was read, and On motion Carried was referred to Comm on Streets Grades &c.
Moved by Alderman Buchanan and Seconded by Alderman Bassett, that City Physician & Health Officer A E Rodgers "M.D." be tendered the thanks of the City Council for the efficient manner in which he has discharged the various duties incumbent on him as City Health Officer during his long term of Office, and that he has the good wishes of the Member of the Council in his future field of Operation. Carried.
The following Claims were presented. to wit:

Edwin L Elwood, Assting City Engineer	2,50
Sam Bulock " " "	2,50
Total	$5 00

Moved & seconded that the sum of Five dollars be appropriated to pay said Claims, Carried.
Two Petitions of the Fire Dept. also Communication from the Chief of Fire Dept were presented and On Motion Carried were referred to the Comm on Fire and Water.
Council Adjourned

Joseph Magoffin
Mayor

Attest
O B Beall
City Clerk.

Council Room Aug 1st/84

Regular meeting of the Council above day and date, the Mayor in the Chair directed the Clerk to call the roll, the following members present Alder, Daugher, Dieter, Mitchell, Bassett, also the Marshal present, Minutes of preceding meeting read and On motion were adopted, the Comm on Finance report upon the following Claims and ask that they be paid. viz.

Jos Magoffin, Cash pd for conveying a man with leg broken to Ysleta.	5 00
Jos Magoffin Cash pd for conveying a woman to Hospital at Ysleta	5 00
Forward	$10

Hook Brot Forward	10
Jno Coldwell. assisting City Engineer June 27.	3 50
Sam Bullock " " " " 27.	3 50
Palace Drug Store Medicine May 2nd - to 26th	5 20
Overland Corral. Dong Pond rent June 7 to July 7.	10
W M Davis. Mdse for Fire Dept Mch 18th to May 14.	41 25
Wynne & Tonnigas Bond Henry Martina	9
Total.	$82 45

Moved & seconded that the sum of $82.45 be and the same is hereby appropriated to pay off said indebtedness, carried.

The Comee upon the petition of the Fire Dept asking that the Office of Second Assistant Chief be abolished, report and recommend that said Office be abolished. and on Motion duly seconded. and carried. the same was abolished.

Upon the petition of the Fire Dept asking that a reward of from $3.00 to $5.00 be offered the Drays or wagons which shall haul the Hose Carts and Hook & Ladder Truck to Fires. the Comee report as follows. to wit.

Would recommend that a reward of three dollars be offered to any wagon or cart which shall take any Hose Cart or H & L. Truck to a fire within the Fire Limits of the City, also the sum of Five dollars to any point out of the fire limits. said reward to be paid from the special fund on approval of Chief of Fire Dept.

Signed W H Mitchell
" O F Bassett.

Moved & seconded that the recommendation of the Comee be adopted, carried —

Communication of Chief of Fire Dept referred back to Comee on Fire & Water

Communication from the City Physician referred to Comee on Health

The following Ordinance presented and read. to wit.

Be it Ordained by the City Council of the City of El Paso Texas.

That it is necessary for the public interest that good and substantial side walks be made on the North side of San Antonio Street from the Alley in Block No 6. To the intersection of said Street with Magoffin Avenue and continuing along the North sid of said avenue to Noble Street except when permanent and durable side walks have already been made or when they may hereafter be made of brick, stone, cement or asphaltum within the limits of the Ordinance,

It is therefore Ordained that such side walks be and the same are required to be made and built by the owners of property fronting on said Northerly side of said San Antonio Street and Magoffin Avenue to have the side walks in front of their property made and built and completed within sixty days from the Taking effect of this Ordinance as follows,

That said side walks shall be made of plank 1½ inches in thickness and 2 x 4 Stringers said walk shall be laid according to the grade of San Antonio Street and Magoffin Avenue as near as possible in accordance with the City Engineer and Commissioner of Streets and public improvements;

Sec 1 Beginning at said Alley on the northerly side of San Antonio Street in said Block 6. and of the width of 8 feet to the west line of Stanton Street, thence continuing from the Southerly line of Stanton Street to be built of plank and Stringers as afore said, but of the width of 6 feet to West line of Noble Street all of said side walks to be secured by strong and sufficient fastenings on the inner side, and the outer line of said side walk is shall be set by the City Engineer and master, with instructions in accordance of the City Council with crossings on the line of said side walks at all of the intersections of Streets crossings, Posts 4 x 4 x 5 feet in length to

be sunk 2 feet in the ground and shall be placed at the said corners of each and every intersected crossing

Sec II That the cost of construction of said side walks shall be defrayed by the owners of the lot, or part of lot, or blocks fronting said side walk, and collected if necessary by the sale of the lot, or part of lot, or part of lot or block on which it fronts, together with the cost of collection.

Sec III It shall be the duty of the marshal to notify the owners of property fronting on the northerly side of said San Antonia Street and Magoffin avenue, who are required to make and build side walks as set forth in Section No 1. of this Ordinance, and if after Sixty days they fail or refuse to comply with the provisions of this Ordinance, They shall be reported to the Mayor, who shall summons them to appear before him, and show cause why they fail to comply, and if they fail to appear or appear and cannot show reasonable excuse for failing to comply with this Ordinance, He shall fine them in the sum of $10.00

Sec IIII And should the owners of such property fail or neglect to construct said side walks the City Engineer shall estimate the cost of said side walk, and report the cost to the City Council, who shall then contract for the construction, and when completed shall certify the cost to the City Assessor and Collector, who shall assess the same as a tax upon the property upon which said side walk fronts, and give notice to the owner thereof within one week after said side walks are completed by advertising in the Official Journal of the City and by posting, that said taxes are due and payable, and may be paid within ten days from and after said publication, and if not then paid he shall proceed to collect the same, that after the expiration of said last mentioned ten days, the said Assessor and Collector shall levy on so much property of such owners on which said tax has ~~been~~ not been paid as will

be sufficient to pay the same, and the same notice of sale as is required in sales for other taxes shall be given, and if the tax is not paid before the day of sale, the said Assessor and Collector, shall sell said property in the manner and under the circumstances and to the same extent and subject to the same conditions which are or may be provided for by the Charter and Ordinances of said City, for the sale of real estate in the City of St Paul, charged with the payment of taxes imposed by said City And the City Assessor & Collector shall execute a deed to the purchaser at any such sale which shall convey a good title, and the balance of proceeds of sale after paying the amount due the City and Costs of sale shall be paid by the City to the Owner, And the taxes so levied and ~~collected~~ assessed shall be a lien upon the property until the payment of the same.

Sec V The City Engineer and Committee on Streets and Grades shall superintend the construction of all said Side Walks herein above required to be constructed.

Sec VI That this Ordinance be in force and take effect from and after passage and publication.

Moved and seconded that the foregoing ordinance be adopted. Carried.

Council adjourned.

Attest

O B Beall
City Clk.

Joseph Mayoffin
Mayor

Council Room Aug 8th 1884

Regular meeting of the Council above date the Mayor in the chair directed the roll called. the following members present, Aldn Dougher. Dieter. Bossett and Buchanan also Marshal Boring.

Moved & Seconded that the reading of the minutes of the preceding meeting be dispensed with, Carried.

Moved and Seconded. that as the City Assr. and Collector reports the Rolls of 1884. ready that the Council meet on Monday the 11th Aug 1884. as a Board of Equalization Carried.

Council adjourned.

Attest

O B Beall — Mayor

City Clk.

Council Room Aug 15th 84

Regular meeting of the Council above day and date, the Mayor in the Chair directed the roll called. the following Aldermen present Dougher, Dieter Bossett & Buchanan. Marshal Boring.

Minutes of preceding meetings read and adopted.

Moved & Seconded. that the sum of $75.00 be and the same is hereby appropriated to construct three bridges across the Acequia within the City limits. One at the Crossing on Magoffin Avenue. One at the Crossing on Florence Street and One at the Crossing on Santa Fe Street. Carried.

Council adjourned until 10 o'clock A.M. the 16th Aug 1884

Attest

O B Beall — Joseph Magoffin Mayor

City Clk.

Council Room Aug 16th 1884

Council met pursuant to adjournment at the time appointed, the Mayor in the Chair directed the roll called the following Aldermen present, Dougher, Dieter, Bassett & Buchanan. also Marshal Boring present.

Moved & Seconded, that whenever the balance of costs (due for advertising certain property (Block 100.) claimed against said property is paid, that the cause against the Est of Williams the owner of said property, be dismissed carried.

Council adjourned

Attest
O B Beall
City Clk.

Joseph Magoffin
Mayor

Council Room Aug 22nd 1884

Regular meeting of the City Council above day and date. The Mayor in the Chair directed the roll called. the following members present. Aldn Dougher, Dieter, Bassett, Buchanan and Mitchell Marshall Boring also present. Minutes of preceding meeting read and adopted.

The following Ordinance presented and read, viz. An Ordinance providing for the forfeiture of Right of way granted any Rail Road Company and revoking any revocable license heretofore granted.

Sec 1 That whenever any right of way is granted any Street or other Rail Road Company over or along any Street in the City, that said company shall be entitled to said Right of Way only on the following conditions,

Sec 2 First they shall comply with all the requirments imposed by the City Council either or before the grant, or after the grant Second, they shall forfeit the grant if at any time they take up or cease to use their Tract along any street.

Third, If at any time they fail to comply within a reasonable time to any requirement of the City Council with regard to laying

repairing their track or switches or crossings, so as not to injure the free and convenient use of the Street along which said road runs, they shall be subject to removal of their track by the City Marshal, or Street Commissioner, and forfeiture of all rights obtained from the City.

Sec 3 That the El Paso Street Rail Road, on San Antonio Street, from El Paso to James Street is an obstruction to the free and convenient use of said Street, on account of its grade and the use of the T rail with which its track is laid, and having built and constructed said line of road, on San Antonio Street without any license from the City Council at the time it was built and without the permission of the City Council to use said T rails, All implied licenses of said City Council heretofore improvidently made to build said road, are hereby revoked and said El Paso Street Rail Road are hereby ordered to remove said track, roadbed, ties, rails, and earth work, from said San Antonio Street or fix alter and construct said roadbed and rails, using the flat rail instead of the T rail or place wooden guards on each side of the present T rails to be constructed so that a wagon or other vehicle can pass over said rails at any point without striking against said rails, and so that said Railway track, roadbed, rails and ties will not be an obstruction and nuisance to travel within a reasonable time from the taking effect of this ordinance, or the same will be subject to removal by the City Marshal or Street Commissioner and forfeiture of all revocable licenses obtained from the City by said Street Rail road.

Sec 4 That this Ordinance shall take effect from passage and publication, and a copy of it be given to the Superintendent and Agents of all horse or Steam Railways using any Street of the City.

Moved and seconded that the foregoing Ordinance as read be adopted, Carried

The following Ordinance presented and read. viz.
Ordinance requiring Rail Roads to Keep their Road bed Crossing, Culverts, Switches and drainage in good repair in the City,
Be it Ordained by the City Council of the City of El Paso, That it shall be the duty of Every R. R. Company or Corporation which has a tract in the City of El Paso to Keep its road bed, Crossings Culverts, switches and drainage in good repair
Sec 2 Whenever the tract of any Road crosses a Street or alley in the City, the tops of the rails shall be even with the surface of the grade of the Street established by the Council or under its authority or direction for the full width of the Street and the Street Crossing shall be so fixed by the R. R. Company's Agent. the same rules shall be observed when they have Switches on any St.
Sec 3 That the El Paso Short Rail road shall Keep and maintain on its line on San Antonio St at the various Streets & alleys crossings, good and sufficient crossings for the convenience of ordinary travel on said Streets, that said R. R. Company shall Keep their line of R. R. on said Street upon the grade heretofore established by the City Council, and at said crossings shall grade the same to correspond with the grade of their road, from the East line of said Street Crossing San Antonio Street on the North side respectively to the West line of said Street on the South side respectively, and on both sides of said Street Railroad at each street and alley crossing And that said Street Railroad Company shall Keep its rails even with the surface of the ground between the rails, and two feet on either side, and shall use the T rail or if the [illegible] rail is used, that wood en guards shall be made on each side of the rails, respectively to be constructed so that a wagon or any vehicle can pass over said rails without shaking or colliding against the same
Sec 4 It shall be the duty of the Station Agent

or other representative of Rail Roads having a tract in the City or the Superintendent of said Street Rail Road to see that the requirements of this Ordinance are complied with and in case of failure to comply with or of any violation of this Ordinance the said Agent, representative or Superintendent of said Street Rail Road shall be deemed guilty of a misdemeanor and upon the conviction of the Mayors Court shall be fined not less that Five dollars nor more than One hundred dollars and each day shall constitute a separate offence.

Sec 5 It shall be the duty of the City Engineer and City Marshal and every police Officer to see the provisions of this Ordinance strictly complied with

Sec 6 That this Ordinance take effect from passage and publication.

Moved & seconded that the foregoing Ordinance as read be adopted. Carried.

Moved & seconded, that the acct of Thos. C. Weston services at lock fire. amt $2.00 be allowned and said amt be appropriated out of the Special Fund to pay same, Carried,

Moved & seconded, that the tax for certain property rendered in the unknown list against Keeland and Harrison be remitted, Mr Keeland paying all costs against the same. Carried

Moved & seconded, that the matter of placing Culverts on San Antonio Street be referred to Comm on Streets Grade &c. with power to act. Carried.

Council adjourned.

Attest
O B Beall
City Clerk.

Joseph Magoffin
Mayor

Council Room Aug 29th 1884

Regular meeting of the Council above date. the Mayor in the Chair directed the Roll called. the following Aldermen present Daughter Dieter Bossett and Buchanan Marshal Boring present.

On motion, Carried the reading of the minutes of the preceding meeting was dispensed with. the two following Vetoes of the Mayor were presented and read, to wit:

Mayors Office El Paso Tex
Aug 29th 1884

To the Honorable Board of Aldermen
Of the City of El Paso
Gentlemen

I am unable to approve of a Certain Ordinance passed by you on the 22nd day of August 1884. and entitled an Ordinance providing for the forfeiture of right of Way granted any Railway Company and revoking any revocable license heretofore granted.

I object to said Ordinance for many reasons but principally because.

First - the revoking or forfeiting of any Grant Charter, or Franchise is in its nature a Judicial act and in most instances cannot be legally done except after due notice to the person or corporation intended to be affected. and after opportunity has been given him or it to be heard, in defense of the imperiled right. In this instance valuable rights and privileges long enjoyed and upon the faith of which many thousands of dollars have been expended are sought to be taken away by an ex parte proceeding, that I believe would not have received the sanction of a single member of the Council if its nature and effect had been more thoroughly discussed and understood. Even if the Mayor and City Council of this City have the legal right to forfeit or to resume Franchises and privileges granted by the City (and as to this I express no opinion) Justice and fair dealing require that the party to

be injured, should have an opportunity to be heard in his defence. notwithstanding this Self evident proposition, the El Paso & Rail Road Company, had no notice that the City Contemplated any action effecting its interest until the publication in the Official Newspapers, of the above entitled Ordinance the Ordinance recites that the San Antonio & Rail Road is an obstruction to the said Street on account of its grades &c and yet our own records show that it is built upon the grade required by the City and that too under the supervision of the City Engineer, All this could have been shown by the Company if it had been offered an opportunity so to do. and beyond doubt either of the Allegations of the Ordinance can be successfully contradicted by the Company upon an impartial hearing

Second. Sec 2. of the Ordinance is manifestly unconstitutional in this, that it gives the City Council the power to virtually destroy or to render valueless any and all of the franchises granted by it, although no such power was reserved in the Original Grant

Third - The Charter of the City requires that the enacting clause of every Ordinance should be. "Be it Ordained by the City Council of the City of El Paso" This imperative provision of the Charter in this instance has not been complied with, and the Ordinance would therefore be of doubtful validity even if approved by me.

Very Respectfully

(Signed) Joe Magoffin

Mayor

To the Honorable Board of Aldermen
of the City of El Paso.

Gentlemen

I am unable to approve of a certain Ordinance passed by you on the 22 nd day of Aug 1884. and entitled an Ordinance requiring Railroads to keep their road bed, crossings, culverts, switches and

drainage in good repair in the City. and how-
by return the same to you with my veto.
the above entitled Ordinance is objectionable
because. First - The Ordinance while purporting
by its title to be of a general nature contains
provisions that are applicable to one Corporation
only,
Second - Those portions of the Ordinance purporting
to be of a general nature are too vague
and uncertain to accomplish the intended
purpose, and are wholly insufficient to define
the duties of the Railroad Companies in the
premises,
Third - Section 4. of the Ordinance is arbitrary
and unjust, if not unconstitutional and
is not sufficiently explicit to create or to
define a criminal offense, or to be the basis
of a prosecution,
Fourth - Section Third of the Ordinance is in
great part unintelligible, and so much there-
of as requires the El Paso Street Railway Com-
pany to use the flat rail or to place wood-
en guards on each side of the T rail at
present used by them, is obnoxious and
imposes onerous conditions upon the Com-
pany, not required in the Original Grant
of the franchise.

Very Respectfully
(Signed) Joseph Magoffin
El Paso Aug 29. 1884 Mayor

On Motion Council. action on the two foregoing Vetos
deferred until Monday the 1st Sept. 1884.
Petition of the Street Railway Companies Superintend-
ent in reference to work being done along
the line of their Railway near the Little Plaza
was read -
Moved & seconded. That the City attorney is
hereby instructed to draw up a bond
in sufficient amount. and present the
same to Mr Mundy for his signature -
Conditioned that the said Mundy will leave
the Street upon which he is now doing work
in as good condition after said work is

completed as it was before the work was done. carried.
The following Resolution presented - to wit:
Resolved, that the City Clerk shall make a monthly report at the 1st regular session of the Council in each month showing the number of fines imposed for the previous month. Against whom same were levied. and for what offense. Also what fines were paid, and what were served out in prison or work. Also the number of Warrants to whom issued and in what amounts classifying as far as practicable to the several departments of the City Government that the City Marshal shall make a monthly report at the 1st regular session of this Council in each month showing the number of arrests under Ordinances or for Offences under the same the Cases where fines have been paid and the amount of same as also the name and place of business when resident Offenders together with the number of fines served out in prison or worked on Street.
Moved & seconded that the resolution as read be adopted. Carried.
Moved & seconded, that the Office of Street Commissioner be declared vacant. Carried
Moved & seconded, that the City Marshal be requested to assume the duties of Street Commissioner. Carried. Alderman Mitchell's resignation accepted
Council adjourned until 3 o'clock P.M. 1st Sept 1884

Joseph Mayoffice
Mayor

Attest
O B Beall
City Clk.