

Regular meeting of the City Council

Austin, Texas, March 16th 1903Hon. Th. A. Shelley, President of the Council presiding
Roll calledPresent Aldermen Crocker, Davis, Kinnear, Lou Maddox,
Nitschke, Redd, Schneider, Shelley, Shumate, Trumbull, Ullrich
Absent Alderman MortimerOn Motion the minutes were approved as recorded in
the City without reading

Petitions, memorials, etc

By the Chair, memorial of the Good Government League
of the City of Austin, containing charges against the City
Marshal and certain Police officersOn motion Judge Geo. Edwards, President of said League
was permitted to read the memorial

Alderman Mortimer entered the Council Chamber

After the reading of the memorial, Alderman Maddox
moved that it be referred to the Police Committee and
City Attorney, with instructions to take immediate action
thereon which motion prevailedThe Chair laid before the Council a petition from Citizens of
North Austin, asking to have certain water mains laidThe petition was read and on motion was referred to the Water
and Light CommissionBy Alderman Maddox - Petition of Citizens regarding Plumbing
and drainage - Read and on motion referred to the Water and
Light CommitteeBy Alderman Ullrich - Petition of Citizens asking that a bridge
be built across Hadden Creek on 17th Street - Read and
on motion referred to the Street CommitteeBy Alderman Maddox, Communication from Mr. Butler
in regard to the Barton Springs road in South Austin
Read and on motion referred to the Street CommitteeBy Alderman Davis - Petition from Geo. A. Brush asking
that certain improvements be made on streets leading
to Pease Park. Alderman Davis moved that the petition be
granted, and that the Street Committee and City Engineer
be directed to have the work asked for doneAlderman Maddox moved as a substitute that the petition
be referred to the Park and Street Committee with
instructions to report at the next regular meeting of
the Council. The substitute was adopted

Reports of City Officers

The Chair laid before the Council the report of the Assessor and
Collector. The Treasurer and the Marshal in the month of
Feb 900 which were on motion referred to their respective
Committees, without reading

Reports of Training Committee

Memorial in
the Good
Government
League
League for
charges against
the Marshal and
certain Police
Officers
Referred to Police
CommitteePet. Citizens North
Austin
certain water
mainsPet. Citizens
Plumbing
& drainage
Citizens
over Waller Creek
on 17th St.Mr. Butler Road
Barton SpringsGeo. A. Brush
requesting
improvements

Reports Board
Finance and
Auditors

Alderman Maddox for the Finance Committee to whom was referred the reports of the Assessor and Collector, the Treasurer and the Clerk for the month of Jan'y 1903, presented a report stating that they had been examined and found correct. The report was adopted.

Hospital on
Funding

Alderman Redd for the Hospital Committee to whom was referred the report of the City Physician for the month of Jan'y 1903, presented a report stating that they had examined same and found it correct. The report was adopted.

Purchasing
Committee
for the
City of Austin

Alderman Shumate for the purchasing Committee, presented a report stating that they had asked for and received bids for culvert pipe for the City, and recommending that the bid of the Austin White Line Co be accepted. On motion the report was adopted. Also that they had asked for and received bids for furnishing drugs for the City Hospital and for prescriptions for paupers. They recommended the acceptance of the bid of W. W. Graham for prescriptions for paupers, and that of J. W. Childs for medicines for the Hospital. On motion the report was adopted and the contracts awarded as suggested by the Committee.

Purchasing on
Resolution that
City employees
be required to pay
their bills

Alderman Shumate for the purchasing Committee to whom was referred a resolution requiring City employees to pay their bills, presented a report stating that a similar resolution had heretofore been passed by the Council, and therefore there was no necessity for the passage of this. They recommended that the resolution do not pass. The report was adopted.

Unfinished business

\$1500. Stone
Culvert 5th
Street

The Chair laid before the Council an ordinance appropriating the sum of \$1500. for the purpose of building a stone culvert across Little Shoal Creek at the intersection of 5th & Muscovy Sts. The Ordinance was read the third time and passed by the following vote:

Ayes Aldermen Low Maddox Mortimer Nitschke Redd
Schneider Ulich

Nays Aldermen Crocker Davis Hume Shelley Shumate Stumpff 7

New Business

\$1000. for
St. Workman
Contract to 14th

By Alderman Nitschke an ordinance appropriating the sum of \$1000 - for street work on Congress Avenue between the Capital Building and 19th Street. The Ordinance was passed under suspension of the rules by the following vote:

Ayes Aldermen Crocker Davis Hume Low Maddox Mortimer Nitschke Redd Schneider Shelley Shumate Stumpff Ulich 13

Nays none.

By Alderman Stumpff An Ordinance regulating the printing of election tickets in the City of Austin. The Ordinance was passed under suspension of the rules by the following vote:

Ayes Aldermen Crocker Hume Low Maddox Mortimer Nitschke Redd Shelley Shumate Stumpff Ulich

Ways Alderman Davis & Schneider
By Alderman Shumate in ordinance ordering an election
to be held on Monday April 6 1908, in the City of Austin for the
purpose of election of Mayor & other City officers

The ordinance was read the first time and on motion
the rule was suspended and the ordinance placed on its second
reading by the following vote
Yeas Aldermen Crocker Davis Low Maddox Mortimer Wittecke
Redd Shelley Shumate Shumpp & Ullitt 11
Nays None

The ordinance was read the second time by Captain
Alderman Shumate moved to amend same by adding at the
end of Section 1 the following "providing that if the pending
Charter Amendments providing for the election of a City
Treasurer by the Council shall become effective before the printing
of election ballots there shall be no election for Treasurer at the election"
hereby ordered. The amendment was adopted, and after filling in the
blanks fixing the places at which the polls shall be opened and the
election held, and the appointment of Judges and Clerks of election in
each of the wards, the ordinance was passed under suspension of
the rule by the following vote
Yeas Aldermen Crocker Davis Hume Low Maddox Mortimer
Wittecke Redd Schneider Shelley Shumate Shumpp & Ullitt 13
Nays None.

On motion City Attorney Brooks was excused from further
attendance at this Session of the Council

By Alderman Maddox an ordinance granting the Lone Star
Ice Company and the Austin Gas Company the right to
build a spur of RR on Colorado street etc

The ordinance was read the first time, and on motion the rule was
suspended and it was placed on its second reading by the following vote
Aldermen Crocker Davis Hume Low Maddox Mortimer Wittecke
Redd Schneider Shelley Shumate Shumpp & Ullitt 13
Nays None.

The ordinance was read the second time

Alderman Maddox offered the following amendment. Amend
by adding "provided said parties shall put the street adjoining
said track in good condition to the satisfaction of the City Engineer
and Street Committee" The amendment was adopted and the
ordinance as amended was passed under suspension of the rule by
the following vote

Yeas Aldermen Crocker Davis Hume Low Maddox Mortimer
Wittecke Redd Schneider Shelley Shumate Shumpp & Ullitt 13
Nays None

By Alderman Maddox An Ordinance appropriating
the sum of \$22,500.00 for the purpose of paying first
installment of money due on contract between the
City and the Receiver of the Austin Water, Light & Power Co etc

Ord granting
Lone Star Ice
Co to build
spur of RR

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

Yeas Aldermen Crooken Davis Hume Maddox Mortimer
Witschke Redd Shelley Shumate Trumpf Vleit 11

Nays Alderman Loh 1

By Alderman Maddox An ordinance appropriating the sum of \$1085.⁰⁰ for the purpose of paying approved accounts. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooken Davis Hume Loh Maddox Mortimer
Witschke Redd Shelley Shumate Trumpf Vleit 12

Nays none

By Alderman Maddox An ordinance appropriating the sum of \$50. for the purpose of paying interest due prior to July 1st 1900. on Water Light bonds 882 & 883. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooken Davis Hume Loh Maddox Mortimer
Witschke Redd Schneider Shelley Shumate Trumpf Vleit 13

Nays none.

Expresses -
Exchange bank

By Alderman Maddox An ordinance appropriating the sum of \$2.⁰⁰ for the purpose of paying expressage & exchange on Refunding bonds. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooken Davis Hume Loh Maddox Mortimer
Witschke Redd Schneider Shelley Shumate Trumpf Vleit 13

Nays none.

Appropriation
Sept

By Alderman Maddox An ordinance appropriating the sum of \$179.⁰⁰ for the purpose of paying approved accounts Street Dept. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooken Davis Hume Loh Maddox Mortimer
Witschke Redd Schneider Shelley Shumate Trumpf Vleit 13

Nays none

Special Police

By Alderman Maddox An ordinance appropriating the sum of \$135.⁰⁰ for the purpose of paying Salaries of Special Policemen for the month of Jan'y 1901. The ordinance was passed under suspension of the rules by the following vote

Yeas Aldermen Crooken Davis Loh Maddox Mortimer
Witschke Redd Schneider Shelley Shumate Trumpf Vleit 12

Nays Alderman Hume 1

Alderman Maddox moved that the City Marshal be directed to dispense with the services of one of the special Policemen now employed, from this date and that the action be discharged at the end of the present month, which motion prevailed

By Alderman Maddox An ordinance appropriating the sum of \$1400.⁰⁰ for the purpose paying the Salaries of drivers of street teams for the remainder of the fiscal year

The Ordinance was passed under suspension of the rules by the following Vote

Yeas Aldermen Crocker Davis Kume Low Maddox Mortimer
Nitschke Redd Shelley Shumate Stumpff & Ullrich 12
Nays none.

Ordinance
Enacted

By Alderman Maddox An Ordinance appropriating the sum of \$3200.00 for the purpose of paying the salaries of Sanitary employees for the remainder of the present fiscal year. The Ordinance was passed under suspension of the rules by the following Vote

Yeas Aldermen Crocker Davis Kume Low Maddox Mortimer
Nitschke Redd Shelley Shumate Stumpff & Ullrich 12
Nays none.

Ordinance
Enacted

By Alderman Maddox An Ordinance appropriating the sum of \$27,772.00 for the purpose of paying the salaries of officers and employees for the remainder of the present fiscal year. The Ordinance was passed under suspension of the rules by the following Vote

Yeas Aldermen Crocker Davis Kume Low Maddox Mortimer
Nitschke Redd Shelley Shumate Stumpff & Ullrich 12
Nays none.

Ordinance
Enacted

By Alderman Maddox An Ordinance appropriating the sum of \$1300.00 for the purpose of paying the salaries of Aldermen for the balance of the fiscal year. 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 Crocker Davis Kume Low Redd Shumate
Shelley Shumate Stumpff & Ullrich 9
Nays Aldermen Maddox Mortimer & Nitschke 3

On Motion the Council adjourned

Jno. O. Johnson
City Clerk

Adjourned Called Meeting of the City Council
Austin, Texas, March 24th 1903
Hon W. D. Shelley, President of the Council presiding.

Roll Called

Present Aldermen Crooken Davis Low Maddox Mortimer

Nitschke Redd Schneider Shelley Shumate & Whit 10

Absent Aldermen Hume Mortimer & Shumpp 3

Alderman Schneider moved a call of the Council which was ordered and the Marshal directed to bring in the absentees

On motion of Alderman Maddox the call was suspended. The memorial of the Good Government League was read.

Aldermen Mortimer and Shumpp entered the Council chamber. The preamble and resolution passed by the Council at the called session held on the 19th of March 1903, was read.

Alderman Shumpp stated to the Council that Maj. Littlefield who had been summoned to be in attendance this evening, had informed him that he could not be on hand on account of being sick.

The Attorneys for the defendants in this investigation presented their answer.

Alderman Maddox moved that the demurrer presented by the defendants be overruled - which motion prevailed by the following vote

Yeas Aldermen Crooken Davis Low Maddox Mortimer
Nitschke Redd Schneider Shelley Shumate Shumpp & Whit 12
Nays none

The following named witnesses for the prosecution were then separately introduced, sworn and examined, viz:

A. Houston Chester Thrasher J. P. Kirk R. Mahomes W. P. R. Campbell J. P. Hallace J. H. Williams J. W. C. Johnson

Alderman Maddox moved that the Council adjourn until Wednesday March 25th 1903, at 8 o'clock P.M.

Alderman Mortimer moved as a substitute that it adjourn until 8 o'clock P.M. on Thursday March 26th 1903

The substitute was lost by the following vote

Yeas Alderman Alderman Mortimer - 1
Nays Aldermen Crooken Davis Low Maddox Nitschke Redd
Schneider Shelley Shumate Shumpp & Whit 11

The Motion to adjourn until 8 o'clock P.M. Wednesday March 25th 1903, was then adopted

J. W. C. Johnson
City Clerk

Trial of
Marshal vs.
Police

Adjourned called meeting of the City Council
 Austin, Texas, March 26th, 1903
 Leon Th. Shelley President of the Council presiding
 Roll called

Present Aldermen Crook Davis Low Maddox Martin
 Shelley Thumate & Stump
 Absent Aldermen Hume Mortimer Redd Whit 9
 4

Alderman Thumate moved a call of the Council which
 was seconded and the call ordered - and the Marshal directed
 to bring in the absentees

From Court - Aldermen Mortimer Redd and Whit entered the Council
 and answered to their names.

On motion the call was suspended.

The following named witnesses for the prosecution, were then
 called, sworn and examined, viz

H. A. Thoe, Geo. H. Littlefield Joe Corwin Walter Bierce
 John Johnson Joe Cantada John Moore Wm. Bankin
 Max Rosenberg E. C. Bass John Cook & Nat. Brunson

Alderman Maddox moved that the Council stand
 adjourned until 8 o'clock P.M. Thursday March 26th 1903, and
 that the prosecution be required to have all of their witnesses
 present on that occasion, which motion prevailed by
 the following vote

Yeas Aldermen Crook Davis Low Maddox Mortimer
 Thumate Redd Schneider Shelley Thumate Stump Whit 12
 Nays None.

Geo. O. Johnson
 City Clerk

Adjourned Called meeting of the City Council
Austin, Texas, March 26th, 1903
Hon W D Shelley President of the Council presiding
Roll Called

Present Aldermen Crooker Davis Low Maddox Vintcente Redd
Schneider Shelley Shumate Stumpff Ulitt 11
Absent Aldermen Kune Mortimer 7

The Chair directed that the investigation proceed.
The following named witnesses for the prosecution were called,
sworn and examined, viz:

Jim Dwyer, Alex Gamble & Clyde Jones.

The attorneys for the prosecution stated that they did not desire to
introduce further testimony, and would close.

The attorneys for the defense stated that they did not desire to
offer any testimony.

trial of
Marshal and
Police men.

J. K. Reeson Esq then addressed the Council on behalf of the prosecution
after which Henry Paell Esq & Judge Camp addressed the Council
on behalf of the defendants and W. H. Gregory Esq. closed for the
prosecution.

Alderman Maddox moved that the City Attorney be requested
to give to the Council his views as to the wisdom of procedure by
the Council, which motion prevailed, and the City Attorney addressed
the Council on the matter suggested.

Alderman Schneider moved that the Council go into Executive
Session which motion was lost by the following vote
Yeas None

Prays Aldermen Crooker Davis Low Maddox Mortimer Vintcente
Redd Schneider Shelley Shumate Stumpff Ulitt 12

Alderman Maddox offered a resolution as to how the Council
should proceed in voting upon the charges in the Memorial of
the Good Government League, which was in effect to consider
and act on the charges against the parties named separately,
beginning with the City Marshal. The resolution was adopted.

Alderman Maddox introduced the following resolution
which was read and adopted.

Resolution
regarding Voters
at Election

Whereas, the investigation of the charges against the City Marshal
a various members of his Police force has developed the fact
that a large majority of poll Tax receipts issued to the
Voters of the City of Austin and on which the right of such
persons to vote at the approaching City election will depend, were
issued in bulk and without any apparent authority from
the persons named in such receipts; and,

Whereas, the Attorney General of this State has ruled
that no person will be entitled to vote at said election who
did not either personally pay his poll Tax prior to the 1st day
of January, 1903, or by authority conferred, prior to said date,
authorize some one else to pay same; now, therefore, be it
Resolved, by the City Council of the City of Austin,

That the presiding Judge at each of the voting places in the City at the election to be held on April 6, 1903, be, and is hereby instructed to satisfy himself that the persons offering to vote at said election paid their full taxes either in person, or by duly authorized Agents within the time prescribed by law. And such judges are hereby further instructed not to receive the votes of any persons offering to vote at said election if it should appear that such persons did not pay, or authorize the paying of his full tax within the time permitted by law, viz: At some time prior to the 1st day of February, 1903; and be it further,

Resolved, That the City Clerk of the City of Austin, Texas, be, and is hereby instructed and directed to send to each of the presiding judges of said election for his guidance for properly and legally holding said election a copy of this resolution.

Alderman Davis moved that the Council now proceed to take upon the charges presented by the Good Government League against the officers mentioned in said charges, which motion prevailed. The vote was then taken on the charges against City Marshal Montgomery which resulted as follows.

For sustaining the charges Alderman Crooker 1
Against sustaining the charges Aldermen Davis Low Madday Mortimer Nitochke Redd Schneider Shelley Shumate Stumpf & Ulick 11
The Chair declared the charges not sustained.

The vote was then taken upon the charges against Sgt of Police Owens and resulted as follows.

For sustaining the charges Aldermen Crooker Madday Mortimer Nitochke Shelley & Shumate 6

Against sustaining the charges Aldermen Davis Low Redd Schneider Stumpf & Ulick 6.

The Chair declared that the charges were not sustained.

The ballot was then taken upon the charges against Policeman O. Gibson which resulted as follows.

For sustaining the charges Aldermen Crooker Madday Nitochke Shelley and Shumate 5

Against sustaining such charges Aldermen Davis Low Mortimer Redd Schneider Stumpf & Ulick 7

The Chair declared that the charges were not sustained. The vote was then taken upon the charges against Policeman E. N. Austin, with the following result.

For sustaining said charges Aldermen Crooker Madday Mortimer Nitochke Shelley & Shumate 6

Against sustaining the charge Aldermen Davis Low Redd Schneider Stumpf & Ulick 6

The Chair declared that the charges were not sustained.

The vote was then taken upon the charges against Policeman Pierce with the following result.

For sustaining the charges Aldermen Crooker Madday Mortimer Nitochke Shelley & Shumate 6

Serial 1 -
Marshal and
Policemen

Against sustaining said charges Aldermen Davis Low Redd
Schneider Stumpf & Meik 6

The Chair declared that the charges were not sustained

Alderman Davis stated that in the investigation certain evidence
had been produced against Policeman J. W. Bracken, and
while no charges had been preferred by the Good Government
League against him, he moved that the Council vote upon the
proposition of his grant of the charges preferred against his brother
officers, which motion prevailed and the vote was taken, resulting
as follows: viz

In favor of sustaining such charges Aldermen Crocker Maddox
Witschke & Shelley 4

Opposed to sustaining such charges Aldermen Davis Low Mortimer
Redd Schneider Shumate Stumpf & Meik 8

The Chair declared the charges not sustained

The Vote was then taken on the charges against Jno. McNamee
with the following result

For sustaining said charges Aldermen Crocker Maddox
Mortimer Witschke Shelley & Shumate 6

Against sustaining such charges, Aldermen Davis Low
Redd Schneider Stumpf & Meik 6

On motion the Council adjourned

Jno. G. Johnson
City Clerk

Vote on the adoption of the resolution of Alderman Maddox, as to
instructions to election judges. was

Yeas Aldermen Crocker Low Maddox Mortimer Witschke Redd
Schneider Shelley Shumate Stumpf & Meik 11

Nays Alderman Davis 1

Jno. G. Johnson City Clerk