

Minutes of a Regular Meeting of the City Council.
Austin, Texas, April 5th 1897.

Hon. Lewis Hancock, Mayor, presiding.

Roll called.

Present, Aldermen Haynes, Lawless, Maddox, Hall, Powell, Robertson.

Schneider, Shelley, Stump, Taylor and Townsend.

Absent, Aldermen Beatty, Belvin, Fischer, Horton, Huhn, Simm.

Miller, Mische, Redd, Rosenman & Silver.

Alderman Hall moved a call of the Council which was second.

Roll called.

Absent, Aldermen Belvin, Fischer, Horton, Huhn, Simm.

Miller, Mische, Redd, Rosenman & Silver.

Aldermen Fischer and Simm entered the Council Chamber.

Alderman Shelley moved to suspend the call which motion prevailed.

Alderman Maddox moved to adopt the minutes as recorded without reading. Carried.

Minutes adopted as recorded

Pet. of Mr. Chennille for appointment as Collector

By Alderman Lawless. Petition of John Chennille to be appointed as Collector. Read and on motion referred to the Police Committee. The Mayor laid before the Council the report of the City Assessor and Collector for the month of March 1897, showing collections as follows:

	Petitions
From General Revenue	\$ 6,898.71
" Dining Fund & Bonds	14,113.49
" Interest on Old Bonds	1,339.65
" School Tax	<u>5.00</u>
Total	\$ 27,351.61

Report of City Treasurer

Read and referred to Finance Committee.

The report of the City Treasury for the month of March 1897 was then read, showing balances as follows:

General Fund	\$ 2,934.75
Interest on Old Bonds	2058.06
Dining Fund	5843.34
Water and Light Fund	29,181.60
Interest Dining Fund & Bonds	35,914.07

Referred to Finance Committee.

On motion of Alderman Simm, the reports of the other City Officers were referred to their appropriate committee without reading.

The following is a synopsis of the reports.

Report of City Clerk.

Total amount of warrants drawn against the General Fund	\$ 486.01
" " " " " Earnings	\$ 900.75
" " " " " Water & Light	750.00
" " " " " Int. on Old Bonds	16,584.50
" " " " " Old	\$ 195.00

Report of City Marshal.

Referred to the Finance Committee.

Total amount of fines owing in records for 1897 \$ 10,500
Paid in cash \$ 10,500

Worked Out	\$ 102.00	
Carried forward	79.00	
Collected on back fines		\$ 195.00
Bound fees		31.50
Total number of Arrests for the month	40	85.50

Report of City Physician

Referred to the Police Committee
By the City Physician.

Number of Patients in Hospital March 1st 1897.

" " " Admitted during the month	16
" " " discharged " " "	16
" " " died " " "	1
" " " remaining April 1 st 1897	8
" Visits to Paupers during the month	126
" Prescriptions for Paupers " "	190

Referred to Hospital Committee.

By the City Sexton.

Total number of deaths during the month 10

" White.	9
" Colored.	1
" Male.	5
" Female.	5

Referred to Cemetery Committee.

Report of Dept. of Streets By the Dept. of Streets; showing amount expended for the month of March 1897. \$1449.48

Referred to the Street Committee.

Aldermen Peary, Belvin, Kuhn, Miller, Schneider, Redd & Silver entered the Council Chamber.

Finance Com report on resolution to invest \$10,000.00 of Dining Fund in Water & Light 5% Bonds. Alderman Townsend, for the Finance Committee, to whom was referred a resolution introduced by Alderman Schneider looking to the investment of the Dining Fund, beg leave to report that there is in the City Treasury to the credit of the Dining & Dining Fund Water & Light 5% Bonds of the City of Austin presented the following report:

To the Honorable Lewis Hancock Mayor, and Board of Aldermen of the City of Austin: Austin, Texas, April 5th 1897.

Gentlemen: Your Committee on Finance, to whom was referred a resolution introduced by Alderman Schneider looking to the investment of the Dining Fund, beg leave to report that there is in the City Treasury to the credit of the Dining & Dining Fund Water & Light Bonds, the sum of \$35,918.00, and we recommend that the sum of \$10,000.00 of that amount be invested, in Austin Water & Light 5% Bonds, and that the City Clerk be instructed to correspond with holders of said bonds, asking for bids for amounts as above recommended.

A. L. Townsend.

W. F. Sayles

W. K. Schreiber, Finance Committee.

Resolved, ... that the Finance Committee be instructed, and that the same be sent to the Auditor, to be paid, for the amount of \$10,000.00, to the City of Austin, Texas.

Claims &c. Com. report Alderman Platt, for the Committee on Claims and Accounts, to whom was referred a communication from the Board of Equalization, in regard to an assessment of W. D. Miller. whose erroneous assessment of W. D. Miller, presented the following report which was read and adopted.

To the Mayor and Board of Aldermen:

Gentlemen: Your Committee to whom was referred, the communication from the Board of Equalization for the year 1896, represent that said Board had committed an error in fixing the valuation of some improvement on lots 15 and 16, Block E, Goulding Addition, the property of W. D. Miller, at two hundred and fifty Dollars; for the year 1896. which in fact, there was no improvement on said lots.

They therefore respectfully ask the City Council to remit to W. D. Miller, the four dollars and forty-three cents; that being the amount of taxes charged against him for the year 1896, on account of said improvements. Your Committee beg leave to report that we have carefully considered the same, and recommend that the amount of Four dollars and forty-three cents, be remitted.

Respectfully,
Dr. Platt,
C. G. Gilkes.

Assessor & Collector directed Alderman Shelley moved that the Assessor and Collector be directed to correct the assessment of W. D. Miller, in accordance with the report of the Committee on Claims and Accounts. Adopted.

Claims &c. Com. report Alderman Platt, for the Committee on Claims and Accounts to whom on Petition of C. H. Smith regard was referred the petition of C. H. Smith, in regard to taxes on a certain lot, presented the following report, which was read and adopted.

To his Honor the Mayor and Board of Aldermen:
Gentlemen: Your Committee to whom was referred the petition of C. H. Smith, the petitioner represents that he is the owner of two-thirds of lot No. 7, in Block 65, in this City, which he bought last year from the First Baptist Church, claiming an exemption, on the ground, that it was church property, therefore it was exempt from taxation. Your Committee, after carefully considering the same, beg leave to report that the above described lots, does not come within the class of exemptions, and are not exempt from taxation. Your Committee therefore, recommend that the petition be not granted.

Respectfully,
Dr. Platt,
C. G. Gilkes.

Printing Com. report Alderman Hayes; for the Printing Committee, presented the following for Newspaper Printing Inc. report which was read and adopted.

To the Honorable Mayor and City Council of the City of Austin, Texas, etc. etc.
Gentlemen: In accordance with Resolution, passed at the last meeting, printing, etc., the Printing Com. have used regard received the undersigned documents submitted. K. C. McAdoo, Esq., of the City of Austin, Mr. J. W. Clegg, Esq., of the City of Austin, and such others as may be necessary, under, or from time to time, for the purpose.

of the fiscal year.

The bid of the Evening News being 50 cents per 100 words, for 1st insertion and 1st cents per 100 words for each subsequent insertion; the bid of the Daily Statesman is 4 cent per word for 1st insertion, and 1 cent per word for each subsequent insertion, and as the latter is the lowest bid by a fraction of 1 of a cent per word on subsequent insertions your Committee recommend its acceptance.

Considering the financial condition of the City and the small amount available in the Budget for necessary Printing, as well as the many other expenses, such as Street work, pay of Employees &c. which must necessarily be met, and the fact that the Charter only requires the publication of the proceedings of the Council, "when practicable", your Committee deem it impracticable to pay for publishing the proceedings under existing conditions and at the convenience of the Council.

Respectfully submitted,

H. S. Haynes,

J. C. Crookshank,

W. M. Belvoir, Printing Committee

Mayor authorized to enter Alderman Haynes moved that the Mayor be authorized to enter into contract with Statesman contract with the Statesman Publishing Company in accordance with the report of the Committee which motion prevailed.

Street Com's report on per Alderman Gilmer for the Street Committee, to whom was referred the Pet. of Citizens to open and grade Street on the west side of Tillotson Street that of Tillotson Institute Institute, presented a verbal report, stating that the Tillotson Institute were claiming the Street as private property.

In motion the matter was re-referred to the Street Committee and the City Attorney.

Pet. of Citizens asking that City Alderman Stumpf Petition of Citizens, asking that Water Street Water St. be graded in the Ward from Guadalupe to University Avenue be graded. Read and on motion referred to the Street Committee.

Mayor's veto message of
Ord. regulating Street walking
of Fem. Women or Prostitutes

The Mayor then laid before the Council the following veto message:

Mayor's Office
Austin, Texas, March 22nd 1897.

To the Hon. City Council.

Sentencer: I herewith return to you an ordinance, passed by you at your last meeting, on March 15th 1897, entitled "An ordinance making it a misdemeanor for Fem. Women or Prostitutes, to walk stand or loiter on the Streets, or alleys, at night, and providing a penalty therefor," with my disapprobation of same, and my reasons therefor. Having doubt as to the validity of the ordinance, I submitted it to the City Attorney and received from him the following opinion:

March 19th 1897.

Hon. Lewis Hancock, Mayor.

Austin Times'

Dear Sir:

Mr. Wm. Morris, who was examined before me, in this, his Ordinance making it a misdemeanor for Fem. Women or Prostitutes, to walk stand or loiter on the Streets, or alleys, at night, and providing a penalty therefor,

Esq., Wm. Morris, Esq.

therefor, and beg to report that in my opinion, the same is unreasonable, and for this reason void.

"To walk, stand or loiter on the Streets or Alleys" is, in itself an incident to personal liberty, and one which I do not think a Woman by reason of the fact that she leads the life of a Prostitute, thereby forfeits.

The Courts of this State have held, that an ordinance which seeks to prohibit the renting of premises to women of this character, without regard to the uses to which they were intended to be put, is contrary to common right, and therefore void. (Milliken v.s. Weatherford, 54 Tex. 388). So, also, it has been held that an ordinance is void which prohibits females from attending, or waiting in a dance cellar, bar room or place where liquor is sold, and from being present in such place in any capacity between six o'clock in the evening and six in the morning, because it excludes a woman from a lawful business. (In re Maguire, 54 Cal. 604).

There is, of course, ample authority for the punishment of street-walkers, or Prostitutes who may solicit on the streets; but, as I understand this ordinance, it seeks to provide a penalty for the mere "standing" or "walking" or "loitering" on the Streets or Alleys by Prostitutes, regardless of the purpose they may have in so doing.

For the reasons above stated, I am of the opinion that the ordinance is unreasonable, contrary to common right, and therefore void.

Very respectfully,

Geo. J. Anderson, City Attorney.

My own views concurring with the opinion of the City Attorney above set forth, I am constrained to veto the ordinance.

Respectfully,

Lewis Hancock, Mayor.

The vote by which the ordinance was passed having been reconsidered, the motion was then lost, "shall the ordinance pass notwithstanding the Mayor's objection", and was lost by the following vote:
 Mrs Aldermen Dealy, Haynes, Powell and Schneider 4.
 City Aldermen Belvin, Fischer, Huhn, Sawles, Sims, Maddox, Miller,
 McElroy, Scott, Peden, Robertson, Rosengren, Shelley, Stumpf, Taylor,
 Townsend and Tiller. 17.

Resolution directing City Engineer to examine the Gas Tank in rear of Public School Building in E. Ward.

Alderman Sims offered a resolution directing the City Engineer to examine the Gas Tank in rear of the Public School Building for colored children, in the first Ward, and if found in a dangerous condition, to notify the owners, or their agents, to remove, or build a suitable enclosure around the same. The resolution was adopted.

The Mayor laid before the Council an ordinance amending Article 183, Chapter One, Title Five, of the Revised Civil Ordinances, of the City of Austin, in regard to the duties and bond of the City Treasurer.

The ordinance was read first time, and the rule suspended and the ordinance placed upon its second reading by the following vote.

Mrs. Aldermen Dealy, Belvin, Fischer, Haynes, Huhn, Sawles, Sims,
 Maddox, Miller, McElroy, Scott, Peden, Robertson, Rosengren, Schneider,
 Shelley, Stumpf, Taylor, Townsend and Tiller 21.

Mr. Clark.

To the pass over Mayor's
Veto lost.

Resolution directing City
Engineer to examine the
Gas Tank rear of Public
School Building in E. Ward.

Ord. amending Art. 183
Chap. 5, Title 5 Revised
Civil Ordinances.

\$50,000.00 inserted in
bond

The ordinance was then read a second time.
On motion of Alderman Maddox, the blank space in the ordinance
was filled by inserting "Fifty Thousand dollars", making the bond
of the City Treasurer "Fifty thousand dollars".

The rules were then suspended, and the ordinance placed upon the
third reading and final passage by the following vote:
Geas, Alderman Dealy, Delvin, Fischer, Haynes, Huhn, Lawless, Linn,
Maddox, Miller, Nitschke, Platt, Powell, Redd, Roberdeau, Rosengren,
Schneider, Shelley, Stumpf, Taylor, Townsend and Gilmer. 11
Carrie, None.

The ordinance was then read a third time and passed.

Ord. appropriating \$60.00 to pay Alderman Haynes. An ordinance appropriating the sum of \$60.00
to G. Plumb as Guard for City to pay G. Plumb for service rendered, as guard for City Prisoners
Prisoners

The ordinance was passed under suspension of the rules by the
following vote:

Geas, Aldermen Dealy, Delvin, Fischer, Haynes, Huhn, Lawless, Linn,
Miller, Nitschke, Platt, Powell, Redd, Roberdeau, Rosengren, Schneider,
Shelley, Stumpf, Taylor, Townsend and Gilmer 10.
Carrie Alderman Maddox. 1

Ord. appropriating \$397.50 to pay salaries of Drivers & Cuttermen, Sanitary Department
to pay salaries of Drivers & Cuttermen, Sanitary Department
for the months of March and April 1897.

The ordinance was passed under suspension of the rules, by the following
vote:

Geas, Aldermen Dealy, Delvin, Fischer, Haynes, Huhn, Lawless, Linn,
Maddox, Miller, Nitschke, Platt, Powell, Redd, Roberdeau, Rosengren,
Schneider, Shelley, Stumpf, Taylor, Townsend and Gilmer 10.
Carrie, None.

(Mr. Linn excused)
On motion Alderman Linn, was excused from further attendance at
this session of the Council.

Ord. appropriating \$9.75 to pay Extra Street Laborers
to pay Extra Street Laborers

The ordinance was passed under suspension of the rules by the following vote:
Geas, Aldermen Dealy, Delvin, Fischer, Haynes, Huhn, Lawless, Maddox, Miller,
Nitschke, Platt, Powell, Redd, Roberdeau, Rosengren, Schneider, Shelley, Stumpf,
Taylor, Townsend and Gilmer 10.

Carrie, None.

Ord. appropriating \$905.00 to pay Juries of Aldermen for the month of March 1897.

The ordinance was passed under suspension of the rules by the following vote:
Geas, Aldermen Dealy, Delvin, Fischer, Haynes, Huhn, Lawless, Miller, Nitschke,
Platt, Powell, Redd, Roberdeau, Rosengren, Stumpf, Taylor, Townsend and
Gilmer 10.

Carrie, Fischer, W. A. Fox, Schneider and Sheller 3.

Carrie, Fischer, W. A. Fox, Schneider and Sheller 3.

Geo. Johnson
City, 1897