



Earnings fund  
 Balance June 1st 1901 312.06  
 Receipts during " " 15,554.37  
 Paid warrants during " " \$ 6921.68  
 Balance " 30th " 8944.75  
 15,866.43

Referred to Finance Committee  
 By the City Physician  
 Number of patients in Hospital June 1st 1901. 27  
 " " " admitted in " " 26  
 " " " dismissed " " 18  
 " " " deaths " " 3  
 " " " remaining " 30th " 32  
 " " " Visits to pauper " " 90  
 " " " Prescriptions pauper " " 303  
 " " " Cases Small Pox Reported " 8

Referred to Hospital Committee  
 By the City Doctor  
 Number deaths during the month 16  
 White 11  
 Mexican 2  
 Colored 3  
 Male 8  
 Female 8

Referred to Cemetery Committee

Reports of Standing Committees

Rep. Mr. Com. Alderman Nitschke for the Streets Committee, to whom was referred the petition of Supt. Puren of the Blind Asylum asking that certain streets were be done near the State Blind Asylum, presented a report recommending that the work be done as asked for and submitting an ordinance appropriating money for said work, and recommending the passage of the ordinance. On motion the report was adopted.

Claims account on Pet. for remis. taxes - Alderman Low for the Claims and accounts Committee, to whom was referred the appeals of certain persons from the action of the Board of Equalization presented the following report which was read and adopted.

Austin Texas July 1st 1901

to Equalization Hon. R. E. White Mayor and City Council of the City of Austin: Gentlemen:

Your Claims and accounts Committee to whom was referred from former Council, appeals from Board of Equalization and petitions for refunding of taxes, as follows:  
 J. M. and Anselm T. Wass. appeal  
 Joseph Halle do  
 G. Von Kaenitz do

H. B. Smith	appeal
Miss May Odum	do
James Byrne	do
John P. ...	do
Section Am. Moly Co	do
Western Union Telegraph Co	do
Ed. Crouse	do
A. M. Burt	do
A. Michelson	do
J. F. ...	do
A. H. Mathis	do
Mrs. L. H. ...	do
Mrs. L. B. ...	do
Mrs. W. S. ...	do
J. M. ...	do
J. H. ...	do
Bank Shoe Company	do
Mrs. C. A. ...	do
Mrs. ...	do
J. H. ...	do

They leave to return the same herewith, with the suggestion that the present City Charter precludes the right of the Council to adjust or compromise taxes

Respectfully  
Theodor Low  
W. D. Shelley

Ref. printing  
Comm. Chas. to  
publish minutes

Alderman Crocker for the committee on printing to whom was referred a resolution directing the City Clerk to furnish the Austin Statesman with a copy of the proceedings of the Council, for publication. The report of the committee was read and adopted by the following vote:  
Yeas Alderman Crocker Davis Stone Low, Mortimer Humate  
Stump and Vile

Ways Alderman Maddey Vilsentle Redd Shelley

Ref. W. S. Commission

Alderman Schneider entered the Council Chamber. The Mayor laid before the Council the quarterly report of the Water and Light Commission, which was read and on motion referred to the Water and Light Committee.

Reports of Special Committees

Report of the Com. on Vesting Title

Alderman Maddey for the special committee to whom was referred the matter of the sale of Bernstey lots by the Austin City Bernstey Association, presented the following report which was read and adopted:

Austin Texas June 26<sup>th</sup> 1901

To the Mayor and City Council of the City of Austin:  
We, your special committee to whom was referred the matter of alleged overcharges for Bernstey lots by the Austin City Bernstey Association, hereby report that said matter has been by us carefully investigated

with the result, that the following facts have been ascertained and the following recommendations are made, viz:

Facts as ascertained

The Austin City Cemetery Association is a Corporation Chartered under the laws of this State for the purpose of maintaining a cemetery in the City of Austin, and owning and selling lots therein for the purpose of the burial of dead human bodies; and in the year 1892 said association acquired and purchased within the City limits of this City and North of the Colorado river the property at present used by it for cemetery purposes.

In February 1893, the City Council by penal ordinance provided, that it should thereafter be unlawful for any person to bury or caused to be buried, or to in any manner assist in the burial of the dead body of any human being, within the corporate limits of the City of Austin, North of the Colorado River, except at certain places named in said ordinance; and the property owned by said association was not one of the places named in said ordinance.

Whereupon the Austin City Cemetery Association filed in the District Court of Travis County, a petition for injunction restraining the City from enforcing against it the provisions of the ordinance above mentioned. The litigation thus instituted was finally determined in favor of the City by a decision rendered by the Supreme Court of the State on December 3rd, 1894; and the practical effect of the decision thus rendered was to deprive the Cemetery Association of the power to use its property for cemetery purposes until such time as the City should give its consent to the use of the property for those purposes.

On February 4<sup>th</sup>, 1895, the Cemetery Association submitted to the Mayor and Council of the City, a written proposition for the enlargement of the City Cemetery then existing, which proposition was in substance as follows, viz:

The association proposed to oblige itself to add to the City Cemetery the strip of land owned by the Association and adjoining said cemetery, to cut said strip of land into blocks of the same size and shape as those of the old cemetery, to lay out and dedicate to the City for the use of the public streets and walks in the proposed addition in such manner as to make same extensions of those in the old cemetery; to grade all such streets and walks, to erect all necessary culverts and drains, to purchase from the City the fenced interspace between the old cemetery and the proposed addition to deed to the City for the burial of its paupers, dead a strip of land twenty five feet in width by 1000 feet in length off the east side of the proposed addition, to pay all costs of cemetery improvement then pending, and to give bond to defend from the City suits arising in the future

out of the use for cemetery purposes of the land embraced in the proposed addition, to operate the proposed addition under the supervision and control of the City of Austin and to permit the City to fix a minimum price of \$50.00 and a maximum price of \$100.00 upon all blocks of ground 25 by 30 feet in size, sold by said Association; if the City would allow the addition to be made on the terms proposed, and would repeal the penal ordinance above mentioned

On March 18<sup>th</sup>, 1895, and in response to the above proposition, the City Council passed an ordinance entitled "An Ordinance Authorizing the Austin City Cemetery Association to establish a Cemetery in the City of Austin" By Section 3 of this ordinance it was provided "that said association shall not charge more than \$25.00 per block of twenty five feet by 30 feet in size in said Cemetery" & this ordinance was at the instance of the Association. ~~It was provided~~ ~~as to fix the maximum price for lots at \$75.00~~ By Section 5 of the ordinance of March 18<sup>th</sup>, 1895, it was provided that "It shall be the duty of the Association within thirty days after the passage of this ordinance . . . to file with the City Clerk a written acceptance of the provisions of this ordinance"

On April 4<sup>th</sup>, 1895, the Cemetery Association filed with the City Clerk a written acceptance of the provisions of the above mentioned Ordinance

Immediately thereafter, the proposed addition to the Cemetery was made, the land embraced in the addition being subdivided into lots in size 25 by 30 feet

The association sold lots in the addition to the persons, at the dates, and for the prices named below, viz:

1899	July 19	Gen W. Littlefield	125.00
	" 24	Frank O. Abbott	125.00
	Sept 13	Mrs E. L. Newning	100.00
	" 13	Geo P. Tharner	100.00
	" 26	Mrs L. Sharding	100.00
	Oct 3	Mrs Ellen Wishaw	125.00
	Dec 2	Mrs E. A. Dalich	150.00
	25	J. D. Jackson	100.00
1900	March 12	Louis Marcuse	125.00
	April 23	Alfred Paukenen	125.00
	May 14	Chas Esau	125.00
	July 2	A. N. Lintmeyer	100.00
	Aug 4	J. Stanley Ford	125.00
	Dec 31	J. B. Ireland	125.00
1901	Jan 22	J. A. Bachman	125.00
	Feb 4	H. B. J. A. Moore	125.00
	Feb 19	Jefferson Johnson	125.00
	Mar 14	Cassanough & Robinson	125.00
	April 13	J. P. Robinson	125.00

Recommendations

1. We recommend that the ordinance of date March 18<sup>th</sup>, 1895,



entitled "An Ordinance authorizing the Austin City Cemetery Association to establish a Cemetery in the City of Austin, be so amended as to provide an adequate penalty for the violation of its provisions

2. We recommend that the City Attorney be authorized to institute in the name of the City such civil proceedings as in his opinion may be necessary to compel the Austin City Cemetery Association to observe and comply with the restrictions contained in its franchise, if in his opinion the enactment of the ordinance above recommended shall prove not effective for that purpose

3. We express the opinion that the persons who have purchased and paid for lots in said Cemetery addition at prices exceeding the maximum price which said association is entitled to charge for such lots, cannot be afforded relief by action of the City

Whatever remedy such persons may have must be sought in the courts through the medium of suits instituted by them against said association

(240)

Respectfully

J. M. Maddox

Chairman

W. L. Brooks

City Attorney

Reptd from  
on discharge of  
P Klagen

Alderman Stumpf for the special Committee to whom was referred the matter of the discharge of Fritz Klagen by the City Sexton, presented the following report which was read and adopted

Austin Texas July 1st 1901

To the Hon Mayor and City Council

Your undersigned special Committee appointed to investigate the facts leading up to the discharge of Fritz Klagen from employment in the City Cemetery and the prohibiting of his children from working in the City Cemetery, beg leave to report as follows: viz:

On June 24<sup>th</sup>, 1901, Louis Nitsche, City Sexton, in writing discharged the said Klagen from employment in the Cemetery and prohibited the children of the said Klagen from working in the Cemetery in the future. The reason given by the Sexton for this action was that complaints had been made by Ladies to the City Council and to the Cemetery Committee against the said Klagen. No such complaints had in truth and in fact been made.

While we think that the City Sexton did wrong in pursuing the conduct above detailed, we think also that the Council is without power to re-instate the said Klagen, for the reason that the Sexton has the power to make the said discharge with or without reason

We think that the action of the Sexton in attempting to prohibit

the children of the said Klages from in the future working in the Cemetery was without authority of law and void

Respectfully  
Joseph Trumpf  
J. M. Shumate  
D. W. Maday

Committee

Ref Spc Com  
Pet Von Rosenberg  
Recorder Court

Alderman Trumpf for the special Committee to whom was referred the communication from Mrs Von Rosenberg Jr., with reference to the putting into operation the Recorder's Court presented a report stating that in the opinion of the Committee it is not at this time practicable to put said Court into operation. The report was adopted.

Unfinished business

The following veto message of the Mayor was read

Austin Texas June 27<sup>th</sup> 1901

To the Honorable City Council:  
City of Austin

Gentlemen:

Mayors Veto

I herewith return without my approval "An Ordinance granting to the Austin Gas Company, its assigns and successors the right to build and the privilege to maintain for a period of twenty five years from the 10<sup>th</sup> day of September 1900, a spur or switch along and in front of its plants on Colorado Street, and to connect same with the track of the single line of railroad connecting with the St & G. W. R. Co. authorized to be built and maintained by the Lone Star Ice Company by ordinance approved September 10<sup>th</sup>, 1900. and likewise to give to said Austin Gas Company its successors and assigns the privilege of using said railroad track named in said Ordinance" passed by your Honorable body on the 17<sup>th</sup> day of June 1901, for the following reasons.

Gas Co Switch

- 1<sup>st</sup> I think the time of the franchise granted too long and
- 2<sup>nd</sup> I think the granting this Company the right and privilege to use the side walk to be used as a railroad track is to say the least of it a very bad precedent, and for these reasons I cannot approve the ordinance

Respectfully  
R. E. White Mayor

Veto sustained

Alderman Crocker moved to reconsider the vote by which the ordinance was passed, which motion prevailed. Alderman Nitschke moved that the ordinance do now pass notwithstanding the Mayor's objection which motion was lost by the following vote

Yeas None  
Nays Aldermen Crocker Davis Hume Low Maday  
Mortimer Nitschke Reed Schneider Shelby Shumate  
Trumpf & Ulich

\$300. 5<sup>th</sup> Ward  
The Mayor laid before the Council an Ordinance appropriating the sum of \$300. for the purpose of paying for certain street improvements in the 5<sup>th</sup> Ward of the City of Austin

The Ordinance was read the second time Alderman Davis moved that the ordinance be referred back to the Street Committee, which motion prevailed by the following vote  
Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Shumate and Struff 8

Nays Aldermen Nitschke Redd, Schneider Shelley & Ulch 5  
New business

\$75- Salary Engineer on Rallon.

By Alderman Maddox An Ordinance appropriating the sum of \$75<sup>00</sup> to pay the salary of the Engineer on the Steam Rallon for the month of June 1901. The Ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff and Ulch 13  
Nays none

\$80. See Dog Catchers

By Alderman Maddox An Ordinance appropriating the sum of \$80- to pay the salaries of Dog Catchers for the month of June 1901. The Ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ulch 13  
Nays none.

Bill re water Co June 30 1901

The Mayor laid before the Council a bill of the Austin Water Light and Power Co. for water claimed to have been furnished the City for the six months ending June 30 1901. On motion the bill was referred to the Water and Light Committee.

approved Apr.

By Alderman Maddox An Ordinance appropriating the sum of \$106.81 to pay approved accounts. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ulch 13  
Nays none.

\$300. extra labor teams.

By Alderman Maddox An Ordinance appropriating the sum of \$300. to pay for extra street labor and teams. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ulch 13  
Nays none

\$30. for...

By Alderman Ulch An ordinance appropriating the sum of \$30. for the purpose purchasing track boxes for the City Cemetery. The ordinance was read the first time and a motion made to suspend the rule and place it on its second reading which motion prevailed by the following vote  
Yeas Aldermen Crooker Davis Low Mortimer Nitschke



Redd Shelley Shumate Struff & Ullrich 10  
Nays Alderman Hume Maddox Schneider 3

The ordinance was read the second time, and on motion was referred to the Cemetery Committee

app'd of street Dept

By Alderman Maddox An ordinance appropriating the sum of \$206.49 to pay approved accounts street Dept  
The ordinance was passed under suspension of the rules by the following vote

Ayes Alderman Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ullrich 13  
Nays None

\$200. Roller bearing rollers on truck No. 1

By Alderman Struff an ordinance appropriating the sum of \$200. for the purpose of placing roller bearing rollers on truck No. 1. The ordinance was read the first time and on motion was referred to the Fire Committee

\$35. to repair paint work City Hall

By Alderman Redd An ordinance appropriating the sum of \$35. for the purpose of repairing and painting roof of the City Hall  
The ordinance was passed under suspension of the rules by the following vote

Ayes Alderman Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ullrich 13  
Nays None

Alderman Maddox offered the following resolution which was read and adopted

Mayors Finance Com to advise how bonds for sinking fund should be handled

Be it resolved by the City Council of the City of Austin that the Mayor and Finance Committee be and they are hereby directed to take such steps as they may deem advisable, looking to the purchase of bonds for the sinking fund of the water and light bonds, and for the sinking fund of the funding bonds, and report their action, with the information secured to next regular meeting of the Council

\$100. to gravel Colorado St bet 3rd & 4th

By Alderman Nitschke An ordinance appropriating the sum of \$100. for the purpose of graveling Colorado street between 3rd & 4th streets. The ordinance was read the first time and on motion was referred to the Street Committee

Ordinance regulating cemeteries within the City of Austin and fixing penalties for the violation of the regulations therein prescribed

By Alderman Maddox An ordinance regulating cemeteries within the City of Austin and fixing penalties for the violation of the regulations therein prescribed. The ordinance was passed under suspension of the rules by the following vote

Ayes Alderman Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Struff & Ullrich 13  
Nays None

By Alderman Maddox An ordinance appropriating the sum of \$95.00 for the purpose of purchasing a type writing machine for the Marshal and City Clerk's office. The ordinance was read the first time and on motion was referred to the Market Committee

\$200 St work  
& 4th st

By Alderman Davis an Ordinance appropriating the sum of \$200. for the purpose of improving east 4th street. The ordinance was read the first time and a motion made to suspend the rule and place it on its second reading which motion was lost by the following vote

Yeas Aldermen Crooker Davis Low Mortimer Nitschke Redd Shumate and Ulit 8

Recorder Court

Nays Aldermen Hume Maddox Schneider Shelley & Stumpf 5  
Alderman Stumpf moved to reconsider the vote by which the report of the <sup>ordinance</sup> special committee on the communication of Judge Von Rosenberg was adopted, which motion prevailed and on motion the communication was re-referred to the committee

\$200. St work  
& 4th st

Alderman Maddox moved to reconsider the vote by which the Council refused to suspend the rule and place the ordinance appropriating the sum of \$200. for street work on E 4th street on its second reading which motion prevailed. The ordinance was then passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate & Ulit 11

Nays Aldermen Hume & Stumpf 2

\$300 St work  
5th Ward

Alderman Davis moved to reconsider the vote by which an Ordinance appropriating the sum of \$300. for certain street work in the 5th Ward, was referred to the street committee, which motion prevailed. The ordinance was then passed under a suspension of the rule by the following vote

Yeas Aldermen Crooker Davis Hume Low Maddox Mortimer Nitschke Redd Shelley Shumate Stumpf & Ulit 12

Nays Alderman Schneider 1

\$100. Gravel  
Colorado St  
bet 3rd & 4th

Alderman Shelley moved to reconsider the vote by which an Ordinance appropriating the sum of \$100. to gravel Colorado street between 3rd & 4th streets, was referred to the street committee which motion prevailed and the ordinance passed under a suspension of the rule by the following vote

Yeas Aldermen Crooker Davis Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Stumpf & Ulit 12

Nays Alderman Hume 1

\$30. Trash  
Boxes Cemetery

Alderman Schneider moved to reconsider the vote by which the Council referred the ordinance appropriating \$30. to purchase trash boxes for the cemetery, to the cemetery committee which motion prevailed and the ordinance passed under suspension of the rules by the following vote

Yeas Aldermen Crooker Davis Low Mortimer Nitschke Redd & Schneider Shelley Stumpf & Ulit 10

Nays Alderman Hume Maddox & Shumate 3

Alderman Maddox offered the following resolution which was read and adopted

Be it resolved by the City Council that the City attorney be and

City Atty to bring  
ordinance in  
date of session  
ordinance

is hereby directed to look into the advisability and right of  
the City to open up for sale for buying purposes the 2 1/2 acres of land  
owned by the City in the NW corner of the enclosure around the  
City Cemetery and report an ordinance to place same on sale if same  
can be done.

\$1000. to pay  
expense of Com  
to commission  
debit

By Alderman Stumpf An ordinance appropriating the sum of \$1000-  
for the purpose of paying traveling expenses of special committee  
appointed to confer with the bondholders of Water and Light bonds  
of the City. The ordinance was passed under suspension of the rules  
by the following vote

Ayes Aldermen Crocker Dairs Stone Low Maddox Mortimer  
Nitschke Redd Schneider Shelley Shumate Stumpf & Whit 13  
Nays none

Judge Calhoun  
addressed Council of Davis  
County on Colorado  
Wires on Colorado  
Bridge

On motion Judge Geo Calhoun County Judge  
addressed Council of Davis County was invited to address the Council on the  
subject of wires etc on the bridge across the Colorado River  
After the remarks of Judge Calhoun Alderman Shumate  
moved that a committee of three be appointed to confer  
with the County Commissioners Board of Davis County and  
to make such suggestions regarding the wires on the said bridge  
and the placing of other wires as they may deem for the  
best interest of the City - which motion prevailed.  
The Mayor appointed Aldermen Schneider Nitschke and  
Shumate as the Committee

Com appointed to  
confer with  
County Com on  
bridge matters

On Motion the Council adjourned  
Jno. O. Johnson  
City Clerk