

Called Meeting of City Council
February 18th 1877

The Council was called to order at 2.30 P.M.
Mayor Wheeler in the chair

Roll called and the following Members answered
Alderman Ormond Chandler, Cook, Duffenbaugh, Goodale
James Lammour, Robinson, Rock and Taylor.
Absent none.

The Mayor informed the Council that he had called them together for the purpose of laying before them certain petitions and ordinances for their consideration Also to submit certain plans presented by the City Engineer for the prevention of further washes to the gutters and the better protection of the property at the foot of Congress Avenue.

Petitions of the City Water Company asking the City to authorize them to put in an additional number of Hydrants

On Motion of Alderman Goodale the petition was referred to the Committee on Fire Department

Petition of Alexander Eans asking authority to set and one hundred or more Cedar Trees in the City Cemetery at a cost of \$1.50 each

Alderman Chandler moved to lay the petition on the Table Cook, and on Motion of Alderman Cook the petition was referred to the Committee on Cemetery

Petitions of L. B. West, M. F. North & M. W. Laughlin and others asking for the placing of Street Lamps at the South west corner of Block 70th 80 and also at the intersection of San Antonio and Hickory Streets And also that a Hydrant be located at the intersection of the Streets above mentioned

On Motion of Alderman Duffenbaugh the petition was referred to the Committee on Streets

Petition of Citizens asking that the Market on Pecan Street be not removed

On Motion of Alderman Taylor the petition was referred to the Committee on Market House

By Alderman Chandler An Ordinance Granting the right of way to the Austin and Pacific Short Line Railroad Company through the City of Austin

The Ordinance was read and passed to its second

reading.

Alderman Taylor Moved to suspend the rules and put the Ordinance on its second reading

The Yeas and Nays being called the rules was suspended by the following vote.

Yeas Alderman Brumond, Chandler, Cook, Duffenbaugh, Goodale, James, Lammour, Robinson, Roth and Taylor

Nays None

The Ordinance was then read the second time and passed to its third reading

Alderman Taylor Moved to further suspend the rules and put the Ordinance on its third reading

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Alderman Brumond, Cook, Chandler, Duffenbaugh, Goodale, James, Lammour, Robinson, Roth and Taylor

Nays None

The Ordinance was then read the third time and passed by the following vote

Yeas Alderman Brumond, Chandler, Cook, Duffenbaugh, Goodale, James, Lammour, Robinson, Roth and Taylor.

By Alderman Brumond, the Ordinance granting the right of way to the Houston and Texas Central Railway Company through the City of Austin

The Ordinance was read and passed to its second reading

Alderman Taylor moved to suspend the rules and put the Ordinance on its second reading

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Alderman Brumond, Chandler, Cook, Duffenbaugh, Goodale, James, Lammour, Roth and Taylor

Nays Alderman Robinson

The Ordinance was then read and passed to its third reading

Alderman Cook Moved to further suspend the rules and put the Ordinance on its third reading

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Alderman Brumond, Chandler, Cook, Duffenbaugh, Goodale, James, Lammour, Roth and Taylor

Nays Alderman Robinson

The Ordinance was then read the third time and passed by the following Vote

Yeas Aldermen, Brown, Chandler, Cook, Deffenbaugh, Goodale, James, Larimer, Rosh and Taylor
Nays Alderman Robinson

Ordinance No 92 Granting the right of way to the Austin and Pacific Short Line Railroad Company through the City of Austin. And Ordinance No 93 Granting the right of way to the Houston and Texas Central Railway Company through the City of Austin was presented to His Honor the Mayor for his approval, which Ordinance he refused to sign and returned the same to the City Council with the following rec: Message

Mayor's Office Austin Texas
February 15th 1877

His Honor the Mayor's Office Austin Texas
February 15th 1877

To the

Members of the City Council

Austin Texas

Gentlemen

I cannot approve the Ordinance passed by your body this day which gives the right of way to the Texas Central and Short Line Pacific Railroads through the streets of the City and the right to cross Congress Avenue

And as my objections apply with equal force to each of said Ordinances I trust that you will take this communication as a veto of the two. In the first place I do not believe that the City Council has any such power as it has attempted to exercise in passing these Ordinances. The streets were laid off and dedicated for the use of the entire public, and cannot be used by any person or corporation to the exclusion of any other person. We find in the Act of dedication and incorporation of the City of Austin the following provisions

Section 6th Provided however, that this act shall not be construed to give the Mayor and Council any power or authority to alter, occupy or change in any manner the ways, squares, streets, roads or alleys, as laid down and surveyed according to the plan of the City made under the superintendence of Edwin Haller, agent of the government, nor to interfere in any way with the roads, streets, squares or lots which may be laid off within the precincts of the City as

dicted by the commissioners appointed to locate the seat of government. This act is paramount to all other acts so far as our city is concerned, and where does the Council get the right to occupy or interfere with the streets as established by that act. It may be said that a single track running along the middle of the street does not occupy or interfere with the passage on said street. But it will be seen by an examination of the ordinances that they do not confine the roads to a single track, but can if they see proper occupy the entire street. This certainly was never contemplated by the founders of our beautiful City.

My second objection is that many of our citizens own homes along the streets designated. They purchased these homes improved and beautified them long before any person imagined that the railroad could secure or even desire the right of way along the streets. They invested their money time and labor with a feeling of security, expecting the authorities to protect them from all encroachments and dangers not permitted by the act of dedication or in existence at the time of their investments. As it was natural that they should thus feel under a debt, I do not believe that the City Council should injure their property, or disturb the peace and quiet of their homes, without the unanimous consent of the citizens along those streets. Another reason why I cannot approve the ordinances is that I do not believe any railroad should ever have the right to cross Congress Avenue. It is the chief thoroughfare of the city, one that could be beautified, until not only Austin but the whole State of Texas might be proud of it. But with trains crossing and re-crossing, its beauty will be materially damaged as well as all of the property in the lower portion of the city, will be injured by all of the residents in that section being compelled to undergo the danger of crossing the tracks in getting to and from the business portion of the city. Besides this many of our citizens have purchased property on the south side of the River for private residences. As soon as the river bridge is completed to Congress Avenue will be the principal ingress and egress from the city to those settlements, and the whole of the south side of the River. It will not only be a hardship on these people but exceedingly dangerous for them and their families to be required to cross two or three railroad tracks

to and from home every time they come to the city

I can hardly believe that any of us would feel perfectly secure, while our children were forced to run the gauntlet each day in going to or returning from school, leaving out of the question the danger to our families when traveling to and from the city in vehicles. Believing as I do that we as the representatives of the people have no right to jeopardize their safety or lives, I would prove devoted to what I believe to be my duty if I were to oppose their ordinances

Trusting that you will give these objections proper consideration, and that you will decide as your duty to yourselves, to your constituents, to Austin and the public at large demands

I remain yours truly

J. B. Arthur

Mayor

* 92

Alderman Chandler moved that the ordinance granting the right of way to the Austin and Pacific Short Line Railroad Company through the City of Austin be now taken up and ^{passed} notwithstanding the objections of the Mayor, which motion was duly seconded

The Yeas and Nays ordered and the ordinance was passed over the veto of the Mayor by the following vote

Yeas Alderman Brumond, Chandler, Cook, Deffenbaugh, Goodale, James, Larmon, Robinson, Rock and Taylor. Nays None

* 93

Alderman Taylor moved that the ordinance granting the right of way to the Houston and Texas Central Railway Company through the City of Austin be now taken up and passed notwithstanding the objections of the Mayor, which motion was duly seconded

The Yeas and Nays ordered and the Ordinance was passed over the veto of the Mayor by the following vote

Yeas Alderman Brumond, Chandler, Cook, Deffenbaugh, Goodale, James, Larmon, Rock and Taylor

Nays Alderman Robinson

* 94

By Alderman Cook. An Ordinance Establishing a Market place for the Sale of Certain Articles

The Ordinance was read and passed to its second reading

Alderman Root moved to suspend the rules and put the ordinance on its second reading.

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Aldermen Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Robinson Root and Taylor Nays Alderman James

The Ordinance was then read the second time and passed to its third reading.

Alderman Taylor moved to further suspend the rules and put the ordinance on its third reading.

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Aldermen, Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Robinson Root and Taylor Nays Alderman James

The Ordinance was then read the third time and passed by the following vote

Yeas Aldermen, Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Robinson Root and Taylor Nays Alderman James

* 95

By Alderman Cook An Ordinance Amending an Ordinance entitled An Ordinance Regulating the renting of Market Stalls, Market Privileges, Vegetable, Flower and Coffee Stands for the year ending February 28th 1878 approved February 1st 1877

The Ordinance was read and passed to its second reading

Alderman Duffenbaugh moved to suspend the rules and put the ordinance on its second reading

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Aldermen, Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Robinson Root and Taylor Nays Alderman James

The Ordinance was then read the second time and passed to its third reading

Alderman Cook moved to further suspend the rules and put the ordinance on its third reading

The Yeas and Nays being called the rules was suspended by the following vote

Yeas Aldermen Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Robinson, Root and Taylor

Nays Alderman James

The Ordinance was then read the third time and passed by the following vote

Yeas Alderman Bremond, Chandler, Cook, Duffenbaugh, Goodale, Larmour, Roberson, Roth and Taylor. Nays Alderman James.

By Alderman Larmour, An Ordinance Regulating interments in the City Cemetery

On Motion of Alderman Taylor the Ordinance was referred to the Committee on Ordinance

By Alderman James. Be it resolved by the City Council of the City of Austin that permission be granted to the International and Great Northern Railroad Company to erect a wooden shed on Block No 19 Lot 701 in this City

On Motion of Alderman Bremond the Resolution was laid on the Table

By Alderman Larmour, An Ordinance Granting to Mr North the right to build an Opera House over the side walk on the North side of Austin Street from the corner of Congress Avenue to the City

On Motion of Alderman Bremond the Ordinance was referred to the Committee on Streets

Austin Texas February 15th 1897

Hon J. B. Ahearn.

Mayor

Sir

Your special Committee appointed to examine the Bridge on Cedar Street across Waller Creek

Respectfully report that they have personally inspected said bridge and find it considerably out of repair.

Your Committee would recommend that the Mayor advertise for proposals for making the repairs required and that the City Engineer prepare the necessary specifications and that the work be done under his supervision and at a cost not to exceed one hundred dollars

Respectfully Submitted,

J. Larmour

F. O. Goodale

Samuel A. James

Committee

On Motion of Alderman

Committee was received and adopted

the report of the

On Motion The Council adjourned to the first of

Congress Avenue to examine the washer the gullies washed out on both sides of the street in order to better determine the best mode to adopt to prevent the further destruction of property, and to examine plans submitted by the Engineer for the building of a sewer. The whole matter was freely discussed, and on motion the City Engineer in connection with the Street Committee was directed to prepare estimates of the cost of a sewer five hundred (500) feet in length to the River and the Committee on Finance together with the Mayor was requested to devise means for the building of the same.

On Motion the Council adjourned subject to the call of the Mayor.

John F. Harbord
City Clerk

Regular Meeting of City Council March 5th 1877

The Meeting was called to order at 2:45 P.M.
Mayor Wheeler in the Chair.

Roll called and the following members answered. Aldermen, Fremont, Chandler, Duffenbaugh, James, Larmon, Robinson and Rich.

Absent Aldermen Cook, Goodale and Taylor. Quorum present.

On motion the reading of the Journal was dispensed with.

Petition of William Druggenloff for authority to lay an 8 inch drain pipe from his warehouse on the corner of Congress Avenue and Mulberry St. down Congress Avenue to Peach St. for the purpose of carrying off the surface water from his cellar.

On Motion of Alderman Duffenbaugh the petition was granted.