

## Minutes of a Called Meeting of the City Council

Austin, Tex, Dec 21, 1894.

Hon John M<sup>d</sup> Donald, Mayor, presiding.

Roll call.

Present - Aldermen Dawson, Haynes, Linn, Platt, Powell, Reed, Roberdeau, Shelley - 6.

Absent - Aldermen Anderson, Assmann, Fischer, Glass, Gath, Hume, Jackson, Lawless, Nitschke, Schneider, Taylor, Tobin, Townsend, Warrmoth - 14

Alderman Powell moved that the council take a recess of 10 minutes. Carried.

After expiration of recess the roll was again called and showed the following result:

Present - Aldermen Dawson, Glass, Haynes, Linn, Platt, Powell, Reed, Roberdeau, Schneider, Shelley, Tobin, Warrmoth - 12

Absent - Aldermen Anderson, Assmann, Fischer, Gath, Hume, Jackson, Lawless, Nitschke, Taylor, Townsend - 10.

Alderman Schneider moved a call of the council which was duly seconded and adopted.

After waiting some time for the arrival of other aldermen, the roll was again called and resulted as follows:

Present - Aldermen Dawson, Glass, Gath, Haynes, Hume, Linn, Platt, Powell, Reed, Roberdeau, Schneider, Shelley, Tobin, Warrmoth - 14.

The call of the council was on motion suspended.

The following was read:

Mayor's Office.

Austin, Tex, Dec 22, 1894.

To the Members of the Board of Aldermen  
of the City of Austin:

Gentlemen - I hereby call a special meeting of the city council of the city of Austin to assemble at the city hall this day, Saturday Dec 22, at 8 o'clock, p.m. for the purpose of making provision for the installation of the person elected alderman from the Eleventh ward of the city of Austin on yesterday, Dec 21.

Also for the purpose of making appropriations for the payment of certain expenses connected with the construction of the water and light system for the city of Austin.

Respectfully

John M<sup>d</sup> Donald, Mayor.

Austin, Tex, Dec 22, 1894. 1894. 5 P.M.

I hereby certify that the following aldermen have been served with the above call by having it read to each of them in person, viz: Anderson, Assmann, Dawson, Glass, Gath, Haynes, Hume, Jackson, Lawless, Linn, Platt, Powell, Reed, Roberdeau, Schneider, Shelley, Tobin, Taylor, Townsend and Warrmoth and that Aldermen Fischer and Nitschke have been served by a true

copy having been left at each of their respective places of business.

James E. Lincy,  
City Marshal.

Alderman Linn introduced an ordinance appropriating the sum of \$7500 for the purpose of paying certain expenses connected with the construction of the waterworks and electric light system for the city of Austin.

The items are-

Engineering and Miscellaneous expenses	\$5000.00
Advance charges, payrolls, etc, of Riter & Conley, contractors for penstocks, etc	1500.00
Advance charges, payrolls, etc, of Stidwell-Biere & Smith & Co, contractors for wheels, pumps, etc,	1000.00

The ordinance was read and laid aside.

Canvass returns

Alderman Loeth moved that the council now proceed to canvass the returns of the election held in the Eleventh ward on yesterday. The motion prevailed and the chair appointed Aldermen Loeth, Schneider and Hume as tellers.

Notice of contest was given, whereupon Alderman Redd moved that it be read. The motion was adopted and the following was read:

Weyermann's protest

To the Honorable Mayor and Board of Alderman of the City of Austin, Travis County, Texas:

Protest of R. Weyermann, a citizen and resident of the Eleventh ward in the city of Austin, Travis County, Texas, and a qualified elector of said ward and city, against the installation by your honorable body of L. H. Glascock, Esq. as a member of the Board of Aldermen of said city, claiming to be elected thereto from the Eleventh ward of said city at a pretended election held therein on the 21<sup>st</sup> day of December, 1894, most respectfully shews:

1<sup>st</sup>. That this protestant and contestant was the only opponent of said L. H. Glascock, Esq. for the office of alderman from said Eleventh ward at said election held as aforesaid.

2<sup>nd</sup>. That under the charter of the city of Austin now in force, governing the organization and procedure of the city council of said city and particularly that part of said charter designated as section 4, it is provided that all the elections officers of said city shall be elected in all cases on Monday and installed on the Saturday next succeeding <sup>the election</sup> unless his opponent in the election or all opponents, if more than one, shall sooner file a statement with the city clerk that he or they will not contest the election of him or their opponent, naming him.

3<sup>rd</sup>. As is judiciously known to your honorable body, the 21<sup>st</sup> day of December, 1894, the day previous to this date, was Friday, Fourth. This protestant and contestant, in view of this, his action herein, respectfully represents that it is the clear and express mandate of said section 9 that all elections for elective officers of the city shall be held on Monday, and that the proviso in said section permitting the opponent or opponents of such officer to file a statement with the city clerk that he or they will not contest the election of his or their opponents, naming him, refers and applies only to the installation of such officer at a time earlier than the Saturday next succeeding the election as prescribed in said section 9.

Premises considered, this protestant and contestant asks that your honorable body hear argument and authority on the grounds of this protest and contest, to the end that said election held on the 21<sup>st</sup> day of December, 1894, as aforesaid, which was on Friday and not on Monday, be declared illegal and a legal election for alderman from said ward be ordered and directed by your honorable body to be held as provided for by the charter of said city.

This protestant and contestant prays that your honorable body may also consider, this as notice of contest by him of a seat in your honorable body with the said L. H. Glasscock, Esq. as alderman from the Eleventh ward of the city of Austin, Travis County, Tex.

Respectfully submitted  
R. Weyerman.

The tellers then presented the following report which was read:

To Honorable John M<sup>c</sup> Donald, Mayor, and

Board of Aldermen:

We, the tellers appointed to canvass the vote of an election held in the Eleventh ward on Friday, Dec 21, 1894, beg leave to report that we find that L. H. Glasscock received 89 votes and R. Weyerman received 85 votes.

Respectfully  
A. L. Goeth.

J. L. Hume  
J. P. Schneider.

Alderman Linn moved that the council stand adjourned until Friday evening, December 28<sup>th</sup> 1894, at 4 o'clock, p.m. at which time the pending contested election case may be further considered.

Alderman Shelley moved to amend the motion by striking out 4 and inserting 7:30 p.m. as the hour of meeting. The amendment was accepted and the motion as amended was then adopted.

Milton Morris, City Clerk.

Minutes of an Adjourned Called Meeting of the City Council.  
Austin, Texas, Dec. 28<sup>th</sup> 1891.

Hon John McDonald, Mayor, presiding.

Roll call.

Present- Aldermen Dawson, Glass, Jackson, Linn, Platt, Shelley,  
Taylor- 7.

Absent- Aldermen Anderson, Armann, Fischer, Goeth, Haynes,  
Hume, Lumbert, Nitschke, Powell, Redd, Roberdeau, Schneider, Tobin,  
Townsend, Warmoth- 15.

Alderman Taylor moved a call of the council which was duly  
seconded and adopted.

On motion of alderman Shelley a recess of ten minutes was  
taken.

The council being called to order again, the roll was once  
more called with the following result:

Present- Aldermen Dawson, Fischer, Glass, Goeth, Jackson, Linn  
Platt, Powell, Redd, Schneider, Shelley, Taylor, Tobin- 13.

Absent- Aldermen Anderson, Armann, Haynes, Hume, Lumbert,  
Nitschke, Roberdeau, Townsend, Warmoth- 9.

Alderman Taylor moved a suspension of the call and the  
motion prevailed.

Aldermen Haynes and Roberdeau entered the council and  
answered to their names.

#7500 Own expenses.

An ordinance entitled "An ordinance appropriating  
the sum of \$7500<sup>00</sup> for the purpose of paying certain expenses  
connected with the water works and electric light system  
for the City of Austin", was taken up on its second reading  
and was read and passed under suspension of the rules  
by the following vote:

Yeas Aldermen Dawson, Fischer, Glass, Goeth, Haynes, Jackson,  
Linn, Platt, Powell, Redd, Roberdeau, Schneider, Shelley,  
Taylor, Tobin- 15.

Contest

Resolution

The following resolution was introduced by Alder-  
man Shelley:

Whereas, A contest in fact exists for the office  
of Alderman from the Eleventh ward, and

Whereas, the city council is under the charter  
of the city, the judges of such matters and the proce-  
dure to be followed;

Resolved that the contest is recognized to exist  
and that the enquiries of this body shall be con-  
fined to the merits of the case in the following manner:

First- The contestant shall introduce evidence in support  
of the allegations of his contest papers.

Second- The contestee shall introduce evidence in his  
defense.

Third- The contestant may offer evidence in rebuttal.

Fourth- The city council shall then divide without

argument on either side.

Alderman Schneider moved to strike out the words "without argument" near the close of section 3 of the resolution.

Alderman Tobin as an amendment to Alderman Schneider's amendment moved that twenty minutes be given to each side for argument. The amendment was accepted by Alderman Schneider and by Alderman Shelby and the resolution as thus amended was adopted.

The protest and contest and amendments thereto of Robert Weyerman for the seat of alderman from the Eleventh ward were then read.

The facts set forth in the protest and amendments are in substance that the election for alderman held on the 21<sup>st</sup> day of December, 1894 was not a legal election because said election was held on Friday and not on a Monday, and, second, that at said election several votes were illegally cast for L. H. Glascock, and third, that several voters who intended to vote for contestant were not allowed by the judges to cast their votes.

The reply of L. H. Glascock, contestee, was read. The reply denies that said election was not legally held; denies in toto the allegations of contestant and gives a list of voters who voted for contestant Weyerman, which said votes contestee claimed were illegal.

The application for process for witnesses, filed by contestant Weyerman, was also read.

Alderman Lawless entered the council and answered to his name.

Alderman Linn moved that the election held on Friday the 21<sup>st</sup> day of December, 1894, be declared no election, and that the mayor be authorized and directed to order another election to be held on Monday, January 14, 1895, after due notice.

Alderman Shelby moved that the attorneys for contestant and contestee be given five minutes each in which to present to the council arguments as to the legality of the election held on "Friday."

Alderman Dawson moved to amend the motion so as include the city attorney. The amendment was accepted and the motion then prevailed.

Mr. Geo. F. Penderster, City Attorney, Mr. R. H. Ward, attorney for contestee and Judge William Von Rosenberg, attorney for contestant, presented arguments and cited authorities in support of their respective positions.

The question recurring to Alderman Linn's motion, Alderman Taylor moved that the vote on same be taken by ballot.

Alderman Dawson moved to lay Alderman Taylor's motion

Protest papers of  
Robert Weyerman.

on the table, which was lost.

Alderman Lawless moved that the vote on Alderman Linn's motion be by roll call, which was adopted. The roll was then called with the following result:

Yeas- Aldermen Jackson and Linn- 2.

Nays- Aldermen Dawson, Fischer, Glass, Gaeth, Hayes, Lawless, Platt, Powell, Redd, Roberdeau, Schneider, Shelly, Taylor, Tobin- 11.

Alderman Linn was excused from further attendance on the session of the council.

On motion of Alderman Taylor the city clerk called the list of witnesses for contestant, four of whom answered to their names.

Alderman Schneider moved that the council adjourn until tomorrow at 7.30 o'clock p.m. and that in the meantime process for contestant's witnesses be issued.

Alderman Dawson moved to lay the motion to adjourn on the table. Carried.

Alderman Dawson moved that the witnesses be sworn.

Mr H. B. Wilson, witness for contestant, was then sworn.

The attorney for contestant asked for a few minutes in which to confer with the contestant and the time was granted him. After a short conference Judge William Von Rosenberg, attorney for contestant, withdrew the contest.

Alderman Shelly moved that L. H. Glascock be declared duly and constitutionally elected alderman from the Eleventh Ward for the ensuing term. Carried.

Alderman Shelly also moved that Mr Glascock appear at the bar of the council and take the oath of office. The motion prevailed and the chair appointed Aldermen Dawson and Shelly to escort Mr Glascock before the council.

The committee escorted Mr Glascock to the bar of the council, whereupon the mayor administered the oath of office to him and he took his seat in the council.

The council then adjourned.

Milton Morris,  
City Clerk