

Austin, Texas, Dec. 5, 1892.
Hon. Henry A. Linn, President of the Board of Aldermen, presiding.

Roll call.
Presents

Roll call.

Present- Aldermen Anderson, Assmann, Glass, Hume, Jackson, Ketchum, Linn, Morris, Newton, Kitschke, North, Platt, Schneider, Schuber, Shelley, Sutor, Townsend, Warmoth. - 18.

Absent

Absent- Aldermen Graham, Miller, Weyerman, Giller. - 4.

minutes adopted.

The minutes of the meeting of the City Council which was held on the 21st day of November, 1892, were adopted as printed.

Alderman Weyerman entered the Council

Alderman Weyerman entered the Council and answered to his name.

Rule suspended as to bills not approved by Com.

On motion, the rule which provides that "all bills which are not approved by the Committees at the hour of meeting shall remain over to the next meeting of the Council," was suspended by a two-thirds vote of the whole Board of Aldermen.

Recess Taken

Alderman Morris moved that the Council take a recess of thirty minutes for the purpose of enabling the Committees to approve bills. Carried.

Alderman Hume excused.

At the expiration of recess Alderman Hume was excused from further attendance upon the session of the City Council and the roll was again called and resulted as follows:

2nd Roll call
Presents

Present- Aldermen Anderson, Assmann, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Newton, Kitschke, North, Platt, Schneider, Schuber, Shelley, Sutor, Townsend, Warmoth, Weyerman. - 20.

Absent.

Absent- Aldermen Hume, and Giller. - 2.

Neil McCashin requested to act as clerk

It was moved that Mr Neil McCashin be requested to relieve the City Clerk temporarily from attendance upon the session of the City Council in order to enable him to complete the general appropriation Ordinance. Carried.

Petitions &c.

Petitions, Memorials, Etc.
The following petitions were introduced:
From Geo. A. Brush:

Geo. A. Brush relating to Sewer pipe

To the City Council of the City of Austin
Please find enclosed for sewer pipe two bills, one for a car and one for part of a car, which if for any reason is not paid at your regular meeting Dec. 5th, please let me know in writing the reason for not paying.

It was referred to the Committee on Claims and Accounts.

From citizens of Austin: A petition requesting the City Council to prevent, by injunction or otherwise,

Citizens ask that the use of what is known as the Palm property for
burial purposes. It was referred to the Cemetery Committee.

Geo P Warner asking the City Council to enforce the ordinance requiring
the hitching of horses left alone upon the streets.
It was referred to the Police Committee.

G. W. Weaver against Louis Morris, colored policeman, bearing
date of Feb. 28, 1890, with a statement from Mr. Weaver
to the effect that he had been unable to collect the amount
and, therefore, requests the City Council to consider the matter
and grant him relief.

It was referred to the Police Committee.

Reports of Officers (Reports of City officers for the month of November, 1892,
referred to the appropriate Committees without
being read.

Committee Reports (Reports of Committees.

Police Committee on Marshall reports
Sept & Oct 1892. Alderman Townsend, for the Police Committee, to whom
was referred the City Marshal's reports for the months
of September and October, 1892, submitted reports thereon
which state that the Marshal's reports were examined
and approved.

New Business. The reports of the Committee were adopted.

Alderman Anderson moved to reconsider the vote by
which the City Council at its last meeting adopted the
following Committee report:

Reconsideration of vote as to lease of the
Capital Ice Factory. Austin, Texas, Nov. 21, 1892.

To the Hon. John McDonald, Mayor, and Board of Aldermen
of the City of Austin:
Gentlemen - your special Committee appointed
to investigate property leased to a company, then known
as the Capital Ice Factory, for the purpose of manufacturing
ice by the City of Austin, beg leave to report, after careful
investigation, find that there is no such company existing
at this time, nor has there been for several years, said
company having ceased operations as such for a period of
five years or more, and not likely to resume as such
in the future. Said company having sold all the machinery
from the premises, and Geo. B. Zimplman is now sub-
letting said property for other purposes contrary to said lease.
Your Committee would therefore recommend that said lease,
according to the reading thereof, be declared null and void.

(Signed) R. W. Zimmerman,
W. J. Hunter.

The motion was adopted by the following vote:
Yeas - Aldermen Anderson, Anderson, Glass, Graham,
Jackson, Morris, Newton, Kitchell, North, Schneider,
Schubert, Whitley, Townsend, 12.
Nays - Aldermen Ketchum, Miller, Smith, Weston,
Warren, 4.

Capital the Factory
Special Committee on
same.

Law

\$22,367.89 for paying
certain expenses.

\$5000. to pay for sub-
merged land re.

\$3660. for salaries
of Officers & regular
Employees

Alderman Anderson then moved to refer the Committee report together with the petition therein referred to, also an Ordinance which was passed by the City Council on the 4th day of May, 1891, and which is entitled "An Ordinance authorizing the Capital Ice Company to use the premises on the river walk in Austin, Texas, leased to it by the City Decm 6th 1891, for the further purposes of a Cannery and general manufacturing business," to a Special Committee of three with instructions to take into consideration the whole matter in every phase and report to the next meeting of the City Council. The motion prevailed and the Chair appointed Aldermen North, Warmoth and Glass as such Committee.

By Alderman Morris: An Ordinance appropriating the sum of \$22,367.89 for the purpose of paying certain expenses connected with the construction of the water works and Electric light System for the City of Austin.

It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings and that it do now pass, each of which were adopted by the following Vote: Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman - 20.

By Alderman Morris: An Ordinance appropriating the sum of \$5000 for the purpose of paying expenses of the Engineering department, the cost of clearing land to be submerged by the lake, the cost of releases from damage to land to be submerged and all other miscellaneous expenses connected with the construction of the water and light system.

It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings and that it do now pass, each of which were adopted by the following Vote:

Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman - 20.

By Alderman Morris: An Ordinance appropriating the sum of \$3660 for the purpose of paying the salaries of officers and regular employees of the City of Austin.

It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings and that it do now pass, each of which were adopted by the following Vote: Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman - 20.

Alderman ~~Trust~~ ~~Excused~~ Alderman Newton was Excused from further attendance upon the session of the Council.

By Alderman Morris: An Ordinance appropriating the \$1810.01 on approved accounts.

Sum of \$1810.01 for the purpose of paying approved accounts. It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings and that it do now pass, Each of which were adopted by the following vote:

Yeas- Aldermen Anderson, Chasman, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Nitschke, North, Platt, Schneider, Schuber, Shelley, Sutton, Townsend, Warmoth, Weyerman.-19.

Street com. re to see Alderman Nitschke moved that the Street Committee and Superintendent of Streets be empowered to sell the two mules which belong to the city and are now in pasture. Adopted.

Alderman Morris moved that the City Council stand adjourned until 8 o'clock p.m. Saturday, Dec. 10, 1892. Carried.

Milton Morris,
City Clerk.

Minutes of an adjourned Regular meeting of the City Council.

Austin, Texas, Dec. 10, 1892.

Hon. John McDonald, Mayor, presiding.

Roll call.

Present Aldermen Assmann, Glass, Graham, Hume, Jackson, Linn, Miller, Morris, Newton, Mitschke, North, Platt, Schneider, Schuler, Shelley, Townsend. - 16.

Absent Aldermen Anderson, Ketchum, Suter, Warmoth, Weyerman, Ziller. - 6.

Election
Com. appointed to
canvass returns.
election Dec. 5, 1892.

Alderman Linn moved that the regular order of business be suspended and that the Chair appoint a Committee of three to canvass the returns of the city election held on the 5th day of December, 1892.

The motion prevailed and the Chair appointed Aldermen Linn, Morris and Hume as such Committee.

The Mayor then gave the Board of Aldermen notice of Contest filed by Alderman A. H. Newton from the Eighth Ward, against the installation of Hugh B. Hancock as alderman from the Eighth Ward.

A. H. Newton
vs.
H. B. Hancock
in contest

Alderman Linn, for the Special Committee appointed to canvass the returns of the election, read the following report:

Returns
1st Ward

First Ward - W. J. Suter received 128 Votes.
P. W. Powell received 139 Votes.

Powell's majority, 11 Votes.

2. Ward

Second Ward - W. F. North received 90 Votes.

3. Ward

Third Ward - Francis Fischer received 106 Votes.
J. L. Wren received 93 Votes.

Fischer's majority, 13 Votes.

4th Ward

Fourth Ward - Jas. F. Taylor received 82 Votes.
R. C. Walker received 73 Votes.

Taylor's majority, 9 Votes.

5th Ward

Fifth Ward - A. W. Townsend received 93 Votes.

6th Ward

Sixth Ward - Chas. P. Raymond received 147 Votes.
W. H. Tobin received 140 Votes.

Raymond's majority, 7 Votes.

7th Ward

Seventh Ward - J. B. Mitschke received 323 Votes.
Aug. H. Seibel received 23 Votes.

Wm. Lockridge received 50 Votes.

Wm. M. Sears received 109 Votes.

Mitschke's majority, 141 Votes.

8th Ward

Eighth Ward - (on account of notice of Contest having been filed the result of the Election in the Eighth Ward was not announced.)

9th Ward

Ninth Ward - R. A. Platt received 159 Votes.

J. Cummings received 37 Votes.

W. L. Cummings received 1 Vote.

Platt's majority, 151 Votes.

10th Ward

Tenth Ward - W. A. Glass received 246 Votes.

Election

E. Campbell received 122 Votes.

Glass majority, 124 Votes.

11th Ward

Eleventh Ward - N. A. Dawson received 85 Votes.

R. Weyman received 52 Votes.

Dawson's majority, 33 Votes.

Aldermen elect

The Mayor then declared P. W. Powell, W. J. North, Francis Fischer, Thos. J. Taylor, A. W. Townsend, Chas. P. Raymond, J. B. Nitschke, A. Platt, W. A. Glass and N. A. Dawson duly and Constitutionally Elected Aldermen of the City of Austin from their respective wards for the ensuing term.

Roll call of Aldermen elect

The roll of the Aldermen elect was then called and the following answered to their names: Dawson, Fischer, Glass, Nitschke, North, Platt, Powell, Raymond, Taylor, Townsend. The Mayor then administered the oath of office to each of them, after which they took seats in the Council.

Call of Office

The roll of Aldermen was again called and resulted as follows: Present - Aldermen Kessman, Dawson, Fischer, Glass, Hume, Jackson, Linn, Miller, Newton, Nitschke, North, Platt, Powell, Raymond, Schneider, Schuber, Shelley, Taylor, Townsend - 19.

Absent - Aldermen Anderson, Ketchum, Warmoth - 3.

Reports of Committees

Reports of Committees

Street Committee
on Petition of Miss
M. E. Brackenridge

Alderman Hume, for the Street Committee, to whom was referred the petition of Burt McDonald for Miss M. E. Brackenridge, owner, for permission to erect one iron stairway on the south side and one on the west end of the First National Bank building submitted a report thereon recommending that the petition be granted.

The report was adopted.

Ordinance Committee

Alderman North, for the Ordinance Committee, to whom was referred a petition from East Austin Hose Company No. 4, requesting that lot No. 14, block No. 4, Outlet No. 4 division "B" be dropped from the assessment rolls of the city for the year 1892, as the same is used exclusively for fire purposes, submitted a report thereon recommending that the papers in the case be returned to the Company with the suggestion that when the time comes to collect taxes they make an application for an appropriation equal to the taxes, and that this report be also delivered to it.

The report further states that the meritorious object sought will thus be achieved and the Assessor and Collector's books, rolls and accounts will be kept clear.

The report was adopted.

Alderman North, for the Ordinance Committee, to whom was referred an Ordinance to prevent the construction of barbed wire fences in the City of Austin, reported adversely thereon and the report was adopted.

Alderman North for the Special Committee appointed to consider what action if any should be taken by the City in regard to a petition of John Smith (name) 1892 - 1893 - 1894 - 1895 - 1896 - 1897 - 1898 - 1899 - 1900 - 1901 - 1902 - 1903 - 1904 - 1905 - 1906 - 1907 - 1908 - 1909 - 1910 - 1911 - 1912 - 1913 - 1914 - 1915 - 1916 - 1917 - 1918 - 1919 - 1920 - 1921 - 1922 - 1923 - 1924 - 1925 - 1926 - 1927 - 1928 - 1929 - 1930 - 1931 - 1932 - 1933 - 1934 - 1935 - 1936 - 1937 - 1938 - 1939 - 1940 - 1941 - 1942 - 1943 - 1944 - 1945 - 1946 - 1947 - 1948 - 1949 - 1950 - 1951 - 1952 - 1953 - 1954 - 1955 - 1956 - 1957 - 1958 - 1959 - 1960 - 1961 - 1962 - 1963 - 1964 - 1965 - 1966 - 1967 - 1968 - 1969 - 1970 - 1971 - 1972 - 1973 - 1974 - 1975 - 1976 - 1977 - 1978 - 1979 - 1980 - 1981 - 1982 - 1983 - 1984 - 1985 - 1986 - 1987 - 1988 - 1989 - 1990 - 1991 - 1992 - 1993 - 1994 - 1995 - 1996 - 1997 - 1998 - 1999 - 2000 - 2001 - 2002 - 2003 - 2004 - 2005 - 2006 - 2007 - 2008 - 2009 - 2010 - 2011 - 2012 - 2013 - 2014 - 2015 - 2016 - 2017 - 2018 - 2019 - 2020 - 2021 - 2022 - 2023 - 2024 - 2025 - 2026 - 2027 - 2028 - 2029 - 2030 - 2031 - 2032 - 2033 - 2034 - 2035 - 2036 - 2037 - 2038 - 2039 - 2040 - 2041 - 2042 - 2043 - 2044 - 2045 - 2046 - 2047 - 2048 - 2049 - 2050 - 2051 - 2052 - 2053 - 2054 - 2055 - 2056 - 2057 - 2058 - 2059 - 2060 - 2061 - 2062 - 2063 - 2064 - 2065 - 2066 - 2067 - 2068 - 2069 - 2070 - 2071 - 2072 - 2073 - 2074 - 2075 - 2076 - 2077 - 2078 - 2079 - 2080 - 2081 - 2082 - 2083 - 2084 - 2085 - 2086 - 2087 - 2088 - 2089 - 2090 - 2091 - 2092 - 2093 - 2094 - 2095 - 2096 - 2097 - 2098 - 2099 - 2100 - 2101 - 2102 - 2103 - 2104 - 2105 - 2106 - 2107 - 2108 - 2109 - 2110 - 2111 - 2112 - 2113 - 2114 - 2115 - 2116 - 2117 - 2118 - 2119 - 2120 - 2121 - 2122 - 2123 - 2124 - 2125 - 2126 - 2127 - 2128 - 2129 - 2130 - 2131 - 2132 - 2133 - 2134 - 2135 - 2136 - 2137 - 2138 - 2139 - 2140 - 2141 - 2142 - 2143 - 2144 - 2145 - 2146 - 2147 - 2148 - 2149 - 2150 - 2151 - 2152 - 2153 - 2154 - 2155 - 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it being charged that the property so leased is not now being used according to the terms of the lease, submitted an exhaustive report concerning the subject, with the recommendation that no further action be taken by the City Council at present. The report was adopted.

The following was then read:

Austin, Texas, Dec. 10, 1892.

To the Hon. Mayor and City Council of the City of Austin
N. B. Hancock
Gentlemen - Having received a plurality of the votes cast for Alderman in the 8th ward at the Election of December 5th 1892, I respectfully ask to be installed as such Alderman and that it be declared that no valid Contest is pending for said office.

1st. Because no Contest was filed within three days after the return of the result of the Election by the judges to your honorable body.

2nd. Because no Contest was filed before the meeting of your honorable body tonight.

3rd. Because no notice of Contest was served on me.

Respectfully,

H. B. Hancock.

The following was then read:

Austin, Texas, Dec. 10, 1892.

H. B. Hancock, Esq.:

Sir - you are hereby notified that I will Contest your right to be installed as an Alderman of the City of Austin for and representing the Eighth Ward of said City, to which position you claim to have been elected at an Election held in said Eighth Ward on the fifth day of Dec., 1892, and at which Election, I was a Candidate for such position.

As the grounds for such Contest I claim, allege and will prove that a large number of ballots, to wit:

Fifty-five, were deposited at said Election with your name only on them, which said ballots were counted for you and all of which ballots were cast by persons not legally entitled to vote in the Eighth Ward for Alderman at said Election that the names and residences of such persons so illegally voting at said election are at this time not fully known to me, but a list of same will be furnished to you in a reasonable time after I shall have had an opportunity to inspect the poll books of said election, which I cannot do until tonight.

Respectfully,

A. H. Norton.

Alderman Norton moved that the hearing of the Contest of the Election, held in the Eighth Ward, Dec. 5th, 1892, be fixed for Thursday Dec. 15, 1892, at 10 o'clock a.m.

Alderman Norton moved to amend the motion by striking out "motion a.m." and inserting in lieu thereof "p.m." The amendment was adopted.

Alderman Norton moved to amend the motion made by

A. H. Norton
notice to
H. B. Hancock
of Contest.

Alderman Linn by striking out "Thursday" and inserting instead thereof "Saturday".

The amendment was adopted and the motion as amended was carried.

It was then moved that the Council stand adjourned until Saturday at 3 p. m. Adopted.

Milton Morris,
City Clerk.

Minutes of an adjourned Regular Meeting of the City Council

Austin, Texas, Dec. 17, 1892.

Hon. John McDonald, Mayor, presiding.

Roll Call. Present - Aldermen Glass, North, Platt, Powell, Schubert. - 5.

Absent - Aldermen Anderson, Assmann, Dawson, Fischer, Hume, Jackson, Ketchum, Linn, Miller, Newton, Kitchik, Raymond, Schneider, Shelley, Saylor, Townsend, Warmoth. - 12.

Alderman Glass moved a call of the Council, which was duly adopted. The Marshal was sent after the absentees.

The call of the Council was suspended and the roll ordered called, which showed the following:

Present - Aldermen Anderson, Assmann, Glass, Jackson, Linn, North, Platt, Powell, Schubert, Shelley, Saylor, Townsend, Warmoth. - 13.

Absent - Aldermen Dawson, Fischer, Hume, Ketchum, Miller, Newton, Kitchik, Raymond, Schneider. - 9.

Aldermen Kitchik, Fischer, Raymond, Schneider and Hume entered the Council and answered to their names.

Alderman North offered the following:

Whereas, a contest in fact exists for the office of alderman from the Eighth Ward of the City of Austin, and,

Whereas, The City Council is, under the charter of the city, the judge of such matters and of the procedure to be followed;

Resolved, That the contest is recognized to exist and that the inquiries of this body shall be confined to the merits of the case in the following manner:

First - The Contestant shall introduce evidence in support of the allegations of his contest papers.

Second - The Contestee shall introduce evidence in his defense.

Third - The Contestant may offer evidence in rebuttal.

Fourth - The City Council shall then decide the contest without argument of counsel on either side.

Alderman Platt moved to amend the resolution by striking out the fourth division thereof and inserting in lieu thereof "hearing argument of attorneys for Contestant and Contestee". The amendment was lost.

Attorneys for Contestee objected to the passage of the resolution while the attorneys for Contestant supported it. It was moved that the resolution be adopted and the motion prevailed.

Alderman Newton entered the Council and answered to his name.

Alderman North moved that the city clerk be directed to open the ballot box of the Eighth Ward and to take

Roll Call
Present
AbsentCall of Council
Call suspended

Second Roll call.

A. H. Newton

H. B. Hancock

Manner of procedure
in the contest.Attorneys for Contestee
obj. to the same.Alderman Newton
entered the Council.

therefrom the poll list and to disclose to the attorneys for Contestant and Contestee the contents of said list.

The attorneys for Contestee opposed the motion, but it prevailed and was duly complied with in the presence of the City Council.

The list so taken from the ballot box was then offered in evidence by Contestant.

R. A. Boyce was called as witness by contestant and was sworn and testified.

Alderman North moved that counsel for contestant first introduce direct evidence of illegal voting, after which contestee may offer evidence in rebuttal.

Carried.

Alderman Ketchum entered the Council and answered to his name.

The following named persons were called by contestant in the order named as witnesses, and being sworn, testified:

Willie Carpenter, A. W. Harrison, Jim Harrison, Jake Spence, Jim Plumb.

Alderman North moved that evidence be confined to names of alleged illegal voters furnished by contestant to contestee and by contestee to contestant.

Carried.

Mr. A. Gato and Abe, Simons were then called by contestant as witnesses and, after being sworn, testified.

Alderman Glass moved to adjourn until 8 o'clock to-

Proceedings had in night.

The contest was lost.

Alderman Ketchum and Glass were excused until 8 o'clock p. m. Dec 17, 1892.

By unanimous consent of the Council, contestant was given five minutes in which to confer with his attorneys.

After consultation, contestant asked that further hearing of the contest be postponed until next Tuesday at 3 o'clock p. m.

Contestee objected to postponement of the case.

Alderman North moved that further hearing of the case be postponed until next Tuesday at 3 o'clock p. m.

The motion was lost.

The following named persons were then called by contestant in the order named as witnesses, and after being sworn, testified: Ed Brooks, Albert Doyle, John Doyle, John Haynes, Monroe Hudson, James Landes, George McConnel, Allen Robertson, Willie Scott, Alex Veal, Albert Harrison. At this point contestant rested his case.

Alderman North moved that it is the sense of this body that the contestant has not made his case and the motion was decided in the affirmative by the

Following vote:

Ayes - Aldermen Anderson, Asmann, Fischer, Nune,
Jackson, Linn, Nischke, North, Platt, Powell,
Raymond, Schneider, Schubert, Shelley, Day, Cook,
Downs, Warruth. - 17

N. B. Hancock Alderman Linn moved that Mr. N. B. Hancock be
declared elected declared duly elected as alderman from the Eighth
Ward and that he be installed.

The motion was carried, after which Alderman
elect N. B. Hancock came forward and took
the oath of office.

The Council then adjourned.

Milton Morris,
City Clerk