Minutes of a Regular Meeting of the City Council

Austin, Sept. 5, 1857.

HON. J. W. Robertson, Mayor, Presiding.


Minutes. A typographical error, or omission in the minutes of the last meeting of the Council, was corrected and the minutes were adopted.

The Correction consists of the addition of words to the amendment offered by the Street Committee to the "Ordinance" providing for a supply of water, gas and electricity to the City of Austin, Travis County, Texas, and authorizing Sylvester Watts and his assign to construct, maintain and operate water, gas and electric works; after the words "succeedors and assigns" as follows: "are granted upon the condition and agreement and upon the consideration that Sylvester Watts and his associates, successors and assigns.

Case 2. Alderman Jones presented a petition from Citizens requesting that the Street known on the map of the City as Kelley be properly opened, from the intersection of Waller Street to the intersection of Comal Street. The petition was referred to the Street Committee and City Engineer.

Suites. Alderman Platl submitted a petition from Citizens asking that the gutters on the north side of Ocean Street be repaired and the street improved for the benefit of travel and as a Sanitary measure.

"312" A petition from Citizens, requesting that the Mayor do not permit house No. 312, Colorado Street, to be rented to women of ill fame, was presented, and referred to the Police.
**Committee Report for the month of August, 1857:**

**Marshall's Report.**
- Total amount of fines and costs assessed: $754.90
- Amount Collected in Cash: $286.65
- Warranted out: 262.90
- Carried over, vacated and appealed: 164.05
- Total: $754.90

**Physician's Report.**
- Number of patients in hospital Aug. 1: 3
- " admitted to " in: 10
- " discharged during: 5
- " deaths: 1
- " patients remaining in hospital Sept 1: 1
- " Visits made during August: 191
- " Prescriptions written: 149

**Health of City remarkably good.**

**One Case of Scarlet Fever reported.**

**Report of Sexton.**
- Total number of deaths: 16
  - White: 8
  - Colored: 8
  - Male: 8
  - Female: 8

**Clerks' Report.**
- Total amount of warrants issued during August: $7032.76

**City Attorney.**
- The City Attorney presented a request to the Council asking that an attorney be appointed to represent the City in the suit brought by Mrs. Maria Shelley for damages, she being his niece. No action was taken on this subject.

**Fines of Marshals and Others.**
- Total fines and costs assessed in the Recorder's Court.
Boge vs. against W. J. Martin and J. B. Byles for

In motion, the Council consented to the

Alderman Cummings, Alderman Cummings, come in

The Mayor returned to the Council, without his

a resolution, authorizing the City

Assessor and Collector to take credit for

the sum of $750, that amount being an

erroneous assessment on Mrs. J. F.

Byrds' taxes for the year 1896, accompanying

which was a lengthy veto of the resolution.

The veto reviewed the mode of

assessing and collecting the city's taxes as

fixed by the Charter and Ordinances of the city,

and in substance says that the rate of taxation

is fixed in accordance with the Charter of the

city, and the assessor or agent of property renders

taxation, and such assessment is

presented to the board of appraisal and

equalization for revision and correction, and

all complaints from property owners relative

to excessive valuation are heard and disposed

of by the board and the assessment, then passed

from their hands to the Mayor, who is required

to prepare the rolls and receipts. From the hands

of the Mayor the rolls pass finally to the

assessor and Collector, who is charged

with the aggregate sum appearing to be due

therein. The assessor and Collector

is then required to collect the taxes

according to the rolls delivered to him.

"Questions arising on the assessment rolls

reads the veto," pass beyond the power and Jurisdiction

of the Mayor and City Council, when they are

finally delivered to the City Collector. The City

Council has no power, by ordinance or otherwise,

to change an assessment or to remit a

tax, or to authorize the assessor and collector

to remit it. No such power can be found

in the Charter, nor can it be found in

any general law of this State. It would
be a dangerous exercise of power, and would tend to favoritism and to the absence of the principle of equality on which taxation rests; and from there and other similar reasons the legislature in creating municipal corporations has almost invariably guarded the powers of the city council in all matters pertaining to taxation. It appears in this case, that the property was assessed by the owner, or their agent, about five months before the board of appraisers and equalization closed the assessment rolls. "It is claimed that a mistake of $600 was made in the valuation of improvements. The agent made oath to that valuation, and the owner has not denied his authority as agent. I have heard no evidence tending to show that there was any fraud or mistake by any officer of the city in taking this assessment. The vote concludes as follows: "I cannot give my consent to the passage of this resolution. I must enter my protest against its passage, and to that end I return the resolution without my approval, and with these my objections thereto that the same may be reconsidered and such action thereon taken as to you shall seem proper."

"I am, Very Truly, Your obedient Servant,

J.W. Robertson,
Mayor."

Alderman Alderman (Caldwell) came in.

A motion was then made to reconsider the vote by which the resolution was passed. The motion prevailed, after which Alderman Phillips moved, "Shall the resolution pass, notwithstanding the veto of the Mayor?" The motion was decided in the negative by the following vote: " yeas - Alderman Wallace and Willcox.

Nays: Alderman Alexander, Anderson, Caldwell, Campbell, Cummings, Fisher, Graham, Jones."
Ordell, Platt, Phillips, Schneider,
(Sevensend, Westham) - 14.

March 9. The Police Committee reported on the City
June 4. July 19. Marshals' reports for the months of June and
July, and it was found they had examined them
and found them (A report.

Void Acts. The Ordinance Committee submitted a
report on the Communication from the City
Attorney, stating that certain Ordinances of
the State Judge for non-conformity with the
State Laws and submitted an Ordinance
covering the alleged errors.
No action was taken on the report
on Ordinances.

a.m.of. An Ordinance granting to the Austin Water,
Light and Power Company, its associates,
successors and assigns, the right to erect
poles and wires for the purpose of constructing
and operating a system of electric light and
motive power in the City of Austin, was taken
up on its second reading and read after which
Alderman Graham moved to reconsider the vote
by which the amendment offered by the Street
Committee to this Ordinance, was adopted
Carried.

Alderman Fisher then moved to postpone
the Ordinance until the next meeting of the Council.
and also an Ordinance providing for a supply
of water, gas and electricity to the City of Austin,
Travis County, Texas, and authorizing Sylverter
Watts and his assigns to Construct, Maintain
and operate Water, gas and electric works. Adopted.

An Ordinance punishing persons for renting
houses to be used as houses of ill-re
prostitutes within certain limits in the City
of Austin, was taken up on its second
reading and read, after which Alderman
Schneider moved to amend Section 1 by inserting
after "Colorado" street "and west of Guadalupe Street
Alderman Odell offered as a substitute for the
motion made by Alderman Schneider, that it be
unlawful to rent a house anywhere within the city to be used as a house for public prostitution. The substitute was rejected by the following vote:

_Years_—_Ald._ Alexander, Campbell, Fisher, Odell, Platt, Schneider, Welfoner—7.


The motion made by Alderman Schneider was then adopted.

Col. B. Warns. Alderman Caldwell moved to invite Col. DeGree, who was present, to a seat inside the bar of the Council. Carried.

Bandyfoe. Alderman Anderson then moved to amend the last named ordinance, change the word "Mr. She", in Section 1, so as to make the ordinance apply to females as well as males.

The amendment was adopted, after which a motion was made to suspend the rules and place the Ordinance on its third reading, which was rejected by the following vote:


_Nays_—_Ald._ Alderman Caldwell, Platt, Schneider, Welfoner—4.

adjourned On motion, the Council then adjourned.

Milton Morris
City Clerk.