

The minutes of a regular meeting of the City Council.

Austin, Texas, August, 17, 1891.

Hon. John Mc. Donald, Mayor, presiding.

Roll

Roll Call. Present - Aldermen Anderson, Assmann, Carlton, Glass, Jackson, Ketchum, Linn, Morris, Newton, Nitschke, North, Phillips, Platt, Schuber, Ziller - 15.

Case.

Absent - Aldermen - Graham, Hume, Schneider, Sutor, Townsend, Weyerman, Wingfield - 7.

minutes.

Alderman Carlton moved that the reading of the minutes of the meetings of the City Council, which were held on the 20th day of July, 1891, and on the 3d day of August, 1891, be dispensed with and that they be adopted as printed. Carried.

D. W. Johnson

D. W. Johnson, Sanitary Inspector, was granted leave of absence for twelve days from the 2d of September, 1891.

Aldermen Wingfield and Weyerman entered the Council and answered to their names.

Petitions, Memorials, Etc

J. P. Dodd.

J. P. Dodd presented a petition requesting the Council to remit fine of \$10, assessed in the recorder's Court against him, and on the recommendation of the Mayor the request was granted.

Tom Ingraham.

Alderman Nitschke presented a petition from Tom Ingraham, asking for remission of fine of \$15, which was assessed against him in the recorder's Court. The Mayor recommended the granting of the petition.

Alderman Linn moved to lay it on the table. The motion was rejected by the following vote:

Yeas - Aldermen Carlton, Glass, Linn, Newton, North, Platt, Schuber, Ziller - 8.
Nays - Aldermen Anderson, Assmann, Jackson, Ketchum, Morris, Nitschke, Phillips, Weyerman, Wingfield - 7.

Alderman Sutor entered the Council and answered to his name.

The motion having recurred upon the granting of the petition, it was granted by the following vote:

Yeas - Aldermen Anderson, Assmann, Glass, Jackson, Ketchum, Morris, Newton, Nitschke, Phillips, Platt, Sutor, Weyerman, Wingfield - 13.

Nays - Aldermen Carlton, Linn, North, Schuber, Ziller - 5.

Alderman Schneider entered the Council and answered to his name.

Light.

By Alderman Ketchum - A petition from citizens of the 11th Ward, asking that one arc Electric light be placed at the South End of Colorado bridge, one at Bouldin Creek bridge, one at Entrance to Fairview Park, one at Elizabeth Street and one at Mary Street. It was referred to the Committee on Water and Light.

Alderman Townsend entered the Council and answered to his name.

Reports of City Officers:

By the City Attorney - Recommending the payment of judgments obtained against the City by Mrs J. E. /

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S. Warty and J. J. Wells; an account of the Establishment and maintenance of the Small Pox Camp near farm land controlled by them. Referred to the Committee on Claims and Accounts.

Alderman Ziller was Excused for thirty minutes.

Reports of Committees.

Alderman North, for the Ordinance Committee, to whom was referred an Ordinance, Entitled "An Ordinance regulating running of Electric Street Cars on Congress Avenue and 6th Street, and the turning of the Corner at the intersection of Congress Avenue and Sixth Street by Electric Street Cars; and prescribing a penalty for the Violation thereof," presented a report recommending that the Ordinance do not pass because it is the opinion of the Committee "that the fear of damage suits is a sufficient incentive to Cause the Austin Rapid Transit Company to run its Cars with the utmost degree of Caution without the passage of this Ordinance."

Alderman Anderson moved the adoption of the report and the motion prevailed.

By Alderman Phillips, for the Street Committee, an unfavorable report on an Ordinance providing for the fencing of the public park in block 1059. The report was adopted.

By Alderman Phillips, for the Street Committee, to whom was referred the Claim of P. W. Powell for \$1000 damages to his property, Caused by Cutting down Street for the rail road to the site of the dam, Submitted a report recommending that the Claim be not allowed, and it was adopted.

Alderman Phillips, for the Street Committee, to whom was referred the Claim of St. B. Kinney, for \$27.70, damages to a rock wall on his premises, Caused by water from the street washing it down, presented a report thereon recommending the payment of the same, was adopted.

Alderman Phillips, for the Street Committee, to whom was referred a Claim of Mrs. Brown for damages to her property, Caused by the Construction of the railroad to the site of the dam asked for further time in which to prepare a report on the same. Granted.

Alderman Jackson, for the Committee on Sanitation and Sewerage, to whom was referred an Ordinance Entitled "An Ordinance declaring it a misdemeanor for any person to haul rubbish, slops or other offensive matter through the streets of the City of Austin between the hours of - 6 o'clock a.m. and - 6 o'clock p.m., and providing a punishment for its Violation", asked for further time in which to prepare a report thereon. Granted.

Alderman Morris, for the Committee on water &

Park - 59.

P. W. Powell.

St. B. Kinney.

Mrs. Brown.

light, to whom was referred a petition of Citizens asking that the arc light now at the intersection of Congress Avenue and Second Street be removed to the intersection of Congress Avenue and First Street, presented a report thereon recommending that the petition be not granted, but that a light be erected as requested as soon as the finances of the City will admit of the expenditure.

The report was adopted.

Alderman North moved to reconsider the vote by which the report of the Street Committee recommending the payment of the claim of St. B. Kinney for \$27.70 was adopted. Carried. Alderman North then moved to lay the claim on the table. The motion was lost by the following vote:

Yeas - Aldermen Anderson, Carleton, Ketchum, Linn, Morris, North, Platt, Schuber, Weyerman - 9.

Nays - Aldermen Assmann, Glass, Jackson, Newton, Nitschke, Phillips, Schneider, Sutton, Townsend, Wingfield - 10.

Alderman Jackson was Excused.

Alderman Sutton moved that the claim of St. B. Kinney for \$27.70 be paid, and the motion was rejected by the following vote: Yeas - Aldermen Assmann, Glass, Newton, Nitschke, Phillips, Sutton, Townsend - 7.

Nays - Aldermen Anderson, Carleton, Ketchum, Linn, Morris, North, Platt, Schneider, Schuber, Weyerman, Wingfield - 11.

By Alderman North, for the Special Committee, to whom was referred an Ordinance entitled "An Ordinance authorizing and confirming the sale by the City of Austin and its board of School trustees, of its undivided interest in the Mowry Survey, Wm. B. Brown, Allen Talbot and Solomon Prince Survey of land in Victoria County, Texas, to St. P. Jordan, St. G. Austin and to C. J. Beck", presented a report recommending the passage of the same.

On motion, the report was laid over to be taken up with the Ordinance named therein.

Unfinished Business.

An Ordinance appropriating the sum of one thousand dollars for the purpose of paying Aldermen for attending regular meetings of the City Council, was taken up on its third reading and read, after which a motion was made that the Ordinance do now pass, which was adopted by the following vote.

Yeas - Aldermen Anderson, Carleton, Glass, Ketchum, Morris, Newton, Nitschke, North, Phillips, Platt, Schneider, Townsend, Weyerman, Wingfield - 14.

Nays - Aldermen Assmann, Schuber, Sutton - 3.

An Ordinance authorizing and confirming the sale by the City of Austin and its board of School trustees, of its undivided interest in the Mowry Survey, Wm. B. Brown, Allen Talbot and Solomon Prince Survey of land in Victoria County, Texas, to St. P. Jordan, St. G. Austin and to C. J. Beck, was taken up on its second reading and read, whereupon a motion was made to suspend the rules and place the same on its third reading, which was adopted by a vote of two thirds of the whole Council.

School Lands

Pay of Aldermen.

The Ordinance was accordingly read and on motion passed.

New Business.

The Mayor submitted the following message:

Mayor's Office, Austin, Tex Aug 17-91

Gentlemen of the City Council -

I respectfully call your attention to the fact that many of our citizens, have been brought into the City by our new Charter are anxious to have the benefits of the mail carrier system, and I hand you herewith a letter from Postmaster J. C. DeGress, asking for a statement giving the additions lately made to the City and the names of the new streets and numbers of houses, in order that he may make application to the post office department for additional Carrier Service.

Believing this to be a matter of importance to our citizens that should receive prompt attention, I recommend that the City Engineer be authorized and instructed to name the new streets and roads, and number the house in the recent additions to the City as soon as possible, and that he be authorized to employ such assistance as may be necessary to complete the work.

I further state that Dr W. H. Tobin and Judge J. W. Smith, who were elected members of the Board of Equalization at the last meeting of the City Council, have declined to serve in that capacity, and I present the names of Messrs. W. M. Milby and L. D. Brooks, and recommend their election to fill the vacancies on said board.

Very Respectfully,

John Mc Donald,
Mayor.

Letter system.

Alderman North moved that the City Engineer be instructed to furnish the information wanted by Postmaster DeGress, employing such assistance, under direction of the Mayor, as may be necessary to obtain the same. Carried.

Bd. of Equalization.

The Mayor then withdrew the name of L. D. Brooks, and nominated H. Hirschfeld in his stead.

Alderman North then moved that W. M. Milby and H. Hirschfeld be elected members of the Board of Equalization by acclamation. Carried.

Post Costs.

The following Ordinances were then introduced:
By Alderman Platt - An Ordinance to refund to delinquent tax-payers of 1890 certain costs, therein named. It was read and referred to the Committee on Claims and accounts.

Alderman Gibson moved the Council, and announced to his name.

By Alderman Lima - An Ordinance relating to the power of an Ordinance to establish the Ordinance granting right of way to M. M. Skips, his associates and assigns, to construct, maintain and operate street railways along

Certain Streets and Avenues in the City of Austin," approved April 26, 1890. It was read, and referred to the Committee on Ordinances. It relates to Consolidation.

By Alderman Linn - An Ordinance amending Section One of an Ordinance Entitled "An Ordinance amending an Ordinance Entitled 'An Ordinance granting the right of way to M. M. Shippe, his associates and assigns, to Construct, maintain and operate Street railways along Certain Streets and Avenues in the City of Austin,'" approved August 7, 1890. It was read and referred to the Committee on Ordinances.

By Alderman Linn - An Ordinance amending Section Eleven of an Ordinance Entitled "An Ordinance granting the right of way to M. M. Shippe, his associates and assigns, to Construct, maintain and operate Street railways along Certain Streets and Avenues in the City of Austin." It was read and referred to the Committee on Ordinances.

Alderman Anderson was Excused.

Pauper Remains.

Alderman Ziller introduced a resolution instructing the Cemetery Committee to advertise for bids for conveying remains of paupers to the City Cemetery and Highland Park Cemetery.

Alderman Linn moved that it lie on the table subject to Call. Lost.

It was then adopted by the following Vote:

Ayes - Aldermen Carleton, Glass, Hetchum, Morris, Nitschke, North, Phillips, Schuber, Townsend, Weyerman, Ziller - 11.
Nays - Aldermen Kasmann, Linn, Newton, Platt, Schneider, Quiter, Wingfield - 7.

Alderman Morris moved that the Council stand adjourned until 8:30 p.m. August 22, 1891. Carried.

Milton Morris,
City Clerk.

The Minutes of an Adjourned Meeting of the City Council.

Austin, Texas, August 22, 1891.

Hon. John McDonald, mayor, presiding.

Roll

Roll Call: Present: Aldermen Assmann, Carleton, Ketchum, Linn, Morris, Kitchie, Platt, Schneider, Schubert, Townsend, Meyerman, Wingfield, Zeller - 13.

Call.

Absent: Aldermen Anderson, Glass, Graham, Hume, Jackson, Newton, North, Phillips, Suter - 4.

Recess.

Alderman Linn moved that the Council take a recess of ten minutes. Carried.

Roll

Call.

At the expiration of recess the roll was called and resulted as follows:

Present: Aldermen Assmann, Carleton, Ketchum, Linn, Morris, Kitchie, Platt, Schneider, Schubert, Suter, Townsend, Meyerman, Wingfield, Zeller - 14.

Absent: Aldermen Anderson, Glass, Graham, Hume, Jackson, Newton, North, Phillips - 8.

Call of Council.

Alderman Kitchie moved a Call of the Council which was duly adopted and the Marshal sent after the absentees.

" " " Susp.

Alderman Linn moved to suspend the call. Carried.

Ad. Jackson.

Alderman Jackson entered the Council and answered to his name.

Roll

The roll was then again called and showed the following result: Present: Aldermen Assmann, Carleton, Jackson, Ketchum, Linn, Morris, Kitchie, Platt, Schneider, Schubert, Suter, Townsend, Meyerman, Wingfield, Zeller - 15.

Call.

Absent: Aldermen Anderson, Glass, Graham, Hume, Newton, North, Phillips - 7.

Jerry Rayford.

Reports of Committees.

Alderman Carleton - for the Committee on Claims and accounts, to whom was referred the petition of Jerry Rayford, asking the City of Austin to pay him the sum of fifty (50) dollars for injuries received by his horse caused by the absence of a plank in the bridge near Mr. Zanders' store, submitted a report recommending that the petition be not granted, no evidence having been presented regarding the alleged injury, and the Committee believing the injury, if any, to be trivial. The report was adopted.

Ad. Smith.

Alderman Carleton - for the Committee on Claims and accounts, to whom was referred the petition of Addison Smith asking for a return to him of seven dollars which he alleges was paid by him to the city as pound fees on his cow, submitted a report thereon recommending that the petition be not granted. The report was adopted.

Ad. Anderson.

Alderman Anderson entered the Council and answered to his name.

Alderman Carleton for the Committee on Claims and accounts, to whom was referred "An Ordinance to amend the ordinance last passed of 1891, relating to the same," presented a report recommending the passage of the same with the following amendments to Article 2 of said Ordinance, viz:

Section 2. That in mailing out the list of delinquent taxpayers of the City of Austin for the year 1890, to be used by the City Attorney as the basis of suits to be instituted to recover taxes from such delinquent taxpayers, no costs shall be charged against same except the actual cost of advertising the property of such taxpayers for sale for such taxes.

The report was laid over to be taken up with the Ordinance named therein.

Alderman Carleton - for the Committee on Claims and accounts, to whom was referred a Communication from Hon. George H. Pendleton, City Attorney, advising the payment of the judgments recovered against the City by Mrs. Suarez and J. T. Wells, July 3, submitted a report therein, opposing the payment of said judgments and recommending that the City Attorney be instructed to take all necessary steps to retry the cases in the County Court, important witnesses for the City not having been examined during the trials which resulted in verdicts against the City.

The report was adopted.

Shipe Right of Way. Alderman Morris - for the Committee on Ordinances, to whom was referred the three Ordinances introduced in the Council on the 17th inst. proposing to amend the Ordinances relating to the right-of-way over the streets of Austin of M. M. Shipe and associates, presented a report recommending the adoption of a substitute for the three Ordinances.

The report was laid over to be taken up with the Ordinances named therein.

Unfinished Business.

Alderman Linn moved that the regular order of business be dispensed with for the purpose of considering unfinished business. The motion prevailed and the following named Ordinances were taken up on their second reading and read:

An Ordinance amending Section 11 of an Ordinance Entitled "An Ordinance granting the right-of-way to M. M. Shipe, his associates and assigns, to Construct, maintain and operate street railways along certain streets and avenues in the City of Austin."

An Ordinance amending Section 1 of an Ordinance Entitled "An Ordinance amending an Ordinance Entitled 'An Ordinance granting the right-of-way to M. M. Shipe, his associates and assigns, to Construct, maintain and operate street railways along certain streets and avenues in the City of Austin,' approved August 7, 1890."

An Ordinance repealing Section 1 of an Ordinance entitled "An Ordinance granting the right of way to M. M. Shipe, his associates and assigns, to Construct, maintain and operate street railways along certain streets and avenues in the City of Austin," approved April 26, 1890.

Alderman Carleton moved the adoption of the substitute reported by the Committee on Ordinances which is Entitled "An Ordinance to amend and condense into one Ordinance all Ordinances of the City pertaining to the grant of the right-of-way over the streets of Austin to M. M. Shipe, his associates and assigns, which inured to the benefit of the Austin Rapid Transit Railway Company." The motion prevailed.

Alderman Hitchcock moved that the substitute be printed in the minutes of the City Council and lie over until the next regular meeting of said Council.

Alderman Kitchik moved as a substitute that the report of the Ordinance Committee together with the substitute be printed in the Evening News next Monday. The substitute was adopted.

Alderman Morris then moved that the Council stand adjourned until next Tuesday at 8:30 o'clock, p.m.

Alderman Kitchik moved to amend the motion by striking out "Tuesday" and inserting in lieu thereof "Wednesday".

The amendment was lost by a rising vote of 5 to 10.

The motion made by Alderman Morris was then adopted.

Milton Morris,
City Clerk.

The minutes of an adjourned meeting of the City Council

Austin, Texas, August, 25, 1891.

Hon. John M. Donald, Mayor, presiding.

Roll Call. Present: Aldermen Anderson, Asmann, Glass, Hume, Jackson, Morris, Kitchie, North, Phillips, Platt, Schubert, Meyerman, Zeller. - 14.

Absent: Aldermen Carleton, Graham, Ketchum, Linn, Newton, Schneider, Suter, Townsend. - 8.

By unanimous consent an Ordinance Entitled "An Ordinance to amend and Condense into One Ordinance all Ordinances of the City pertaining to the grant of the right-of-way over the Streets of Austin to M. M. Shippe, his associates and assigns, which inured to the benefit of the Austin Rapid Transit Railway Company," was taken up, it having been read a second time August 22, 1891.

Alderman Kitchie moved to amend Section two by adding the following:

Provided that the City of Austin shall have the right to authorize the owner of any Electric Street railroad to which a right-of-way may hereafter be granted by the City Council to use the tracks of said Austin Rapid Transit Railway Company on Congress Avenue. Provided that prior to such use, the party desiring to use the same shall pay to the said Austin Rapid Transit Railway Company one-half of the original cost of such tracks, and shall give satisfactory security, to pay one-half the cost of maintaining said tracks during the time they are so used.

Alderman Suter entered the Council and answered to his name. Alderman Anderson moved a Call of the Council which was duly adopted, and the Marshal sent after the absentees.

Alderman Zeller moved to suspend the Call of the Council. Lost. Aldermen Townsend, Ketchum, Newton, and Schneider, entered the Council and answered to their names.

Alderman Schubert moved to suspend the Call of the Council and the motion prevailed by a rising vote of 10 to 8.

Alderman Carleton entered the Council and answered to his name.

It was then moved that the amendment offered by Alderman Kitchie, which is above set forth, be adopted. The amendment was defeated by the following vote:

Yeas - Aldermen Glass, Hume, Ketchum, Newton, Kitchie, Schneider, Wingfield, Zeller. - 8.

Nays - Aldermen Anderson, Asmann, Carleton, Jackson, Morris, North, Phillips, Platt, Schubert, Suter, Townsend, Meyerman. - 12.

Alderman Hume offered the following amendment to be added to Section two:

Provided, that where a single track is laid it shall be placed in the center of the street, and where two tracks are laid they shall be placed as near the center of the street as practicable.

After the amendment had been discussed the mayor put

Ald. Suter.
Call of Council.

Suspd. Call. Lost.
Ald. Suter.

Call suspended.

Ald. Carleton.

Ald. Hume. Right of Way.

the question, "Are you ready for the question?" to which several Aldermen answered, "the question". The Mayor then put the pending amendment on the adoption and rejection of which the Council voted Viva Voce, but before the decision of the Chair was announced some Alderman demanded the yeas and nays, and the Mayor directed the Clerk to call the roll. At this point Alderman Phillips claimed the floor saying, that he was upon the floor for recognition by the Chair before the Chair put the pending amendment to a vote. The Chair stated that he did not see Alderman Phillips upon the floor at the time, and therefore ruled that he, at this time, was out of order. Alderman Phillips appealed from the decision of the Chair, which resulted in the Chair being sustained. The amendment offered by Alderman Stume was then adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Glass, Stume, Jackson, Ketchum, Morris, Newton, Nitschke, Platt, Schneider, Schuber, Suter, Townsend, Weyerman, Wingfield, Ziller - 17.

Nays - Aldermen Carleton, North, Phillips - 3.

Alderman Phillips presented the following amendment to Section 6, to be inserted after the second period: The additional or second track to be placed on Congress Avenue shall be placed not more than six feet east of the present track as now located.

The amendment was adopted by a rising vote of 11 to 4. Alderman Morris moved that the Ordinance do now pass to its third reading and the motion prevailed. The Ordinance was then read a third time.

It was then moved that the Ordinance do now pass and the motion was adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Carleton, Glass, Stume, Jackson, Morris, Newton, North, Phillips, Platt, Schuber, Suter, Townsend, Weyerman, Wingfield - 16.

Nays - Aldermen Ketchum, Nitschke, Schneider, Ziller - 4.

On motion the Council then adjourned.

Milton Morris,
City Clerk.