

Regular meeting of the City Council :: Austin, Texas, December 13th 1917:

The Council was called to order by the Mayor, with all members present:

The minutes of November 29th and December 5th were read and adopted :

Reports of City Officers:

The mayor presented the report of the Sanitary Inspector, the Chief of the Fire Dept and the Bookkeeper of the Street Dept, which were read and ordered filed:

The Mayor laid before the Council a resolution requiring the Texas Bitulithic Company to pave such portions of Roi Grande street between the north line of West 19th and the north line of west 28th street as were omitted in the paving of said street heretofore done.

The resolution was read the first time and laid over for one week.

Councilman Anthony offered the following resolution :

Resolved by the City Council of the City of Austin, Texas:

That for good and sufficient reasons unto the City Council shown, the balance of the fine and costs, amounting to \$9.80, imposed against Dave Short in the Corporation Court of the City of Austin, Texas, in cause No 12603, State of Texas vs Dave Short for intoxication be and the same is hereby remitted.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldridge, Mayor:

December 14th 1917: All present:

Councilman Powell offered the following resolution :

Be it resolved by the City Council of the City of Austin, Texas :

That the sum of \$ 418.32, the remaining unappropriated balance belonging to the Street Improvement fund, be, and the same is hereby appropriated to the purpose of paying for the pavement of the West Avenue and 19th street intersection.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldridge, Mayor:

Councilman Anthony offered the following resolution :

Resolved by the City Council of the City of Austin :

That for good and sufficient reasons unto the City Council moving, the balance of the fine and costs, amounting to \$ 3.00, imposed upon Jimmie Downs in the Corporation Court of the City of Austin, Texas, in cause No 12590, State of Texas vs Jimmie Downs for unlawfully riding a train, be and the same is hereby remitted.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldridge, Mayor.

Councilman Powell offered the following resolution :

Be it resolved by the City Council of the City of Austin :

That the sum of \$ 763.87, belonging to the Permanent Street Improvement fund, be and the same is hereby appropriated to the purpose of paying for the paving of the City's portion of West. venue from the north line of 6th street to the south line of 19th street. The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5
Nays none, Approved, A P Wooldridge, Mayor.

Reports:
San. Inspector
Fire Chief
Bookkeeper St. Dept.

Dave Short
fine

West Avenue
paving: appo.

Jimmie Downs
fine

West Avenue
paving

December 15th 1917: All present :

Mayor Wooldridge offered the following resolution :

Whereas, in the opinion of the City Council of the City of Austin, Texas, all of the conditions precedent to the conveyance of what is known as the Barton Springs property to this City by A J Zilker to the City of Austin for the benefit of the Industrial department for the Public Free Schools of the City of Austin have been complied with; and

Whereas, the people at a referendum election held in this City on the 2nd day of October 1917, approved the purchase of the Barton Springs property by the City of Austin for the purposes of its conveyance to the City by Mr A J Zilker; and

Whereas, the City Attorney of this City has approved the title in Mr Zilker to the Barton Springs property which is to be conveyed to the City of Austin for the uses of the Public Free Schools of this City,

Now therefore,

Be it resolved by the City Council of the City of Austin, Texas:

That the City Council here determines to do and perform the necessary things requisite to the acquiring of said Barton Springs property by the City of Austin for the benefit of the Industrial department of the Public Free Schools of the City of Austin, Texas, including the execution by the Mayor of ten notes of the City of Austin for the sum of ten thousand (\$ 10,000.00) dollars each, due and payable one year apart, and bearing interest at the rate of 6% per annum from their date.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony & Powell 3

Nays Councilmen Bartholomew & Haynes 2

Approved, A P Wooldridge, Mayor.

Councilman Bartholomew presented the following reasons for his vote, and asked to have same spread upon the minutes of the Council:

The proposition of Mr Zilker is to convey to the City of Austin fifty (50) acres of land, more or less, being a part of the Hill League and Wm Barton Labor, on which are located Barton Springs and a portion of Barton Creek.

From a careful survey made by Mr Metcalfe, it is found that there are only about thirty seven (37) acres instead of fifty (50) acres of land in the tract.

As consideration for the fifty acres, the City of Austin is to pay one hundred thousand dollars (\$ 100,000.00) in ten annual installments of ten thousand dollars (\$ 10,000.00) each, with interest at six per cent per annum.

The proposition was submitted to the property taxpayers of Austin at an election held on the 2nd day of October, when 799 votes were cast for and 635 votes against the proposition, 157 votes less than two-thirds of the votes cast ^{for} the proposition.

Article 12, Section 4 of the City Charter gives the City Council power " To raise money on the credit of the City for a special and definite purpose, by issuing bonds of the City or otherwise, provided the bonded debt of the City shall only be increased by a special act of the Legislature or by consent of two-thirds of the qualified voters in said City

*Purchase of Barton
Springs determined
upon*

*Bartholomew
knows for what*

. who pay taxes on property ,real or personal, in said City."

The only theory on which it can be claimed that the proposition to purchase the Barton Springs property carried is that a note is not a bond.

I give a few definitions of bond, which show conclusively that a note is a bond.

Webster's Dictionary gives the definition of a bond as "An instrument (of the nature of the ordinary legal bond) made by the government or corporation for the purpose of borrowing money, as a government, City, or Railway bond."

Bouvier's Law Dictionary has the following definition of bond: "A bond is a deed whereby the obligor obligates himself, his heirs, executors and administrators to pay a certain sum of money to another at a day appointed."

Judiciary and Statutory Definitions of Words and Phrases, Volume 1, contains the following definition of bond: "A bond is a deed or obligatory instrument in writing whereby one doth bind himself to another to pay a sum of money or do some other act."

"A bond, as defined by Blackstone, is a deed whereby the obligor obligates himself, his heirs, executors or administrators to pay a certain sum of money on a day appointed."

"Bonds are obligations payable at a definite time, running through a series of years. They are payable when the time of their maturity arrives independent of any presentation. — A bond is a note — a promise to pay, and a difference between a government, and a City bond and an ordinary note ~~XXXXXXXXXX~~ is that a bond usually has coupons attached for payment of interest, and in the case of a note the interest payments are credited on the back of the note. Practically there is no difference between a bond and a note. In case the Charter is construed so that notes may be executed for debts created by a majority vote instead of a two-thirds vote, the clause in the Charter requiring a two-thirds vote of taxpayers, the clause in the Charter requiring a two-thirds vote by the taxpayers can be defeated, and the debt of the City be increased to Charter limit by a majority vote, thus defeating the plain object of the Charter.

I cannot believe that the Courts would permit a Charter or law to be over-ridden by such subterfuge.

The words "more or less" as commonly used in conveyances are not intended to cover any large amount of difference in land conveyed, but a trifle difference that may occur should a survey be made. The survey of this tract shows thirty seven (37) instead of fifty (50) acres. This discrepancy is greater than should be allowed, being about one-fourth of the proposed amount of land to be conveyed.

For the foregoing reasons, I do not believe that the City Council can legally purchase the tract of land in question.

(Sgd) E C Bartholomew.

Councilman Haynes made the following statement:

My reason for voting NO on the purchase of the Barton Springs property are the same as fully expressed by Councilman Bartholomew.

(Sgd) H L Haynes.

December 17th 1917: All present:

Councilman Powell offered the following resolution:

Resolved by the City Council of the City of Austin, Texas:

That the sum of three hundred (\$300.00) dollars be and the same is hereby appropriated out of the Cost and Damage fund of the Street department in payment of the claim of August Fuhrman against the City of Austin for damages, as is set out in his bill against the City of Austin, ~~XXXXXXXXXX~~ approved by the City Attorney and made the basis of this appropriation.

Haynes
Reason
vii

August 11th
Damage

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5
Nays none,

Approved, A P Wooldridge, Mayor.

Mayor Wooldridge offered the following resolution :

Resolved by the City Council of the City of Austin, Texas :

That Congress Avenue from 3rd to 11th streets be and the same is hereby ordered to be vacated of all vehicles crossing, stopping or standing upon the same from 4 O'clock P M to the passing of the Red Cross parade, which is to move up Congress Avenue on the afternoon of this day.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5
Nays none,

Approved, A P Wooldridge, Mayor.

December 18th 1917: All present:

Mayor Wooldridge offered the following resolution :

Resolved by the City Council of the City of Austin, Texas:

That the sum of seven hundred (\$700.00) dollars, or so much thereof as may be necessary, be and the same is hereby transferred from the appropriation in the budget for Oakwood Cemetery for the year 1917, for the construction of a north and south storm sewer through the middle part of said cemetery, to the construction of sidewalks on the north and south side of the main driveway east and west through Oakwood Cemetery.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell
Nays none,

December 19th 1917 : All present

Approved, A P Wooldridge, Mayor.

Mayor Wooldridge offered the following resolution :

Resolved by the City Council of the City of Austin, Texas :

That the sum of \$ 143.00, be and the same is hereby appropriated out of any monies remaining un-appropriated in the general street Improvement fund and is hereby appropriated and applied to the amount in the budget known as the damage and claim account.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell
Nays none,

Approved, A P Wooldridge, Mayor.

Councilman Powell offered the following resolution:

Be it resolved by the City Council of the City of Austin, Texas :

That the sum of \$ 25.54, be and the same is hereby appropriated out of the Permanent Street Improvement fund to pay for printing notices to property owners, for paving of 19th street from Rio Grande to West Avenue.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell
Powell 5. Nays none,

Approved A P Wooldridge, Mayor.

*Congress Avenue
vacated*

*Storm Sewer
Oakwood Cemetery*

*Damage to
claim
ac - street def.*

*Printing notices
for paving*

The Mayor laid before the Council the following communication:

Austin, Texas, 12/18/ 17.

Mr W B Anthony,

City Hall.

My Dear Sir & Friend:

I hereby tender my resignation as Assistant Health Officer of Austin, Texas, effective December 31st 1917, which will give sufficient time for you to appoint my successor. The reason for so doing is due to my large and increasing private practice, which now requires my entire time.

I appreciate the many courtesies extended me, for which accept my sincere thanks.

Very Respectfully.

R V Murray.

The resignation was accepted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none.

December 13th 1917:

The Mayor laid before the Council the following resolution:

Resolved by the City Council of the City of Austin:

That the request of J W Ebner for permission to hand an electric sign at Vourdcouris Bros 820 Congress Avenue, be granted, subject to revocation at the pleasure of the City Council,

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldridge, Mayor:

Mayor Wooldridge offered the following resolution:

Resolved by the City Council of the City of Austin, Texas:

That the request of J W Ebner for permission to erect an electric sign at the Plantation & Consumers Coffee Co, 202 West 6th street, be refused on the ground that said sign does not conform to City regulations.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldridge, Mayor.

The Council then adjourned.

James Johnson
City Clerk

*Dr R V Murray
Resignation
As Health
Officer*

*Vourdcouris Bros
Electric sign*

*Plantation &
Consumers Coffee
Co. - Electric
sign*