

Regular Meeting of the City Council
Austin Texas Dec 17 1883

Wm W A Saylor Presiding

Roll call present aldermen Schneider Rector
Brewer Hancock Wells Campbell Schuber Underhill
Hoads J W Robertson Dickie Crocker Cade & B
Robertson Hill Blath Ervin Brush Brumby Carring
ton.

Minutes of Dec 8 and 10 1883 read and approved

Wm J W Robertson Presiding

The following communication was received from
his honor the Mayor

Mayor's office
Austin Dec 17 1883

To the Honorable City Council of the City
of Austin

Under article 8 section one of the
amended Charter of the City of Austin I respectfully
ask your consent to remit balance of
fine of \$50.00 assessed against Jack Ryan on
the 16th day of March A D 1883.

W A Saylor
Mayor

On motion of alderman Hill the Council with
voiced the mayor to remit the balance of fine
against Jack Ryan

The report of the City Treasurer was read
and referred to the finance committee

The report of the City Physician for Nov 1883
was read and referred to the charity committee

The report of the City sexton for Nov 1883 was read
and referred to the Cemetery Committee

The report of the City Marshal for Nov 1883
was read and thus referred to the police com
mittee

alderman Brush presented a petition from

The following report was received from the City Engineer which was referred to the street committee with authority to act

To the Hon Mayor and Board of Aldermen
of the City of Austin
Gentlemen

I would most respectfully call your attention to the unsafe condition of the following bridges and recommend their removal at once Bridge at east mulberry and Congress avenue East ash and Congress avenue East Hickory and Congress avenue East Bois De arc and Congress avenue east and west Cedar street and Congress avenue Trinity and east Pecan street Rucker and East Pecan street I would also recommend that the bridge on Cedar street over waller creek be refloored also I would call your attention to the excavation of lot no 1 Block 110 on Congress avenue and ash street and that some action be taken to protect the street and alley from further serious damage.

Very Respectfully
J. K. P. Mc Fall
City Engineer

The Police committee submitted an ordinance entitled an ordinance fixing the number of Policemen to be employed by the City and the following amendment to the same

amend Section one by striking out the words the exclusion of the sergeant of Police and the mounted police man now on duty and insert in place thereof the following

Two or exclusion of the sergeant of Police and two of said two or shall be mounted Policemen

Alderman Plath moved to amend the amendment by striking out the word and two shall be mounted Policemen Alderman Crooker moved to lay the amendment of Ald Plath on the table motion to Table adopted

Alderman Rutor moved to adopt the amendment as offered by the committee motion adopted The ordinance was read as amended and then

read third time under suspension of the rules and Passed by a unanimous vote

Howe W. A. Paylor

Mayor Presiding

The Mayor read a proposition from the Austin Gas Light and Coal company to light the streets of Austin for the period of three months at the price of \$2.00 per month for each light

Alderman Maas called up an ordinance authorizing the mayor to contract with the Austin Gas Light and Coal Company to light the streets for three months the ordinance was read second time

Alderman Crooker moved to amend the ordinance by inserting 100 gas lamps.

The resolution of Ald Hancock authorizing the mayor to contract with the Austin Gas Light and Coal Co for fifty street lamps was laid on the table Alderman Maas moved to strike out one hundred gas lights and insert 75 gas lights motion adopted

Alderman Hill moved to amend the ordinance by inserting after the words per light the words per month and after the words 3 months the words after the 7th of January 1884. amendment adopted

Alderman G. L. Robertson moved to strike out the words Austin Gas Light and Coal Company and insert any responsible Co Motion adopted

Alderman Crooker moved to lay the ordinance and amendment on the table motion lost

The ordinance as amended was read and then read second time under suspension of the rules and passed by the following vote yeas Aldermen Schneider Sutton Pilleau Hancock Wells Campbell Maas Robertson J. W. Crooker Driskill Odell Carington G. L. Robertson Hill Platt Erwin Brush and Brennan Nays Alderman Rehder and Underhill

Alderman G. I. Robertson offered an ordinance appropriating the sum of \$200. to grade Mosquito east of east avenue and build a bridge on said street. The ordinance was read first time and then referred to the street committee.

Alderman Brush offered an ordinance granting to M. D. Mather and his associates the right to construct and operate a system of electric light within the corporate limits of the City and Alderman Rulon moved to amend the Ordinance by inserting after the words any street or alley the words except Congress Avenue. Alderman Campbell moved to amend the ordinance by striking out the words pole and inserting run the wires underground. Both amendments were lost.

The motion to suspend the rules and place the ordinance on its third reading was lost by the following vote: yeas Aldermen Rulon Pillow Hancock J. I. Robertson Crooker Odell & S. Robertson Blak Erwin Brush and Bennett Nays Aldermen Schneider Wells Campbell Smith Underhill Mann Diskill Garington Hill.

Alderman Hancock offered an ordinance amending article 2513 of the revised ordinances of the City of Austin in regard to hack and other vehicles. The ordinance was read first time and then referred to the street committee.

The following communication was received from J. P. Underster City Attorney.

Austin Texas Dec 17th 1883

To the Honorable City Council of the City of Austin

Gentlemen I desire to call your attention to the fact that at the present term of the district Court of Travis County C. D. Johns ex City atty recovered a judgment against the City of Austin for the sum of \$1250⁰⁰ his claim being for 10 per cent commissions on the amount of fines collected by the City during the time Mr Johns occupied the office of City attorney.

a motion for a new trial of the case has been submitted and overruled and notice of appeal duly given. Having been counsel for Mr. Johns. I am disqualified to represent the City in the supreme court and would suggest the necessity of the employment by your honorable body of some attorney to take charge of the case on appeal.

I submit herewith a letter from Hon. A. J. Walker the judge before whom the case was tried addressed to my predecessor Mr. Watson embodying his views of the case and ask that it receive such consideration at your hands as it may deserve.

Should it be deemed expedient to appeal the case provision should be made at once for the employment of counsel to represent the City as well as to procure the necessary securities on the appeal bond required to be given.

Very Respectfully
George F. Pender
City Attorney

Alderman Wells offered the following resolution which was lost.

Whereas This council has heard the letter of Judge Walker read stating that he had made a full and thorough examination of the question involved in the suit of Johns vs the City of Austin and had decided ^{that} in his opinion there was no doubt as to the correctness of his decision in rendering a judgment against the City and whereas our City attorney is disqualified by reason of his having been attorney for the plaintiff before he was elected City attorney to represent the City on an appeal in this case and if the City were to appeal it will be compelled to employ an other attorney and in the event the City should lose the case in the supreme court it would be forced to pay a considerable amount of costs. Be it therefore Resolved by the City Council of the City of Austin That it is the sense of this body that it is inexpedient on the part of the City to appeal said case and that the same shall not be done.

Alderman Hill offered the following resolution which was read second and third times under suspension of the rules and passed by the following vote. yeas Aldermen Schneider Auton Pileow Hancock well Campbell schuber Underhill Hoas J W Robertson Driskill Crooker. Odell Barrington G. L. Robertson Hill Peatt Ervin Brush and Baurin

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

That the sum of \$5.00 and the same is hereby appropriated to pay H. B. Barnhart for his services rendered and to be rendered in the case of C. D. Johns vs. the City of Austin lately decided in the district court, of Travis County, and the question of whether or not, the appeal in said case to the supreme court be prosecuted. To be submitted to the professional order of said attorney Barnhart.

Alderman Hill introduced the following resolution which was adopted

Resolved That the City Attorney be and he is hereby instructed to report to the Council at its regular meeting what if any ordinances of the City are nugatory or of doubtful validity by reason of the appearance in the penalties prescribed by the ordinance and the penalties prescribed for the same act by the state laws.

Alderman Hill offered the following Resolution which was adopted

Resolved That the Committee on streets be requested to enquire whether or not the telephone and telegraph companies having poles erected in the public streets of the City are using or permitting the use of such poles for purposes unauthorized by law and especially with reference to the use made thereof or of erection of frames thereon used as bulletin boards for bill posting and that said committee is instructed to report by ordinance or otherwise the necessary remedy for the correction

of any existing abuses of the rights of said Companies or either of them to erect and maintain such poles in the streets of the City

Alderman S. L. Robertson introduced an ordinance amending article 4 or section 14 of the revised ordinances of the City of Austin in regard to nuisances. The ordinance was read second and third time under suspension of the rules and passed by the following vote yeas Aldermen Schneider Sutton Pillow Hancock Wells Campbell Schuber Underhill Hoar J. W. Robertson Driskill Crooker Odell Carrington S. L. Robertson Hill Plank Ervin Brush and Brennan

Alderman Odell offered the following Resolution which was adopted

Whereas That smoking in the City Hall during the meeting of the City Council is allowed to the discomfort of the members of the City Council

Therefore be it Resolved by the City Council of the City of Austin That hereafter smoking tobacco be prohibited in the City hall during the meeting of the City Council

Alderman J. W. Robertson introduced an ordinance granting to Abner Taylor and his associates permission to construct and operate a horse railway along congress avenue for the purpose of transporting stone and other material for the construction of the state capitol

Alderman Crooker moved to lay the ordinance on the table motion to table carried by the following vote yeas Aldermen Sutton Wells Campbell Schuber Underhill Hoar Driskill Crooker S. L. Robertson Hill and Brennan "

Nays Aldermen Schneider Pillow Hancock J. W. Robertson Odell Carrington Plank Ervin and Brush 9.

The following named persons were nomin-
ated and confirmed as members of the regular
Police force of the City of Austin

E. R. Obermeyer and J. R. Johnson as mounted
Policemen

George Luckerson Louis Morris H. & Maddison
and H. B. Kinney as regular Police officers &

Hon. J. W. Robertson Presiding

The Motion to adjourn was lost
The motion to postpone further election
of police officers was lost

The following named persons were nomin-
ated and confirmed as regular police officers
of the City of Austin

Bart Dr Long W. McCalister
Fred Beck Fred Callahan William Howr
and C. F. Brown &

An ordinance authorizing the assessor
and collector of taxes to employ an assistant and
fixing the salary of said assistant was called
up and read around time the motion to suspend
the rules and place the ordinance on its ~~third~~
reading was lost

Alderman Hancock offered the following
resolution which was adopted

In view of the coming visit to this
City of Col. H. M. Coxie I move that this council
now appoint a special committee of three to
confer with and urge upon him the pressing
necessity that exists in this City for a better
and more commodious railroad depot than
the Capitol of Texas now has and that said
Committee take such actions in the premises
as may seem calculated to secure the boon referred
to.

His Honor J. W. Robertson appointed as the
committee Alderman Hancock Brush and
Crooker.

His honor the Mayor appointed the following additional standing committees.

Sewers R. B. Thudchill B. C. Wells. R. J. Hill
Hospital L. M. Crooker. Albert Carrington & Schuler
Water and gas. Lewis Hancock R. Platt w. J. R. S. R.

On motion the Council adjourned

Thomas S. Burnell
City Clerk