Regular Meeting of the City County
Austin Texas ~~March~~ April 8 1882

W A Taylor
Mayor Presiding

Roll call found Metz Kenney Cook Schubert
Bruggerhoff Radtke Huppertz Moeller Pratt Wilson

Alderman Kenney requested to be excused from the committee to prepare an address to the Governor excused and Alderman Moeller appointed instead

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Alderman Cook presented the petition of C. L. Nitschke asking that the Council return to him or increase his pay as city Sexton
Motion to table the petition was lost
On Motion of Alderman Bruggerhoff the petition was referred to Cemetery Committee

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Petition of G W Crawfield as agent of P J and Stephen Alexander asking that they be allowed to redeem Lot 7 in block 93 in the City of Austin sold for Taxes July June 5 1878 for Taxes of 1876
Petition was granted on condition that petitioners pay all costs and taxes now due upon said lot, and the Mayor was authorized to sign deed for the same

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A petition signed by Business men on Pecan street requesting that Express and delivery wagon be not allowed to obstruct the crossing of Pecan and Brazos streets said obstruction being a nuisance
Petition was referred to street committee

The report of the City Marshal was received and read which shows fines $39.00 Cash $175.25
fines worked out on street $114.75

The report of the City Physician was received and read

The report of the City Sexton was received and read. No of deaths 7 for the month of March 1882

The following is the report of the street committee which was adopted

To the Mayor and Board of Aldermen
Your committee to whom was referred the the within petition would most respectfully represent that the said water Tank is and has been since its erection a nuisance and should be abated at once and that the City Marshal is hereby instructed to attend to it at once

R Platt Chairman

The following is the report of the finance Committee which on motion of Huppertz was adopted

To the Hon Mayor and City Council of the City Council of the City of Austin

Your committee of finance respectfully report that after a full and thorough examination of the question of the compensation of the assessor and Collector of taxes for the City of Austin that in their opinion the compensation now allowed to him is inadequate for the duties required of him by law and that the same should be increased so as to enable him to employ an assistant or Clerk in the opinion of the committee a faithful and efficient collection of the public revenue require the active faithful and personal attention of said officer and this cannot be given unless provision is made for the employment of such clerical assistant as may be required The collection of taxes on personal property can only be made by diligent effort on the part of the Assessor and Collector and in many instances the City would be deprived of its legitimate revenue did not said officer have the opportunity of making a personal demand of the amount due from the various persons who temporarily transact taxable business within the City They further report ~~upon~~ that in the opinion of the committee the City would save money by allowing the assessor and Collector additional but reasonable compensation sufficient to enable

him to employ the assistance necessary, to a rigid and complete discharge of the duties required of him by law. To accomplish the end suggested your committee respectfully reccommend the passage of the accompaning ordinance

Respectfully H. B. Kinney Wm Brueggerhoff.
B Radkey

The following is the ordinance of the finance Committee which was read first time

An ordinance to be entitled an Ordinance amending Article 496. of the Ordinance of the City of Austin passed July 1th 1878.

Be it ordained by the City Council of the City of Austin that article 496. of the Ordinance of the City of Austin be and the same is hereby amended so as to read as follows to wit

Section 1 The City Assessor & Collector shall receive two & one half per cent on all assessments and two and One half per cent on all amounts collected by him the compensation here allowed shall apply to assessments and collections made since January 1st 1882

Section 2. That this ordinance shall take effect and be in force from and after its passage.

On motion of Alderman Brueggerhoff the rules were suspended and the ordinance read second time by a two thirds vote of the Council

On motion the rules were further suspended by a two thirds vote and the ordinance read third time

On Motion of Alderman Wilson the ordinance passed by the following vote Yeas Metz Kinney Cook Schuber Brueggerhoff Radkey Huppertz Moeller Wilson Nays Platt.

Alderman Kinney offered the following Ordinance which was read first time

Be it ordained by the City Council of the City of Austin

That the sum of Four thousand seven and ninety three and nineteen cents $4793.19 be and the same is here by appropriated to pay the following approved accounts.

Gaslight and coal Co, For Feb 1882.	367.84
Act of City sexton	10.00

Act of S A Lundell Dec 10 to Feb. 28th	1	0	25
" " J W Howard redemption of Coupons	1	1	25
" " Fred Braun ballot box		6	00
" " Walter Tips from Nov. 15 1881 Jan 1 1882	2	4	45
" " J J Tobin Jan	1	0	00
" " " " Feb.	1	0	50
" " Ellis Monroe scavenger. Feb work		3	00
" " A L Jarrett hauling sick woman			50
" " L. Platt hauling dead animals.		7	00
" " J W. Bracken work on street in Jan 1882	1	0	50
" " S O Clowd work on street in Jan 1882		3	50
" " J Platt work on street Dec.	2	7	50
" " J Maxwell work on street Nov.		7	20
" " J Platt " " " "	4	7	75
" " L Eck " " " "	1	4	7 35
" " E Bremond rent of Engine house Feb. 1882	1	2	5 00
" " G Lee Asst City Engineer in Jan	1	0	00
" " H Read hauling ballot boxes		1	50
" " Tom Richardson good for Paupers		3	00
" " W Smith repairing gas fixtures		2	50
" " J W Howard int on warrants. Mar 27 1882	6	3	65
" " " " " " " " 30 "	1	0	1 70
" " Pay roll for March	13	7	3 66
" Rent of Hope hook and Ladder rooms Jan	2	0	00
" George A Brush rent of pump			50
" of E. Von Bockman to March 24	3	9	74
" " George Harris		3	15
" " Grooms Lee		1	50
" " Ellis Monroe		1	50
" " Austin Telephone Co to June 30th 1882	1	5	00
" " J J Tobin March 1882	1	3	75
" " E Bremond rent Engine Co Building March 1882	1	2	5 00
" " Manning Infirmary Feb.	1	2	5 00
" " " " March	1	2	5 00
" " City Water Co. for Grinding March 31	17	1	2 50
" " Sexton for March 1882		2	5 00
" " Ed Creary " "	1	5	2 15

On motion of Alderman Cook the rules were suspended by a two third vote and the ordinance read second time

On motion of Alderman Moeller the rules were further suspended by a two third vote and read third time

Mo Motion of Alderman Cook the ordinance passed by the following vote yeas, Metz Kinney Cook Schuber. Brueggerhoff Moeller Radkey Kuppertz Platt Wilson

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Alderman Brueggerhoff offered the following Resolution which on Motion of Alderman Kuppertz was adopted

Resolved by the City Council of the City of Austin

That the fire committee be and are here by instructed to confer with the officers of Washington Engine Co No 1 and report at an early call meeting for the location of said Company from June 1st of this year and if adviseable to look into the expediency of erecting a suitable building for said Co. on the lot of the City on Boisdarc Street and at what price and terms said house can be built

Wm Brueggerhoff. Chairman Fire Committee

The following is the report of the ordinance Committee which was read.

Whereas the sewer at the foot of Congress Avenue has been washed out and has fallen in thereby rendering travel dangerous over the main approach to the City and may proberly involve the City into Law suits by accidents happening therefrom it is a necessity to have the same repaired at once by as the City is financially at present not in the condition to make the said repairs though recognising the great public necessity that exists to have said sewer built

Therefore be it ordained by the City Council of the City of Austin That the Mayor and the Board of Alderman hereby request the The Travis County Road and Bridge Co. to have the said sewer built immediately so as to make it a safe roadway and the City of Austin hereby agrees to reimburse said Travis County Road and Bridge Co. for the outlay so incurred by them by making an appropriation for the amount as soon as the financial condition of the City allows the same The work is to done under

the supervision of the Street Committee and the City Engineer of the City of Austin
Recommended by H. W. Moeller
Chairman Ordinance committee
N B Metz R Platt.
The report was adopted by the following vote
Yeas Kinney Cook Schuber Brueggerhoff.
Radkey Huppertz. Moeller Platt Wilson
Nays. Metz.

The following is the report of a special committee in regard to the care of the Cities sick
Which on motion of Alderman Brueggerhoff, was adopted and said committee authorized to act in the matter as they see fit
Hon Mayor and board of Alderman of the City of Austin
Gentleman Your committee to whom was referred the matter of providing temporaly for the Sick of the City beg leave to report that as their action was to be temporarily they have made arraingements with Mrs Wright the present lessee of the Towsends house to take care of the patients until about the first of the month when it is expected that something will be done to have them removed to other quarters as we are informed that she does not desire to take care of them any longer
In view of this fact your committee recommend that either the undersigned committee be empowered to make permanent arrangments at least for six or twelve months for their proper care or that a new committee be appointed for that purpose
H W Moeller Chairman
A H Cook Jr B Radkey.

The following Ordinance of the Market house committee was called up and read third time
An ordinance
Establishing the market limit of the City of Austin and regulating the renting of stalls at the City market and repealing art 305 a 338 a D. 307 of the revised ordinance ordinances of the City of Austin

Ord 331a. Be it ordained by the City Council of the City of Austin

Sec 1st That the market limits of the City of Austin from and after this ordinance goes into effect shall be as follows Beginning at a point where the center line of Cedar street thence north along the center line of nueces st to its intersection with the center line of north avenue Thence East along the center line of north avenue to its intersection with the center line of Red river street thence south along the center line of Red River street to its intersection with center line of Cedar street Thence west with center line of said Cedar street to the place of beginning

Sec 2. That 2005th of the Revised ordinances of the City of Austin Passed Feb. 7th. 1881 be and the same is hereby repealed

Sec 3 That it shall be the duty of the City Marshal on the 1st day of June in each year unless the said shall come on Sunday in which event on the saturday preceding after having given five days notice by advertisement in some daily news paper published at Austin Texas and by written notice posted in three public places in the city one of which shall be at the market house proceed to rent or lease the market stalls vegetables fish and poultry stalls and coffee stands in the City market at public Auction at the market house to the highest bidder or bidders over and above the minimum price as provided by this ordinance after stating ~~said~~ terms of said renting or leasing

Sec 4 The renting or leasing or renting shall be for one year next ensuing and the lessee shall pay one fourth in cash of the amount bid and shall execute to the Mayor of Austin three notes with good personal security to be approved by the Market house committee of the city council First of said notes shall be due and payable three months after date second one six months after date and the third one nine months after date said notes shall be taken by the City marshal approved if the security is good by the Market House committee of the city council and by them handed to the City assessor and Collector

of Taxes for collection

Sec 5\ That article 307 (5) of revised Ordinance of the City of Austin be and the same is hereby repealed

Sec 6. That if any person who shall bid off any stall
stall or stand at auction fails neglects or refuses to comply with the provisions of this ordinance it shall be the duty of the City Marshal to rent said stalls or stands immediately to any other person or persons offering the highest bid above the minimum price for the term of one of one year on the conditions aforesaid

Sect 7. It shall be the duty of the city marshal to see that no person who has rented a stall or stand shall occupy move into or use in any way other stalls or stands until he has complyed with the ~~condition~~ provision of this ordinance

Sec 8 That Art 338a of the Revised Ordinance of the city of Austin fixing minimum prices for the renting of Market stalls fish vegetables and poultry stands passed Feb 7. 1881 be and the same is hereby repealed

Sect 9. That from and after the passage of this ordinance the minimum price for the rent of market stall in the City Market shall be $120.00 per annum each and the minimum price for the rent of vegatable fish and poultry ~~stalls~~ stands shall be sixty dollars per annum each and the lessees of said stall or stand shall pay the same amount license and be subject to the same regulations as set forth in the ordinances of the City in relation to the sale of butchers meats in other portions of the City

The minimum price for the Coffee stand shall be $75.00 for one year reckoning from the date of renting

Sect 10. That the income ~~from~~ received from the rent or lease of the stalls or stands of the City Market shall be used only for market house purposes

Sect 11 No licenses shall be granted by the city council to parties within the market limits herein established to sell any butchers meat or keep any vegatables fish or poultry stands unless said parties have rented stalls or stands in the City Market

Sect 12 If from any cause whatever there shall be any vacant meat stalls poultry vegetable or fish stands the City Marshal shall proceed to rent the same for the unexpired term giving the notice required and upon the conditions before herein contained

Sect 13 That the Marshal be and is hereby authorized to rent the stalls and vegetable stands from the day this ordinance becomes a law until the first day of June next at the present market rent or as much more as higher bidders may offer.

Sect 14 No one person of firm shall have the right of priveledge to rent more than two market stalls or two vegetable stands

Sect 15 That this ordinance take effect and be in force from and after its passage.

On Motion the ordinance passed by the following vote Yeas Kinney Cook Schuber Brueggerhoff Radkey Huppertz Moeller nays Metz Platt Wilson

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An Ordinance of the Fire department was introduced Entitled an Ordinance limiting and appropriating for the expenses of the fire dept said expenses not to exceed $375.00 which was read first time

Alderman Brueggerhoff move to table said ordinance lost by the following vote Yeas Metz Brueggerhoff Platt nays Kinney Cook Schuber Radkey Huppertz Moeller Wilson

On motion of Alderman Moeller the rules were suspended by a two third vote and the Ordinance read second time.

Alderman Brueggerhoff offered amendment to setion first After the word $375.00 all or so much as thereof as may be necessary

also an amendment that salary of engineers shall not exceed $60.00 per month and for the approval of the year and nay being Call for the amendment bill of Fire dept. was rejected by the following vote yeas Kinney by Fire Com. Cook Schuber ~~Radkey~~ Huppertz Moeller Wilson nays Metz Brueggerhoff Radkey Platt.

Alderman Kinney moved to further suspend the rules and place the ordinance on its third reading Lost by the following vote Yeas Kinney Cook schuber Huppertz Moeller Wilson nays Metz Brueggerhoff Radkey Platt.

On ordinance for the extension of the Water mains and pipes of the City Water Co. and erections of hydrants on said extension so that the city may be better protected from fire without the aid of steam fire engines and to adopt the Holly system of water works was called up and read.

On the mayor deciding that the Ordinance had passed its second reading Alderman Cook ~~alderman~~ appealed from the decision of the Chair the Chair was sustained by the following vote yeas. Metz Kinney Bruggerhoff Korlen Platt Wilson nays. Cook Schuber Radkey Huppertz

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The following is the report of the special committee on the water work Ordinance

We your committee to whom was referred the proposition of the City water company for furnishing the city with a more extended fire protection beg leave to report that we have examined the aforesaid proposition and recommend the adoption of the ordinance as amended by your committee which is here with revised and submitted

R Platt Chairman

motion made to adjourn to thursday week motion lost by the following vote yeas Kinney Schuber Radkey Huppertz. nays. metz Cook Bruggerhoff. Korlen Platt. Wilson

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Under and by authority of Art 605 Sec 62 of the revised Ordinances of the city of Austin the Mayor appointed the follow board of Appraisers and Equalization For the Board of Aldermen J Schuber R Platt B Radkey From the Citizen D T Iglehart J. A Hooper on motion the nominations was confirmed by the Council

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Alderman Bruggerhoff offered and ordinance Authorizing a settlement with F B Forster as Financial agent of the City
Ordinance Tabled by the following vote
Yeas Kinney [illegible]

M. On Motion of Alderman Bruggerhoff the Council adjourned until Thursday night

Thomas L Purnell
City Clerk

Austin Texas April 6th 1882
Council met pursuant to adjournment

R Platt acting Mayor in the Chair

Roll call present Kinney Cook Brueggerhoff Huppertz and Moeller Wilson
Absent Metz Schuber Radkey

The Mayor Presented his veto on the Market house Ordinance which is as follows.
To the Hon Board of Alderman of the City of Austin Gentleman
As acting Mayor I here with return An Ordinance establishing market limits and regulating the renting of stalls at the city Market house passed by your honorable body on monday 3d April 1882 and respectfully submit for your consideration the following grounds of my disapproval 1st Because the direct effect of such an Ordinance is to restrain traid and create a monopoly under the color of Authority in the matter of the sale of articles most essential to the daily subsistence of the people of the City While it is not denied that the Charter confers the power to establish and regulate Market houses in the City, it is insisted that their is no Authority for licensing and Taxing the occupations of venders of fresh meats poultry fish and vegetables Without such grant of power plainly expressed in the Charter any ordinance imposing any tarable burden upon such vocation I submit to you is absolutely unwarrantable To cause citizens pursuing such business to rent stall in the market house and to fix the amount to be paid therefor under the fear of pains and penalties and it the same time to lay upon them the weight of an unlawful Tarable License as is contemplated by the ordinance in question it occurs to me to be not merely the establishment of a monopoly but of one so glaring and appressive that no construction of the Charter however liberal could for a moment possibly tolerate it Again the purposes for which all this money is to be raised

from this class of our fellow Citizens can hardly be deemed of sufficient importance to demand the passage of such an Ordinance The revenue it seems is not exacted to pay off the debt of the City or aid in discharging the current expenses of government but is wanted for Market house purposes only (Sec 17. What the necessities of the Market house are the ordinance fails to specify and without some information on this point you will pardon me from relying upon proofs in constant ocular demonstration mancing the conviction that said institutions does not need the money.

3rdly The ordinance is unfair and discriminative even in the selfishness of its provisions It is sought to be adopted under the color of the Charter powers to regulate the sale of meats poultry and vegetables by confining the business at a certain point to wit the market house and yet sect 11. authorizing indirectly the violation of the spirit and letter of the whole ordinance in these words. No licenses shall be granted to persons within the market limits to sell meat or keep a vegetable fish or poultry stand unless said parties have rented stalls or stands in the City Market This means clearly that if a person will pay $120 a year for rent of a market House stall then he can sell meat and poultry and keep a fish stand within the limits established as holy ground prohibiting the noxious trades

The ostrich is said to hide its head in the sand and fancies a safe concealment and so this Ordinance burrowing under the surface of the Charter and claiming the pretext of public cleanliness in aid of its refuge. Would wear the sanctity of invisibility over its ugly parts and purposes but like the same ostrich the unsanely provisions are left exposed to common view and I regret to say equally disagreeable and distasteful to behold

4th ly. The state while levying a tax license on all other occupations fixes none on the vendors of fresh meats fish poultry and vegetables and such the reasons are good and obvious and are of force in applicability to the City as well as state the large mass of our city population are comparatively

poor depending on Daily labor bar the anvil the shop or on the streets for their support. and that of their families and every tax you run on meats vegitables and such essential commodities of life must inhance the dearness and costs of the same and to the extent in many instances of inflicting actual suffering upon men woman and Children or of forcing them to move to other places where laws and ordinances are made more considerate of their hopes and priveliges and more in harmony with the free institutions of this country

Respectfully your obt Servant.
Radcliff Platt
Acting Mayor City of Austin

Alderman Moeller moved a call of the council the Mayor ruled call out of order Cook appealed from the decision of the Chair appeal sustained by the following vote Yeas Kinney Cook Brueggerhoff Huppertz Moeller Wilson Marshal sent after absentees

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On motion of Cook the call of the council was suspended

Cook moved to postpone the consideration of the Mayors veto until the next regular meeting motion adopted

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Alderman Metz came in and answered to his name

Motion made to adopt the report of the special committee on water works ordinance Cook rose to adress the council the Mayor ruled that Cook was out of order. Cook appealed from the decision of the chair appeal sustained by the following Vote Yeas Metz Yeays. Kinney Brueggerhoff Huppertz Moeller Wilson Cook excused from voting

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Alderman Brueggerhoff read a supplementary proposition from the Water Co. on motion the report of the Committee suppementary proposition

and [illegible] was recommitted to the special committee on water work.

Alderman Bruggerhoff introduced the following Ordinance which was read first time

An Ordinance [illegible]

Authorizing the Mayor of the City of Austin to lease to Washington Fire Company No. 1. the West one half on Lots 7 & 8 in Block 69. or so much of said lots as may be necessary to build an Engine house

Be it ordained by the City Council of the City of Austin,

That the Mayor of said City be and is hereby authorized and empowered to lease to Washington Fire Company No 1 the west half of lots 7 & 8 in Block 69. or so much of said lots as may be necessary for the period of 99 years for the purpose of erecting thereon a good and substantial building to be used for fire purposes and no other said City of Austin to pay to said Fire Co. the sum of twenty five dollars per month as rent for said building

The said city to have the right at the expiration of two years or then after to pay the Company the costs of the improvements and become owners thereof and the rent to cease.

On motion of Alderman Bruggerhoff the rules were suspended by a two thirds vote and the Ordinance read second time.

Alderman Radkey and Schuber came in and answered to their names.

On Motion of Alderman Huppertz the rules were further suspended by a two thirds vote and the Ordinance read third time

By request of the Council Mr Hancock addressed the Council in regard to the kind of Building that the Company proposed to build, on said lots

On motion of Alderman Cook the Ordinance passed by the following vote. Yeas Metz Kinney Cook Schuber. Bruggerhoff. Radkey Huppertz Moeller Wilson

Alderman Brueggerhoff moved to reconsider the motion to postpone the consideration of the Mayors veto; to the next regular meeting Motion adopted

Alderman Brueggerhoff moved that the ordinance now pass not withstanding the veto of the Mayor the ordinance passed by the following vote Yeas Kinney Cook Schuber Brueggerhoff Radkey Huppertz Moeller Nays. Metz. Wilson

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Mr. Barnhart by request addressed the Council in regard to the case Erwin VS. the City of Austin stating that the costs including his fee to appeal the case would be fifty dollars.

Alderman Brueggerhoff move that the City of Austin take an appeal in the Case Erwin VS the City of Austin and that the Mayor procure an appeal bond for the City and that the City Attorney Mr Walton, be associated with mr Barnhart in the case. Motion Adopted

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The resignation of L. N. Goldbeck as recorder was received and on motion was accepted

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Alderman Cook presented the following resolution Whereas there having passed the City Council on Dec 5 1881 an Ordinance appropriating $755.00, to defray the expenses incurred by Francis B Forster & to go to New York City and negociate Bonds &c and as yet said Forster has failed to turn over to the City of Austin any part of the monies bonds or warrants belonging to the City

Therefore be it resolved by that the Mayor be requested to call on Mr. Foster and demand of him to pay at once to the City of Austin all bonds monies and warrants that he may have in his possession

The word refused being struck out and the word failed inserted the resolution was adopted

The bond of J W Howard as City Treasurer was called for and the name of sureties read who are J W Howard Dennis Corwin J T Brackenridge F W Chandler.
The council authorized the Mayor to approve the same.

Alderman Kenney called up the Ordinance appropriating for the fire department which was read third time

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An ordinance limiting and appropriating for the expenses of the Fire Department

Be it ordained by the City Council of the City of Austin

That the sum of Three hundred and seventy five dollars $375.00 per month for each of the seven Months from the 1st day of April to the first day of November 1882 be and the same is hereby appropriated for the use and benefit of the Fire Department of the City

Sec 1 This sum to embrace and pay for all expenses of the Fire Department to be incurred on account of the City including the salaries of Engineers, and all other employees of said fire department also the rent of room for engine hose carriages and hook and Ladder Trucks and all other expenses of every kind with the exception only of the water supply.

Sec 2 The City Treasurer is hereby directed to set a side apart of each Month of the period named in section 1st said amount of $375.00 against which the mayor shall draw his warrants for payment of accounts which have been properly approved by the officers of the fire department and by the Fire and finance committees of the City Council Provided the Chief of the fire department shall furnish a schedule of expenses agreed upon by the officers of the fire Department specifying the exact amount to be applyed to the expenses of each company and for what purpose so that the total amount of the expenses of the City for the Fire Department exclusive of the water supply shall not exceed Three hundred and seventy five dollars for any one Month.

Sect 4 Article 500a as amended January 10th 1881 fixing the salaries of the City Engineers at $740.00 each year annum be and is hereby repealed the salaries of whatever employees that may be employed by said Fire Dept. shall be fixed by the officers of the Fire Dept. and paid out of the appropriation made by this ordinance

Sect 5 That article 195a of the revised ordinance making an appropriation to pay the Current ~~expenses~~ monthly expenses of the Hook and Ladder Co of the City of Austin passed March 1st 1880 be and the same is hereby repealed

Sect. 6. All ordinances and part of Ordinance in conflict with the proceeding articles be and the same are hereby repealed

Section 7 That this Ordinance shall take effect and be in force from and after its passage.

On Motion of Alderman Kinney the Ordinance passed by the following vote yeas Kinney Cook Schuber Roakey Huppertz Moeller Wilson Nays Brueggerhoff

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On Motion of Alderman Moeller the Council adjourned.

Thomas L Purnell
City Clerk