of Examiners will be held in the course of a few days, at which the question of deficiencies will be definitely disposed of.

ANOTHER VICTIM. Death of Lillian Rose Salisbury of the High School. The High School has lost another of its brightest and most promising pupils by the death of Lillian Rose, daughter of Mrs. Emma J. and the late S. A. Salisbury. Miss Salisbury was 15 years of age and a girl of sweet character. Her malady was the dread typhoid fever which has brought death and sorrow into so many homes this season, and included among its victims a number of High School pupils.

Aside from the foul water that pupils in the schools have had to drink up to a few days ago, those of the High School have been obliged to occupy quarters in basements and other places where a humane farmer would scarcely risk a horse or cow on which he set any value.

The only wonder is that a perfect epidemic of typhoid has not broken out in the High School. Not until this city can shake itself together and procure pure water, a decent High School building, and an improved system of sewerage disposal, will any pupil of the High School have the slightest assurance of escape from the deadly typhoid fever. Above all, however, the city needs pure water, for the present supply affects the entire community. That is the first reform to be instituted, and after that is secured the High School should be built and new sewers constructed. All should be secured without a day's unnecessary delay.

A Large Stock Is always best to select from. The Wiley B. Allen Company at 513 J street have a large stock of pianos, all fine new instruments, up to every variety, direct from the makers in large quantities, ship in carload lots direct to Sacramento, and can make very low prices, quality considered. Some of these pianos have the new "echo harp" attachment.

Try McMorris's 50c uncolored Japan tea; E. B. tea, 60c; G. P. tea, 75c; P. P. Japan tea, 40c; 531 M street.

Elegant miniature portraits in water colors given away at Boyesen's, 318 J.

MARRIED. STURMER-HICKEY—In this city, June 5th, by Rev. Father Walsh, George S. Sturmer to Myra Hickey, both of Sacramento.

HANSKEN-SUBER—In this city, June 6th, by Rev. F. Cordes of German Evangelical Church, Hansken to Felicitas Suber, both of this city.

DIED. HEISCH—In this city, June 5th, infant daughter of William Heisch and Katie V. Heisch, a native of Sacramento, aged 1 day.

TIBBITTS—In this city, June 5th, Millie Nora, beloved wife of George E. Tibbitts, daughter of the late Martin Brannely, sister of Maggie Brannely, a native of Vallejo, Cal., aged 22 years, 6 months and 20 days. Vallejo papers please copy.

Remains will be sent to Vallejo for interment Wednesday morning.

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SALISBURY—In this city, June 5th, Lillian Rose, daughter of Mr. J. and the late S. A. Salisbury, sister of Effie, Arthur N. Alle and Reuben Salisbury, a native of Olney, Cal., aged 14 years and 11 months.

Friends and acquaintances are respectfully invited to attend the funeral, to-day, at 9:30 a. m., from her parents' residence, 1527 P street, thence to Pleasant Grove, where services will be held at 2 p. m. Remains can be viewed this afternoon.

DE POISTER—In this city, June 6th, Teresa De Poister, wife of Frank De Poister, mother of Charles, a native of Vallejo, a native of Indiana, aged 50 years.

Funeral notice hereafter.

LA SHELLS—In this city, June 6th, Miriam L., daughter of Marion W. and Bertha E. La Shell, a native of California, aged 1 month and 8 days.

Funeral private.

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THE GRAND JURY SWORN IN.

GEORGE W. LORENZ NAMED AS FOREMAN.

Judge Hart's Instructions—Does Not Think There is Much to Be Done.

Yesterday afternoon a new Grand Jury was impaneled in Judge Hart's court, and had their first sitting. It is composed as follows: John R. Bandine, C. K. Daugherty, H. W. Freund, George W. Lorenz, August Meister, W. J. Ross, Thomas Scott, F. F. Thompson, J. P. Courts, Charles H. W. Wittenbrock, H. W. Brags, M. A. Howard, William Lampert and F. M. Tracy. Judge Hart appointed George W. Lorenz foreman.

Judge Hart charged the Jury as follows: "I wish to say to you that, while I am of the opinion that there is at the present time but little business to require the attention of your honorable body, it is nevertheless the duty of the court in this county to summon, draw and impanel two Grand Juries in each year. Section 341 of the Code of Civil Procedure, provides, among other things, that 'in all counties having three or more Superior Court Judges there shall be two Grand Juries drawn and impaneled each year.'

"This provision is mandatory upon the court, and, whether there is any business necessary to be transacted by a Grand Jury or not, it is, as I have already stated, the bounden duty of the court to call into existence a Grand Jury twice in each year. Under the rules adopted by this court the jury must be done on the first Monday in June and December of each year.

"If it were not for the mandatory nature of the provision of the law upon the subject of the Grand Jury, in the exercise of a sound discretion, would be justified in postponing the impaneling of a Grand Jury until some later period in the year, for the reason, as above stated, there is not at this time, in my judgment, sufficient work of the character cognizable by a Grand Jury to justify the expense attendant upon the summoning and impaneling of such a body.

"You are not to understand from this, however, that you are to be restricted in any inquiries which your judgment may dictate you to make within the limits of your powers. If you determine it to be necessary to investigate any subject appertaining to the affairs of the county it will be your duty to pursue the investigation patiently and thoroughly.

"After quoting the law concerning the powers and duties of a Grand Jury, Judge Hart resumed: "In connection with Section 928, just read to you, and which requires a Grand Jury annually to examine the books and accounts and compilation of the books, records and accounts of all the officers of the county, and to employ an expert for that purpose if, in their judgment, the services of an expert are necessary, I desire to say that it has been the custom to commit this particular work to the Grand Jury that is impaneled in the month of December in each year, and, unless something transpires during your deliberations which, in your judgment, renders it necessary to investigate the county books and records at this time, I suggest to you that this work be dispensed with by you, thus leaving the responsibility thereof with the Grand Jury to be impaneled next December. I may here say that the work required to be done by the Grand Jury under Section 928 was carefully and thoroughly performed by the Grand Jury of December, 1897.

"You are also instructed, gentlemen of the jury, that neither a presentment nor an indictment can be found by you without the concurrence of at least twelve Grand Jurors. When a presentment is found it must be signed by the foreman, and when an indictment is found it must be indorsed, 'a true bill,' and the indorsement must be signed by the foreman of the Grand Jury.

"You will be at liberty, gentlemen, to call upon the District Attorney or the court, or the Judge thereof, at all times during your deliberations for any advice which you may deem necessary to assist you in the efficient discharge of your duties."

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