Section 8. All Ordinance & resolutions, & parts of ordinances & resolutions in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 9. This Ordinance shall be in force & take effect from & after the twentieth (20th) day of July 1883.

A Communication from J. B. Leahy on Cemetery & Hospital further explaining his offer, received, read & referred to Comm. on Health.

It was moved & seconded, that the Mayor is hereby authorized & empowered to rent certain Building of S. Schutz for City Hall, City Office & Jail & fire engine house for one year, carried.

The Council then adjourned, to regular Meeting Second Saturday in July 8 p.m.

Approved

Attest
S. S. Kahn
City Clerk.

Mayor

Council Room
El Paso Texas July 14th 1883.

The City Council met for its regular session on above date & at appointed hour, His Honor Joseph Magoffin, Mayor in the Chair, who called the Council to order & directed the Clerk to call the roll, which showed all the members & Officers of the Council present.

The Clerk announced that he had a message from His Honor the Mayor & proceeded to read the same, which was as follows:

To the Honorable Aldermen of the City of El Paso.

I hereby return to you with my veto a certain Ordinance passed by you on the 27th day of June 1883, & Entitled, "An Ordinance increasing the number of Wards in the City of El Paso from three to six & defining their limits."

My principal reasons for withholding my approval of this ordinance are, that six wards are entirely to many for a City the size of El Paso.

There are no interests of the City that can in any conceivable manner be advanced by the creation of three more wards, than we have & the more favorable

It cannot be said, that more wards are necessary in order to facilitate the holding of elections, because the Entire legal voting population of the City is probably not over six hundred if that many? — Hardly Enough for one ward in a City of (15,000) fifteen thousand people.

& it can not be maintained, that twelve aldermen could any more rapidly or advantageously dispatch the business of the City than six, nor would it be any easier matter to get

present a quorum of twelve men then it would be a quorum of two thirds of six men. Besides this the charter requires that each ward should have as nearly as may be an equal number of legal votes with the other. This requirement does not seem to have been followed in this ordinance, as I am informed, that some of nearly three times the number of votes as some of the others. There are numerous Cities in the state with population from 10.000 to 20.000, that have never found it necessary to have more than four wards, & it seems to me, that, that number in this City, would be sufficient if we had 20000 population.

I do not think it good policy to change the wards of the City at all, just on the eve of an election for Mayor & Alderman. The Council might lay themselves liable to the charge, that such change was made with a view of influencing such Election, besides the voters ought to have time to become familiar with the boundaries of the new wards, & the people living therein, before being called upon to vote for Alderman in such wards. By the provision of the general state Charter in Cities the Council are prohibited from making any changes in the wards of Cities unless the same is done three months before any general Election. This provision of course is not binding on this City, but it shows that, in the legislative mind there are good reasons for such a provision & there are many striking considerations why this policy should be generally observed. But should it ~~should it~~ be thought after matured Eliberation that the interest of the City demand, that we have one more ward, making four, ~~in~~ an ordinance properly dividing the City into that number would meet my approval, while individually I am of the opinion, that such change should left to the action of the new council. The ordinance having been passed without the customary referrance to a committee it is probable that it did not have, that mature consideration its importance demanded, & permit me to hope, that after a more thorough consideration of the subject, the council may change the views indicated by the passage of this ordinance. very respectfully

El Paso Texas July 14th 1883 Signed Joseph Magoffin
Mayor.

A Remonstrance against the ordinance creating six wards within this City & against its passage over the mayors veto & giving various reasons therefore & signed by Mess O.T. Bassett, Chas Davis. C. Q. Stanton, R. W. Smith, Jas Marr, Geo W. Baines & two hundred & forty eight (248) other Citizens, was read, & it was moved & seconded that this Remonstrance be received & filed Carried.

It was moved & Seconded that the Mayors veto (as above) be sustained. The ayes & nayes be ordered. the vote proceeded as follows: Ald Hague "no", Ald Shum "no," Ald Keating "no" Ald Schuster "aye", Ald Blacker "aye". Ald Flood on being called upon to vote, announced himself not ready to vote on the veto & asked for more time, it was then, after several speeches by Citizens & Ald Flood, agreed that the action on the veto as far as had be set aside,

It was moved & seconded, that the consideration the special business of a meeting of this Council July 23" at 8 p.m. 1883, Carried

The reading of minutes of previous meetings was dispensed with

The following petition was then received & read:

To the Honorable Mayor & Council, of the City of El Paso, Texas.

WE the undersigned most respectfully petition your honorable body to open & extend Sonora Street through from the alley, which intersects Blocks fifteen & sixteen to El Paso street & have the property thereby appropriated at once appraised This July 18" 1883 — Signed Joseph Sweeny, C. R. Morehead & thirteen others.

Whereupon the following resolution was introduced:

Be it resolved by the City Council of the City of El Paso:

That the convenience of the general public demands, that Sonora street from El Paso Street to the Alley west thereof be opened for public travel, & that the City Council proceed to ascertain whether or not a just compensation can be agreed upon between the City Council & the owners of the property, necessarily taken for the opening of such street, & that the Committee on Streets grades & C. be instructed to ascertain that fact & report to the Council, & upon the failure to come to such agreement the City Attorney is hereby instructed to begin proceedings in the proper Court, for the condemnation of so much property as will be necessary to open such street.

This resolution being seconded, was passed by the following vote, Aldermen Hague, Shum, Keating, Schuster, Blacker & Flood voting aye, this being six votes cast all in favor of the Resolution the same was declared carried.

The following Ordinance was then introduced by Alderman Blacker from the Committee on Streets grades & C.

An Ordinance, Granting Privilege to J. H. Hampson to construct & maintain on Main Street a Spur Railroad track.

Be it ordained by the City ~~of El Paso~~ Council of the City of El Paso Texas:

Sect. 1. That J. H. Hampson, be & is hereby granted the right, privilege & easement to build construct & maintain for ever a spur Railroad track beginning near the north line of Main street at the South East corner of Lot one (1) in Block one (1) & running westward

parrallel with the south line of said lot (at such a distance from the same as will best facilitate the discharging merchandize from cars standing on said track into stores or warehouses on said lot) thence by a curvature towards the Center of Main street to a junction with the Galveston, Harrisburg & San Antonio Railway Company's main track at the East line of El Paso street, as said spur is laid off & shown upon the plat hereto attached & which is made part of this Ordinance.

Section 2. This Ordinance shall take effect & be in force from & after its passage & approval by the Mayor.

This Ordinance being regularly put on its passage was passed by the Council, all Aldermen voting in favor thereof.

Ald. Blacker also returned, an Ordinance from same Comm. on Report from ~~same Committee~~ City Engineer referred to said Committee on streets, Grades &c. July 26" 1883. on the survey & making of City & setting monuments & stones at intersection of streets was referred to Committee on Finance, Claims & Accounts.

It was moved & seconded that a committee of three Aldermen be appointed to draft Resolutions commemorative of the death of policeman Moad - Carried. & the Mayor appointed Mess Blacker Hague & Blum, said Committee, It was moved & seconded that the widow of the late Policeman Moad be allowed & receive pay for the entire month of July on account of said Moad being killed while on duty. Carried unanimously.

The following was then presented by Alderman N. F. Flood.

El Paso Texas July 6" 1883.

To the Mayor & Council

To the End that the expenses of the City may be cut down, we hereby recommend that the office of Committee Clerk be abolished & the appropriation heretofore made for regular monthly salary as such committee clerk be repealed.

Signed A. Blacker, Benj Schuster, Isaac Blum, Paul W Keating N. F. Flood.

It was moved & seconded that this paper be adopted, carried

It was moved & seconded that the City Clerk receive ($125.00) one hundred twenty five Dollars per month salary in place of fifty Dolls as heretofore, the Aldermen voting, Ald. Hague, Blum, Keating aye Blacker, Schuster & Flood no. being a tie vote the Mayor gave his casting vote in favor of the motion & the same carried.

The assessor & collector presented assessment Rolls for 1883 & the same ordered filed.

The Council then adjourned to Monday July 23" at 8 p.m. 1883.

Attest S. L. Kahn, City Clerk. Approved Mayor.

Council Rooms

El Paso Texas, July 25th 1883.

The Council having assembled on above date & at appointed hour, & the Mayor & the Mayor pro tem, both being absent, On motion of Ald Flood seconded by Ald Schuster, that Ald. Blacker shall take the Chair & preside over this meeting, which motion being put by the City Clerk, was carried & Ald Blacker thereupon took the Chair & called the Council to order, & directed the Clerk to Call the Roll, to wit: His Honor Mayor J. Magoffin, absent. Ald. J. P. Hague 1st Ward, present; Ald J. Ehrn 1st Ward, present; " P. M. Keating 2d " , absent; " O. Schuster 2d " , present; " A. Blacker 3d " , present; " M. J. Flood 3d " , present; City Clerk S. Kahn, present, City Attorney J. A. Buckler, present, Marshal Boring present. The Clerk reported the result of the Roll call as above & the acting Mayor announced a quorum present, for the Transaction of business.

On Motion duly seconded the reading of Minutes of previous Meeting is dispensed with.

City Marshal S. M. Boring presented his report for the month of June 1883. Reporting seventy six arrests made during that month, of which there were 70 convictions - 5 dismissed & one acquitted. There were $308 50/100 fines assessed against said Defendants so convicted, of which $297 50/100 were collected & paid in to the City Treasury & $10 00/100 were worked.

On Motion duly seconded said Report was approved & ordered filed, & that acting Mayor Blacker approve the same.

		$	Cts
The Bill of The El Paso Transfer Co -	for 8 Carriages for Funeral of Thomas Mead	30	00
" " " P. Parker,	for 4 doz Photographs of Doughty, Murderer of Mead	for	8 00
" account of S. M. Boring	for cash paid Frank Hark, for digging grave for	"	6 00
" " " " "	" " " Geo Rand " "	" for Pauper Burrial	8 50
" " " " "	" " " " " "	" " injured by O. Pass Burrial	7 00
" " " " "	" " " " " "	" for moving Office from 1st Nat. Bk building to Armijo bldg	2 25
" Bill of Stribley & Russell	for 1 Cot, Pillow & Comfort -	sick Pauper Bed	5 25
" " L Meyer & Co	" 2 yds Duck to repair Cot of -	" " "	1 30
" acct. of Wm Kesler	for nursing the same Paupers 26 ds.	@ 2.00	52 00
" " " P. C. Dumm	" Meals & ice for 9 days for said Pauper	@ 1.00	9 00
		Total	$ 129 20

Were presented & read & it was moved & seconded that the same be received, approved & paid, & that the sum of One hundred twenty nine Dollars & twenty cents or so much thereof as may be necessary be & the same is hereby appropriated, out of any money in the City Treasury not otherwise appropriated, to pay the same - carried.

The Bill of the El Paso Water Co, for Rental of 24 Hydrants for 3 mos

Ending June 30" 1883 at the rate of $100.00 per year each for $600.00 was then presented & read.

It was moved & seconded that the Bill of El Paso Water Co be paid for the 3 mos. ending June 30" 1883 & amounting to $600.00 & that the sum of Six hundred Dollars be & the same is here by appropriated out of any money in the City Treasury not otherwise appropriated, to pay the same, on which motion the ayes & nayes were called for & the Aldermen voted as follows: Ald Hague "aye", Ald Blum "aye", Ald Schuster ~~"aye"~~ "no" Ald Blacker "no", Ald Flood "aye" — five votes cast, three for & two against the motion & the same was declared Carried.

The following Bills were then presented & were referred to Committee on Finance, Accounts & Claims, to wit

Dr. O.C. Irvin — for assisting in amputating paupers limbs	25.00
Geo Roberson " Repairing jail	2.50
Times Printing Co — publishing Ordinance creating six Wards	18.00
J. Gist, Rent of Building for Jail April, May & June	45.00
Stribey & Russell, Coffin, Hearse, Shroud &c for Officer Wood	95.00
Newton " Andrews, straps &c. for Fire Dep mt.	6.90
F.S. Brower Building House for Hose C # 2 & Repairing other Houses	89.50
A.L. Wolcott 2 days Work assisting City Eng, Surveying St Louis Str	8.00
C.M. Powell " " " " " " "	8.00
S.S. Kahn Cash paid for freight Chgs. on Mayor's Docket	1.00
Do " " " Stamps &	2.15
Fred. J. Miller, New York, Invoice Fire apparatus 60 days from	92.00
P.W. Keating & Co Medicine for Paupers	2.50
Gutta Percha & Rubber Co New York 1000 ft fire Hose 60 days from July 1/83	1070.00
Geo Harris, for Cash paid for Cleaning Streets	2.50
El Paso Water Co — for 23 Hydrants for term Ending Dec. 31, 1882	391.65
" Do Do " " 24 " " " " March 31. 1883	575.00
Wm Kiersky & Co for Coal ½ Ton — for City Hall	4.50
" Do " " " " " " Pest House 12/12 82	4.50
Do " " Stationery by M. W. Carrico	1.25
G. D. Barnard & Co Mayors Docket	9.50
W.A. Irvin & Co for Medicine for Pauper	3.00
L. H. Davis & Co " " " "	29.10
" Do " " " " "	21.45
Total	$2508.00

It was moved & seconded, that the Council meet as a Board of Equalization on assessment for Taxes for the fiscal year of 1883 next Wednesday July 25, 1883 at 10 a.m. Carried

It was moved & seconded, that the City lease for one (1) year with the privelege for the second year, from S. H. Boring, a Room situated in Block 33 on West overland street, for the use of the City, as a City Hall, Council Room Clerks Office & Police Court Room of the Mayors Court, at the monthly rental of thirty ($30.00) Dollars per month. Carried.

Moved & seconded that two acres of ground from J. P. Leahy & wife, be purchased by the City of El Paso for the sum of one hundred Dollars per acre, said land situated in the N. W. corner of survey no 6 El Paso County Texas, for the use as a burrial ground for paupers, said two acres to be selected by the committee on Health, & that the City Attorney draw up the deed for said property. On which motion the vote was as follows: Ald. Hague "aye", ald. Blum "aye" Ald Schuster, "aye" Ald. Keating "aye" Ald Blasker "aye" Ald. Flood "aye" five votes each all in favor of the motion & the same was declared carried

Flood & seconded that a leave of absence be & is hereby granted to Marshal S. H. Boring to September first 1883 Carried

Alderman Hague Chairman of the Ct Committee on Finance & on behalf of said committee then reported back the Ordinance, referred to his Committee July 14." 1883. amended by said Committee as follows & said ordinance being in letters & figures as follows, to wit:

An Ordinance for the Survey of the City of El Paso, the Erection of monuments at the intersection of certain streets, & providing for the compensation of the City Engineer & his assistants.

Be it Ordained by the City ~~of El Paso~~ Council of the City of El Paso, Texas:

Section 1. That A. N. Parker City Engineer is hereby ordered to make the necessary surveys for the purpose of making an accurate and Official map of the City of El Paso and to establish stone Monuments on El Paso St. at the intersection of a line 10 feet from the Centre of said El Paso Street with the Center line of Each and Every Street intersecting said El Paso Street, and also at the intersection of the Center line of Every alternate Street within the following limits viz: Ochoa Street on the East, Sixth Street on the South, Durango Street on the West, and Missouri Street on the North, and throughout the balance of the City in like manner. Said monuments to be placed at a distance of three blocks apart, instead of alternate blocks. Said Monuments to be of hard stone, two feet in length, and not less than ten inches square. Said stones to be placed perpendicular in their proper places with a hole drilled in the top of each stone, said hole to be filled with lead so as to mark the exact spot of intersection of centre lines of streets. Said stones to be buried deep enough below the

surface of the grounds to preclude the possibility of moving or injuring them by wagons or other vehicles. And for such Extra work the City Engineer shall receive besides his regular Salary the sum of Six Dollars per day for Each and Every day he is so Engaged. He shall also be entitled to two assistants who shall receive the sum of Three dollars 50/100 per day Each. payable in like manner as other claims against the City.

Section 2. Said ordenance shall take effect and be in force from and after its passage and approval.

It was moved & seconded that the above ordinance be adopted & passed – which motion was carried.

The following Ordinance was then introduced.

An Ordinance granting permission to the South Western Telegraph & Telephone Company to erect poles & string wires through the streets & alleys of the City of El Paso Texas

Be it ordained by the City Council of the City of El Paso Texas

Section 1. That the south western Telegraph & Telephone Company be granted the right the right to erect its poles in the streets & alleys of said City & to string its wires thereon for the purpose of establishing & maintaining a Telephone Exchange & for other purposes.

Section 2. Said poles to be set under the direction ~~of~~ & approval of a party or parties to appointed by the City Council.

Section 3. The said Company shall commence setting said poles & stringing wires & I. within sixty days from the date said ordinance is passed, otherwise the franchise herein contained to become void.

Section 4. This Ordinance to take effect & be in force from & after its passage & approval.

It was moved & seconded, that this Ordinance be adopted & passed – carried

It was moved & seconded that the City Council now adjourn, carried. The council adjourned

Approved

Mayor

Attest

D L Kahn

City Clerk.

Council Room
El Paso Texas July 25th 1883 8 pm.

The City council met on above date & hour in pursuance of the following call, to wit:

Council Room, El Paso July 25th 1883

To the members of the City Council, City of El Paso:

By virtue of the authority vested in me by the City Charter, I hereby request you to meet in Special session at the City Council Room, at 8 o'clock P. M. of this day, for the purpose of designating an assistant Marshal of the City of El Paso, to act as Marshal of the City during the absence of Marshal Boring in accordance with the leave of absence granted him, on the 23rd day of July 1883

Signed Paul K. Keating
Mayor pro. tem.

The above call having been read, Ald. P. K. Keating Mayor pro tem in the absence of His Honor the Mayor, in the chair called the Council to order & directed the Clerk to call the roll, which resulted as follows. His Honor Joseph Magoffin, Mayor, absent.
Ald. J. D. Hague 1st Ward, present; Ald. L. Blum 1st Ward, present.
" P. K. Keating 2d " present; " B. Schuster 2d " absent.
" A. Blacker 3d " absent. " C. F. Flood 3d " present
City Clerk S. Kahn, present; City Atty J. A. Buckler & Marshal D. T. Boring absent.
A Quorum present & the Council proceeded to business before it.

Moved & seconded to proceed making a nomination of an asst. Marshal of the city of El Paso, who during the absence of Marshal Boring shall act as Marshal, the ayes & nayes being called for the vote resulted as follows: Ald Hague "aye"; Ald. Blum "aye"; Ald Keating "aye", Ald. Flood "aye" four votes cast all for the motion & the same was declared carried.

It was moved & seconded, that Asst Marshal Manning be designated to take charge of the police force of the city of El Paso during the absence of Marshal Boring.
A Call of the house showing that Ald Keating, Blacker & Schuster were absent Ald Blum was called to the Chair & the Marshal ordered to bring in Ald. Keating. The Marshal having returned with Ald Keating he took the chair & the vote on the last motion was proceeded with & resulted as follows: Ald Hague "aye", Ald Blum "aye", Ald Keating "aye" & Ald Flood "aye" - four votes cast all in favor of motion & declared carried
The City Council then adjourned.
Attest S. Kahn City Clerk

Council Room

El Paso Texas, July 28th 1883

The City Council met for its regular Meeting on above date & had assembled & hour, His Honor Joseph Magoffin, Mayor in the chair & directed the Roll to be called by the Clerk, to wit: His Honor Joseph Magoffin, Mayor, present. Alderman J. P. Magne, 1st Ward, present. Alderman S. Blum, 1st Ward present, " P. H. Keating 2d " , present. " B. Schuster 2d " present, " A. Blacker 3d " , present. " N. F. Flood 3d " present. City Clerk L. L. Kahn, City Attorney J. R. Buckler & Marshal S. W. Loring present. All the Aldermaw being present the Council proceeded to transact its business

When the following Message was announced by the Clerk & read:

To the Honorable City Council of El Paso.

Gents, On the 23d day of July 1883, at an adjourned meeting of your Honorable body, an appropriation was made of Two & six hundred dollars, of money in the treasury of the City to pay the bill of Sylvester Watts for the use of 24 hydrants for the period of three months, April, May & June, last, which action on your part I disapprove, & feel that it my duty as the chief executive officer of this city, in behalf of the people, to state. This bill should not be paid because Mr Watts has not complied with his contract with City of El Paso, & the only indemnity or security the City has for the faithful performance of this contract is in withholding the Contract price, which was agreed to be paid by the City for pure Water - for Mr Watts is under no bond, except to the El Paso Water Company, his assignors.

My understanding of that Contract is: that on the 7th day of May 1881 an Exclusive right was granted to the El Paso Water Company to furnish pure water to the inhabitants of the City of El Paso, to both public & private buildings, &c. for fifteen years. provided if there was a failure, or refusal upon the part of the El Paso Water Co to furnish the people of the City with a sufficient quantity of pure water for all convenient & necessary domestic purposes, the grant or franchise shall become forfitted. This franchise was on the 29th day of April 1882 assigned & transferred by the El Paso Water Company to Sylvester Watts, who agreed to carry out the obligations of the Water Company to the City & executed a bond to them for the faithfull performance of their obligations, & the City Council by supplementary Ordinance dated the 5th day of May 1882 ratified & confirmed the assignment & transfer above referred to. The City in this supplementary ordinance agreed to rent for the period of 15 years from the 1st day of September 1882. 25 fire hydrants to be located under the direction of the City Council at the rate of $100. each payable quarterly & that not more than 5 cents per barrel should be

charged to private consumers until the population of the City should increase to 5000 people & C. & that for public Sprinkling purposes Water may be taken from the Hydrants at a cost not exceed 2 cents per barrel of 40 gallons. The tenor of the contract with the Water Company & the supplementary Ordinances shall be, that the controlling features of the Contract is that pure water should be furnished to the inhabitants of the City, that a schedule of rates should be established under the contract & Ordinances, & that no legislative Control was delegated to Mr Watts by the City Council. The language of the ordinance in regard to the quality of the Water is that the "Water Company should furnish pure water to the people — to furnish to the inhabitants of the City of El Paso, & the public buildings; both State, County & Municipal & private houses therein a sufficient quantity of pure water for all convenient & necessary domestic purposes" — the very words of the Contract.

In regard to the Establishment of a schedule of rates & that the City parties with no legislative Control, it is Equaly clear, that a fair construction of the supplementary ordinance would require Mr. Watts to submit to any Ordinance that would not impair his contract rights.

Pure Water has not been furnished the people by Mr Watts, nor is it now being furnished by him in accordance with his obligations to the City. Daily Evidence of this is presented, by the peddling of Water in Water wagons to the people, who pay as much for a bucket full, as Mr Watts is required by contract to deliver a barrel for — And this is done by persons, who are receiving & paying Mr. Watts for Water at the rates he himself has established, & who if the Water was fit for domestic use would not buy from the Water wagons. In addition to this the Board of Trade have earnestly petitioned the City Council that they Establish a schedule of rates, or that Mr. Watts be required to do so, & that Mr Watts be required to maintain two reservoirs, the lower one to contain two millions of gallons of pure water all the time, & only a day or two ago the only daily newspaper in the City called attention to the fact, that the water furnished by Mr Watts was not pure water. If this then be true, that Mr Watts is not furnishing pure water to the City, has not Established a schedule of rates rates. & claims, that he is not subject to the legislative control of the City in this & other regards, the only remedy upon the part of the City is to withhold any payment to him, upon any account until he complies with his part of the contract. This I claim the City can lawfully do as a contracting party without saying anything about its legislative powers, & without laying its self liable to the charge of repudiation.

Personally, I desire this matter adjusted on just terms, & the step I have taken in interposing this veto is the only way in my opinion to bring about such an adjustment. I therefore veto the ordinance or resolution to pay Mr Watts bill of $600 for the months of April, May & June last

El Paso Texas
July 28th 1883

Very Respectfully
Signed Joseph Magoffin Mayor

moved by Ald. Flood & seconded by Ald. Blacker, that the veto be received & filed: & the Alderman voted on this motion as follows; Ald. Hague "no" Ald. Blum "no" Ald. Keating "no", Ald Schuster "aye" Ald. Blacker "Aye" Ald. Flood "aye" six votes three for & three against the motion a tie, & the mayor gave his casting vote in favor of the motion & declared the same carried — & the veto message ordered received & filed accordingly

It was moved by Ald. Hague & seconded by Ald. Flood, that the appropriation of six hundred Dollars passed in favor of Sylvester Watts July 23 83 be ordered pair notwithstanding the Mayors veto: on which the vote was as follows: Ald. Hague "aye" — Ald Blum "aye" — Ald Keating "no" — Ald. Schuster "no" Ald. Blacker "no" Ald Flood "aye" — six votes cast, three for & three against this Motion — Lost for want of the necessary two third vote of Alderman elected to pass said appropriation over the veto.

The following Message from the Mayor, was then announced by the Clerk & read:

To the Honorable City Council:

It appears by certain documents now in the possession of the City Clerk of the City of El Paso, that on the evening of Wednesday 25th of July 1883 there was a pretended special meeting of the City Council of said City & that at said pretended special meeting a resolution was adopted providing for the appointment of J. L. Manning to assume control of the police force during the absence of Marshal Boring under leave of absence granted said Marshal on the 23d day of July 1883.

Regarding my solemn obligation as Mayor of said City & with all due respect for the opinions of the honorable Councilman who were present at said pretended special meeting I take this opportunity of Expressing my opinions first with regard to said meeting & secondly with regard to the said resolution passed & adopted thereat.

Said pretended special meeting was held pursuant to a call signed by Paul W Keating ~~claim Ed to be vested in~~ by virtue of authority, which the said Paul W. Keating claimed to be vested in him & said call was in writing & signed by said P. W. Keating as Mayor pro tempore of the City of El Paso & was dated July 25th 1883. On the 25th day of July 1883 was not Mayor pro tempore of the City of El Paso Texas & had no authority either vested or otherwise to issue said call. Sec 91. of the act of incorporation declares, that in case of the temporary absence or illness of the Mayor or in case of vacancy in the office of Mayor, the Councilman chosen to act as Mayor, shall have like power with the Mayor to try all cases of the violation of the City ordinances & it shall be his duty to do so. The question presents itself here could Paul W. Keating have acted as

Mayor to call a special meeting of the City Council as provided for in Section 19 of said act of Incorporation. Said Sec. 19 provides that the Mayor may of his own motion call special meeting of the City Council. On the 25th day of July, 1883 I was here in the City of El Paso, ready & willing to officiate as Mayor of said City, & what reason is there for supposing that Paul W. Keating had been chosen at all to act as Mayor either lawfully or unlawfully at the time he issued said call for said special meeting of said Council. There was sure ly no vacancy in the office of the Mayorality either temporary or permanent to be filled by the said Paul W. Keating.

To be brief as I understand the said act of incorporation, this City Cannot have two acting Mayors at the same time & any call for a special meeting, such as the call heretofore referred to - issued by any one by virtue of any pretended authority vested in him as Mayor pro tempore of said City of El Paso on the 26th day of July 83 was simply of no force & effect & altogether contrary to the very act which constitutes or exists one.

To conclude it was manifestly contrary to section 81. of said act of Incorporation for the Council of the City of El Paso to declare at any meeting whether regular or irregular, lawful or unlawful, that J.L. Manning should assume control of the police force of said City of El Paso, for by said act of incorporation it is especially declared, the Mayor of said City shall have superintending control of the police force of said City, & in fact of all the officers of said City, & to declare by a resolution or otherwise that a stranger may usurp his authority is to favor a trespass upon his rights & upon the rights of the people that will not be tolerated. Very respectfully

El Paso Texas, July 28th 1883

Signed Joseph Magoffin
Mayor

Moved & seconded that the Mayor's protest as above recorded be received & filed - carried.

The following message from the Mayor was then read by the Clerk.

To the Honorable Council of the City of El Paso:

By virtue of the authority conferred on me by the Charter of the City I hereby appoint as Judges of election in the respective Wards the following named gentlemen to wit:

Judges of Election in the first Ward - J.P. Dietz & Solomon Schutz
in the Second Ward, J.A. Merrill & Theo Berliner
in the Third Ward, J.P. Harrison & C.D. Stanton

which appointments I respectfully submit to your Honorable Body for confirmation, Dated this 28th day of July 1883

Moved & seconded that the message of the Mayor appointing Judges for the Ensuing City Election, be received & placed on file, carried

The City Attorney then presented the following deed, as previously instructed, to wit:

The State of Texas }
County of El Paso } Know all men by these presents; That we—
John B Leahy & Barancia Leahy his wife of El Paso, County, & State of Texas for & in consideration of the sum of two hundred Dollars to us in hand paid, receipt whereof is here by acknowledged, have bargained, sold, released & conveyed & by these presents do bargain, Sell, Release, Transfer & Convey unto, The City of El Paso, of El Paso County & State of Texas in fee simple, the following described tract or parcel of land to wit: Situated in the County & State aforesaid & described as follows to wit beginning at a large stone, standing at the North West corner of survey no 6 in said County & running thence east along the north line of survey no 6. 295 16/100 feet to a stake, thence south 295 16/100 feet to a stake, thence west 295 16/100 feet to a stake standing on the west line of survey no 6; thence along said west line north 295 16/100 feet to the place of beginning containing— two acres— to be held by said City of El Paso as a burrial place or Cemetery for the interment of paupers or other persons should they see cause to inter others therein, together with all & singular the rights, members, hereditaments & improvements to the same belonging or in any wise incident or appertaining thereto, to have & to hold, all & singular, the premises above mentioned unto the said City of El Paso forever. And We do hereby bind ourselves our heir & legal representatives, to forever warrant & defend, all & singular, the title to the above mentioned premises unto the said City of El Paso against Every person or persons whomsoever lawfully claiming or to claim the same or any part thereof. In testimony where of we hereunto set our hands this the 28 day of July A.D. 1883

signed J. B. Leahy. Barancia Leahy.

the signatures to this deed are duly acknowledged in person before M. F. Pallerson Notary Public.

It was moved & seconded that this deed be accepted & that the sum of two hundred dollars be & the same is hereby appropriated to pay for the two acres of land on which the plat was as follows: Ald Hague, Blum, Keating, Shuster, Blacker & Flood voted aye carried— unanimously

Ald Flood called up resolution on opening of Sonora Street through Block 15 from Alley to El Paso Street, & he moved, which motion being seconded, was that the Committee on Streets & Grades &c be excused from the further consideration of this matter & the same be referred to the Finance Comm. – Ald Hague, Blum, Keating voting no Ald Schuster Blacker & Flood aye – a tie vote & the Mayor gave his casting vote against the Motion & the same was lost.

The Committee on Finance Claims & accounts returned the following bills to wit:

Gen'l. Barnard VC, Mayors Docket	9.50
Newton & Andrews account for Fire Dept'mt.	6.90
S. L. Kahn Cash, for stamps, Exchge on Drafts, discount on Drft & Express Chgs	3.15
G. S. Brower, Work on Fire Dept'mt Houses	89.50
Herald Publishing Co 150 Copies Constitution & By Laws	18.00
Mann & Sutherland, Cil. Matches Bucket & Rope	13.75
El Paso Daily & Weekly Times, 6 Ward Ordinance 12 inches @ 1st	18.00
J. Fisk Rent of jail 3 mos. to June 30-82	45.00
Chas Cline Repairing Fire apparatus	25.10
	$278.90

We the Finance Com. recommend that the above bills be paid. signed Hague Chairman.

Moved & seconded that this report be adopted & the sum of $278.90 be appropriated from the City Treasury or so much thereof as may be necessary to pay the same – carried by the following vote, Ald Hague, Blum, Keating, Schuster, Blacker & Flood "aye" – No votes

The following report from Comm. on Finance &c on report of Comm on Streets &c. on application of Assessor & Collector Ashford on Plat Book – was received as follows: No actions seems to be necessary on this report –

signed Hague Chairm.

moved & seconded to postpone indefinitely the consideration of the report of Comm. on Streets &c filed May 26th 1883 – on application of Assessor & Collector Ashford, on correcting Block Book of the City – Ald Hague, Blum Keating & Schuster aye – Ald Blacker & Flood no – Carried –

The Report of City Treasurer Dollard received & referred to Committee on Finance &c.

The Report of City Assessor & Collector, Ashford, also so referred.

The Bill of J. A. Ashford 11 Cash book 3.75 Poll Bk 1.00 each Bk 1.00 $5.75

It was moved & second that the same be ordered paid without reference. Carried & amount was regularly appropriated.

The Bills of Irvin & Co. July 25 1883 Mdc. & Stationery were referred back to them for corrections.

The following bills were presented & read & referred to Comm on Finance &c.

C.M. Powell-	7/25-	1 Day on survey of Texas St	3.50
	7/27	2 " setting Monuments on El Paso St.	7.00
		Total	10.50
A.L. Walcott	7/25	1 Day on survey of Texas St	3.50
	7/27	3 " setting Monuments on El Paso St.	10.50
		Total $.	14.00

The City Council then Adjourned to Monday July 30 1883 8 P.M.

Approved

Mayor

Attest
D. L. Kahn
City Clerk

Council Room

El Paso Texas July 30th 1883

The City Council met pursuant to adjournment His Honor Joseph Magoffin in the Chair who called the Council to order & directed the Clerk to call the Roll which resulted as follows: His Honor Joseph Magoffin Mayor, present. Aldermen Hague, Blum, Keating, Schuster, Blackwood present. City Clerk Kahn, City Attorney Buckler & Asst Marshal Harris present.

The Mayor announced a Quorum present.

It was then moved & seconded that the Council adjourn, carried

Approved

Mayor

Attest
D. L. Kahn
City Clerk

Council Room

El Paso Texas August 11th 1883

The City Council met for its regular meeting on above date & appointed hour His Honor Joseph Magoffin in the Chair who called the Council to order & directed the Clerk to call the Roll, & roll: His Honor Joseph Magoffin, Mayor, present;