

Alderman Bremond moved that a committee of three be appointed to confer with parties desiring to rent the old Mill property. Carried

Alderman, Bremond, Chandler and Robinson were appointed on the committee

On Motion the Mayor was added to the committee

On Motion the Council adjourned
John F. Herbert,
City Clerk

Called Meeting of City Council March 9th 1877

The Council was called to order at 3.30 P.M.
Mayor Wheeler in the chair

Roll called and the following members answered. Alderman Bremond, Cook, Deffenbaugh, Goodale, James, Larmon, Robinson, Rod and Taylor
Absent Alderman Chandler.

Quorum present

The Mayor informed the Council that he had called them together for the purpose of receiving the reports of committees to whom certain petitions had been referred.

Reports of Committee

Austin March 8th 1877

To the

Mayor and City Council

Your Committee to whom was referred the petition of S Hamilton claiming one hundred dollars for damages by the extending of the City Market limits would recommend the petitioner

be allowed Fifty dollars

J Lurmon
Ab H Cook Jr
A Deffenbaugh

Committee

Alderman Diamond moved that the report of the committee be received and that further action be postponed to next meeting. Carried

The special committee to whom was referred the petition of W H Cowin for procuring water from Fire Hydrants for street sprinkling purposes, asked for further time to investigate and report, granted

Ordination Texas February 1877

We your Committee to whom the petition of the City Water Co was referred, have the honor to report the following, in view of all the facts that the City has been greatly benefited by the introduction of Water Works, adding a much greater protection to property where Fire Hydrants are located, also a large reduction made by Fire Insurance Companies, amounting to 16 or 17 thousand dollars per annum, Insurance would be reduced on other property near or on the line of pipes already laid if additional Hydrants were put up. We would therefore recommend that the City order Hydrants located as follows

✓	One Hydrant on the corner of Live Oak and Benjamins
✓	" " " " " Hickory " Laraca
✓	" " " " " Hickory " Benjamins
✓	" " " " " Mulberry " Benjamins
✓	" " " " " Laraca " Benjamins
✓	" " " " " Guadalupe " College Avenue
✓	" " " " " Oak " Benjamins

The rent thereof to be the same as other Hydrants and to commence from the 1st day of April 1877, and that the City contract for two more Drinking Fountains not to cost to exceed \$50⁰⁰ each and the rent and use of same shall be the same as Hydrants

We would further recommend that the Co be granted the year 1877 to complete a Reservoir

The Water Co ask to be relieved of Taxes on account of not receiving money as per contract for rent of Hydrants

We recommend that this petitioning for relief be

to be granted

J. H. Robinson
M. A. Taylor
Daniel A. James

On Motion of Alderman Goodale the report was received

Alderman Goodale moved that the report of the Committee be adopted. The Yeas and Nays ordered and the report was adopted by the following vote

Yeas Alderman Bremond, Cook, Duffinbaugh, Goodale, James, Larmour, Robinson Rock and Taylor
Nays None

Austin Texas March 9th 1877

To the

Mayor and City Council

The Fire Committee to whom was referred the further location of Hydrants, have the honor to make the following report, as to their location of the Hydrants on the main line of pipes to the completion of the completion of the Reservoir located on the Palm track of land North east of the Blind Alley.

The Hydrants to be located as follows

One Hydrant on Cor of Peach and Lavaca

"

on Walnut

"

" North Avenue

"

" Cherry Street

"

" Congress Avenue

"

" Niche Street

The Above Hydrants are to not exceed in cost the Hydrants already completed

J. H. Robinson
Daniel A. James
M. A. Taylor

Committee

Alderman Bremond moved that the report be received and adopted.

The Yeas and Nays ordered and the report was received and adopted by the following vote

Yeas Alderman Bremond, Cook, Duffinbaugh, Goodale, James, Larmour, Robinson Rock and Taylor
Nays None

Alderman Bremond moved that the city obligate itself to take three additional Hydrants on the

line to the Reservoir as soon as the Reservoir is complete
and the Hydrants to be located by the Street Committee
The Yeas and Nays being called the resolution was
adopted by the following vote

Yeas Alderman Bremond, Cook, Saffenburg
Goodale James, Larmour, Robinson Reck and Taylor
Nays None

Petitions

Petition of H. J. Elkins asking the payment of \$1,000
for meat destroyed by dogs in the City Market House
while the Market House was being repaired

On motion of Alderman Bremond the petition was
referred to the Committee on Market House with full
power to act

By Alderman James Resolved that the Interna-
tional and Great Northern Railroad Co be allowed to
erect a wooden shed on Lot #1, Block #29

On motion of Alderman Bremond the
resolution was laid on the Table

On motion of Alderman Cook the
Council adjourned to Monday next at 3:30
P.M. to be in session on Tuesday

John F. Herbert
City Clerk

Adjourned Meeting of City Council
March 12th 1877

The Council was called to order at 4.15 P. M. Mayor Wheeler in the chair

Roll called and the following members answered, Aldermen Bremond, Cook, Duffenbaugh, James, Larmon, Robinson and Taylor

Absent Aldermen Chandler, Goodale and Root. Quorum present

His Honor the Mayor presented and read his message vetoing a resolution passed by the City Council on the 9th day of March 1877 ordering the renting of seven additional fire hydrants from the City Water Company to be located as follows,

" One on the corner of Live Oak and San Jacinto Streets, One at the corner of Hickory and Lavaca Streets One at the corner of Hickory and San Jacinto Streets One at the corner of Mulberry and San Jacinto Streets One at the corner of Lavaca and Mesquite Streets One at the corner of Guadalupe and College Avenue One at the corner of Oak and San Jacinto Streets "

Mayor's Office, Austin Texas
March 12th 1877

To the
City Council of the City of Austin

Sir,
It again becomes my duty to return to your body without my approval the report of the Committee on the petition of the City Water Works Company which report was adopted by your body on the 9th ult.

On the 20th day of August 1875, the City and the Water Works Company entered into a contract by which the Company was to do certain things by a certain time. Among others was the erection of a reservoir, by the first day of May 1876. Owing to the pecuniary straits of money, the Company failed to complete or even begin the reservoir by the time stipulated, but petitioned the City Council for an extension of time which was granted unanimously by your body.

It has now been nearly one year since the work was to be completed, and now the Company asks that their

time be extended until the first of next January.

It does seem that they should be compelled to do the work in a shorter time. But perhaps, that is the best they can do under the present stringency in the money market. Any way, if this was the only objection to the report of the Committee, I should not impose my veto.

I have simply given the above history of our action in relation to the Water Company to let you know that I do not now, nor ever had any desire to refuse to grant to said Company every privilege or right which it could claim in justice or equity. I cannot approve the action of the Council, because it has simply adopted the report of the Committee. This report requires the appropriation of money. On this point I would respectfully refer your body to Art. 7 Sec 1 of the City Charter, which says that "no improvements shall be ordered involving an expenditure of money except by ordinance, the provisions of which shall be specific and definite" of course I could let the action of the Council remain unimpeached, and let the representatives of the City contest it when payment is demanded, but this would be unjust to the Water Company. It therefore becomes my duty to you and the Company to announce that your action is of no effect, and the contracts which you have endeavored to make can only be enforced by the passage of an ordinance. I cannot approve the action of the Council in the location of the additional hydrants. The Avenue, Pecan Street and adjoining streets are well protected by having a good supply of hydrants and fire cisterns. It is now proposed to locate others in that locality, to the great deprivation of other parts of the City. The proposition locates at least one hydrant to every block in that section, while there are whole wards that do not have a single cistern or hydrant. Such deprivation is unjust to those neglected districts. It may be said that we propose in the future to give them protection, let us see if it is feasible for us to do so. We have about three hundred blocks in the City which are improved and densely populated. Now if we do not wish to discriminate we must erect a hydrant for each block which will give us a nice little sum of Twenty four thousand dollars which we will be compelled to pay annually to the Water Company, which will be nearly one half of the entire income of the City.

We are now paying four thousand dollars per annum for fifty hydrants on the Avenue and Pecan Street. The water to be used for fire and street sprinkling purposes. At the last meeting of the Council you ordered ten more hydrants and one one street fountain at eighty dollars each. Now it is proposed to erect seven more hydrants and two street fountains making an annual expense of nearly six thousand dollars with three fourths of the City without any protection what ever. In taking these last, the location should be made to cover as much territory as possible, and if there is not paper enough laid let us locate just as few as we can get along with and in neighborhoods where they are needed, and wait until more paper is laid before we take the entire number proposed. I wish to be understood that I do not oppose the taking of four hydrants at this time, but what I do oppose is taking so many at a time and locating them at ^{the} places designated by this report. I do think we should locate one at the intersection of Mosquito and Gaudalupa streets, and one near the Graded School Building at the intersection of Mosquito and Rio Grande streets, and at other remote parts of the City where the improvements to be protected will justify

My final and main objection to the action of the Council is the effort to exempt the Water Company from taxation for this year. It is stated as a reason that in the original contract the City promised to pay U.S. Currency to the Water Company, and that said Company had been forced to take City Warrants which were at a discount. Your body is no doubt aware that in all contracts with the City, it is stated or understood that payment is in U.S. Currency, in consideration to Silver and Gold. You have promised to pay U.S. Currency to all of the Officers and Employees of the City, but they have often been compelled to take their pay in City Warrants, which were at as much of a discount as those received by the Water Company. You promised to pay U.S. Currency to the Gas Company, and all other companies, and

persons with which the City has contracts, they have at all times been forced to take City Warrants. Do you propose to discriminate in favor of the Water Company or do you intend to exempt from taxation this year all property which belong to Officers and Employees of the City government and all that which belong to other Companies, which have been compelled to take City warrants? If you do not propose to make this exemption it certainly would be unjust discrimination in favor of the Water Company which it in justice cannot claim. I cannot approve the action of the Council in this particular because I believe it is in conflict with the State Constitution. Article VIII Section I says that taxation shall be equal and uniform that all property in this State shall be taxed &c Section II of the same Article says that all laws exempting all property from taxation other than the property above mentioned shall be void. No such property as is contemplated in this report is mentioned in said sections. It therefore cannot be exempted from taxation. I wish also to call your attention to Section IV of Article III which defines the power of the Legislature as to releasing any person or corporation from any indebtedness, liability or obligation to the State, County or municipal corporation therein. No person I presume will for a moment contend that the City Council has greater powers than the Legislature of the State. If not, you would violate the Constitution to exempt this property from taxation. Again the powers of the Council are defined by the Charter of the City, and any action of the Council not authorized by the Charter, is null and void. The Charter gives you no such powers. The exemption therefore is illegal and I must refuse to give it my approval. Finally if some of the above objections were good, I could not approve it because I feel that it would be very unjust to the balance of the citizens of Austin. All must and do admit that the establishment of Water Works has been of great benefit to our City. All must and do admire the energy and enterprise exhibited by the men who have had the management of the works, but there are no reasons why they should be exempt from taxation. If we adopt that as a criterion, our real estate men, Bankers, Merchants, Builders and owners of all kinds of manufacturers

must be exempt from some proportion of their taxes, for they have all added something to our prosperity as a City, and the City has never paid them one cent or exempted them from the payment of their taxes. To be just in this matter is to make taxes equal and uniform, and the only way to do that is to tax all, Individual, Company and Corporation in proportion to the property owned within the City limits. Perhaps few of us know with what difficulty many of our people secure the money with which to pay their taxes. Many of them are employes clerks, mechanics or laborers owning nothing but a little home, with a dependent family. It takes all of the salary or daily wages to secure the necessities of life, but the tax gatherer comes to them as regularly as the seasons, and the head of the family is compelled whether sick or well to make an extra effort and pay his taxes or have his property sold. I ask you as individuals and as the representatives of the people where is the justice in exempting a wealthy corporation from taxation, and in making such persons as described above, and the rest of our citizens who have invested their Capital in other enterprises pay their taxes or have their property sold.

The State Constitution, the City Charter and justice to all parties concerned indicate so clearly your powers and our duty in this matter that I shall not further impose upon your patience, but do respectfully ask you to reconsider your action as to the number and location of the hydrants to be taken by the City and especially your action in exempting the property of the Water Works Company from taxation.

I remain Most Respectfully
Your Obedt. Servant
T. B. Wheeler

Mayor
Alderman Taylor moved that the Veto of the Mayor be sustained.

The Yeas and Nays ordered and the Veto was sustained by the following vote

Yeas Alderman Bremond, Cook, when Alderman Cook's name was called, he arose and gave his reasoning why he should sustain the veto of the

Mayor, and submitted the same in writing and asked that it be placed upon the journal

Granted

Austin March 12th 1877

I protest against the City Water Works extensions for the following reasons

They have extended a pipe of two ins. commencing at the North west corner of the Governors Mansion, running West to the South east corner of the Public School house building, thence south to Pecan Street to where it intersects with the Six in main in front of Maj. S. S. Heston's residence, said pipe being too small on any of the corners along this whole line to admit of a hydrant and as my ward (the 3rd) is especially interested in this matter, and they look to me as their representative to protect their rights. It is my duty as their representative to sustain the Mayor in his veto, unless the City Water Company agrees to place a series of hydrants along said line of pipe for this reason I vote Yes.

Deffenbaugh, James, Larmour, Robinson and Taylor
 Aye's None Absent, Three.

Alderman Taylor moved that a committee of three be appointed to locate fire hydrants and to draw up an ordinance governing the same

Carried

Aldermen Taylor Robinson and Cook were appointed on said committee

On motion of Alderman Cook the Mayor was added to the Committee

On motion of Alderman Robinson the Council adjourned

John L. Herbert.
 City Clerk