

Called meeting of the City Council
Austin, Texas, March 19th 1903
Hon H.D. Shelley President of the Council presiding.
Roll Called
Present Aldermen Crooker Davis Low Maddox Mortimer
Nitsche Shelley Shumate Stumpf ~~Thompson~~
Absent Aldermen Kume Redd Schneider Ulich
The following Call of the Council was read.
Austin Texas, March 18th 1903

Call seen a
Meeting

To the members of the City Council of the City of Austin:
A Special or Called meeting of the City Council of the City
of Austin is hereby called to convene in the Council
Chamber at the City Hall in said City at 6 o'clock P.M.
on March 19th 1903, for the purpose of hearing the report
of the Police Committee on the memorial of the Good
Government League of said City concerning the alleged
illegal conduct of the City Marshal and members of the
Police force, and for the further purpose of taking such
action on said report and memorial as to the Council
may seem proper.

H.D. Shelley City Mayor
Joseph Stumpf 4th Ward
L.M. Crooker 3rd Ward
J.M. Maddox 2nd Ward
Austin Texas 3/19/03

This is to certify that the following named aldermen have
been served with a copy of this call by having same read
to them in person H.D. Shelley J.M. Maddox Joseph Stumpf
H. Redd L.M. Crooker J. Kume J. Ulich J. Nitsche
H.D. Davis Theo Low J. Shumate P.D. Mortimer, and
a true copy being left at J.P. Schneider's store, not being
able to find him

H. Montgomery City Marshal

The following report of the Police Committee was read and
adopted.

Austin Texas, March 19, 1903

Report of
Police committee
on memorial
of the Good
Government League

To the Honorable the Mayor and City Council of the City of Austin:
The undersigned Committee on Police, to whom was
referred on March 16, 1903, a memorial signed by
Geo. L. Downes as President and J. K. Reeson as Secretary
of the Good Government League of the City of Austin,
inclosed herewith with reference thereto as follows, viz:
I believe that the charges contained in said memorial
and the facts out of which said charges grow, should be
fully and fairly investigated for the purpose of ascertaining
whether or not the City Marshal, or any members of the
Police force have been guilty of violating the law, or officious-
any, in any of the particulars mentioned in said Communication.

2 We believe that no full and satisfactory investigation of said charges can probably be had by this Committee for the reason that it is without lawful power to compel the attendance of witnesses and the giving of testimony.

3 In so far as said charges call into question the official conduct of the City Marshal, this Committee is without the lawful power to take any final action thereon, and said officer is entitled under the law, to have said charges tried before the City Council, to have the benefit of such legal process as may be necessary to compel the attendance of his witnesses, and to have the Council itself see and hear the witnesses on whose testimony he is sought to be convicted.

5 The City Council has the legal power and authority to compel the attendance of witnesses and the giving of testimony in said investigation; and has also the exclusive authority to try and to determine said charges in so far as they affect the right of the City Marshal to his office.

This Committee, therefore, hereby adopts the charges contained in said memorial in so far as it is necessary that same should be adopted, in order to secure their full and complete investigation by the Council and hereby recommends that the City Marshal be given formal notice of the pendency of said charges, and of the time and place of said investigation and that after such notice shall have been duly given, the City Council proceed to investigate and determine said charges in so far as same affect either the Marshal or any member of the Police force.

Respectfully Submitted

J. H. Shelley

Joseph Struff

R. L. Brooks

F. D. Mortimer

Alderman Reed entered the Council Chamber.

He then laid before the Council the following preamble and resolution

Resolution
to investigate
charges against
Marshal
Polkman

Whereas, Messrs J. E. Downes and J. K. Beeth, acting respectively, as President and Secretary, of the Good Government League of the City of Austin, did on the 16th day of March A.D. 1903, present to the City Council of the City of Austin a certain written petition or memorial, alleging that H. Montgomery, the City Marshal of said City, and that various members of the police force of said City, have been guilty of violations of the law and of their respective official duties in particulars specified in said communication; and,

Whereas, the Police Committee of the Council to whom said communication was referred, has reported in reference thereto that, in its opinion, the said charges should be speedily and fully investigated; and that the Council as a whole has the exclusive authority to finally investigate and adjudicate said charges in so far as same call in question the right of the City Marshal to his office; and,

Whereas, the said charges against the members of the police

force are predicated upon the same general state of alleged facts as those against the Marshal; therefore,
 Be it resolved by the City Council of the City of Austin!

Section 1 That the Council will in adjourned special session on the 24th day of March A.D. 1908, at the Council chamber in the City Hall in Austin, Texas, at 8 o'clock P.M. proceed to fully investigate, determine and adjudge said charges so far as they call in question the official conduct of either the City Marshal or any member of the police force; and that said investigation and trial shall continue thereafter from time to time and from session to session until same shall have been finally completed.

Section 2 The acting Mayor is hereby authorized, empowered and instructed to issue such process as may be necessary to compel the attendance of the witnesses required by either the prosecution or defense in said investigation and trial, and may be requested to be issued by any party interested therein. He is also authorized and instructed to appoint such special officer or officers as may be necessary in his opinion to secure the prompt and efficient execution of said process and the orderly conduct of said investigation and trial; and the officer or officers so appointed shall act under his direction and be in all things independent of the supervision or direction of the City Marshal or Captain of Police.

The said acting Mayor is hereby given the right and authority to punish as for contempt any witness who shall disobey said process, or any person who shall disturb the good order of said investigation and trial.

Section 3. The rules of evidence, practice and procedure on said investigation and trial shall, except as herein otherwise provided, conform as nearly as may be by the Council deemed practicable to the rules of evidence, practice and procedure prescribed by law for the conduct of criminal trials for felony in the District Courts of Texas; but no greater majority of the Council shall be requisite to determine and adjudge said charges than the majority required by the Act Charter.

Section 4 The City Clerk is hereby directed to prepare, and the acting Mayor is hereby directed to cause to be served, a copy of this resolution on the City Marshal, Judge Geo. Brown and Mr. H. L. Austin; and the two last mentioned gentlemen are hereby empowered and requested to adduce either in person or by attorney on said trial such evidence and argument as they see relevant or material to the prosecution of their said charges.

In Motion of J. J. Brown an Attorney at Law the second

in section 1 of the resolution was filled by inserting the figures 24. After which on motion the resolution was adopted.

On motion the Council adjourned until 8 o'clock P.M.
Tuesday March 24th 1903

Geo. O. Johnson
City Clerk