

Councilman Nolen introduced the following resolution:

WHEREAS, on June 15, 1923, Conaway Sorrells was convicted in the Corporation Court of the City of Austin of the offence of gaming and loitering in Cause No. 17072, the fine and costs imposed being \$19.80; and

WHEREAS, for reasons deemed sufficient to the City Council, it is determined that said fine and costs should be remitted,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said fine and costs is hereby remitted and the Clerk of the Corporation Court is hereby instructed to charge off said amount against said defendant.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

Councilman Haynes introduced the following resolution:

WHEREAS, by a resolution passed by the City Council May 24, 1923, correction was made in valuation of \$995.00 placed on the improvements situated on Lot 8, Outlot 3, Division "Z", reducing same to \$495.00 for 1922, a clerical error having been made in transferring; and

WHEREAS, it is shown that George Ezell, the owner, has paid the taxes on the erroneous valuation of \$995.00,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be and he is hereby instructed to issue a warrant to said Ezell against the General Fund for \$10.64, excess taxes paid on said erroneous assessment.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

The monthly reports of J. H. Rogers, City Marshal, C. H. Avery, Superintendent of Water, Light and Power Department, C. L. Woodward, Chief of Fire Department, Robert Rockwood, Fire Marshal, and M. R. Miller, Mechanic for Fire Department, O. B. Williams, Bacteriologist, and C. D. Caswell of stock in store room, were read and ordered filed.

The Council then recessed.

#### SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, June 16, 1923.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; absent, none.

Councilman Avery moved that John B. Hawley be employed to make an examination and study of the water and filtration plant for the City of Austin and to report his findings and recommendations for a preliminary fee of \$500.00, in accordance with the terms of his letter to Guy A. Collett, Chairman, dated June 11, 1923. Motion prevailed by the following vote: Ayes, Mayor

Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The Council then adjourned.



REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 21, 1923.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; absent, none.

The Minutes of the last meeting were read and upon motion of Councilman Avery were adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Upon the recommendation of Capt. J. H. Rogers, Councilman Nolen nominated D. Hamilton as special policeman at Barton Springs. Nomination was confirmed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes and Searight, 4; naves, none, Councilman Nolen not voting.

The following communication from J. Bouldin Rector, City Attorney, was read and ordered, recorded, by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

" June 20, 1923.

Hon. Harry W. Nolen,

Superintendent Police & Public Safety,

Austin, Texas.

Dear Sir:

Complying with your instructions, I have prepared and am handing you herewith the drafts of two ordinances, which have for their purpose the revocation of the licenses of J. J. Hegman and C. W. A. MacCormack, respectively, to operate motion picture shows in Austin.

The City Charter requires the City Attorney to approve all ordinances, or in the event of his disapproval to file with the City Council his written objections thereto.

I am, therefore, addressing you with reference to the enclosed drafts, and will ask that you present this communication to the City Council at the proper time.

Complying with your instructions that I look into the law of this matter, I beg to advise you that I have found that the courts hold generally that a license confers no right or estate or vested interest, and that it would seem to follow that it is at all times revokable at the pleasure of the authority from which it emanates. It is a general rule that the grant of a privilege license, being a governmental power, may be withdrawn at the discretion of the legislature or of the municipality to which its authority is delegated. It is also a general rule that a licensee takes his license subject to such conditions as the legislature may see fit to impose, and that one of the conditions may be that such license can be revoked by the municipality at its pleasure or for cause.

Our city ordinances provide that the operators of motion picture shows must pay a certain license fee, and also that any license granted by the city may be revoked by the city council at any time upon the payment of the amount that may have been paid for such license after deducting the amount due on the time expired. The city charter contains the power to license and regulate motion picture shows. The general rule is that the power of a municipality to revoke licenses to carry on a business may arise from either express grant or from the