

Regular Meeting of the City Council
Austin, Texas, Aug 17th 1903
Hon R.E. White Mayor, presiding

Roll Called

Present Aldermen Crook and Haynes James Macken
Maddox Miller Nitzenke Scheriden & Kelley
Shumate Smith & Libb

Absent Aldermen Moore & Redd

12

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On motion the minutes were approved as
recorded by the clerk, without reading

Petitions, memorials etc.

By Alderman Shumate Pet of Geo. E. Wallace
for salary while sick. Read and on motion referred
to the Five Committee

By Alderman Smith Petitions of Frank Preece
and Anderson Murray for salary while sick.
Read and on motion referred to the Committee
on claims and accounts

By Alderman Smith Petition of Mrs R.H. DeFord
asking to have certain bond fees refunded
Read and referred to the claims & accounts
Committee

By Alderman Macken Petition of Mrs Vina Roberts
asking to have bond fees refunded. Read and on
motion referred to the Committee on claims & accounts

By Alderman Maddox - Protest of citizens against
extension of bond limits - Said over to come up
with ordinance on the subject

By Alderman Crooker. Application of L.R. Day
for leave of absence. On motion leave was granted

Reports of City Officers

The Mayor laid before the Council the report of
the City Treasurer for the month of July, which
was on motion referred to the Finance Committee
without reading

Reports of Standing Committees

Alderman Maddox for the Finance Committee to
whom was referred an ordinance appropriating
the sum of \$1500.00 for the purpose of purchasing lots
and buildings from North Austin Horse #6 presented
a report recommending the passage of the ordinance
On motion the report was adopted

Alderman Maddox for the Finance Committee
to whom was referred an ordinance appropriating
the sum of \$2500.00 for the purpose of erecting a jail
for Smith Austin Horse #5 - presented a report
recommending the passage of said ordinance
On motion the report was adopted -

Petitions etc
of Wallace for pay
while sick

A Murray &
Frank Preece for
pay while sick

Mrs R.H. DeFord
to refund bond fees

Mrs Vina Roberts
to refund bond fees

Protest of citizens
against change in
bond limits

L.R. Day for leave of
absence.

Reports City officers

Reports standing Com

Finance on ordinance
to purchase lots &
buildings North Austin
Horse #6

On ordinance to
build jail Smith
Austin Horse #5

On Ordinance
appropriating \$25⁰⁰ per
month to pay rent to
North Austin Hose Co

Ex Alderman Jackson
invited to seat in Council
Chamber

Fire Committee to let
Contract for Bell Tower

Claims & accounts on
petition of Watson to
refund bond fees.

Secretary on report of
Jackson

Alderman Maddy for the Finance Committee to
whom was referred an Ordinance appropriating the
sum of \$25⁰⁰ per month to pay rent of North Austin
Fire Hall, presented a report recommending
that the ordinance do not pass. The report was adopted.
Alderman Redd entered the Council Chamber.
On Motion of Alderman Nibbelke, ex Alderman
J. A. Jackson was invited to a seat within the bar of the Council.
Alderman Schneider for the Fire Committee to
whom was referred the matter of erecting a new
Bell Tower at the City Hall, presented a report stating
that they had awarded the Contract for same to Walter
Sips. On Motion the report was adopted.
Alderman Haynes for the Committee on Claims and
Accounts to whom was referred the petition of A. Watson
asking to have certain bond fees refunded, presented a
report recommending that the sum of \$3⁰⁰ be refunded
him. On Motion the report was adopted.
Alderman Whit for the Cemetery Committee to
whom was referred the report of the City Sexton for the
month of July 1903, presented a report stating that
same had been examined and found correct.
On Motion the report was adopted.

Unfinished business

Alderman Shelby President of the Council
in the chair.

The Chair laid before the Council the following special
Message from the Mayor

Austin, Texas, Aug 7th 1903,

To the Board of Aldermen of the City of Austin:
Gentlemen:

I return you herewith without my
approval an Ordinance passed by your honorable
body on Aug 3rd 1903, and entitled "An
Ordinance regulating the presence of children
under the age of seventeen years on the streets,
Alleys, sidewalks and other public places of
the City After Night"

I agree to its fullest extent with the idea
that the streets, Alleys, sidewalks and other
public places are that proper resorts of children
of tender age after night; and, that the
consequences of their presence in such places
without the restraining influence of parents
or guardians are apt to be demoralizing to the
children.

But I do not think that the enactment
of a penal ordinance, such as that under

Mayor's Veto
Children Ordinance

consideration, is the proper method of correcting the evil; or that the enforcement of its provisions would produce improved results. It is the legal as well as the natural duty of parents and guardians to exercise control over children committed to their custody for all purposes essential or proper to the physical, mental and moral welfare of such children. In my opinion Municipal governments exceed their proper and legal functions when they undertake the discharge of these parental duties.

But even if the propriety of governmental interference in such matters be conceded as a general principle, then enforcement of ^{the} particular Ordinance under consideration would result in greater injury to the children affected than does the present state of affairs.

The ordinance provides that the Municipal police shall arrest and imprison those children who violate its terms. The offender would thus be thrown into the society of the most depraved and degraded class of criminals.

In order to remove the child from the possibility of evil associations on the streets, it is proposed to subject it to the certainty of worse contamination in the city prison. The plan proposed for the reformation of the child would thus in my opinion insure its ruin. The atmosphere of the Police Court and associations of the city jail can no more reform the morals of the children than can the control and supervision proposed to be exercised by the policeman and Police Judge. Suppose the necessity for parental care and love. For these reasons I cannot agree to the ordinance.

Aug 5/03.

A E White

Mayor

Alderman Crocker moved to reconsider the vote by which the ordinance mentioned in the message of the Mayor was passed, which motion prevailed. Alderman Crocker moved that the Ordinance do now pass, notwithstanding the Mayor's objections, which motion was lost by the following vote:

Veto sustained.

Yeas Aldermen Crocker, Hume & Wadsworth 3
Nays Aldermen Hayes, Macken, Willey, Hirschke, Reed, Schneider, Shelby, Shumate, Smith & West 10
The Chair laid before the Council an ordinance amending Art 27 of the Revised Penal Code.

Bound Ordinance laid
on the table

City Attorney report on
County tax on all water
property purchased by the
City

Leave of Absence granted
City Attorney

\$1500. to purchase lots
in building North Austin
Store Co.
Passed

The ordinance was read the second time and
on motion of Alderman Crocker was laid on the table

Alderman Maddox presented a communication
from the City Attorney in reference to taxes claimed
to be due the County on property purchased from the old
Water Company. - The communication was read and on
motion was ordered filed

On motion the City Attorney was granted a
leave of absence from Aug 21st to Sept 26th 1903
Mayor White in the chair

The Mayor laid before the Council an ordinance
appropriating the sum of \$1500.⁰⁰ for the purpose of
purchasing the lots and improvements belonging to
North Austin Store Co #6 - The ordinance was
read the second time and passed under suspension
of the rule by the following Vote
Yeas Aldermen Crocker Haynes Hume Macken
Maddox Miller Nitschke Redd Shelley Shumate
Smith & Webb

12

Nays None

\$2500. to build Hall
for South Austin Store
passed

The Mayor laid before the Council an ordinance
appropriating the sum of \$2500.⁰⁰ for the purpose of
building a hall for South Austin Store Company #5
The ordinance was read the second time and
passed under suspension of the rule by the
following Vote
Yeas Aldermen Crocker Haynes Hume Macken
Maddox Miller Nitschke Redd Shelley Shumate
Smith & Webb

12

Nays None

\$100. for cutting weeds
in streets.

By Aldermen Smith Haynes & Crocker, an ordinance
appropriating the sum of \$100.⁰⁰ for the purpose of
removing weeds from the streets and alleys
of the City - The ordinance was passed under
suspension of the rules by the following Vote
Yeas Aldermen Crocker Haynes Hume Macken
Maddox Miller Nitschke Redd Shelley Shumate
Smith & Webb

12

Nays None

\$25.⁰⁰ for cutting
weeds in cemetery
opening up Navarro
Street

By Alderman Moore an ordinance
appropriating the sum of \$25.⁰⁰ for the purpose
of opening Navarro Street where it intersects
Garden Street. The ordinance was passed
under suspension of the rules by the following Vote
Yeas Aldermen Crocker Haynes Hume Macken
Maddox Miller Nitschke Redd
Shelley Shumate Smith & Webb

12

Nays None

\$350.00 Culvert
Newings Branch

By Alderman Ullrich an ordinance appropriating the sum of \$350.00 for the purpose of finishing culvert across Newings Branch. 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 Crooker Haynes Hume Macken Maddox Miller Nitschke Redd Shelley Shumate Smith Ullrich 12
Nays Alderman Schneider 1

The ordinance was read the second time and on motion the rule was suspended and it was placed on its third reading by the following Vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox Miller Nitschke Redd Shelley Shumate Smith and Ullrich 12
Nays Alderman Schneider 1

Amended

The ordinance was read the third time. Alderman Maddox moved to amend same by adding after the last word in the ordinance the following "the work to be done by contract". The amendment was adopted by the following Vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox Miller Nitschke Redd Schneider Shelley Shumate Smith and Ullrich 13
Nays Alderman Schneider 1

Passed

The ordinance was then passed by the following Vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox Miller Nitschke Redd Shelley Shumate Smith Ullrich 12
Nays Alderman Schneider 1

\$30. for Cuttings
Weeds Cemetery

On Motion Alderman Schneider was excused from further attendance at this session of the Council.
By Alderman Ullrich An ordinance appropriating the sum of \$30.00 for the purpose of removing weeds and widening ditches, also to purchase locks for Cemetery gates. The ordinance was passed under suspension of the rules by the following Vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox Miller Nitschke Redd Shelley Shumate Smith Ullrich 12
Nays None.

Marshall directed
to put special officer
on duty in Cemetery

Alderman Shelley moved that the Marshal be instructed to place a special officer on duty at night in the City Cemetery for a short time, which motion prevailed.

approved

By Alderman Maddox An ordinance appropriating the sum of \$949.48 for the purpose of paying approved accounts. The ordinance was read the first time and on motion the rule was suspended and it placed on its second reading by the following Vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox

Miller Nitschke Redd Shelley Shumate Smith & Ulib 12
Nays None.

The ordinance was read the second time
Alderman Crooker moved to amend same by
inserting "For J.C. Maddox for salary while sick \$20.00"
The amendment was lost by the following vote
Yeas Aldermen Crooker Haynes Redd & Smith 4
Nays Aldermen Hume Macken Maddox Miller Nitschke
Shelley Shumate & Ulib 8

On motion Alderman Redd was excused from
further attendance at this session of the Council

Passed.

On motion the rule was suspended and the ordinance
appropriating money to pay approved accounts. ~~and~~
placed on its third reading by the following vote
Yeas Aldermen Crooker Haynes Hume Macken
Maddox Miller Nitschke Shelley Shumate Smith
& Ulib 11

Nays None.

The ordinance was read the third time

Alderman Maddox moved to amend same by
adding "to pay D.D. Smyth & Ed. Carleton \$8.00"

The amendment was adopted by the following
vote

Yeas Aldermen Crooker Haynes Hume Macken
Maddox Miller Nitschke Shelley Shumate Smith
& Ulib 11

The ordinance was passed by the following vote
Yeas Aldermen Crooker Haynes Hume Macken Maddox
Miller Nitschke Shelley Shumate Smith & Ulib 11
Nays None

Approved after street
kept.

By Alderman Maddox an ordinance appropriating
the sum of \$599.37 for the purpose of paying approved
accounts street kept. 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 Crooker Haynes Hume Macken Maddox
Miller Nitschke Shelley Shumate Smith & Ulib 11
Nays None.

The ordinance was read the second time.

Alderman Haynes moved to amend same by
adding "for yard for services making plans &
specifications for storm sewer \$15.00"

Alderman Maddox moved as a substitute that
he be paid at the same rate, as was paid Asst Engineer
Campbell for similar services, which would be \$10.50

Alderman Haynes withdrew his motion, and the
motion of Alderman Maddox was adopted by the following
vote

Overruled.

Passed

\$400. Extra St
Labor

Yeas Aldermen Crooker Hume Macken Maddox
Miller Nitschke & Uelit 7
Nays Aldermen Haynes Shelley Shumate Smith 4
The ordinance as amended was then passed by
the following Vote
Yeas Aldermen Crooker Haynes Hume Macken
Maddox Miller Nitschke Shelley Shumate Smith & Uelit 11
Nays None

By Alderman Nitschke An ordinance appropriating
the sum of \$400.⁰⁰ for the purpose of paying for extra
street labor and teams. 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 Crooker Haynes Hume Macken Maddox
Miller Nitschke Shelley Shumate Smith & Uelit 11
Nays None

The ordinance was read the second time
Alderman Shelley moved to amend the ordinance
by adding "To repair West 12th Street from Rio Grande to
Blanco Street \$150.⁰⁰" The amendment was adopted
by the following Vote

Amended.

Yeas Aldermen Crooker Haynes Maddox Miller
Shelley Shumate Smith 7
Nays Aldermen Hume Macken Nitschke & Uelit 4

Alderman Shelley moved to suspend the rule and
place the ordinance on its third reading which
motion was lost by the following Vote

Yeas Aldermen Crooker Haynes Hume Macken Maddox
Miller Shelley Shumate Smith & Uelit 9
Nays Aldermen Nitschke & Uelit 2

Invitation to Labor
Day Celebration

By Alderman Smith an invitation from the
Committee in charge of the Labor Day Celebration
inviting the Council to be present and join in
the parade to be had on Sept 7th 1903

On motion the invitation was accepted, and the
thanks of the Council extended for same.

On motion the Council adjourned

J. O. Johnson
City Clerk