

Minutes of a Regular Meeting of the City Council.

Austin, Tex. Dec 17, 1894.

Now Henry A. Linn, president of the Board of Aldermen,
presiding.

Roll call.

Present: Aldermen Anderson, Asmussen, Dawson, Fischer, Glass,
Goeth, Haynes, Harne, Jackson, Lawless, Linn, Nitrochke, Platt
Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Town-
send, Warmoth, 22.

The minutes of the meetings of the city council held
December 3rd and 8th, 1894, were adopted as printed.

Petitions, Etc.

Chas Ansbury's petition

A petition of citizens asking the city council to elect
Chas Ansbury bridge keeper, was read and laid over.

Reports of City Officers.

By the city attorney-

City Attorney report
as to suits.

Austin, Texas, Dec 17, 1894.

Gentlemen I beg to submit that at the present term
of the district courts the cases of W. M. Platt and E. S. Hughes
vs. the city of Austin were tried before Judge Morris and a jury.

The Platt suit involved a claim for damages amounting
to \$1248.⁰⁰ made up of the following items:

Value of 15 acres of land totally submerged by the waters of the lake at \$500 per acre	\$750. ⁰⁰
Four head of stock lost in the mire created by the receding waters of the lake	160. ⁰⁰
For expense in guarding and feeding stock to prevent them getting in the mire created by the receding waters of the lake	338. ⁰⁰
Total	\$1248. ⁰⁰

A verdict was rendered in this case for \$340.66, made up
of the following items:

Value of 10 acres of land submerged	\$500. ⁰⁰
Value of one colt lost in mire	25. ⁰⁰
Total	\$525. ⁰⁰
Interest on above amount	80. ⁰⁰
Total	\$605. ⁰⁰

The Hughes suit involved a claim for damages amounting
to \$4419.90, made up of the following items:

Value of 8 acres of land totally submerged by the waters of the lake at \$50 per acre, amounting to	\$400. ⁰⁰
Damage to 100 acres of land by the propagation of Johnson and nut grass thereon, occasioned by the waters of the lake	1000. ⁰⁰
For loss of stock and damage thereto	1550. ⁰⁰
Transferring stock and extra feed	469. ⁹⁰
Expenses to health by reason of sickness, occasioned	

by unhealthy odors arising from the lake	1000.00
Total	\$4419.90

A verdict was rendered in favor of the plaintiff Hughes for \$206.37, made up of the following items:

Value of land submerged	\$152.00
Value of one horse lost in the mire	110.00
Damage to land by nut grass	2.50
Total	\$194.50
Interest	\$11.87
Total	\$206.37

A motion for new trial has been made and overruled in both cases. I gave notice of appeal in the Platt case and similar action was taken by Mr Hughes in his case.

There is a chance to reverse the Platt case, but in my opinion, a more favorable verdict for the city could not be expected upon another trial.

I believe it to be to the interest of the city to settle both of these cases, if it can be done for the amounts of the respective verdicts.

The damages recovered by these parties resulted directly from the act of the city in submerging their lands, and afterwards by exposing the water from the lake.

While I believe that the value of the land as found by the jury, is far in excess of its real value, yet the witnesses for the parties at interest, by their testimony, justified the action of the jury in this particular.

I would be pleased to be instructed what action to take in the premises.

Very respectfully
Geo F. Pendexter, City Atty.

Alderman Anderson moved to refer the report to the committee on claims and accounts and the motion prevailed.

Reports of Standing Committees.

Bull Creek road.
Report on.

Alderman Jackson, for the committee on streets, bridges and alleys, to whom was referred a communication from the commissioners' court of Travis county in regard to the road recently constructed around back water in Bull creek, submitted a report which states: "That we have carefully examined the road and find it well and substantially constructed and therefore respectfully recommend the passage of the accompanying ordinance appropriating \$1687.50, being one half of the cost of the same."

Alderman Platt moved that the report and ordinance be laid over until the next regular meeting of

of the city council and the motion was adopted.

Marshal's reports.

Alderman Schneider, for the committee on police, to whom was referred the city marshal's report for the months of July, August, September, October and November 1894, presented a report thereon which states: "That we have examined the same and find them correct".

The report was adopted.

Unfinished Business.

#1050 Kinney property.

An ordinance entitled: "An ordinance to appropriate the sum of one thousand and fifty dollars (\$1000.00) for the purpose of purchasing a strip of land 60 feet wide from West Fifth street, through the D. P. Kinney property to Shoul creek at the Dummy railroad bridge, to connect West Fifth street with West Fourth street" was taken up on its third reading and read, after which Alderman Taylor moved that further action on the same be postponed until the next regular meeting of the city council and the motion prevailed.

W & L. Ordinance
civil

An ordinance entitled: "An ordinance providing for the management and operation of the waterworks, electric light and power company plants of the city of Austin and establishing rules and regulations for the government thereof and fixing rates for service" was taken up on its third reading and read, after which Alderman Powell moved that further action on the same be postponed until the next regular meeting of the city council.

Alderman Anderson as a substitute moved that the ordinance be laid over until after the election of officers. The substitute was lost by a rising vote of 7 to 14.

The motion by Alderman Powell was then adopted by a rising vote of 15 to 6.

New Business.

Election of officers.

By Alderman Shelly. Resolved, That the council now proceed to the election of officers for the ensuing year in the following order:

First. Election of president pro tem of the council.

Second. Election of 16 policemen.

Third. Election of bridge keeper.

Fourth. Election of pound master.

Alderman Nitche moved to amend the resolution by inserting "1/2 Election of sergeant of police". The amendment prevailed and the resolution as amended was adopted.

Alderman Anderson was called to the chair.

Alderman Townsend then nominated Alderman Henry A. Linn for president of the Board of Aldermen.

Alderman Garrison moved that nominations be closed and the motion prevailed.

Alderman Townsend moved that the city clerk be instructed to cast the vote of the council for Alderman Linn for president of the Board of Aldermen and the motion was adopted.

The chair then appointed Aldermen Robin, Gorth and Shelby as tellers, after which the vote of the council was duly cast for Alderman Linn for president of the Board of Aldermen and so reported by the tellers, whereupon the chair declared Alderman Henry A Linn duly and constitutionally elected president of the Board of Aldermen of the City of Austin for the ensuing year.

The chair then announced that nominations for sergeant of police were in order, whereupon Alderman Schneider nominated H. Montgomery for the position.

There being no other nominations the city clerk was instructed to cast the vote of the council for H. Montgomery for sergeant of police. The vote was so cast and reported. The chair then declared Mr H. Montgomery duly and constitutionally elected sergeant of police of the city of Austin for the ensuing year.

By Alderman Taylor- Resolved, That the city marshal be directed to nominate 16 persons to constitute the police force of the city of Austin for the ensuing year and that the city clerk be authorized to deposit the ballot of this council confirming same.

Alderman Nitschke moved to lay the resolution on the table, which was done by a rising vote of 12 to 8.

Hon John M^d Donald, mayor, entered the council and took the chair.

The election of policemen being in order Alderman Nitschke moved that the city marshal be requested to furnish each alderman with a list of the names of the present police force. Carried.

The mayor at the request of the city marshal placed the names of the following persons in nomination.

- Neill McCashin, day clerk.
- John Chenneville.
- P. J. Plumb, in charge of street gang of prisoners.
- J. E. Kemnerly.
- E. C. Folwell.
- J. D. Platt
- O. H. Gibson
- P. J. Campbell
- R. D. Bell
- W. U. Cato
- Sam. Plubb

A. P. Corwin.
 Harvey Maddox,
 J. E. Giggard.
 Scott Wilson.
 J. D. Plumb.
 Hiram M^cGar, colored.

Alderman Nitschke nominated A Brown

Alderman Redd nominated D. Cargill

Alderman Hunt by request nominated Paul F. Reichow

Alderman Roberdeau nominated Ernest Thielpape

Alderman Nitschke nominated W. J. James

Alderman Wainwright nominated W. B. Allen.

Nominations were then declared closed.

Alderman Jackson moved that 17 regular policemen be elected. Carried.

Alderman Taylor, by unanimous consent, by request, nominated J. P. M^cKenna

The ballots being duly cast and canvassed, the tellers presented the following report:

	Votes Received
Neill M ^c Cashin	21
John Chennerville	22
P. J. Plumb	22
J. E. Kennerly	18
E. C. Folwell	19
J. D. Platt	21
O. H. Gibson	20
T. J. Campbell	20
R. D. Bell	20
W. A. Cato	21
Sam Platt	20
A. P. Corwin	22
H. Maddox	22
J. E. Giggard	20
Scott Wilson	19
J. D. Plumb	16
Hiram M ^c Gar	10
A. Brown	7
D. Cargill	11
Ernest Thielpape	5
W. J. James	4
W. B. Allen	1
Paul F. Reichow	1
H. Metz	1
J. F. M ^c Kenna	5
James Brown	1

The chair then declared the 16 persons first above named in the report of the tellers duly elected

constitutionally elected policemen of the city of Austin for the ensuing year.

The following named persons were again placed in nomination:

J. P. McKenna, by Alderman Anderson.

D. Cargill, by Alderman Radd.

A. Brown, by Alderman Nitschke

Hiram McGar, by Alderman Haynes

Ballots were then duly cast and canvassed and the result reported by the tellers as follows:

J. P. McKenna received 3 votes.

D. Cargill received 8 votes.

A. Brown received 3 votes.

Hiram McGar received 8 votes.

No one having received a majority of all the votes cast, another ballot was ordered.

Alderman Nitschke withdrew the name of A. Brown.

The ballot being duly cast and canvassed the tellers reported the result of the same as follows:

D. Cargill received 11 votes

Hiram McGar received 11 votes.

Neither having received a majority of all the votes cast another ballot was ordered, which being duly cast and canvassed resulted as follows:

D. Cargill received 9 votes.

Hiram McGar received 13 votes.

The chair then declared Hiram McGar duly elected a policeman of the city of Austin for the ensuing year.

The chair declared nominations for bridge keeper in order.

Alderman Powell nominated J. D. Schneider for the position

Alderman Nitschke moved that nominations be declared closed and that the city clerk be instructed to cast the vote of the council for the nominee. The motion was adopted and duly complied with, whereupon the tellers reported that J. D. Schneider had received 22 votes. The chair then declared J. D. Schneider duly elected bridge keeper of the city of Austin for the ensuing year.

Nominations for pound master were declared in order, whereupon Alderman Schneider nominated P. W. Powell for the position. There being no other nominations the city clerk was instructed to cast the vote of the council for P. W. Powell.

The motion being duly complied with the tellers reported that P. W. Powell had received 22

votes. The chair then declared P. W. Powell duly elected pound master of the city of Austin for the ensuing year.

The chair announced that nominations for porter were in order and nominated Joe Bridges.

Alderman Hume nominated Albert Carrington.

Alderman Linn nominated Lee Hopson.

Nominations were then declared closed and a ballot ordered, which, being duly cast and canvassed the tellers reported had resulted as follows:

Joe Bridges received 8 votes.

Albert Carrington received 10 votes

Lee Hopson received 4 votes.

No one having received a majority of all the votes cast another ballot was ordered, the result of which was reported by the tellers as follows:

Joe Bridges received 7 votes

Albert Carrington received 11 votes

Lee Hopson received 3 votes.

There being no election another ballot was ordered.

Alderman Nitschke moved that the person receiving the lowest number of votes on this ^{ballot} be dropped, and the motion prevailed.

The ballots being duly cast and canvassed the tellers announced the result of the same as follows:

Joe Bridges received 12 votes

Albert Carrington received 10 votes.

The chair then declared Joe Bridges duly elected porter for the ensuing year.

By Alderman Taylor. An ordinance appropriating the sum of seventeen thousand five hundred dollars for the purpose of paying interest on the Water Works and Electric Light bonds of the city of Austin due January 1, 1895.

It was passed under suspension of the rules by the following vote:

Yeas. Alderman Anderson, Asmann, Dawson, Fischer, Glass, Goeth, Hynes, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warmath &c.

By Alderman Linn. An ordinance appropriating the sum of \$2640 for the purpose of paying Aldermen of the city of Austin for attending regular meetings of the city council during the year ending November 30, 1895.

It was passed under suspension of the rules by the following vote:

Yeas. Alderman Anderson, Asmann, Dawson, Fischer, Glass, Goeth, Hynes, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Shelley, Taylor, Tobin,

\$17500. Int on W & L.
Bonds.

\$2640 Pay Aldermen.

Townsend, Warrmoth - 21

Nay - Alderman Schneider.

#2520. Int on Bonds
issued prior to May 1.
1890.

By Alderman Linn - An ordinance appropriating the sum of twenty-three hundred and twenty dollars for the purpose of paying interest on the bonds of the city of Austin issued prior to May 1, 1890, due January 1, 1895.

It passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Goeth, Haynes, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warrmoth - 22.

#26. Approved
accounts.

By Alderman Linn - An ordinance appropriating the sum of twenty-six dollars for the purpose of paying approved accounts.

It was passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Goeth, Haynes, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warrmoth - 22

#3550. Salaries

of officers & employees of \$3550 for the purpose of paying salaries of officers and employees for the month of December 1894.

It passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Goeth, Haynes, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warrmoth - 22.

On motion the council then adjourned

Milton Morris,

City Council