

Regular Meeting of the City Council
Austin Tex March 17th 1884

Hon J W Robertson President of the Council
Presiding

Roll call present aldermen Schneider Pillow
Hancock Wells Schubert Underhill J W Robertson
Driskill Crooker Odell Carrington H. L. Robertson
Hill Platt Ervin Brush and Brennen

Absent Aldermen Sutton Campbell and Maas
Quorum present.

The minutes of January 7th, Feb 11, 1884 and
March 4th 1884. on motion were adopted by the follow-
ing vote. Yeas Aldermen Schneider Pillow Hancock
Wells Schubert Underhill J W Robertson Driskill Crooker
Odell Carrington H. L. Robertson Hill Platt Ervin
Brush and Brennen.

The motion of Ald Hancock to suspend the regular
order of business and receive and act on the report
of the Committee appointed to draft articles of
impeachment against H. H. Lee City Marshal was
adopted by the following vote yeas Aldermen Schneider
Pillow Hancock Wells Schubert Underhill J W Robertson
Driskill Crooker Odell Carrington H. L. Robertson Platt
Ervin Brush and Brennen 16 nays Alderman Hill

The Committee submitted the following report
To His Hon Mayor and Board of Aldermen
Gentlemen

The undersigned a committee
appointed by your honorable body to investigate
and report on the official acts and conduct of H.
H. Lee City Marshal would most respectfully
state that they have thoroughly examined and
investigated the matter submitted to them and
find that the evidence warrants the following charges
against the said H. H. Lee a copy of which has
this day been served on him

First The Committee charge that H. H. Lee City
Marshal is guilty of gross and wilful neglect

of duty in failing to make a complaint against Ben Thompson for discharging a pistol in the City of Austin on the night of February 23, 1884 of which fact the said Lee was credibly and fully informed and further that said Lee has failed and refused to report said violation of the City ordinance to the City attorney as he is required to do by the City ordinance

Second The committee further charges that H. S. Lee City Marshal is guilty of a gross and inexcusable dereliction of official duty in failing to report H. S. Maddison and Mrs. Howe for a failure on their part to make complaint against Ben Thompson for discharging a pistol in the City of Austin on the night of February 23^d 1884 of which fact said policeman had full knowledge. as he the said Lee well knew

W B Brush
Lewis Hancock
A B Underhill
L. M. Crocker
Committee

Alderman Brush offered the following resolution Resolved That the Council meet on Thursday March 20 1884 at 7³⁰ p.m. for the trial of Marshal H. S. Lee and that the City attorney be requested to draw up the rules that shall govern the action of the Council acting as a court of impeachment Alderman Black moved to amend to march 24, instead of March 20. accepted by Ald Brush The motion to adopt the resolution was lost

Alderman Hancock moved that the Council meet Monday March 24 1884 at 7³⁰ P.M. and proceed with the trial of H. S. Lee City Marshal motion adopted.

A communication was received from Caseyville Ky asking help for the City as the town had suffered from overflow three years in succession Referred to the Charity Committee

The following proposition was received from P B Forster which was accepted and the City attorney instructed to settle on the terms proposed

Austin Texas March 4th 1884

To the Honorable City Council of the City of Austin

If you will release the sureties from the claim
sued on in the County Court of Travis County Texas
entitled The City of Austin vs Ed. Brady et al being
suit on his official bond I will pay the City \$375.00

Respectfully

Francis B. Foster

By John Dowell his attorney

A Petition was received from Citizens of the tenth
ward, requesting the Council not to pass an ordinance
prohibiting the City Railroad Company from
extending its track along Live Oak street to the
vicinity of the H. & T. C. R. R. central depot

read and referred to the street Committee

Alderman Sutton came in and answered to
his name.

The following report was received from the
street committee on the proposition of the Compress
Company to build a bridge on Cedar street

To his honor, the Mayor and Council
of the City of Austin

Gentlemen

Your committee to whom was referred
the previous proposition would respectfully recom-
mend that it be accepted

W. H. H. H.

Chairman

A Petition was received from the Austin
Gas Light and Coal Company, stating that
the property of said Company was exempted
from taxation by the City and that the City
had assessed its property for the tax of 1883.
and asking said assessment be dropped from
the tax roll.

Referred to the Finance Committee

alderman Maas came in and answered to his
name

The following report was received from the Street Committee to whom was referred an ordinance providing for guttering on the north side of west Pecan st. the report was adopted.

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

Your committee on streets would recommend that this ordinance do pass there being an ordinance before the Council on its final passage appropriating \$3000. for streets

A. Platt

For Street Committee

The Street Committee submitted the following report (which was adopted) on an ordinance prohibiting Telephone Telegraph and Electric light Poles from being used by placing advertising board upon them

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

Your street committee would recommend that this ordinance do pass

A. Platt

For Street Committee

The following report was received from the Police Committee on the report of the marshal the report was adopted

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

Gentlemen

Your committee on police to whom was referred the within report beg leave to report that they have examined the same and find it correct

Respectfully

J. P. Schneider

A. J. Hill

W. J. Brennen

Police Committee

On motion of alderman Ervin the report of the City Clerk for Feb 1884 was received and ordered filed

Alderman Brewster for special Committee asked for further time in which to report on Papers referred to and further time granted

The special committee to whom was referred the Petition of A. J. Carroll submitted the following report which was adopted:

To the Hon Mayor and Board of Aldermen
Gentlemen

The City attorney having rendered his opinion that the City is not liable for the within claim, your committee would recommend that the same be rejected

Ben Shields
Lewis Hancock

Alderman Platt submitted the following majority report of the Committee to whom was referred the Petition of Wiley Walter Ward

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

Your committee to whom was referred the Petition of Wiley Ward would most respectfully beg leave to report that we have diligently inquired into the facts of the case as set forth in the petition of Wiley Ward your committee have not been able to arrive at any satisfactory conclusion as to the charges contained in the petition. There seems to be a mystery hanging over the whole matter that we have been unable to solve from the evidence before us. It will require time and further development to corroborate the statement made by John Andrews. We have nothing but the statement of that witness and the possibility that Chenneville could have done and had the opportunity to do what was stated by the witness that he did do also the further fact that Chenneville was in

possession of all the facts which Keff and Hancock was in possession of at the time is all we have to corroborate to statement I made by John Andrews in Judge Rogers's Court and before this Committee as to that part of the petition which asked for relief we are of the opinion that we should grant the relief asked for. not that we think the City is legally responsible nor do we attach any blame to the officer making the arrest. but if Mr Ward's statement be true, which statement is uncontradicted, we think he has been badly treated by some body, in authority. The City should be held responsible for the acts of her officers.

If innocent people can be taken up and thrown into prison with out a hearing, with no opportunity to consult friends or procure council of his choice, then our government would be a failure and it should be abolished. We say better that ninety nine guilty persons should escape than one innocent person should suffer. Not only has he suffered pecuniary loss, but his liberty for all time has been jeopardized to say nothing of the humiliation he has had to undergo. If the same diligence had been exercised that was exercised in the other parties implicated by John Andrews there would have been no necessity to have employed council or to have been brought before the bar of justice. His ignorance of the nature and extent of the charge, his previous good character and the bad character of the witness against him, should all plead in his behalf.

R. Platt.

B. C. Wells

L. M. Crooker

Not having heard the testimony in the case I cannot sign to any thing in the above except to the recommendation to pay the amount asked for in the petition.

W. B. Brush

alderman Hancock submitted the minority report of the special committee to whom was referred the petition Wiley W Ward

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

Petition The undersigned member of your special committee to whom was referred of Wiley Ward praying that the amount of \$60 be paid to him by the City beg leave to respectfully report as follows

Your committee have duly considered said petition and heard such testimony as could be presented relating to the matter and charges therein contained have arrived at the conclusions set forth below

First That even if the facts set forth in said petition were true, they would furnish no grounds on which a claim against the City could be asserted either in law or justice and any affirmative response to its prayer would rest merely in the benevolence of the Council

Second your committee find that Mr C. D. Johns in becoming petitioners attorney acted only in the usual and ordinary course of his profession as a lawyer and that no censure whatever is attached to his connection with the case under investigation

Third your committee find that the evidence does not support the charges made against sergeant John Chenniville and which are made the basis of the petition and your committee find it not proven that sergeant Chenniville either knowingly made false charges against Petitioner or supported the same by suborned testimony or abused his position as a police officer to deprive petitioner of a reasonable opportunity to communicate with his friends and procure counsel

Your committee find that Mr Chenniville suggested Mr Johns to petitioner as an attorney who could do more for him than anyone else and while your committee recognize this as a mere act of unsolicited friendship on the part

of Mr. Ekenwiler unaccompanied by fraud or any abuse of his position. yet your committee cannot forgo the criticism that such suggestions by any officer in charge of a prisoner are in bad taste and are calculated to subject the force to suspicion
Fourth For the reasons above set forth, your committee recommended that the petition be not granted.

Lewis Hancock

J. P. Schneider

P. J. Hill

Alderman Hancock moved to adopt the minority report

Alderman Crooker moved to substitute the majority report for the minority report motion lost by the following vote yeas Aldermen Sutton Wells Driskill Crooker Carrington Platt Ervin Brush and Brennan. 9.

Nays Aldermen Schneider Pellow Hancock Schubert Underhill Maas Robertson, J. W. Adell Robertson G. L. and Hill.

The minority report was adopted by the following vote, yeas Aldermen Schneider Pellow Hancock Schubert Underhill Maas Robertson J. W. Adell Robertson G. L. and Hill

Nays Aldermen Sutton Wells Driskill Crooker Carrington Platt Ervin Brush and Brennan

Alderman Brush called up an ordinance amending article 479, section 1, of the revised ordinances passed Sept 7th 1874, granting privileges to the Austin City Rail Road Co. The ordinance was read third time and passed by the following vote yeas Aldermen Sutton Wells Underhill Maas Driskill Crooker Adell Carrington Hill Platt Ervin Brush and Brennan
Nays Aldermen Hancock Pellow Schubert J. W. Robertson and G. L. Robertson

Alderman Crooker called up an ordinance appropriating the sum of \$300. for street improvement in the City the ordinance was read third time and passed by the following vote yeas Aldermen Sutton Wells Underhill Maas Driskill Crooker Adell Carrington Hill Platt Ervin Brush and Brennan
Schneider Sutton Pellow Wells Underhill

Driskill Crooker, Barrington Hill Platt Erwin
Brush and Brennan.

Supp. Aldermen Hancock Schuber made J. W.
Robertson Odell and Geo. S. Robertson

An ordinance entitled an ordinance prohibiting
the abuse of telegraph Telephone and electric light
poles, within the City was called up and read
second time then read a third time and upon
passage of the rules and passed by a two thirds
vote.

On motion of alderman Platt leave of absence
of mayor Saylor was extended to March 24/88

An Ordinance repealing an ordinance in regard
to night scavengers was read first time and
then referred to the Street Committee

Alderman Schneider moved that the council
proceed to elect Policemen to fill vacancies on
the police force motion lost by the following
vote. yeas Aldermen Schneider Underhill
J. W. Robertson Odell G. S. Robertson and Hill
Nays alderman Bellow Dutor Hancock Wells
made Driskill Crooker Barrington Platt Erwin
Brush and Brennan.

Alderman Wells introduced the following
resolution which was adopted

Be it Resolved by the City Council That
the Mayor appoint a committee of three
to confer with the City water Company and
ascertain if said Company will agree to
insert in its present contract with the City
a clause allowing the City to use water
for the purpose of sprinkling the streets free
of charge as was done in former contract
with ^{said} company.

He is honor appointed as the Committee
Aldermen Wells Odell and Hill

Alderman Bellow offered an ordinance
authorizing the Capital Compress company

to construct a bridge over Shoal creek on Beeson street according to the terms offered by said company the ordinance was read first time and then referred to the street committee

Alderman Brennan offered and a resolution increasing the pay of police officers to \$75⁰⁰ per month. Read first time and referred to the Finance Committee

The following resolution was read and adopted.

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

That hereafter such matter as may come before the Council and not passed or adopted, shall not be published or placed on the minute Book in full but the Clerk shall give the subject of such matter in as brief a manner as possible including the vote on the same

An ordinance was introduced appropriating the sum of \$500. in payment for work and material in constructing the City Clock Tower read first time and then referred to the Finance Committee

Alderman Maas introduced the following Resolution which was adopted

Be it resolved by the City Council of the City of Austin That the City Engineer be and is hereby instructed to investigate and report to this council whether or not the excavations necessitated by the construction of the State sewer are insufficiently covered or packed and to the injury of the property situated on the line of said sewer on the alley on the east side of the avenue

Alderman Pellow offered the following Resolution which was adopted

Be it resolved That the committee on Gas and Water be instructed to ascertain

whether or not the terms of the Contract between
the City Water Company and the City of Austin
have been complied with

His Honor appointed Aldermen Schubert
Campbell and Meade as the Committee to
purchase mules harness wagons and tools for
street improvement and lumber for a city stable
as call for by an ordinance passed March 4th 1884
On motion the Council adjourned

Read and approved June 16 1884

J. L. Burnett
City Clerk

Adjourned meeting of the City Council
Austin Tex March 24 1884

W. A. Taylor mayor presiding

Roll call present aldermen Schneider
Hancock Wals. Campbell Underhill Jew Robinson
Crooker Adell H. G. Robertson Clark Ervin Brushy Brunner
Absent alderman sutor Pillow Schubert
Maas Driskill and Carrington

On motion of alderman Crooker
the Council was called and the marshal
sent after the absentees

Aldermen Maas Schubert Hill Carrington
and Pillow came in and answered to their
names on motion of alderman Brush the
call of the Council was suspended

Alderman Crooker presented the
report of the City Physician and the report
of the Cemetery Committee on the same
on motion the reports were received and
adopted

Austin Texas March 24th 1884

To the Mayor and City Council

Your committee to whom was
referred the report of the City Physician
for the month of February have examined
the same and would recommend that
the same be received and filed as correct
and would further recommend that you
appoint a committee of three to confer with
a like committee on the part of the County
to make arrangements for the opening
of the City and County hospital which
will soon be completed and refer their action
back to this council at its next regular
meeting

Crooker chairman
Schubert

A Carrington

Alderman J. W. Robertson introduced the following resolution

Be it resolved by the City Council of the City of Austin That the following rules be adopted for the government of the City Council on the trial of H. Lee City Marshal

Rule 1 The City attorney shall conduct the case on behalf of the City He shall examine and cross examine the witnesses The City Marshal shall be permitted to proceed and examine witnesses in his own behalf and to cross examine witnesses for the City he may conduct his defence in person or by attorney

Rule 2 The Mayor or presiding officer of the Council shall administer oaths to witnesses and shall decide all questions of the admissibility of evidence without argument and his decision shall be final. The rule of evidence as administered in the Courts of the State shall be observed

Rule 3^d When the evidence is closed the City attorney shall be heard in behalf of the City and the City Marshal by himself or his council or by both. Each side shall be allowed thirty minutes to address the Council the City attorney twenty minutes in opening and ten minutes in closing

Rule 4 After the argument is closed the Mayor shall submit the question to a vote of the Council by yeas and nays whether the said Marshal is guilty or not guilty of the Charges against him If found guilty of the Charges then the question of punishment shall be determined as prescribed by the Charter upon resolution declaring his acquittal or expulsion from office

Rule 5 The whole trial and proceedings shall be open and public

Alderman Hill offered the following amendment which was accepted by Alderman Robertson

Either side may appeal from the decision of the present to the Council in which court the question shall be decided after argument not exceeding four minutes on either side The resolution was then adopted

The following charges were then read

To the Honorable City Council of the City of Austin

The undersigned a committee appointed by your honorable Body, to investigate and report on the official acts and conduct of H. S. Lee City Marshal would respectfully state that they have thoroughly examined and investigated the matter submitted to them and find the evidence warrants the following charges against the said H. S. Lee a copy of which has this day been served on him

First The committee charges that H. S. Lee City Marshal is guilty of gross and wilful neglect of duty in failing to make a complaint against Ben Thompson for discharging a pistol in the City of Austin on the night of February 23 1884 of which fact the said Lee was fully and creditably informed and further that the said Lee has failed and refused to report said violation of the City ordinance to the City attorney as he is required to do by the ordinance

Second The committee further charges that H. S. Lee City Marshal is guilty of a gross and inexcusable dereliction of official duty in failing to report H. S. Maddison and Wm Howr for the failure on their part to make complaint against Ben Thompson for discharging a pistol in the City of Austin on the night of February 23 1884 of which fact said policemen had full knowledge as he the said Lee well knew

W B Brush

Lewis Hancock

W B Underhill

L. M. Crooker

Committee

Austin Texas March 11th 1884

The following witnesses were sworn and testified Judge Denny Peacock Wm Howr J Schneider Mr Martin H. B. Quincy Jr. H. S. Lee J. F. Brender Bert DeLong. C. D. Johns J. Lane H. S. Maddison A. J. Thork Mr Tancey after the testimony had been heard by the Council Alderman Hill moved to take up the charges in their order Motion adopted

The mayor then read the first charge which sustained by the following vote yeas aldermen Pillow Hancock Wells Schubert Maas Crooker Platt Ervin Brush and Brunner. 10.

Nays aldermen Schneider Campbell Underhill J. W. Robertson Odell Carrington S. L. Robertson and Hill 8

His honor then read the second charge which was sustained by the following vote yeas aldermen Pillow Hancock Wells Schubert Underhill Maas Crooker Carrington Platt Ervin Brush and Brunner. 10.

Nays aldermen Schneider Campbell Robertson J. W. Odell Robertson S. L. and Hill. 6

Alderman Hancock offered the following resolution

Be it resolved by the City Council of the City of Austin That H. S. Lee having been found guilty of the charges of neglect of official duty is hereby removed from office

The Resolution was lost by the following vote yeas aldermen Hancock Wells Schubert Platt Crooker Ervin Brush and Brunner 8

Nays aldermen Schneider Pillow Campbell Underhill Maas J. W. Robertson Odell Carrington S. L. Robertson and Hill Total 10.

On motion the Council adjourned

Read and approved June 16 1884

J. L. Burnell
City Clerk