

Resolution passed at regular meeting June 21st, 1923:

Councilman Haynes introduced the following resolution:

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

That, believing the Act converting the SMA, or old Blind Asylum, into an asylum for senile insane, if placed in effect would virtually confiscate the homes of many citizens in that part of the city, and that such an institution should not be established in the heart of our city immediately contiguous to the extension of the University Campus and almost in the shadow of the great Capitol Building, and having learned that the bill establishing this annex to the State Lunatic Asylum has not yet received the approval of the Governor, and that protests and petitions against same will be filed with him today, the City Council of Austin hereby joins in such protests and earnestly asks that the Governor will, as an act of justice to the capital city, veto this bill.

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

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 28, 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 Haynes moved that the reading of the Minutes of the last meetings be suspended. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

E. D. Junkin presented a petition asking that gravel be placed on Wichita Street from 26th to 27th Streets. Councilman Avery moved that same be referred to Councilman Searight. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Jno. E. Shelton, Attorney, presented a petition from Henry Radam and others, asking for a recall of Harry W. Nolen, Councilman and Commissioner of Police and Public Safety. Councilman Nolen moved that the petition be received and referred to City Attorney, J. Bouldin Rector, for his opinion as to its legal form and report back to the Council. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Haynes moved that action upon the ordinance to revoke the licenses of J. J. Hegman and C. W. A. MacCormack be postponed until the return to the City of T. H. McGregor, Attorney for said Hegman and MacCormack. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The Minutes of the last meetings were read and upon motion of Councilman Haynes were adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery,

Haynes, Nolen and Searight, 5; naves, none.

Councilman Avery moved that the bid of Nalle & Company for lumber and the bid of Austin Builders Supply Company for cement be accepted for the Water, Light and Power Department as the best bids. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen moved that the bid of the Home Steam Laundry to do the laundry work for the City Hospital be accepted as the lowest and best bid. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen moved that the bid of John R. Davis & Son to furnish sweet and butter milk and butter to the City Hospital be accepted as the best bid. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen moved that the bid of Griffith Drug Company to furnish drugs to the City be accepted as the best bid. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen moved that the bid of Oscar Ulit for meat and groceries for City Hospital be accepted as the best bid. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Upon the recommendation of the Safety Committee, the application of Billy Ebner for permission to erect an electric sign for Luedecke & Moffatt at 906 Congress Avenue was granted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen introduced the following ordinance:

AN ORDINANCE REPEALING ARTICLE 1055, UNDER CHAPTER VII, OF TITLE XXXVIII, OF THE REVISED ORDINANCES OF THE CITY OF AUSTIN, ADOPTED BY THE CITY COUNCIL ON APRIL 19TH, 1909.

The ordinance was read the first time. On motion of Councilman Nolen, the rule was suspended and the ordinance placed on its second reading by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The ordinance was read the second time and on motion of Councilman Nolen the rule was suspended and said ordinance was passed to its third reading and final passage by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The ordinance was read the third time and passed finally by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Mayor Yett named the following as members of the Hospital Advisory Board:

Dr. J. W. McLaughlin, President;
Dr. S. E. Hudson;
Dr. A. F. Beverly;
Dr. H. B. Granberry;
Dr. Frederick Eby;
Mrs. W. H. Bell, Sr.,
Mrs. O. S. Lattimore;
Mrs. W. R. Long;
Mrs. C. D. Rice;
Mrs. R. C. Roberdeau.

The application of Morton Brown to excavate under the sidewalk at 2208 Guadalupe Street was read and Councilman Searight moved that same be rejected. Motion

prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Searight, 4; naves, Councilman Nolen.

The Council then recessed.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, July 2, 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 Haynes moved that the Council reconsider the application of Morton Brown to excavate under the sidewalk at 2208 Guadalupe Street. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Searight moved that said application be granted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The following opinion of City Attorney, J. Bouldin Rector, in the matter of the recall petition of Commissioner Harry W. Nolen, Superintendent Police and Public Safety, was read and ordered recorded :

" Austin, Texas, July 2, 1923 "

The City Council,

Austin, Texas.

Gentlemen:

You have referred to me the petition for the recall of Hon. Harry W. Nolen, with instructions that I advise you whether or not same has been presented in compliance with law. This petition consists of fifty-three separate papers, each with an affidavit attached, and is purported to be signed by 1926 qualified voters.

The City Charter provides that the signatures in a recall petition need not all be appended to one paper, and that each signer shall add to his signature his place of residence, giving the street number; but it is required that one of the signers of each such paper shall make oath that the statements therein made are true as he believes, and in addition, that each signature to the paper appended is a genuine signature of the person whose name it purports to be.

I have examined the affidavit attached to each of these fifty-three papers. I find that to forty-nine of same the following affidavit is attached: "I (name of affiant), circulator of attached petition, being duly sworn, say that each of the signers of said petition is a qualified voter of the City of Austin, Travis County, Texas, and resides on the street at the number thereof set opposite each name respectively, as to the best of my knowledge and belief."

I also find that to four of said papers the following affidavit is attached: "I (name of affiant), one of the signers of the attached petition, being duly sworn, state that each of the signers of said petition stated that they were qualified voters in the City of Austin, Travis County, Texas, and resides at the street and number thereof set opposite each name respectively."

The charter requires that a signer of each paper shall swear that the statements therein made are true as he believes. This requirement certainly includes the grounds upon which the recall is demanded. None of the fifty-three affidavits comply with this requirement of the charter, as is shown by the above quotations.

The charter also requires that the person who makes the affidavit to a