

Minutes of a Regular Meeting of the City Council.  
Austin, Texas, January 2<sup>nd</sup> 1899.

Hon. J. M. Maddox, President of the Council, presiding.

Roll called.

Present. Aldermen Brady, Crocker, Felt, Fischer, Groos, Haynes, Kuhn, Maddox, Miller, Morris, Stitzel, Powell, Read, Shelley, Stumpf and Walker 16.

Absent. Aldermen Deaty, Belvin, Horton, McDemore, Prosenzen and Zilker 6.

Minutes approved. The minutes were approved as recorded, without reading.

Petitions, Memorials, etc.

Act of Amelia Brass regarding Taxes. The Chair laid before the Council, a petition from Amelia Brass, regarding taxes which was read, and on motion, was laid upon the table.

Aldermen Belvin Prosenzen and Zilker entered the Council Chamber.

Act of Trustees of Austin Public Schools. The Chair laid before the Council the following communication:

The undersigned owners of property abutting the Public Square, situated between blocks 113, 114 and 120, desirous of having the said Public Square improved and ornamented by the erection of a High School building, by the Board of Trustees of the Austin Public Schools, hereby join the said Board of Trustees in a petition to the 26<sup>th</sup> Legislature of Texas to pass a law, authorizing the use of said Public Square for such purpose, and waive any vested rights we may have as purchasers and owners of said property, to retain said square for a Public Park. Signed, Mary Eggleston by L. D. Goldbeck, her Attorney in fact. Alfred Smith, Shading Schurt, R. King, Henry Orsay, Ruben W. Ford, and Janet Downie, owners of said lots.

Council joined in above petition. Alderman Haynes moved that the Council join in the petition asking the Legislature to pass the law asked by the School Board, which motion prevailed unanimously.

City Officers Reports

Reports of City Officers

The Chair laid before the Council the reports of the City Officers for the month of Dec. 1898, which on motion, were referred to their appropriate Committees without reading.

The following is a synopsis of the reports:

Assessor & Collector

By the Assessor and Collector.

So Collections as follows:

Amount of General Revenue Tax	\$ 4761.66
" " Interest & Sinking Fund W & L Bonds	2779.80
" " " " " Old Bonds.	274.40
" " School Tax	1440.64
Total Collections	\$ 9265.57

Referred to Finance Committee.

By the City Clerk.

City Treasurer

Total Amount of Warrants drawn during the month, of General Fund \$ 4708.97

Referred to Finance Committee.

By the City Treasurer.

City Auditor

Balance Dec. 1 <sup>st</sup> 1898, Account of General Fund	\$ 11537.52
" " " " " Interest on Old Bonds.	1208.40
Receipts during the month - City Valorem Tax	2587.50
" " " " " Sums	41.50
" " " " " Sums in Records	164.10

City Treasurer

City Treasurer's Report. Amt. Brk. Forward  
 Receipts during the month "c. of Interest on Old Bonds  
 " " " " " Miscellaneous  
 Total Collections and Balances

\$ 17329.71  
 349.47  
 267.89  
 \$ 17947.07

Disbursements.  
 Paid Expressage and Interest, on Bonds purchased  
 " Warrants for Dec. 1898.  
 Balance Account of General Fund  
 " " " Interest on Old Bonds.  
 Interest and Sinking Fund Water and Light Bonds.  
 Balance Dec. 1<sup>st</sup> 1898, Account of Interest Fund

\$ 6.20  
 2008.53  
 14290.65  
 1641.69 \$ 17947.07

" " " " " Sinking  
 Receipts from Fred Sterzing Assessor & Collector.  
 " " " Water & Light Commission  
 Total Receipts and Balances.

\$ 18000.00  
 159.18  
 2779.80  
 8000.00  
 \$ 28938.98

Disbursements  
 Paid Coupons due January 1<sup>st</sup> 1899  
 Balance Account of Interest Fund  
 " " " Sinking "

\$ 22187.50  
 6000.00  
 751.48 \$ 28938.98

Earnings Fund.  
 Balance Dec. 1<sup>st</sup> 1898.  
 Received from Superintendent Patterson during the month

\$ 9127.43  
 7432.69  
 \$ 16560.12

Disbursements.  
 Paid Warrants during Dec. 1898.  
 Balance January 1<sup>st</sup> 1899.  
 Referred to Finance Committee  
 By the City Marshal

\$ 11833.17  
 4727.00 \$ 16560.17

City Marshal

Total fines assessed in Recorder's Court.  
 Paid in Cash  
 Worked out  
 Carried forward  
 Escaped  
 New trial and acquittal  
 Collected on back fines  
 Pound fees for Dec.  
 Total number of arrests during the month  
 Referred to Police Committee.  
 By the City Physician.

240.00  
 \$ 240.00  
 8.30  
 17.50

City Physician

Total number of Patients in Hospital Dec. 1<sup>st</sup> 1898  
 " " " received during " "  
 " " " dismissed " "  
 " " " died, " "  
 " " " remaining " 34<sup>th</sup> "  
 " " " visits to Dispensary " "  
 " " " sent out to Dispensary " "  
 One case of Diphtheria reported.  
 Referred to Hospital Committee.

27  
 19  
 12  
 2  
 27  
 118  
 183  
 1

City Sexton

By the City Sexton.

Total number of death during the month	19
White	16
Mexican	1
Colored.	3
Male	10
Female	10
Still born	1

Referred to Remonstrance Committee.

City Engineer's Report on Sale of 100 Acres

The City Engineer reported that in accordance with a resolution of the Council, he had sold 100 of the City's Mules, for the sum of Eighty Dollars, and had deposited that amount with the City Assessor and Collector. The report was ordered filed.

City Attorney's Report on Block known as

The following communication from the City Attorney was read:

January 7<sup>th</sup> 1899.

Alliance Cotton Yard

Hon. John D. McCall.

Mayor of the City of Austin.

Dear Sir:-

In reference to the question raised at the last meeting of the City Council as to its powers over the Block of ground heretofore occupied as a place for storing cotton, and known as the "Alliance Cotton Yard," and referred to me for investigation, I have to report,

1- That I have examined the official map of the City of Austin, on file in the General Land Office, and find that there are four blocks thereon designated by the word "Square"; this being one of the number. Other blocks and fractional blocks, appear under the designations of "Court House," "Jail," "University," "Academy," "Church," and the like, and the remainder were cut up into lots and bear numbers.

2<sup>nd</sup>. In the case of the State of Texas v. Travis County, 85 Texas 435, the Supreme Court decided that when Travis County abandoned the block which it had used for its Court House and Jail, the property reverted to the State but a distinction was drawn between blocks marked Court House and Jail and those that were dedicated as Public Parks. As to these, it was held, that as the State had sold lots with reference to the map showing that they were dedicated to general public use, it could not divert them to a different use.

In this case, the general rule, that an adjacent lot owner, could enjoin any attempt to use them for a purpose foreign to their original dedication was negatived.

3<sup>rd</sup> Our present Charter does not expressly commit to the City, the supervision of these Public Squares, and while I am of opinion, that the City could not sanction the use of them for private purposes against the protest of any abutting property owner, I doubt whether it has any authority over them whatever.

Yours truly,  
W. B. Lockhart, City Atty.

Alderman Hayes moved that the report be received and filed, which motion prevailed.

Alderman Hayes offered the following resolution, which was read and adopted:

Resolved, That the report of the City Attorney, in regard to the Block now occupied by the Alliance, be received, and that the Block be declared Public property of the City of Austin, and the use of same, by any person or persons, be subject to the order of the Mayor and the City Council.

Alderman Beatty entered the Council Chamber.

New Business.

Ord. appropriating \$12000.00 to pay 3rd & last install ment of judgment recovered by E. L. Hancock

By Alderman Groos. An ordinance appropriating the sum of \$12000.00 to pay the third and last installment of the judgment against the City, by E. L. Bartholomew, Receiver, etc.

The ordinance was passed under a suspension of the rules by the following vote: Yeas. Aldermen Beatty, Edwin Brady, Crooker, Ehr, Fischer, Groos, Haynes, Kuhn, Maddox, Miller, Morris, Titschke, Powell, Pidd, Rosengren, Shelley, Stumpf, Walker and Zilker 20. Nays None.

Ord. Appropriating \$61.00 to pay H. Montgomery for extra services

By Alderman Haynes. An ordinance appropriating the sum of \$61.00 to pay Harry Montgomery for extra services.

The ordinance was passed under a suspension of the rules, by the following vote: Yeas. Aldermen Beatty, Edwin Brady, Crooker, Ehr, Fischer, Groos, Haynes, Kuhn, Maddox, Miller, Morris, Titschke, Powell, Pidd, Rosengren, Shelley, Stumpf, Walker and Zilker 20. Nays None.

Communication from F. E. Scoville, Supt. of the Austin Rapid Transit Railway, tendering a special car, for use of the Council attending the Annual New Years Ball, to be given by East Austin Horse Co. No. 4, on the night of January 2nd 1899.

The Chair laid before the Council a communication from Frank E. Scoville, Supt. of the Austin Rapid Transit Railway, tendering a special car, for use of the Council attending the Annual New Years Ball, to be given by East Austin Horse Co. No. 4, on the night of January 2nd 1899. On motion the tender was accepted by the Council with thanks.

Bill from W. H. & C. Power Plant Bill from W. H. & C. Co.

The Chair then laid before the Council a bill from the Water Works, Electric Light and Power Plant of the City, for Water & Light furnished to Dec. 31st 1898, also a bill from the Austin Water, Light & Power Co. for Water, claimed to have been furnished the City for the 6 months ending Dec. 31st 1898. The bills were both referred to the Water & Light Committee.

Resolution directing City Marshal to procure photo of Ex Mayor Hancock to be placed in City Hall

Alderman Titschke offered the following resolution, which was read and adopted: Be it Resolved, by the City Council of the City of Austin, That the Marshal be directed to procure a photograph of Ex Mayor Lewis Hancock, to be placed in the City Hall. On motion, the Council adjourned.

J. O. Johnson City Clerk.