

Called meeting of the City Council.

Austin Tex. February 7th 1874

His Honor J. B. Wheeler in the chair called the Council to order, the roll being called the following named Alderman answered to their names to wit: E. Bremond, G. J. Boardman, Wm Brueggerhoff, F. Dohme, H. H. Mott, J. H. Robinson, S. H. Todd. Absent: Aldermen Ed. Christians, N. B. Mitchell and A. Scholz.

His Honor the Mayor stated that the Council was called together for two reasons: First, that he had vetoed the resolution passed at the last meeting, authorizing the City Marshal to take charge of the City Cemetery and ^{therein} ~~therein~~ C. L. Mitchell the Sexton elect, He submitted his veto Message which reads as follows:

Mayors Office Austin Texas
Feb. 7th 1874.

To the Austin City Council

Gentlemen:

It is always unpleasant for me to differ from a majority of the Council, I should never do so, if I could conscientiously agree with you in approving or disapproving any resolution or ordinance passed by you. I shall always endeavor to examine impartially the subject presented, and hope that my action will never be influenced by prejudice or partially against or in favor of any particular individual or measure, but will be inspired by a desire to subserve the interest of our citizens at large.

It is to be greatly regretted that there should be any trouble about the position of City Sexton. The Officer who acts as a guardian, around and about the last resting place of our loved ones, But the trouble exists; and now the question before us, is how shall we, as the representatives of the City extricate ourselves from this trouble and best serve the public interest intrusted to our care. This is the question we wish to settle correctly, impartially and without any bad feeling in our own body.

I apprehend that the trouble in this matter has arisen ^{from} your misapprehension of the term of Office of the Sexton. The Mayor, as well as the members of the City Council, thought that his term of Office was fixed by the ordinances of this City, but upon examination we find that there is nothing in the ordinances which fixes his term of Office, nor is there any thing which indicates that his Office expired with the last administration. The Mayor can remove the sexton when said removal is approved by a majority of the whole board of Aldermen but this must be done by an actual order of the Mayor. The other manner of effecting the removal of any city Officer is by a majority of two-thirds of the whole Council voting for said removal, after due trial of the party for some misconduct in Office. These are the only means provided in the City ordinances for the removal of the Officers of the City, has either one of these methods been adopted in this present case? We think not, but let that be as it may, the Council is divided in opinion as to the correct answer to that question. One party or the other may be correct, we shall not stop here to discuss that point. The question is strictly a legal question, and as one of the contestants has seen proper to seek redress in another Tribunal, taking the matter entirely out of this body, and as we all desire it should be settled strictly in accordance with law, that no trouble may arise in the future on this question I respectfully return to your body without my approval, the resolution giving instructions to the city Marshal, passed at the regular meeting on the 3rd instance. To enforce this resolution would no doubt involve the City, the Marshal and other Officers in interminable law suits and thereby be injurious to individual interest, as well as, dangerous to the public welfare. Besides, both parties seem perfectly willing to abide by the decrees of the District Court and, as that Tribunal now has charge of the matter, and as we

must all admit is fully competent to settle the matter equitably and legally, without further trouble to the City. I would respectfully recommend that we take no further action, but await said decision, which we hope will be rendered without any great delay.

Trusting that you may receive these objections in the feeling in which they are presented.

I remain

Your Olt. servant.

J. B. Wheeler

Mayor.

On motion of Ald. Brueggerhoff action upon the veto Message was deferred until the regular meeting in March 1874.

Second that he was going to veto the Ordinance entitled: An Ordinance regulating the amount of ad valorem tax to be assessed upon real and personal property in the City of Austin, and fixing a poll tax for the year 1874. That he had not the Message prepared but would submit it to the Council at the next meeting.

Ald. Bremond, moved to reconsider the Ordinance fixing the amount of ad valorem, and poll tax for the year 1874. Carried.

Street committee reported favorable upon petition of J. J. & W. Tobin asking the right to erect a stairway of three feet width on South side of Ziller Building on Brown Street. report received.

On motion of Ald. Bremond the petition was granted with the right of the Council to remove the same at any time.

Petition of Wiedig & Bornefeld asking privilege to retail liquors in quantities less than one quart, was read, and granted.

Street committee reported on petition from citizens of 6th Ward, recommended that said public Well be erected as called for. On motion the petition was granted with the proviso that city Warrants be issued only at fear for the erection of the Well.

Ald. Robinson moved that the, blank in ordinance No. 5 entitled: "An Ordinance regulating the duties and prescribing the fees of City Marshal," be filled out fifty dollars. Carried.

A resolution was introduced: That the ordinance No. 3 entitled: "An Ordinance regulating the renting of Market Stalls and Market privileges for the ensuing year," be and the same is hereby so amended as that in section 4, strike out "28" and insert 20, section 6, strike out "only after Market hours," On motion the resolution was adopted.

On motion of Ald. Brueggerhoff the Council adjourned to Tuesday evening Feb. 10th 1874.

Fred. Stiering
Recorder.

Council Room Austin Tex.
February 10th 1874.

City Council met pursuant to adjournment, His Hon. J. B. Wheeler in the chair called the council to order, the roll being called, the following ^{members} answered to their names to wit:

Wm. Brueggerhoff, Ed. Christian, F. Dohme, H. McKittrick, J. H. Robinson, A. Scholz. Absent: Ald. E. Bromont, G. J. Boardman, N. B. Mitchell and S. H. Todd.

Petition of J. B. Brown, praying to have delivered to him a pair of Mules that were unlawfully sold by the city authorities some time ago as strays to J. C. Taylor, was read, whereupon Ald. Brueggerhoff offered the following resolution: Be it resolved by the City Council of the city of Austin, that Mr J. C. Taylor be requested to deliver the Mules purchased from the City to the Marshall, and that the Mules be delivered to the owner; And the Mayor is hereby authorized to refund Mr Taylor the amount paid for same out of any money not otherwise appropriated.

On motion of Ald. Robinson the rules were suspended, the resolution read second time, on motion of Ald. Robinson the rules were further suspended

the resolution read third time, the yeas and nays being called the resolution passed by the following vote: Yeas, Ald. Brueggerhoff, C. B. Christian, J. Dohme, H. M. Metz, J. H. Robinson, A. Scholz. Nays: None.

Special committee who, had under consideration an ordinance entitled "An Ordinance to provide for the construction of water works in the City of Austin Texas." Reported back the same, and recommended that the Council go into committee in whole on the consideration of said Ordinance. Report was received and committee discharged.

Ald. Brueggerhoff proposed to reconsider ^{the} Ordinance No. (1) entitled, an Ordinance to regulate licenses,

Finance Committee reported favorable on petition of J. D. Murchison, and recommended that the license be granted to him for exhibitions exclusively in the so called Opera House at three hundred dollars per annum from date, his Note to be executed with good sureties to be approved by the Mayor, and to be payable quarterly in advance. On motion of Ald. Robinson the report was received and petition granted.

Ald. Brueggerhoff moved that J. D. Murchison be released from all licenses due by him except those collected by him. Carried.

Ald. Brueggerhoff offered the following resolution, To wit:

Be it resolved by the City Council of the City of Austin, That the city of Austin do hereby revoke the lease now in force between the City and Mr J. Dohme for the Market House Hall, to take effect on first day of March 1874, and that the Mayor is hereby instructed to deliver to said J. Dohme such Notes as the City may hold for rent due, after the first day of March 1874.

The resolution was read, and action deferred.

His Honor's veto Message on the ordinance fixing the ad valorem tax for the year 1874, was presented by him and read as follows:

Mayors Office Feb. 7th 1874
 Members of Austin City Council,
 Texas.
 Dear Sirs,

I cannot agree to sign the ordinance passed by your body at the last regular meeting, fixing the millage rate at one per cent for the year 1874. In adopting this course, I do not do so, with any intention of not paying our debts of the city, or because I do not wish to mind improving and beautifying our city; nor do I imagine that my judgment or financial ability is superior to that of the Council, but simply on account of the scarcity of money, and I do not think so large an amount is necessary to defray the expenses during the current year. Besides I would like to see the City taxes uniform.

As near as we can approximate the current expenses of this year will be about \$32,000. If we should reduce the tax to $\frac{3}{4}$ of one per cent on Real Estate we will have the following amounts for this year on Real Estate \$350,000 at $\frac{3}{4}$ of one per cent ————— 30000

Licenses & occupation tax 15000

Real Estate Tax due from 1873, 5000

Total Tax on Licenses and occupation, & Real Estate \$50,000

Leaving in favor of the city \$18,000. In this estimate it will be perceived that no account has been taken of the fines from the Mayors Court, the Market Stalls, the dog tax & some other sources from which we will receive small amounts. It will also be remembered that most of our debts is funded and will not be due until 1883. There not being now due or likely to become due during this year more than 6 or 8 thousand dollars, over and above the correct expenses above referred to, I see then would be some \$10,000 or \$12,000 with which to make improvements. If we should need more than that amount, I would recommend that we sell a few more 10 or 20 year bonds, and by that course, the people who enjoy the improvements will assist in paying for them. Besides, we would like to make the tax uniform and it will be remembered

that at our last meeting we passed an ordinance which has been approved, fixing the Mendocino occupation tax at one per cent, that is $\frac{1}{4}$ of one per cent ad valorem and one fourth of one per cent as the tax on the occupation. This is nothing more than right and will save our merchants the trouble of paying 2 taxes, or of being bothered with rendering quarterly reports as heretofore. As all occupations are taxed, and as the merchant in addition to his ad valorem tax is required to pay a light occupation tax, it certainly cannot be any great cause of complaint: for it is a fact which deserves some consideration, that the personal property of the merchant demands the maintenance by the city of a police force and a fire department which is not demanded by a great portion of the Real Estate now in the limits of the city. Trusting that your body will decide this matter as to you may seem right and proper, and to the greatest advantage to those whom you represent.

I remain your Obedt. servt.

J. B. Wheeler Mayor.

On motion the Message was received and ^{action} deferred until the next regular meeting.

On motion of Ald. Robinson the Council adjourned to Wednesday four o'clock Feb. 11th 1874. to consider the ordinance ^{title} entitled "An Ordinance to provide for the construction of water-works in the City of Austin Texas."

Fred Stierzing
Recorder.

Council Room

Austin Tex. Feb. 11th 1874.

City Council met pursuant to adjournment. His Hon. the Mayor in the chair called the Council to order, the roll being called; the following named Aldermen answered to their names, to wit:

E. Bremond, G. J. Boardman, Wm. Brueggerhoff, N. B. Mitchell, J. H. Robinson, A. Scholz, S. H. Todd.

Absent: Aldermen Ed. Christian and H. M. Metz.

His Honor J. B. Wheeler stated that the meeting was called to consider and take action upon an ordinance No. (6) to be entitled: An Ordinance to provide for the construction of Water Works in the City of Austin Texas. On motion of Ald. Brueggerhoff the Ordinance was taken up and read; the Ordinance was then read by sections and amended, and adopted as amended.

On motion of Ald. Robinson the rules were suspended, the ordinance read the second time; on motion of Ald. Robinson the rules were further suspended, the ordinance read the third time, the yeas and nays being called the ordinance passed by the following vote: Yeas: E. Bremond, G. J. Boardman, Wm. Brueggerhoff, J. Doherty, N. B. Mitchell, J. H. Robinson, A. Scholz, S. H. Todd. Absent: Ald. Ed. Christian and H. M. Metz.

Ald. Robinson offered the following resolution which was adopted.

Be it resolved by the City Council of the City of Austin, That the Recorder be authorized to pay all bills against the city amounting to less than twenty dollars, after a bill is certified to its correctness and approved by the Mayor; and that the Mayor shall issue his warrant to the Recorder for such amounts to be turned into the City Treasury as so much money.

On motion of Ald. Bremond the Council adjourned to Saturday evening February 14th 1874.

Fred Stiering
Recorder.

City Council Room

Austin Texas

February 14th 1874.

City Council met pursuant to adjournment. His Honor J. B. Wheeler in the chair called the Council to order, the roll being called the following Aldermen answered to their names To wit: C. Bremond; G. J. Boardman Wm Brueggerhoff, J. Dohme, H. Mott, N. B. Mitchell, J. H. Robinson, S. H. Todd. Absent: Aldermen Ed. Christian and A. Scholz. Ald. Boardman moved that a special committee of three be appointed to investigate and examine into the case of Policemen C. S. Mott and Jack Janabill for making an arrest of which they were suspended from duty, and said committee make report at next meeting.

Carried. Ald. Dohme, Mitchell and Robinson appointed on said committee.

Petition of R. R. Allen, A. H. Longley and many other citizens of the Tenth Ward praying for the opening of Cypress Street from Congress Avenue to the East boundary of the City, was read and referred to Street Committee.

An ordinance No. 7 was introduced entitled: "An Ordinance relative to Aldermen." The ordinance was read the first time, on motion the rules were suspended, the ordinance read second time, on motion the rules were further suspended the ordinance read third time, the yeas and nays being called the ordinance passed by the following vote: Yeas: Bremond, Boardman, Brueggerhoff, Dohme, Mott, Mitchell, Robinson, and Todd, Nays: none.

An ordinance No. 8, was introduced, entitled: "An Ordinance relative to Alleys." The ordinance was read the first time, on motion the rules were suspended the ordinance read the second time, On motion the rules were further suspended the ordinance read third time, the yeas and nays being called the ordinance

passed by the following vote: Yeas: Ald. Bremond, Boardman, Brueggerhoff, Dohme, Mety. - Mitchell, Robinson Todd. Nays: none.

An ordinance was introduced entitled: "An Ordinance relative to Animals" The ordinance was read the first time, and on motion further action postponed until the next meeting.

Ordinances relative to Treasurer, Assessor & Collector and Board of Appeals were introduced, read the first time and referred to Finance Committee to report back the same at next meeting.

An Ordinance entitled: "An Ordinance regulating Auctioneers," Was introduced, the ordinance was read the first time, and referred to Ordinance Committee.

An ordinance N^o 9. entitled: "An Ordinance regulating the health department ^{& Hospitals}." The ordinance was introduced and read the first time. On motion the rules were suspended, the ordinance read the second time, on motion the rules were further suspended the ordinance read the third time, the yeas and nays being called the ordinance

passed by the following vote: Yeas: Ald. Bremond, Boardman, Brueggerhoff, Dohme, Mety Mitchell, Robinson, Todd. Nays: none. The following Committees were then appointed by His Honor the Mayor. To wit:

On Ordinance Committee
J. H. Robinson Chairman.
W. Brueggerhoff
G. J. Boardman

On Printing Committee
W. Brueggerhoff Chairman.
G. J. Boardman
N. B. Mitchell

On motion the veto Message of Mayor Wheeler on the ordinance N^o 2. Entitled: "An Ordinance regulating the amount of ad-valorem tax to be assessed upon Real and personal property in the city of Austin, and fixing a poll tax for

the year 1874" was taken up, and passed, notwithstanding the objections of His Honor the Mayor by a two thirds vote, as follows:
 Yeas: Ald. Boardman, Boardman, Brueggerhoff,
 Dobme, Metz, Mitchell, Robinson,
 Nays: Ald. Todd.

On motion the Council adjourned to Wednesday evening the 18th of February 1874.

Fred Storing
 Recorder.

City Council Room
 Austin Texas, February 18th 1874

Council met pursuant to adjournment. His Honor, J. B. Wheeler in the chair called the Council to order, roll being called, the following named Alderman answered to their names, to wit: G. J. Boardman, Wm. Brueggerhoff, Ed. Christian, J. Dobme, N. B. Mitchell, J. H. Robinson, A. Scholz, S. H. Todd.
 Absent: Alderman C. Bremond and H. Metz.
 Petition of E. W. McDonald praying for the privilege to retail liquors in quantities less than one quart, was read received and granted.

Petition of Charles Whithore praying for the privilege to retail liquors in quantities less than one quart was read received and granted.
 Committee on investigation in the matter of policemen C. S. Metz and Jack Tanahill in regard to them using unusual force in an arrest of one Mitchell Galloon made the following Report:

Austin Tex, February 17th 1874.

To His Hon J. B. Wheeler Mayor,

Your committee to whom was referred the investigation of the conduct of Policemen Metz & Tanahill in making the arrest of Mitchell Galloon on the night of February 13th 1874. Have the Honor to report that, after hearing the statement made by said Galloon to G. J. Boardman, find that said Galloon has

been frequently arrested by the Police; and that at each arrest has required unusual force and rough handling to make said arrests. And your committee recommend that said Meitz and Tanahill be continued on the Police force of this city.

Respectfully
J. H. Robinson
W. B. Mitchell } Committee.
J. Dohme

On motion the report was received, committee discharged and the Mayor requested to reinstate said Policemen.

An ordinance was introduced, to be Entitled: "An Ordinance regulating Misdemeanors". Pending the first reading of the ordinance, Ald Mitchell moved to adjourn to Monday evening the 23rd day of February 1874. Carried.

Frederic Sturgis
Recorder.

City Council Room
Austin Tex, Feb. 23, 1874.

City Council met; pursuant to adjournment. His Honor J. B. Wheeler in the chair called the Council to order, the roll being called the following named Aldermen, answered to their names: S. J. Boardman, Wm. Bruggerkoff Ed. Christian, H. Meitz, W. B. Mitchell, J. H. Robinson, A. Scholz, S. H. Todd, Absent: Ald. E. Bormond, and J. Dohme.

Petition of Hanson & Dyson, asking privilege to retail liquors in quantities less than one quart was read, received and granted.

Petition of Domencia Raphael, asking privilege to retail liquors in quantities less than one quart, was read received and granted.

Petition of H. Hirschfeld praying permission to erect on Pecan Street near the Avenue, a small stand, not to be deeper than eighteen inches, and not to obstruct the sidewalk, was

read, received and granted.

Ald. Brueggerhoff moved to adjourn. Motion lost.
Ald. Robinson offered the following amendment to the ordinance N^o 5. Entitled "An Ordinance regulating the duties and prescribing the fees of City Marshal" to wit: And, all moneys, whatever collected by the City Marshal, except costs of suit, shall be paid over by him to the City Assessor and Collector upon his receipt for the same on or before the first day of each and every month; Costs of suit shall be paid monthly or whenever called for, to the respective officers to whom they are due.

All fines from the Mayors Court shall be set aside as a street fund, and only used for that purpose.

On motion the rules were suspended, the amendment read the second time; on motion the rules were further suspended, the amendment read third time; the yeas and nays being called the amendment passed by the following vote:

Yeas: Ald. Boardman, Christian, M^{rs}ty, Mitchell, Robinson, Scholz, and Todd. Nays: none.

An ordinance N^o 10. to be Entitled: "An Ordinance regulating Misdeemeanors;" Was taken up and read the first; On motion the rules were suspended, the ordinance read the second time; on motion the rules were further suspended the ordinance read the third time, the yeas and nays being called, the ordinance passed by the following vote:

Yeas: Ald. Boardman, Christian, M^{rs}ty, Mitchell, Robinson, Scholz and Todd.

Nays: none.

On motion of Ald. M^{rs}ty the Council adjourned to Wednesday evening 7 1/2 o'clock February 25th 1874.

Fred Stirling
Recorder.

City Council Room

Austin Tex. February 25/74.

City Council met pursuant to adjournment. His Honor J. B. Wheeler in the chair called the Council to order, the roll being called, the following named Aldermen, answered to their names, to wit: Wm. Brueggerhoff J. Dohme, J. H. Robinson, A. Scholz, S. H. Todd. Absent: Ald. E. Bremond, G. J. Boardman, Ed. Christian N. B. Mitchell, and H. M. Metz.

Ald. Brueggerhoff moved to adjourn to Thursday evening 7 1/2 o'clock March 3rd 1874. And that the Marshal be instructed to inform all the Aldermen. Carried.

Fred. Stierzing
Recorder.

Stated meeting of the City Council
Austin Tex. March 5th 1874.

His Honor J. B. Wheeler in the chair called the Council to order. The roll being called the following named Aldermen, answered to their names, to wit: G. J. Boardman, Wm. Brueggerhoff, J. Dohme, H. M. Metz, J. H. Robinson, A. Scholz, and S. H. Todd. Absent: Aldermen E. Bremond and Ed. Christian and N. B. Mitchell. Minutes from the Month of February 1874, were read, and adopted.

Petition of the Travis Rifles, praying for the use of the City Hall as an Armory, for which they tender their services as a special fire police, was read received, and referred to Market House Committee.

Report of Alex. Travis for the Month of February 1874, was presented, and referred to Councils Committee. Report of the City Marshal for the Month of February 1874, was presented, read and referred to Police Committee.

On motion the Resolution, revoking the lease of J. Dohme for the Market Hall to take