A Regular Meeting of the City Council.

Austin, Tex. Sept. 6, 1886.

Hon. J.W. Robertson, Mayor, Presiding.


Worthington Total 12.

Absent - Aldermen Anderson, Odell, Causey, Legress, Ervin, Helman, Metz, Billow Total 8.

Minutes. Minutes of the meeting of the Council, which were held August 16, were adopted as printed.

Ervin. Mr. Ervin came in.

Alderman Odell presented a petition from J. F. McKinley, which requests the Council to pay a bill of $50, that will be contracted by him having his buggy and harness repaired, inasmuch as the repairs were necessitated by reason of the team belonging to the city, colliding with his buggy. Referred to the Committee on Streets, Alleys, etc.

Alderman Campbell presented a bill against the city from Charles McNalley for $637.81 for furnishing rock and gravel on Saline Street, from Mulberry to Mesquite and west on mesquite; also, for rock furnished the city.

Alderman Baker presented a petition from J. H. Hutchings, proposing to pay city taxes on lots 1 and 2, block 14, of the city of Austin, which he owns, for the years 1874 and 1875 if he can be relieved of all other demands for back taxes.

Petitioner states all back taxes, except those of 1874 and 1875, are paid, and produced a receipt covering a portion of the taxes claimed by the city as being due and unpaid. On motion, the proposition was accepted.

Alderman Anderson and LeGress came in.
Sept. 6, 1876.

Officer's monthly reports.

Report of City Treasurer for the month ending Aug. 31.

Balance on hand July 31.

Reck. from Asst. and Salaries

On ap'd Virement tax $1,644.65

" " License 674.75

" " Judical 1,573.21

" " City Cemetery 68.50

--- 3,921.31

$ 19,754.75

Credits.

City Cemetery paid Warrants $45.00

General fund 8,231.65

Inst. " Post-Compendium 1st, 11th, Borden 25.00

Paid Coupons due July 1, on 1075 3,035.00

Cash Balances Aug 31.

Cemetery fund 621.45

Back Debt Fund 172.73

Interest 675.00

General 5,883.92

--- 6,752.10

$19,754.75

Physician's report.

Physician's report for the month of August

Shows there were Sixteen patients in the hospital on August 1, and that Sixteen were admitted during the month, three died, fifteen discharged, fourteen remain.

That the health of the city was exceptionally good. Referred to Committee on Finance and Revenue.

Unappropriated Balances.

General fund 5,228.06

Referred to Committee on Finance and Revenue.

City Marshal's report for the month of Aug.

Cash Collected for fines and costs $3,443.20

" " " " " " " " June 630.45

" " " " " " " " from sales of pound 9.45

Total number of arrests 99.

Referred to Committee on Police.
Citizen's report for the month of Aug. 1876.
Total deaths, 27; white, 14; colored, 11; Mexican, 2;
male, 12; female, 15; still-born, 3.

Referred to Committee on Cemetery.

Clerk's report:
City Clerk's statement of warrants issued during the month of August fixes the amount at $6,072.73.
Referred to Committee on Finance and Revenue.

A communication was laid before the Council from Recorder of Austin fire department, stating that the board of fire commissioners had been informed by the Chief of fire department that he had condemned the truck of Austin H & L Co. No. 1 because it is a dangerous condition, etc.

A resolution which was adopted by the relative board of fire commissioners relative to the matters accompanied the communication. The resolution is, in effect, that the truck of Protection H & L No. 3 be transferred to Austin H & L Co. No. 1, and a two horse carriage with a capacity of 1,200 feet of hose be purchased for Protection H & L Co. No. 3, and that said company change its company name to Protection Hose Company No. 3. An action was taken:

A statement of the number of days each member of the board of appraisement and equalization devoted to that work, was laid before the Council.

An action:
The Committee on Hospital, to whom was referred a memorial from Assembly 2183, Knights of Labor, requesting that an examination into the management of the hospital, and into the care and treatment rendered, be made, reported: Alderman DeGregg moved the adoption of the report. Alderman Warren moved an amendment to the motion made by Alderman DeGregg, "and that the memorial, evidence and report of Committee be printed in the minutes of this Council." The amendment was accepted, and on motion, the motion
as amended was adopted.

The following is the memorial, evidence and committee report in the order named.

Sanctuary of Capital Assembly, No. 2152, H. of L.
Austin, Texas, Aug. 16, 1886.

To the Honorable Mayor and Aldermen of
the city of Austin:

Your petitioners, being citizens of
this city and county, beg leave to state the following
facts: Mr. Badie, a citizen and of Arkansas,
came to this city to be treated for his eye.
When nearly well, and about to go home,
he was taken with typhoid fever, and by the
recommendation of his physician, he was
removed from the Capital Hotel to the
City and County Hospital. After being taken
there, he was left without proper attention and,
getting up during the night, went out of mind,
wandered into the yard, and fell into some pit
or excavation. He has since died.

We think that the death of said Mr. Badie
was on account of want of attention and
mismanagement of the hospital authorities, therefore
we beg respectfully to request your honorable
body to order an investigation into the
management of said City Hospital, and to publish
in the newspapers of the city, who may have
a grievance against said managers of the hospital,
to present said grievances before your honorable
body. We also give the names of Mr. J. Cook, resident
Capital Hotel, a late patient in said
hospital; Mr. J. A. Burdett, proprietor of
Capital Hotel, in regard to Mr. Badie's case.

Yours respectfully,

Lawrence Coke, M. D.

Attest: B. W. McFarland, M. D.

Witnesses:

Statement of the testimony of witnesses
Examined by the Hospital Committee of
the City Council, in petition of Capital
Assembly, No. 2152, H. of L.
Witness T. Cook, being duly sworn, testifies: I was in the hospital when Mr. Bodie died. I can't say exact date. It was some months ago. I was in a room in the hospital. Mr. Burdett went out to see him, and came back saying he would die. He sent me out to watch over him. When I went to the hospital there was a nurse with him. She asked me if I had come to stay with Bodie; they asked me if I would stay with him and watch him; I told them I would. They then left me in the room with him. He was bound to die. I soon discovered he was dying. I went to the door and called for help; I had to call three times before they came; he was dead when they came in. He had been sick at Capital Hotel, under Dr. Wooten's charge; he turned him over to Dr. Sepree. He was sent to the hospital by Dr. Sepree, because he could not take care of him. I don't know what kind of treatment he received in the hospital. I understood he was to have medical treatment at $1.50 per day. Dr. Graves charged fees for attending him, but Burdett refused to pay it.

Sworn to and subscribed before me, Sept 6, 1886.

Dr. Robertson, Mayor.

Witness T. A. Burdett, being duly sworn, testifies: Mr. E. G. Bodie was sick at Capital Hotel; he was sent to hospital by his physician, Dr. Sepree. I went out to see him frequently. When I first went out he expressed himself as being pleased with his treatment. When I went back afterward he complained. About the third time I went out at 10:30 a.m.; he was suffering with sore eyes; his eyes had not been washed that morning; he asked he had ice water to drink at 6 a.m. but none to bathe his eyes; he had been there about three days. I asked Mrs. Wright, the Matron, for warm and
and Cold Water, and she gave it to me, and I bathed his eyes; he then complained that he was not well taken care of; I asked him why he did not complain to Mrs. Wright; he said it would do no good; that the servants would pay no attention to her orders unless she was present, and he thought it best to make no complaint. I was there two days before he died in the evening; he was at times out of his head, though he talked rationally; he then said that he had wandered out the night before and had fallen in a pit. I did not think it was the imagination of a man in delirium; I sent Mr. Ball out to nurse him the evening he died. It is possible that he was not in his right mind when he told me he had wandered out. I think he was. He said one of the patients in the hospital found him and brought him in. Mrs. Davis was to pay $150 per day for full attention at hospital. This was furnished by his brother. When I went to settle, an additional charge of $1 per day for medical attention was included in the bill. Dr. McLaughlin settled the bills and did not keep the $1 per day for medical attendance. He settled with Mr. Proctor, the contract, was made between Dr. Luftee and Mr. Fitzhugh. Dr. Graves came to me about this charge and was excited; asked some controversy. Dr. Luftee was present. Dr. Graves withdrew the charge, as I understood afterward.

J. A. Burdett.

Sworn to and subscribed before me, September 6, 1886.

J. W. Robertson, Mayor.

Witness C. J. McFarland, testified: I am the secretary of the Assembly of Knights of Labor; all I know is contained in the resolution submitted to the City Council. I know nothing personally of the charges; only submitted
them in my capacity as Recording Secretary.

Sworn to and subscribed before me,

September 6, 1886.

J.W. Robertson, Mayor.

Witness Dr. Frank McHugh, being sworn testifies:

I was a student of Dr. Wosten named Fitzgerald. I came to me and told me that Dr. Wosten had a patient who had seen his eyes, also had fever. He said if he had typhoid fever he wanted him to go to the hospital. I saw Dr. McHugh, and he also said he wanted him sent to the hospital. Mr. Fitzgerald spoke to me about the charges. I told them it would range from $50 to $250. They said he owed me $150. I told him Dr. Graves was in the habit of charging $100 extra for medical attention; Fitzgerald said they wanted me to wait on him. He was taken to the hospital. He had fever and grew worse. A nurse was with him every night all the time, and at all times in the day time when needed. He was delirious for some time before he died. I heard that Mr. Burdett was charging that he was not properly attended to, and that he had escaped at night. I asked Burdett about it and he said it was not true that he had no complaint to make. He had been talking to Burdett about family matters. Burdett had typhoid fever. He was very weak. I saw him always three times a day. Dr. Graves saw him every day. He had every attention that a man could have both nurses and medical attention. It is impossible for him to have fallen in a pit or ditch, because there is none there. The man, Frank Jones, who was nurse at the time, says he did not go out of his room. Jones is now in Georgetown. I enquired of one or two parties and none of them could be found, who had seen him out of his room. He could not have.
been cut; his mind was not in a condition for him to know what was going on; he was delirious with fever. The City Physician has been in the habit of charging a small fee for medical attendance; I never charged any in any case. The fee was stated at $1.50 per day. Reddie had granulated eyelids and they got worse with the fever. They would become glued together in a very short time after being bathed. He received careful attention and treatment. He died from heart failure, caused by the fever.

Frank G. McLaughlin.
Sworn to and subscribed before me, Sept. 6, 1886.

Dr. Robertson, Mayor.

Dr. Redgrave being sworn testified: I saw Reddie in the morning after he was put in the hospital. I had not seen him before. Found he was suffering from typhoid fever, and stating that he had been vomiting and could not retain the medicine he had been taking. I examined him and gave the opinion that Dr. McLaughlin did, that he would die. Dr. McLaughlin had me prescribe for him. He was kept on that treatment, and his stomach improved. Not much change on the second morning, also came on third morning. On third day I heard that Mr. Burdett had been telling that his eyes were not properly washed. He had sore eyes. This was not true. I was there at 9 a.m., and saw that his eyes had been bathed. Burdett was there an hour or two afterwards. On the following morning, the fourth, I asked Reddie if he had made this statement about the neglect of his eyes. He said he had made me such statement and never thought of such a thing. He was then rational. He died on the fifth or sixth day. He was not rational the morning he died, or afterward.
It was charged that he escaped from the hospital the night before he died. He was then delirious and did not know what he was doing or saying. He was a very delicate man. He had a nurse at night and in daytime. I saw him every day. He received the best of attention at all times. He was not neglected or mistreated. He was carefully attended to the time of his death. When I take a private patient who is able to pay, I charge him of over and above the hospital fees. In this case I withdrew the charge when I learned the understanding of the parties. Dr. Dupree was never at the hospital to see this man.

Parties sent there by other physicians are entirely under their control and no extra charge is ever made in such cases by me.

R. A. Graves
City Physician.

I swear to and subscribe before me,
Sept. 6, 1886.

W. Robertson, Mayor.

Witness
L. Cole

Witness L. Cole, being duly sworn, says that he knows nothing about the charges in this case except as the matter came before the Assembly of Knights of Labor, and only passed upon in my official capacity.

Lawrence Cole
Sworn to and subscribed before me,
Sept. 6, 1886.

J. W. Robertson, Mayor.

Witness
M. Curran

Witness Michael Curran, witness being sworn, says I waited on Bodee from about 6 o'clock in the evening before he died, until next morning. I was with him every moment and I knew he was not out of the room that night. He was delirious and wild, and had to be watched closely. I was relieved by Jones the morning of the day he died. He was not out of the room. He was well.
Sept. 6, 1886.

Well treated. I never saw him neglected or mistreated. I was at the hospital 12 or 13 weeks. I never saw anyone mistreated.

Michael Curran.

[Signature]

Sworn to and subscribed before me, Sept. 6, 1886.

J. M. Robertson, Mayor.

Witness

John Stephenson, being sworn, says, I know nothing at all about the charges in this case except what was told me by Mr. J. H. Burdett.

Sworn to and subscribed before me, Sept. 6, 1886.

J. M. Robertson, Mayor.

Witness

Mrs. Allie Wright, being sworn says:

I am

Secretary of the City Hospital, and was when Dr. Biddie was brought there. I remember him.

He had Typhoid Fever when he came in. He was a very sick man and was brought in on a stretcher. He was there very few days when he died. He had sore eyes. Mr. Jones, the nurse took warm water and washed his eyes every morning. While he was there. I was present when Mr. Burdett came out at 10 o'clock about that hour. Dr. Graves and Dr. McLaughlin had both seen him that morning before Mr. Burdett came. Mr. Burdett called for water, both cold and warm, and I furnished it to him at once. I know his eyes were hard to keep clean, but they were bathed as often as required. He was delirious for the last two days. He never complained of his treatment, but on the contrary, he expressed his gratitude in the most profuse manner. He had nurses at all times, night and day. He was carefully nursed. He was never out of the building from the time he was brought there until his death. He did not escape in the night time or day time, and fell in a pit.

Mrs. Allie Wright.
Sworn to and subscribed before me, Sept. 6, 1886.

J.V. Robertson, Mayor.

Austin, September 6, 1886.

To the Hon. Mayor and City Council:

May it please the Mayor and City Council, you are respectfully informed that the memorial of Assembly No. 2182, Knights of Labor, Charging Mispreatment and Neglect of Duty and of the Officers of the President and Persons in Charge of the City Hospital in the case of J. T. Boddie, who recently died there, beg leave to report, that they have given the charges a most thorough and exhaustive investigation. All the witnesses were examined under oath, and the testimony was reduced to writing, and signed, and the same is submitted herewith as a part of the report.

We have found no evidence of Cruelty, or Mispreatment, or of Indifference, or Neglect of Duty on the part of Persons in Charge of the Hospital, but, on the contrary, the evidence shows, not only that Mr. Boddie was Kindly and properly cared for, but that the Institution is managed in a way to Command the approbation of this body and of this city.

The management is recently good, and there is no reason for complaint. In our opinion the charges are wholly unsustained by the proof.

Very respectfully,

E. D. Barron, Chairman Hospital Committee.

J. Schuler.

Alderman J. G. H. proved that the Special Committee of five Aldermen, appointed to ascertain the amount of money expended for improving streets, etc., without consent of Aldermen in the wards in which such expenditures were made, and to report by ordinance, altering or replacing the same as spent, be discharged.

Adopted.

Alderman Anderson, Chairman of the Special
Sept. 6, 1886.

Further Committee appointed to inquire into the nature, time, grade, etc., of the lease of a portion of River Walk, to Jones & Glass, requested further time before reporting. Granted.

$550.00

An ordinance appropriating the sum of five hundred and fifty dollars, to pay expenses of board appraisers and surveyors, was taken up on its third reading, read, and an motion passed by the following Vote:


Total 15.

The following named Ordinance was taken up on its second reading:

An Ordinance ordering an election by the taxpaying Citizens of the City of Austin, for the purpose of procuring their Consent to an extension of the bonded debt of the City of Austin, in the sum of three hundred and fifty thousand dollars, beyond and in addition to the present bonded debt of one hundred and twenty thousand dollars. Aldermen Metz came in.

Alderman De Grass moved to postpone further action on the Ordinance till the special Committee appointed to confer with City Water Company, and ascertain if that Company will be their works to the City, and if so, on what terms, report.

The vote on the motion was taken Viva Voce, and the Chair decided in favor of the negative. Alderman De Grass called for a division. The Chair ruled that after the vote was decided and announced by the Chair, there could be no division. Alderman De Grass appealed from the decision of the Chair. Alderman Schuler moved that the ruling made by the Chair be sustained.

The vote on the motion to sustain the Chair, stood as follows:
Sept. 6, 1876

Vote: Yes—Alderman Anderson, Campbell, Giesen, Jones, Schneider, Schuler, Walker, Winterham, Total 8.


The Chair then withdrew his ruling and a vote on the question to postpone was taken, which was as follows:


Nays—Alderman Anderson, Campbell, Jones, Schneider, Schuler, Walker, Winterham 7.

Alderman Odell introduced an ordinance appropriating $853.17 to pay approved claims.

A motion was made to suspend the rules and pass the ordinance on its second reading, which was defeated by the following vote:


Nays—Alderman Jones, Schneider, Walker and Winterham 4.

Alderman Jones introduced an ordinance appropriating $500 to purchase a hose cart for Fire Protection Hook and Ladder Company, No. 3. Referred to committee on finance and revenue.

Alderman Brush presented an ordinance amending Article 551a, Chapter 1, title XVI of the Revised Civil Ordinances of the City of Austin.

A motion to suspend the rules was made and an motion adopted by the following vote:


Nays—Alderman Schneider and Schuler.

The ordinance was read by sections.

Alderman Warren moved to amend section
1, by adding: Provided, the streets shall be marked east and west from Congress Avenue. Adopted.

A motion was made to suspend the rules
and place the ordinance on its third reading,
which was defeated by the following vote:

Yes—Aldermen Anderson, Brush, Campbell,
Drass, Ervin, Giesen, Jones, Metz,

No—Aldermen Cummings, Schneider and
Scheuer—3.

Alderman Giesen was excused.

A motion made to take up the ordinance
appropriating $858.17 to pay approved claims,
and suspend the rules and place it on its
second reading, was defeated by the following
vote:

Yes—Aldermen Anderson, Brush,
Campbell, Cummings, Drass, Ervin, Metz,

No—Aldermen Jones, Schneider, and Walker—3.

On motion, the Council adjourned.

Milton Morris, City Clerk.