

Called Meeting of City Council
August 21st 1874

Council called to order at 8 o'clock with
Mayor De Voss in the chair

Roll called and the following Members answered
Alderman Brumond, Cook, James, Lammont, Taylor,
Hard and others

Absent Alderman Weygant, Angk, Mass, Robinson
Quorum Present

On Motion of Alderman Hard the reading
of the Journal of last Meeting was dispensed with

His Honor informed the Council that he had called
them together for the purpose of discussing the question of
sewerage

The Hon James Smith County Judge H. Bruggenhoff
Capt. M. D. Mather and several other gentlemen were present
and the matter of sewerage was fully discussed.

Alderman Cook moved that the City of Austin
pay one third of the expense for the building of a sewer
from the Capitol to the river, providing that the County
of Travis pay one third and the remaining third can be
raised by subscription from Citizens

Alderman Cook withdrew his Motion

On Motion of Alderman Brumond the subject of
sewerage was postponed

Alderman Cook moved to adjourn.

Motion lost.

The Special Committee to whom was referred the
matter of paying the Mayor fees in cases where persons
connected in Mayor's Court have worked out the same on
the public streets submitted the following report

Austin Texas

August 25th 1874

To the Hon Mayor and Board of Aldermen
Gentlemen

Your Committee to whom was referred
the question of fees of the Mayor &c by leave here to
submit the following report. That the Charter of the
City of Austin, prior to the amendments of 1870 reads as
follows to wit.

And for such work and labor the person so employed
shall be allowed, exclusive of his board, such amount as
may be fixed by ordinance, not to exceed One dollar per
day for each day's work, which amount shall go towards

paying such fine and costs, (Concluding part of Article # 1st City Charter)

Article # 352. City Ordinances is an exact copy of the above Article of the Charter.

Article # 125: in fixing the fees of the Mayor gives him in addition to his salary certain fees

In the judgment of your committee it was the design of the Legislature to compensate the Mayor for services performed by him in his Judicial capacity. When the convicted parties work out their fines and costs upon the public streets, as well as that said parties should pay the Mayor his fees, when they elect to pay their fines and costs, instead of working them out upon the streets.

If the Mayor does the work, he is certainly entitled to his legal fees. If the convicted party pays his fine the city gets the benefit of it. If he works upon the public streets the city gets the benefit of his labor, in either event the services performed by the Mayor are equally great. As he is entitled to his fees when the convicted party pays his fine and costs into the Treasury, why is he not also entitled to his fees when the convicted party works out his fine and costs upon the streets, especially when if the party payed his fine and costs instead of working it out upon the streets, the City would have to take money out of the Treasury when said work is done. The labor performed in either case by the Mayor is equally great. The words in the section of the Charter above quoted, to wit, (which amount shall go towards paying such fine and costs" are too plain to admit of construction. Is the fee of the Mayor paid by the party working upon the streets? Certainly not. When the Charter speaks of paying the Mayor's fees, it means what it says, and not that his fees are paid by the party working upon the streets.

This is the construction placed upon the cited sections by all of the preceding Mayors from the time of their enactment.

The Amendments adopted in 1875 repealed the above sections and gave the Mayor a salary of \$2000 - per annum in lieu of all fees. A Court of Competent Jurisdiction at the suit of one or more of the Aldermen, declared the said Amendments to be unconstitutional, and null, and void, and enjoins the Mayor from receiving a larger salary than was allowed him under the Charter before amended in 1875. If on final hearing the Amendments are declared unconstitutional and void, it necessarily follows that the Charter to day stands as if the amendments had never been adopted, and that the Mayor is entitled to the salary and fees of the office unaffected by said amendments.

Therefore your Committee recommend that the Mayor be authorized to draw his warrant monthly upon the treasury for the amount of fees due him from connections of parties who work out their fines & costs upon the streets.

Robt & C Hard

Louis Means

E. B. Brown

The fine from the records of the Office as is shown by the statement of the City Clerk (hereto attached), that, the Hon F. D. Wheeler as Mayor used during the year prior to the Amendments of 1848. Which were adopted by a vote of 1207 for to 475 Against, the sum of \$884² Cash and \$851⁵ in warrants for costs paid & worked out by prisoners. Add to that his salary of \$600⁻, which together makes his compensation for said year 2258⁶⁵ in the above statement the fees derived by Mayor Wheeler and other Mayors from the issuance of license and signing of deeds are not computed, although they draw them. Your Committee are of the opinion that if the amendments are declared unconstitutional upon final hearing, the Mayor is entitled to said fees allowed.

This will be one of the unfortunate results of having the Amendments declared unconstitutional by the Courts.

On Motion of Alderman Withers the report of the Committee was received.

Alderman Leach moved that action on the report of the Committee be postponed until there was a full meeting of the Board. Lost

Alderman Withers moved that the report of the Committee be adopted.

Alderman Taylor called for the Yeas & Nays. The Yeas and Nays ordered and the report of the Committee was adopted by the following vote.

Yeas Aldermen Brown, James, Larmon, Hard and Withers.

Nays Alderman Leach and Taylor.

Alderman Hard moved to reconsider the adoption of the report of Committee on fees of the Mayor.

The Yeas and Nays ordered and the Motion was lost by the following vote.

Yeas Aldermen Leach & Taylor.

Nays Aldermen Brown, James, Larmon, Hard and Withers.

On Motion the Committee on Streets to whom was referred the matter of digging "Hill for

the benefit of the citizens in Ward #7 was requested to report at next meeting.
On Motion of Alderman Bremner the Council adjourned.

Approved September 21st 1877

John H. Herbert,
City Clerk

Regular Meeting of City Council September 3rd 1877

The Meeting was called to order at 8:30 P.M.
Mayor DeGress in the chair

Roll called and the following members answered:
Aldermen Cook, Deffenbacher, James, Mason, Robinson, Taylor, Hard and Hethers

Absent Aldermen Bremner and Garrison
Unofficial present

The Journal of the Meeting of August 27 (last meeting) was read

Alderman Hard moved to correct the Journal by striking out the motion to reconsider the adoption of the report of the committee on the payment of certain fees to the Mayor. Carried

On Motion of Alderman James the Journal as amended was approved

Petition of R. C. Koberg and Joseph Kalle asking authority to build a platform with shade over it for the purpose of receiving tolls, on Pease Street adjoining Poggi's Store

Resolution of Alderman Cook the petition was referred