

A Regular Meeting of the City Council.

Austin Tex. Sept. 6, 1886.

Hon. J. W. Robertson, Mayor, presiding.

Roll Call. Roll Call. Present: Aldermen Brush, Campbell, Cummings, Giesen, Jones, Odell, Schneider, Schuber, Walker, Warren, Wellmer, Wertham Total 12.

Absent - Aldermen Anderson, Caldwell, Crocker, DeGress, Ervin, Halman, Metz, Pillow, Total 8.

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

Ervin came in. Alderman Ervin came in.

Petition J. F. McKimley. J. F. McKimley presented a petition from McKimley 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 a team belonging to the city colliding with his buggy. Referred to the Committee on Streets, Alleys, etc.

Chas. McAnally Bill.

Alderman Campbell presented a bill against the City from Charles McAnally for \$637.81 for quarrying rock and gravel on Sabine Street, from Mulberry to Mesquite and west on Mesquite; also for rock furnished the City. Referred to Committee on Streets Alleys, Alleys, etc.

Petition J. H. Hutchings.

Alderman Walker 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 these 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.

Ald. Anderson Aldermen Anderson and DeGress came in + DeGress

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Treasr's.
report.

Officers Monthly reports.

Report of City treasurer for the month ending Aug 31. 86.
 Balance on hand July 31. \$16,833.44.
 Rec'd from Ass'r and Collector
 On aff ad valorem tax \$1,644.65
 " " license " 674.95
 " " General " 1,533.21
 " " City Cemetery 68.50 ——— 3,921.31
 \$19,754.75

Credits:

City Cemetery paid Warrants \$ 45.00
 Gen'l fund " " 8,331.65
 Inst " pd. Coupon due Jan. 1, on 10% Bonds 25.00
 Paid Coupons due July 1, on 10% " 3,025.00
 " " " " 1, " 6 " " 1,575.00 — 13,001.55
 Cash Balances Aug 31.
 Cemetery fund 621.45
 Debt fund 172.73
 Interest " 675.00
 General " 5,383.92 — 6,753.10
 \$19,754.75

Unappropriated Balances

General fund \$5,328.06

Physicians
report.

Referred to Committee on finance and revenue
 City Physician's report for the month of August
 shows there were sixteen sixteen patients
 in the hospital on August 1, and that
 sixteen were admitted during the month,
 three died, fifteen discharged, fourteen remain;
 that 152 visits were made and 138 prescriptions
 written.

Marshal's
report

That the health of the City was exceptionally
 good. Referred to Committee on hospital.
 City Marshal's report for the month of Aug. 1886.
 Cash collected for fines and costs \$344.20
 " " " " " June 6.50
 " " " from fees and sales of pound 9.45
 \$360.15

Total number of arrests, 99.
 Referred to Committee on police.

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- Sextons report. City Sexton's report for the month of Aug. 1886. Total deaths, 27; white 14; Colored, 11; Mexican, 2; male, 12; females 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 \$6.592.73.
Referred to Committee on finance and revenue.
- A. H. & L. Co. #1
Condemned. 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 A. H. & L. Co. No. 1 because it is a dangerous condition etc.
- Resolution relative thereto. A resolution which was adopted by the board of fire Commissioners relative to the matter, accompanied the Communication.
The resolution is, in effect, that the truck of Protection A. H. & L. Co. No. 3 be transferred to Austin A. H. & L. Co. No. 1, and a two horse carriage with a capacity of 1,200 feet of hose be purchased for Protection A. H. & L. Co. No. 3, and that said Company change its Company name to Protection Hose Company No. 3. No action was taken.
- Ord. A. & Eq. 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.
No action.
- Comtee. on Hospital on H. of L. memorial. The Committee on hospital, to whom was referred a memorial from Assembly 2182, Knights of Labor, requesting that an examination into the management of the hospital, and into the care and treatment rendered G. G. Boddie, who recently died there, be made, reported.
Alderman DeGress moved the adoption of the report, Alderman Warren moved an amendment to the motion made by Alderman DeGress, "and that the memorial, evidence and report of Committee be printed in the minutes of the Council." The amendment was accepted, and on motion, the motion

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as amended was adopted.

The following is the memorial, evidence and Committee report in the order named:

K. of L.
memorial.

Sanctuary of Capital Assembly No. 2182 K. 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 Bodie, a citizen of Arkansas,
Came to this City to be treated for his eyes.
When nearly well, and about to go home,
he was taken with Typhoid fever, and by the
recommendation of his physicians 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, when 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 Bodie
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 grievance before your Hon. body.
We also give the names of Mr J. Cook, residence
Capital Hotel, a late patient in said
hospital; Mr J. A. Burdett, proprietor of
Capital Hotel, in regard to Mr Bodie's case.

Yours, respectfully,

Lawrence Cole, M. D.
Attest, D. W. McFarland, R. S.

Witnesses
Statements.

Statement of the testimony of witnesses
examined by the Hospital Committee of
the City Council, on petition of Capital
Assembly, No. 2182, K. of L.

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Witness
J. Cook.

Witness J. Cook, being duly Sworn, testifies:
 I was in the hospital when Mr Bodie died.
 Can't say exact date. It was some months ago. He 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 Capitol Hotel, under Dr. Wooten's Charge; he turned him over to Dr. Dupree; he was sent to the hospital by Dr. Dupree, 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.
 J. Cook.

Sworn to and subscribed before me, Sept. 6, 1886.
 Dr. Robertson, Mayor.

Witness
J. A. Burdett.

Witness J. A. Burdett, being duly Sworn, says: Mr G. B. Bodie was sick at Capitol Hotel; he was sent to hospital by his physician, Dr. Dupree. 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 said 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

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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 had 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 Cook 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. Mr. Bodie was to pay \$1.50 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 bill and did not keep the \$1 per day for medical attendance. He settled with Mr Proctor. The contract was made between Dr. Dupree and Mr Fitzhugh. Dr. Graves came to me about this charge and was excited; we had some controversy; Dr. Dupree was present; Dr. Graves withdrew the charge, as I understood, afterward.

J. A. Purdett.

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

J. W. Robertson, Mayor

Witness

McFarland

Witness C. W. McFarland, testified: I am Recording 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

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them in my capacity as Recording Secretary:
 E. W. McFarland.

Sworn to and subscribed before me
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J. W. Robertson, Mayor.

Witness Dr. Frank McLaughlin being sworn testifies:

Dr. F. McLaughlin A Student of Dr. Wooten named Fitzhugh,
 Came to me and told me that Dr. Wooten
 had a patient who had sore eyes; also, had
 fever. He said if he had Typhoid fever he
 wanted him to go to the Hospital. I saw Dr.
 Dupree, and he also said he wanted him
 sent to the hospital. Dupree and Fitzhugh
 spoke to me about the Charges. I told them it
 would range from \$1.50 to \$2.50. They said he
 could only pay \$1.50, I told him Dr. Graves was
 in the habit of Charging \$1.00 extra for medical
 attention; Fitzhugh 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 Boddie about it and he
 said it was not true - that he had no complaint
 to make, that he had been talking to Burdett
 about family matters. Boddie 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

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been out; 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 bill was settled at \$1.50 per day. Boddie 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 F. McLaughlin.

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

J. W. Robertson, Mayor.

Witness
Dr. Graves

Dr. R. S. Graves being sworn testified: I saw Boddie in the morning after he was put in the hospital. 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 same on third morning. On third day I heard that Mr. Burdett had been saying 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 Boddie if he had made this statement about the neglect of his eyes. He said he had made no 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.

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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 day time. 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 & 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. S. Graves.
City Physician.

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

Witness
L. Cole

J. W. Robertson, Mayor.
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.

Witness
M. Curran

J. W. Robertson, Mayor.
Witness Michael Curran, being sworn, says: I waited on Boddie from about 4 o'clock in the evening before he died, until next morning. I was with him every moment, and I know 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

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

Michael Curren.

his [X] mark.

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

J. W. Robertson, Mayor.

Witness
Gagie

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

John Gagie.

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

J. W. Robertson, Mayor.

Witness

Mrs Wright

Mrs Allie Wright, being sworn says:

I am

Matron of the city hospital and was when B. B. Beddie 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, or 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 fall in a pit.

Mrs Allie Wright

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Sworn to and subscribed before me, Sept. 6, 1886.
J. W. Robertson, Mayor.

Austin, September, 6, 1886.

Hospital

Comtee's report

on K. of L.

memorial

To the Hon. Mayor and City Council:

Your Committee to whom was referred the memorial of Assembly No. 2182, Knights of Labor, charging mismanagement and neglect of duty on the part of the officers and persons in charge of the City Hospital, in the case of one G. G. 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 mismanagement, 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 commend it to 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,

G. Warren, Chairman Hospital Com.

J. Schuber.

Apl. Comtee

on ward

appropriations

discharged

Alderman J. Gress moved 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, restoring or replacing the sum so spent, be discharged. Adopted.

Alderman Anderson, Chairman of the Special

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Further Committee appointed to inquire into the nature, time granted, 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 equalization, was taken up on its third reading, read, and an motion passed by the following Vote:

Yeas -

Aldermen Anderson, Brush, Campbell, Cummings, DeGress, Ervin, Giesen, Jones, Odell, Schneider, Schuber, Walker, Warren, Wellmer, Wartham,
Total - 15.

\$350.000 The following named Ordinance was taken up on its second reading: An Ordinance ordering an election by the tax paying 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 ^{five} thousand dollars. Alderman Metz came in.

Postpone action

Alderman DeGress 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 sell their works to the City, and if so, on what terms, report.

appealed:

The vote on the motion was taken Viva Voce, and the Chair decided in favor of the negative. Alderman DeGress called for a division. The Chair ruled that after the vote was decided and announced by the Chair, there could be no division. Alderman DeGress appealed from the decision of the Chair. Alderman Schuber moved that the ruling made by the Chair be sustained. The vote on the motion to sustain the Chair, stood as follows:

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Vote. Yeas - Aldermen Anderson, Campbell, Giesen, Jones, Schneider, Schuber, Walker, Wartham, Total, 8.

Nays - Aldermen Brush, Cummings, DeGress, Ervin, Metz, Odell, Warren, Wellmer. Total, 8.

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

Vote. Yeas - Aldermen Brush, Cummings, DeGress, Ervin, Giesen, Metz, Odell, Warren, Wellmer. Total - 9.

Nays - Aldermen Anderson, Campbell, Jones, Schneider, Schuber, Walker, Wartham - 7.

\$858.17 Alderman Odell introduced an Ordinance appropriating to pay claims. \$858.17 to pay approved Claims.

Suspend 2^d defeated. A motion was made to suspend the rules and place the Ordinance on its second reading which was defeated by the following Vote:

Yeas - Aldermen Anderson, Brush, Campbell, Cummings, DeGress, Ervin, Giesen, Metz, Odell, Schuber, Warren, Wellmer, Total, 12.

Nays - Aldermen Jones, Schneider, Walker, and Wartham - 4.

\$850.00 for hose cart. Alderman Jones introduced an Ordinance appropriating \$850 to purchase a hose cart for Protection Hook and Ladder Company, No. 3. Referred to Committee on finance and revenue.

amend art. 351a Alderman Brush presented an Ordinance amending Article 351a, Chapter 1, title XVI, of the Revised Civil Ordinances of the City of Austin.

Suspend rules. A motion to suspend the rules was made and an motion adopted by the following vote: Yeas Aldermen Anderson, Brush, Campbell, Cummings, DeGress, Ervin, Giesen, Jones, Metz, Odell, Walker, Warren, Wellmer, Wartham - 14. Nays - Aldermen Schneider and Schuber. The Ordinance was read by sections. Alderman Warren moved to amend section

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amended.

1, by adding: Provided, the streets shall be marked east and west from Congress Avenue. Adopted.

Suspend rules

defeated.

Vote

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

Ayeas - Aldermen Anderson, Brush, Campbell, DeGress, Ervin, Giesen, Jones, Metz, Odell, Walker, Warren, Wellmer, Wortham - 13.

Nays - Aldermen Cummings, Schneider and Schuber - 3.

all Giesen Excused.

Take up

Ord. \$858.17 to

pay Claims,

defeated.

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:

Ayeas - Aldermen Anderson, Brush, Campbell, Cummings, DeGress, Ervin, Metz, Odell, Schuber, Warren, Wellmer, Wortham - 12.

Nays - Aldermen Jones, Schneider, and Walker - 3.

On motion, the Council adjourned

Milton Morris, City Clerk.