Regular meeting of the City Council

Austin, Tex., January 18, 1886.

Hon. J. W. Robertson, mayor, presiding.

Roll Call—Present:

Alderman Bilton, Anderson, Campbell, Schuler, Northam, Call, Carwin, Depress, Cummings, Elwin and Walker.

Absent—Aldermen Schneider, Metz, Pump, Warren, Crozier and Helme.

On motion of Alderman Anderson, the minutes of the meeting of January 4, were adopted as printed.

On motion of Alderman Bilton—A Committee of three Aldermen was appointed to canvass the returns of the special elections held in the 4th and 5th Wards, January 5, 1886, and the 10th Ward January 15, 1886, to fill vacancies existing in the Board of Aldermen from said Wards.

The following named Aldermen were appointed as such Committee: Depress, Anderson, and Campbell.

(Alderman Metz Cameron.)

Alderman Depress rose and reported that the returns of the 5th Ward were not officially signed, and that no tally sheet accompanied them.

Alderman Bilton moved that the ballot box of the 5th Ward be brought into the Council Chamber and opened by the Committee, and that one tally sheet be taken out. Adopted.

The Committee complied with the motion, reclosed the box and counted the votes cast for Aldermen in said Wards, and reported verbally the following result:

Votes Cast in the 4th Ward—

C. G. Caldwell 81
Joe W. Kelly 56

Caldwell's Majority 35

Votes Cast in 5th Ward—

August Giesen 57
A. F. Shelly 49

Giesen's Plurality 19

8
Volta 15 of 10th Ward
T. E. James 173
Herman Schmidt 90
Sottering 7

Yearly Position
James J. O'Donovan 8

His Honour Mayor Robinson declared the following
mand persons duly elected aldermen of their respective
Wards:

C. S. Caldwell 4th Ward.
August Gieson 5th Ward.
F. E. Jones 10th Ward.

On motion the Committee was discharged.
Alderman Schnieder, Brush, Warren and Contenteman
A motion was made, adopted and complied with
respeenting the newly elected aldermen to come forward
and be sworn in.

Petition of Citizens of the 7th and 8th Wards, asking
for an iron trough at the corner of Walker and
Mesquite Streets in place of the wooden one now in
use was read.
A motion was made, adopted and referred to Police Committee.
Alderman Warren presented a petition of the
Citizens of the 4th and 5th Wards asking for location
of a street lamp at the intersection of Colorado Street
and North Avenue. Referred to Water and Gas Committee.
A petition by E. C. Bartholomew, approved by
W. T. Crosslin and J. F. Schneider, Fire Committee;
Dr. French, Civil Engineer, A. F. Lent; Wm. Van Rosenberg
asst. Chief A. F. Lent; J. P. Gieson, Alexander A. F.
Lent; Joe A. Apple, foreman W. F. Co. No. 1; A. A. Marley,
foreman C. F. C. No. 2; W. H. Salter, foreman A. F. F. Co.
No. 1; R. T. Smith, foreman A. F. F. Co. No. 8; asking
permission to place a tin roof on the one-
House on 6th St., Block 123, City of Austin.

On motion, the petition was granted.

Petition presented by R. W. Ginn, presenting a petition of Citizens of the
First Ward, asking that an obstruction placed in the
alley running east and west in Block 263 be removed.

A motion was made and adopted instructing the
City engineer to remove the obstruction and open the
alley.

Petition filed by M. H. White, asking for an increase
of pay, while in the employ of the City as special
detective, was presented and referred to Police Committee.

A proposition by J. S. Park, agent, to sell 98
acres to the City for cemetery purposes, was presented
and referred to Cemetery Committee.

Petition filed by W. H. Parker, presenting a bill in favor of
Geo. Hulka for an increase of $2.50 per day.

for use of store house as election place.

December 7, 1885 and January 18, 1886. Laid over.

The following report was presented and read:

Austin, Texas, Jan. 15, 1886.

To the Hon. City Council:

Gentlemen—The Communication of
Hon. S. H. Garden, Superintendent of Public Buildings,
of the State of Texas, addressed to Alderman W. B.
Walker, complaining of the action of the City Council
in granting to City and Wright the privilege of
acting a house on the River Walk, has
been handed to me. At the request of Mr. Walker
I called on the attorney general to ascertain what
action the State proposed to take to make good
its assertion of title to the property in dispute.

He was just on the eve of leaving the City, and
informed me that he had not found time to
investigate the questions involved, but would do so on
his return. When he shall have acted and advised
the Superintendent of Public Buildings, I will
communicate to the City Council my views as to
the power of the City in regard to the use of the
River Walk, I would do so now, but understand
from Mr. Walker that he desired me to first
maintain what the Attorney general advised in
the premises.

Very Respectfully

Geo. E. Pendexter
City Attorney.

The following report was presented:

Austin, Jan. 12, 1886.

To the Honorable City Council:

Gentlemen—I beg to call your attention
in the case of A. W. C. Nixon vs. the City of Austin
pending in the County Court. This suit is based upon
a claim made by Mr. Nixon for $2,132 being the
value, as he allege, of plans, drawings, specifications and
estimates made by him under a resolution of the City
Council, a copy of which I hereto attach.

I do not believe that the City will be able to
defeat a recovery of the full amount claimed, but
as that seems to be about the only question involved,
it appears to me that it would be to the interest of
the City to effect a compromise. I am informed by
Mr. Nixon that he is willing to take $175 in
satisfaction of his demand, and unless there
exists some reason of which I am not advised
why this claim should not be paid, I would
advise a settlement at that figure.

Very Respectfully

Geo. E. Pendexter.
City Attorney.

On motion of Alderman De Greee the
report was referred to the Finance Committee
with instructions and power to compromise and
make a final settlement of the claim, and
that they report to the next regular meeting of
the City Council.

Alderman Schuler, for Street Committee,
reported verbally an petition of A. M. Wilson
and associates for right of way to build a street
railway; laid over till later in the session
by motion of Alderman De Greee.

The following report was presented by
Alderman Wilson:

Austin, Jan. 15, 1886.
To the Hon. Mayor and Board of Aldermen:

Gentlemen:

Printing Committee report:

Printing would say we have examined the accounts of the five newspapers of the city, for printing and publishing the report of the mayor on the condition of the city during his last administration, and find them much above what they could have been contracted for before publishing. At our earnest solicitation they have reduced their accounts; the Statesman from $196.20 to $150.00 the Austin Citizen from $100.00 to $75.45, which we have approved.

We also approved the accounts of the two German papers for $76.00 each, as the had to translate from English to German. The Dispatch refused to reduce their account, saying they would sue the City if not paid. We did not approve the account of the Dispatch, but ask instructions from the Council what disposition will be made of it.

Respectfully submitted,

[Signature]

[Signature]

Approving vote

A motion was made and adopted requesting the Printing Committee to approve the account of the Dispatch.

Report of police Committee on the City Marshal's report from December 1st to 21st, 1885, inclusive:

Hon. J. W. Robertson:

Sir:

Your Committee on police to whom was referred the within report, have examined the same and find the same correct.

Respectfully,

[Signature]

[Signature]

The report was adopted.

Report of police Committee on the claim of W. M. Sanwell for $5 reward for the arrest of Jack Cones. Hon. J. W. Robertson:

Sir:

[Signature]
Committee on Police to whom was referred the
Within petition of W. M. Darwell. Recommend that
the same be not allowed.

Respectfully,

J. P. Schneider,
C. E. Anderson,
C. J. Metz

The report was adopted.

Report of Police Committee on Claim for $250
for arrest of Jack Mason:
Hon. J. W. Robertson:

Sir: Your Committee on Police to
Mr. Lewis, Whom was referred the Within Petition of Wm
F. Ludwig. Recommend the Same be not allowed.

Respectfully,

J. P. Schneider,
C. E. Anderson,
C. J. Metz.

The report was adopted.
The following report was presented by Alderman
Northam:

Austin, Jan. 16, 1886.

To the Hon. Mayor and City Council:

Your Committee

On Ordinances to whom was referred a petition
by Citizens asking the Suppression of Gambling and
bawdy houses and regulation of Saloons, to
report that we have had the same under
consideration, and find in existence an
Ordinance for the Suppression of Gambling
and other games of Chance, but which, because
of Unconformity to the State law and rulings
of the Higher Courts, is Inoperative.

This Ordinance is substantially the
Same as the State Gambling law, excepting the
Penalty is lower, and therefore Cannot be Made
to hold.

We also find an Ordinance Forbidding the
Sale of liquor or other intoxicating drinks
to minors, habitual drunkards, or any one
within the Driving age.
Also Ordinance defining disorderly houses and providing for the prosecution and punishment of the keepers of such houses.

Also an Ordinance making professional gamblers and prostitutes vagrants, and providing for fining same.

Also an Ordinance requiring all saloons to close at 12 o'clock at night, and penalty for violation.

As the Ordinances are soon to be codified and submitted to the Council for adoption, your Committee would recommend that the Codifier be and is hereby instructed to revise all conflicts of the City Ordinances with the State Laws, by making the penalties of the Ordinances conform to the penalties of the State Laws and rulings of the higher Courts.

And your Committee would also suggest that the Council marshal be and is hereby requested to report in writing to the Mayor and City Council, at any time, in what respect, if any, the present City Ordinances are inadequate to the peace, quiet and good government of the City.

We are of the opinion that when the Ordinances now in existence are made to agree in fines and punishment, with the State Laws, and the same strictly enforced, the ends sought by petitions will be accomplished.

All of which is respectfully submitted.

W. C. Northam.

J. J. Campbell.

J. C. Leggett.

Ordinance Committee.

The report was adopted.

Alherrman Cummings offered the following resolution:

Resolved 1st That the Mayor appoint a special committee of five Aldermen whose duty it shall be to ascertain on what streets gas pipes are now located and on what streets they deem it necessary that additional pipes be laid for the purpose of establishing street lamps for the convenience.
and protection of the people of this City.
2d. That this Committee is further authorized
to confer with the Austin Gaslight and Coal Co.
and Capital Gas Co. regarding the laying of additional
pipes, and report to the City Council at the next
meeting whether either of said Companies, or both
are prepared and willing to lay said pipes, together
with the furnishing of Buck Lamps as may be
required to meet the present demands of the City.
3d. That said Committee, by proper consultation
with the Alderman of the different Wards and
the Citizens, determine the number and location of
the various lamps that may be obtained under
Contemplated agreement with said Companies, and to
report to the City Council.

Alderman Beale moved to adopt the resolution.
Carried.

The following named Aldermen were appointed as
the Special Committee:

Cummings, Northam, Anderson,
Caldwell and Walker.

Alderman Pillow presented the following
resolution:

Resolved, 1st. That the Mayor appoint
a special Committee of three Aldermen, whose duty
it shall be to ascertain on what streets water
mains are now placed, and on what streets
they deem it necessary that additional mains
be laid for the purpose of erecting fire
hydrants for the protection of the property
of Citizens of this City.

2nd. That this Committee be directed to confer
with the Aldermen of the several Wards and
determine the number and location of Hydrants
necessary to provide adequate protection to property
and report to this Council at its next meeting.

Alderman Warren moved to amend section one by
striking out "three" and inserting "five," etc.
Adopted.

Amended.

Alderman Cummings moved that the resolution
be referred to the Special Committee appointed.
Under his resolution to investigate the laying of additional gas pipes, etc. Adopted.
Alderman Northam submitted to the Council the following resolution:

Resolved, That the City Engineer be instructed to examine the ditch running through the City Cemetery, and, if in need of repairs, report to the City Council at its next regular meeting what ditch repairs were East. Adopted.

A bill against the City of Austin, in favor of the City Water Co., for $2,463.33 for water used by the city was presented and referred to the Water and Gas Committee.

Alderman Odell offered the following Ordinance:

An Ordinance repealing an Ordinance passed Dec. 25, 1885, authorizing the appointment of thirty additional policemen.

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

Section 1. That the ordinance authorizing the appointment of thirty additional policemen, passed Dec. 25, 1885, and approved Dec. 25, 1885, be and the same is hereby repealed.

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

Alderman Cummings moved to suspend the rule and place the Ordinance on its second reading.

The motion prevailed by the following vote: Yeas—Schneider, Metz, Anderson, Brink, Angell, Schubert, Eilson, Warren, Northam, Odell, Cook, Bivin, DeGrees, Cummings, Bivin, Wrather and Jones—17.

Nay—Caldwell—1.

Alderman Anderson moved to lay the Ordinance on the Table.

Alderman DeGrees moved to let the Ordinance lie on the table subject to Call. Lost.

Alderman Anderson's motion to table the Ordinance was adopted.
Alderman Odell offered the following Ordinance:

An Ordinance making an appropriation for
the pay roll of the City for the month of Jan. 1886.
and for the payment of Approved Claims.

Sec. 1. Be it Ordained by the City Council
of the City of Austin, That the sum of

dollars, be so much thereof as may be necessary
be and the same is hereby appropriated out of
any money in the City treasury, and otherwise
appropriated, for the pay roll of the City for the
month of Jan. 1886, and for the payment of Approved
Claims. The ordinance was read and a motion
made to suspend the rules and place the
Ordinance on its second reading was adopted
by the following vote: Yes: Schneider, Metz,
Pillow, Anderson, Bush, Campbell, Schuler,
Caldwell, Garrison, Warren, Hartman, Crooker,
Odell, Aedwin, DeGraffe, Cummings, Erwin, Walker
and Jones 19.

The ordinance was then read by sections.

Alderman Odell moved to amend Section One
by adding, for Daily Dispatch, $50, adopted.

Alderman Walker moved to amend Section One
by striking out "ten dollars for paying judges
of election and room rent in the tenth Ward,
Dec. 1, 1885 and Jan. 18, 1886, and inserting $50
adopted.

Alderman Garrison moved to amend Section
One by adding $100 for the months of Nov. and
Dec. to each of the following Firms: Austin Hosp.
Co. No. 1, Washington St. F. E. C. No. 1, Protection
No. 2, C. No. 3, and Colorado St. Fire C. C. No. 2.
Adopted.

No objection being made, the sum of $3,422.99
was inserted in the blank space in the option.

On motion the rules were further suspended
and the ordinance placed on its third reading
and final passage, and passed as amended by
the following vote: Yes: Schneider, Metz, Pillow,
Anderson, Bush, Campbell, Schuler, Caldwell, Garrison,
Cummings, Ervin, Walker and Jones-19.
Alderman Campbell presented the following resolution:

Be it resolved by the City Council of the
City of Austin, That the Mayor and Marshal of the
City of Austin, Hall, Whenever in their Opinion the
Public Welfare demands it, drop the Special Police
from the roll until the force is reduced to the
regular standard.

Alderman Deeble offered the following
Provisions: Provided that all Special Police be
dropped by February 15th.

On motion the provisions was tabled and the
original resolution adopted.
The following Ordinance was presented by
Alderman Erwin:

An Ordinance Appropriating One
Thousand Dollars for the purpose of
Enclosing the City Cemetery.

Be it Ordained by the City Council of
the City of Austin:

Sec. 1. The sum of one thousand dollars, or so
much thereof as may be necessary, be and the
same is hereby appropriated out of any money
in the City treasurer not otherwise appropriated,
for the purpose of enclosing the Cemetery with
a good and substantial fence.

Sec. 2. This Ordinance shall take effect and
be in force from and after its passage.

Alderman Deeble moved a suspension of
the rules to place the Ordinance on its
second reading.

Adopted by the following Vote: Jeas-Schneider
metz, Pickett, Alderson, Bruck, Campbell
Schneider, Caldwell, Giesen, Warren, Netherum
Cochet, Odell, Exin, Dees, Amings
Ervin, Walker and Jones-19.

Alderman Odell suggested that Section
1 be changed to read out of the "Cemetery
fund", instead of out of "any money" etc.
No objection being raised the change was made.
Alderman Campbell moved to amend Section 1 by adding "The Cemetery Committee shall prepare plans and advertise for bids."

The amendment was adopted.

On motion, the rules were further suspended, and the Ordinance placed on its third reading and final passage, and passed as amended by the following vote:


Alderman Walker submitted an ordinance making it a misdemeanor to keep open a saloon, barroom, or place where intoxicating liquors are sold, or kept for sale later than twelve o'clock at night.

A motion to suspend the rules and place the Ordinance on its second reading was made and adopted by the following vote:


The Ordinance being read a second time, Alderman Walker moved to amend the caption and Section 1 after the word night to read "on or to open the same earlier than five o'clock a.m."

The amendments were accepted.

On motion, the rules were further suspended and the Ordinance placed on its third reading and final passage, and passed as amended by the following vote: Yeas: Schneider, Metz, Pillow, Anderson, Bush, Campbell, Schuler, Caldwell, Gieser, Warren, Northam, Croaker, Odell, Corwin, DeGree, Cummings, Ervin, Walker and Jones - 19.

Alderman DeGree presented an ordinance providing for the grading and putting in proper condition of Mesquite Street.
Alderman Warren moved to refer the Ordinance to the Street Committee.

The motion was adopted by the following vote:
No: Corwin, DeGrees, Cummings, and Ervin 4.

Alderman DeGrees presented an Ordinance designating a “stand” for vending of wood, hay and poultry brought to this City on wagons.

Suspend rules defeated.

Alderman DeGrees moved to suspend the rules and place the Ordinance on its Second reading.

The motion was defeated by the following vote:
Yes: Schneider, Metz, Pillows, Brush, Northam, Crooker, Odell, Corwin, DeGrees, Cummings.
No: Walker and Jones 13.

Right of Way 128 in Wilson others

Alderman Pillows introduced an Ordinance granting the right of way over the streets of the City of Chitten to Mr. Wilson, Joseph Nelle and others, for the purpose of constructing and operating a line of street railway.

The Ordinance was read.

Alderman Pillows moved to suspend the rules and place the Ordinance on its Second reading.

Adopted by the following vote: Yes: Schneider, Metz, Pillows, Anderson, Brush, Campbell, Caldwell, Schuben, Giesen, Warren, Northam, Crooker, Odell, Corwin, DeGrees, Cummings, Ervin, Walker and Jones 19.

Print printed.

Alderman Campbell moved to have the Ordinance printed and postponed till next meeting.

On motion of Alderman DeGrees, the motion to postpone and print was defeated.

Alderman Schuben moved to postpone consideration of the Ordinance till next meeting.

The motion was adopted by the following vote: Yes: Schneider, Metz, Campbell, Schuben, Caldwell, Giesen, Warren,
Jan 18th 1886.

Northam, Crooker, Odell - 10.

Reconsider Vote. Alderman Caldwell moved a reconsideration of the vote by which the Council refused to suspend the rules and place on its second reading the ordinance submitted by Alderman DeGress designating a "stand" for vendors of wood, hay, poultry etc.

Motion to adjourn was made and defeated, and the motion to reconsider was adopted by a rising vote of 12 to 7.

Motion provided for a motion to suspend the rules and place on its second reading was then defeated by the same vote by which it was defeated when this motion was first voted on. On motion, the Council adjourned.

Milton Morris
City Clerk.