Regular Meeting, Friday, October 3d 1890.

Council Chamber, City Hall, El Paso, Texas.

The City Council met in regular session at 8 p.m. Friday, October 3d, 1890. Present Mayor Richard Caples and the following aldermen: M. B. Davis, J. P. Dieter, Dan Kelly, H. M. Kingsbury and Louis Papin, 5. Absent Jas. W. Magoffin, W. B. Merrick and A. Solomon.

The minutes of the last regular meeting of September 26th, and of the adjourned meetings of September 27th and 29th were read and approved.

The following report of the Assessor and Collector was read and ordered filed:

September Statement, Assr & Collector.

Receipts, from Occupation licenses, Sep. 1, to 30, 1890.	714 50		
" " Dog licenses, " " "	5 "	719 50	
" " Sewer permits, " " "		30 00	749 50
Less five per cent commissions.			37 47²
Settlement by Treasurer's receipt No. 259 - Spl fund, $683.52 - Sewer fund $28.50 =			712 02²

(signed) Z. F. Merrill, Assr & Coll.

The following report of the Chief of Police was read and referred to the Finance Committee:

September Statement of Collections made by Chief of Police.

From fines (Vagrancy) imposed in the Recorder's Court Sep. 1st to 30, 1890	224 "
" " (Selling Lottery Tickets) " " " "	40 "
" " (Miscellaneous) " " " "	143 50
" Ball permits given by Chief of Police.	60 "
Settlement by Treasurer's receipt No. 260.	467 50

Chairman Papin of the Finance Committee reported the following bills favorably:

Names.	No.	Purpose.	Fund.	Amt.
Charles E. Fruin,	838	Jail door and stretcher	General	10 45
"	839	Survey stakes &c for City Engineer.	"	12 57
J. L. Campbell,	840	Engineer's Assistants	"	5 25
Mrs W. H. Kingsbury,	841	236 meals to prisoners for Sep. 1890.	"	47 20
Times Publishing Comp.	842	Official printing, " " "	"	19 02
William Cameron & Co.	843	Lumber for Street work	"	2 "
C. W. Fassett,	844	Telegrams and exchange on $1500.00	"	5 85
A. K. Albers & Co.	845	12 Rolls W. C. paper,	"	2 50
El Paso Transfer Co.	846	Teams & Carriages (Prof. Hill)	"	50 "
W. H. Watts,	847	Sept allowance for Plaza Labor.	"	50 "
El Paso Water Company	848	Flushing 15 tanks, for Sept. '90 @ 6.00	"	90 "
" " "	849	Water furnished at Sewer Station	"	13 20
" " "	850	44 Hydrants, quarter ending Sep. 30.	"	910 "
James Marr,	851	Writing up ad. for Frank Leslie's Tex. edition	"	37 50
Ice & Refrigerator Co.	852	Ice for City Hall for Sep.	"	4 80
H. F. Stacy	853	Scavenger work for Sep.	"	11 50
E. E. Russell,	854	2 days Stenographic work, Comerford case.	"	20 "
J. B. Payne,	856-855	Sprinkling around plaza Aug and Sep	"	20 "
Star Stables	857	Saddle Horse &c for Chief of Police	"	3 25
D. McKenzie	858	Rent of City Hall,	"	223 98
El Paso Transfer Co.	859	Team on buggy for Mayor.	"	3 "
Wesley Owens,	81	Blacksmithing	St. Maintenance	9 25
Chas. E. Fruin,	82	2 aprons for street crossings	"	9 50
Henry Beneke,	83	Shovels, picks and nails for Street work	"	6 10
El Paso Transfer Co.	84	Teams and Wagons for Street work.	"	96 "
M. C. McGlennon,	89	Pay Roll, Sewer Comr	Sewer	33 "
El Paso Water Co.	90	Water pipe, stop cocks &c.	"	20 10
M. D. Campbell,	91	Material and work on Sewer Extension.	"	14 50
El Paso Foundry & Machine	92	3 cast Iron man hole covers.	"	45 "
Henry Beneke,	93	Sewer Extension material	"	303 20
El Paso Transfer Co.	94	Team, Wagon &c for sewer work.	"	7 25

The Finance Committee also reported as follows:

El Paso, Texas, October 3d, 1890.

To the Hon. City Council

Gentlemen: Your committee has examined the petitions of Newman & Russell, H. D. Lockwood and L. M. Sheldon, asking the issuance of duplicate warrants as follows: Nos. 215, $86.67; 216.00 $86.66 1887, General fund, favor of Newman and Russell; No. 3, $12.60, Jan. 1890, A. Schlop, Acequia fund. No. 205 General fund, $16.67, L. M. Sheldon. None of these warrants have been paid by the Treasurer, and we recommend that duplicates issue to the holders upon giving bond approved by the Council for double the amount claimed. The petition of T. B. Leahy we recommend be rejected. A duplicate in the Clerk's Office, endorsed by Mr Leahy and marked across the face "cancelled" would make it appear that he has renounced all claim to the amount.

Respectfully, (signed) Louis Papin, Chairman.

The report of the committee was approved and the recommendations adopted.

Regular Meeting, October 3d, 1890. Continued.

Acting Chairman Davis of the **Streets and Grades Committee** reported back the bids of B.E. Major, H.H. Briggs and the El Paso Transfer Co. to furnish teams and labor for street work, with a recommendation that the following bid of B.E. Major be accepted:

El Paso, Texas, September 26th 1890.

To the Hon. City Council.

Gentlemen: I will furnish teams for street work in the City of El Paso for the ensuing six months for the following prices:

One Team and driver, and two wagons and one plow for four dollars ($4.00) per day, or
One Team and driver and one scraper and one wagon for three and a half dollars ($3.50) per day
All extra teams at the rate of three and a half dollars, ($3.50) per day for team and driver with one wagon, or four dollars ($4.00) per day for team and driver with two wagons. (Signed) B.E. Major.

The bid of B.E. Major was accepted.

Bills and Communications

The regular Weekly pay-roll of Sewer Commissioner McGlennon for $33.00 was approved.

Also, pay-roll of Street Commissioner Hudson, amounting to, $58.50, both for week ending Oct. 4.

On motion of Alderman Kelly the Streets and Grades Committee was directed to pass upon the pay rolls of the Street Commissioner in future.

Further time was granted the Special Committee on Artesian Water to select a site for boring.

Consideration of bids for painting in the plaza was deferred one week.

There being no further business the Council adjourned.

G.E. Bovee, City Clerk

Approved:

Richard Coffee Mayor.

Regular Meeting. Friday. October 10, 1890.

Council Chamber, City Hall, El Paso, Texas.

The City Council met in regular session at 8 p.m. Friday, October 10th. A. D. 1890.
Present: Aldermen M. B. Davis, J. P. Dieter, Dan Kelly, Jas. W. Magoffin, M. B. Merrick, Louis Papin and Adolph Solomon, 7. Absent. H. Mc. Kingsbury. And Mayor Richard Caples.

On motion of Alderman Davis, Alderman J. P. Dieter was elected Acting Mayor.

The minutes of the last regular meeting (October 3d 1890.) were read and approved.

The following report of the City Engineer was read and referred to the Streets and Grades committee.

El Paso, Texas, October 10th, 1890.

To the Hon. City Council,
Gentlemen: The street crossing and flume at Mesa Avenue and Saint Louis street are finished by contractor (M. Rollins) as per contract and have my approval. The cost of same is

1625	10 square feet of stone at 65 cts per foot.	1056 25
36	feet of curbing at 80 cents per foot.	28 80
89 2/12	feet of Oak lumber, B.M. at 1½ cents per foot	1 32 72
	Total.	287 15

(Signed) T. L. Campbell, City Eng.

The report of the Street commissioner showing work done on Mesa Avenue and North Stanton st. during week ending Oct. 11th, and cost of same amounting to $76.00 was read and having been passed upon favorably by the Streets and Grades committee, was approved by the Council and warrant on the Street Maintenance fund ordered in payment of the same.

Chairman Magoffin of the **Police Committee** read the following, report which was adopted.

El Paso, Texas. September 26, 1890

To the Hon. City Council.
Gentlemen: In the case of one Mackaye, et als, against Captain David complaint hereinto attached, your Police Committee have to report that after hearing all the evidence submitted we recommend that the charges be not sustained

Respectfully, (Signed) J. W. Magoffin, Chm, Dan Kelly, L. Papin, com.

Chairman Dieter of the **Fire and Water Committee** reported unfavorably upon the petition of Thomas Bann for permission to remove building from corner of Main and El Paso streets to Block No. 140 Campbell Addition. The report was adopted.

Chairman Solomon of the **Streets and Grades Committee** reported in favor of accepting the balance of Sidewalk work done by J. E. Perry and accepted by the city engineer in his report of September 5th 1890. The report was adopted and the city clerk instructed to prepare the necessary assessment certificates and turn the same over to the treasurer for collection.

Action was taken upon the following **Bills and Communications**:

The regular weekly pay roll of the Sewer commissioner, amounting to $27.00 was allowed.

The bill of Wells, Fargo & Co. for express charges on bonds sent to the Chemical National Bank, New York, amounting to $50.40 was read and ordered to be paid from the General Fund.

A communication from W. M. Coldwell, City recorder, requesting the Council to pardon Joe Benton sentenced to pay a fine of $101.00 or serve 101 days, for carrying concealed weapons, was read and the request granted.

On motion of Alderman Papin the Chief of Police was instructed to release the prisoner.

Alderman Solomon said that a question had come up in reference to the right of the city to apply property on one street for improvements made upon another street. Referred to the City Attorney.

The following ordinance was read and adopted by the following vote: Yeas: Davis, Dieter, Kelly, Magoffin, Merrick Papin and Solomon, 7. Nays. none. Absent H. Mc. Kingsbury.

No. 22-X

An Ordinance
To Repeal an Ordinance Entitled "An Ordinance Relating to Dangerous Buildings. Approved Mar. 25, 1890.

Regular Meeting, October 10, 1890 Continued.

Section I Be it ordained by the City Council of the City of El Paso,
That an Ordinance entitled an "Ordinance Relating to Dangerous Buildings", approved March 25th, 1890, be, and the same is hereby repealed.

Section II Be it further ordained that this ordinance take effect and be in force from and after its passage.

The Acting Mayor was authorized to appoint as many special policemen to serve on Saturday night during the stay of the circus, as to him might seem advisable.

On motion of Alderman Davis Park commissioner Watts was authorized to contract with P. A. Keller to do the work needed in the park, including the painting of all the new seats, for the sum of $90.00, he being the lowest bidder.

The matter of digging a ditch along the base of the Mesa on the North side of the city in accordance with the report of the city engineer was referred to the city attorney for his opinion as to the legal right of the city to construct the same.

The following petition was read and referred to the Streets and Grades Committee.

El Paso, Texas, October 3d, 1890.

To the Hon. City Council,

Gentlemen: We, the undersigned petitioners hereby petition your honorable body that you order the grading and graveling of Third street from its intersection with the East line of Chihuahua street, said work to be done according to the specifications prepared by the City Eng.

(signed) Coffin and Seeton, A. W. Spencer, Jack White

There being no further business the Council adjourned.

G. E. Boyce,
City Clerk

Approved
Richard Caples Mayor.

Regular Meeting, Friday, October 17th 1890.

Council Chamber, City Hall, El Paso, Tex.

The City Council met in regular session at 8 p.m. Friday, October 17th, 1890. Present: Mayor Richard Caples and the following alderman: M. B. Davis, Dan Kelly, H. M. Kingsbury, Jas. W. Magoffin, W. B. Merrick, Louis Papin and A. Solomon, 7. Absent: J. P. Dieter, 1

The Acting City Attorney made the following report:

El Paso, Texas, October 4th, 1890.

To the Honorable City Council,

Gentlemen: I herewith hand to you the Bond of Indemnity executed by W. B. McLachlen, Executor of the Estate of George Baggs, deceased, to secure the City against any loss or damage that may result in consequence of a duplicate warrant for $49.38. I have carefully examined such bond and find it sufficient in form, etc.; and therefore recommend that the duplicate warrant issue.

(signed) H. B. Barnhart, Acting City Attorney.

The bond was approved and the duplicate warrant ordered.

The following opinion of the City Attorney on the subject of Sidewalk and Street Assessments was read:

El Paso, Texas, October 5th 1890.

To the Hon. City Council

Gentlemen: In reply to your request asking a construction of the City Charter as to whether the cost and expense of making sidewalks along the sides of lots fronting on other streets than that upon which the improvements are to be made should be paid by assessment on the adjacent lot only, or on the entire property to the center of such block, I will say:

First: Section 137 of the City Charter is as follows: "The city shall have power to extend, vacate, open, widen, grade, pave, macadamize or otherwise improve and keep in repair in any manner that they may deem proper, any street, alley, sidewalk, avenue, or lane within the limits of the city, and to defray the cost and expense of such improvements, or any of them. The Council shall have power to levy and collect special taxes upon the lots and pieces of ground adjacent to, or abutting upon the street sidewalk, alley, avenue or lane thus opened, widened, extended or improved, or to be improved or extended as aforesaid."

This article gives the Council ample power to improve streets, sidewalks, etc. and to levy a special tax on the lots or pieces of ground adjacent thereto, or abutting thereon, but is not clear as to what should be considered as adjacent lots to such street or sidewalk which does not abut thereon. The matter, however, is made plain by the succeeding article which is as follows:

Section 138. "Such taxes shall be levied on all the lots and pieces of ground to the center of the block fronting on, or adjacent to the improvements made and extended along the street or streets, sidewalks,"

Regular Meeting, Friday, October 24, 1890.

Council Chamber, City Hall, El Paso, Texas.

The City Council met in Regular Session at 8 p.m. Friday, October 24th 1890; Present: Mayor Richard Caples and the following aldermen: M. B. Davis, T. P. Dieter, Dan Kelly, H. M. Kingsbury, Louis Papin and Adolph Solomon. Absent. W. B. Merrick and J. W. Magoffin.

The minutes of the last regular meeting, Oct. 17th, 1890, were read and approved.

The following report of the Acting City Attorney was read and ordered filed.

El Paso, Texas, October 24th, 1890.

To the Hon. City Council

Gentlemen: In reply to your resolution adopted at the last meeting of the Council (Oct. 10) asking the City Attorney if the City has the legal right to construct or open a ditch along the base of the Mesa through the Northern portion of the city and extending East for the purpose of carrying East the water from the Mesa, I will respectfully state: That section 57 of the City Charter gives the city, to be exercised by the Council, full power and exclusive control over the streets and alleys of the city, and to establish the channels of any ditches or water courses within the limits of the city, when the health, safety or convenience of the City demands that such a ditch be opened. I am of the opinion that the city has the right to open the ditch now under consideration, and to place it on any of the streets of the city.

Very Respectfully. H. B. Barnhart, Acting City Attorney.

The report of C. W. Fassett, City Treasurer, showing receipts and disbursements from July 1st to October 18th 1890 was read and referred to the Finance Committee

Chairman Solomon of the **Streets and Grades Committee** reported favorably upon the petition of Messrs Coffin & Seeton, A. W. Spencer and Zack White, to grade and Gravel Third Street, and presented the following resolution, which was unanimously adopted:

Resolved: by the City Council of the City of El Paso, That it is deemed necessary to Grade and Gravel Third Street from its intersection with the West line of El Paso street to its intersection with the East line of South Leon Street.

Chairman Solomon also presented the following resolution, which was adopted:

Resolved: by the City Council of the city of El Paso, That it is deemed necessary to construct a tar and gravel sidewalk on the North side of St Louis street from its intersection with North Kansas street, West to the Alley in Block No. 10, Mills map

Bills and Communications

The regular weekly pay roll of the Sewer Commissioner was read and approved for $33.00

The regular weekly pay roll of the Street Commissioner was read and approved for $59.00

The bond of A. Schloss given to secure the city against loss on account of the issuance of duplicate warrant No. 3, Acequia fund, for the sum of $12.60, favor of A. Schloss, was approved.

A petition signed by T. J. Beall, Wyndham Kemp, M. W. Stanton, Newman, Russell and Coles, Campbell Real Estate Co., J. F. Crosby, William Crosby, Estate of P. B. Watson, O. T. Bassett, H. R. Wood and W. E. Neel, asking that an Electric Light be placed at the intersection of St. Louis and North Kansas Street, was read and referred to the Committee on Fire and Water and Street Lighting.

A petition from Mrs Rosina Stely, asking permission to pile a quantity of "bricks in the alley in the rear of houses on Florence street, bounded by Texas and St Louis streets." The request was granted until such time as the council may notify her to remove the same.

A petition from George V. Stultz, asking for a quit claim deed to property erroneously sold to the city for taxes by J. Geo. Hilzinger, then Assessor and Collector of taxes. Referred to the Assessor and Collector.

On motion of Alderman Papin the Council adjourned.

Approved

Richard Caples Mayor.

G. E. Boyce

City Clerk

Regular Meeting, Friday, October 31st 1890.

Council Chamber, City Hall, El Paso, Texas.

The City Council met at 8 p.m. Friday, October 31st, 1890, in regular session. Present: Mayor Richard Caples and the following alderman: J. P. Dieter, Dan Kelly, Jas. W. Magoffin, W. B. Merrick, Louis Papin and Adolph Solomon. Absent: M. B. Davis and H. M. Kingsbury.

The minutes of the last regular meeting (Oct. 24, 1890) were read and approved.

Reports of City Officers.

The Assessor and collector made the following report on the petition of G. H. Stultz:

To the Hon. City Council, El Paso, Texas. October 31st 1890.

Gentlemen: I beg to report as follows on the petition of G. H. Stultz, referred to me at the last Council meeting. The petitioner gave the Assessor the inventory of his taxable property for 1888, signed and sworn to by himself, and did not render any real estate. The Assessor was not in error in listing lots 16 to 20 of Block 073, Magoffin's Addition, on the unrendered, unknown owner list. It was his duty to do so, and to sell the same if not paid. But the Assessor was in error in assessing part of Block 207 Campbell Addition to the said petitioner, as it never belonged to him. Petitioner is also in error in his statements, for neither he or his Agents have ever rendered lots 16 to 20, Block 73 Magoffin's Addition. The above lots were sold for taxes of 1888 and 1889, and are on the unrendered list for 1890. The City is out the taxes and costs since 1888, through the negligence of Mr Stultz or his Agents, for which he should stand the loss, and not the City.

I would recommend that Mr Stultz be allowed credit on redemption deed for the amount paid by his agt. on property erroneously assessed to and paid by him, amounting to $9.00. The taxes were paid on the same property, by a second party.

Respectfully, Z. F. Merrill, Assessor and Collector.

On motion of alderman Dieter the report was received and the recommendations ordered carried out.

Chairman Papin reported the following pay roll for the month of October, 1890.

Names	No.	Office	Fund	Amt	
Richard Caples	860	Mayor	General fund	100	"
J. P. Dieter	861	Alderman 1st Ward	" "	25	"
W. B. Merrick	862	" "	" "	25	"
Dan Kelly	863	" 2d "	" "	25	"
Jas W Magoffin	864	" "	" "	25	"
M. B. Davis	865	" 3d "	" "	25	"
H. M. Kingsbury	866	" "	" "	25	"
Louis Papin	867	" 4th "	" "	25	"
A. Solomon	868	" "	" "	25	"
W. M. Coldwell	869	Recorder	" "	125	"
Leigh Clark	870	City Attorney	" "	125	"
Chas W. Fassett	871	" Treasurer	" "	50	"
J. L. Campbell	872	" Engineer	" "	83	33
W. M. Yandell	873	" Health Physician	" "	135	"
T. C. Lyons	874	" Chief of Police	" "	150	"
				968	33
Angel Torrero	313	Keeper, Pest House	Special fund	30	"
George E. Bovee	314	City Clerk	" "	125	"
C. B. Dowd	315	Captain of Police	" "	100	"
C. R. Helm	316	Policeman	" "	75	"
T. W. Johnson	317	"	"	75	"
T. C. Lutterloh	318	"		75	"
T. R. Heustis	319	"		75	"
J. M. Kinne	320	"		75	"
Santiago Alvarado	321	" (Mexican @ $50. per month)		50	"
Chas. Westbrook	322	" (Special, one day Nov. 4.)		2	50
J. P. Moran	323	(Special 2 days 4th & 5th)		5	"
				687	50
A. Hudson	89	Spl policeman detailed as St. Commissioner	St. Maintenance	50	"
M. C. McGlennon	99	Sewer Commissioner	Sewer fund	75	"
		Total		1780	33

The pay roll was approved and warrants ordered in accordance with the same

Bills and Communications.

Alderman Magoffin of the Second Ward reported in favor of paying the bill of B. E. Major amounting to $20.00 for Street work done by him. The report was approved and warrant ordered street fund

The regular weekly pay roll of the Sewer Commissioner, amounting to $20.25 was ordered paid.

The pay roll of the Street Commissioner, amounting to $60.00 was also read and approved

The bill of the City Engineer showing amounts due the following persons for assistance was approved: P. A. Keller, $2.50; Serafio Sancho, $3.00; J. R. Krater, $4.50; Rollins Drugg, $1.50; Tom Ramirez, $5.00 and Ed. Lawrence, $2.00, making a total of $18.50.

Regular Meeting. October 31st, 1890. Continued.

The petition of Joseph Schutz and others protesting against grading and graveling the "alley lying between Santa Fe and El Paso streets, was read and on motion of Alderman Merrick, tabled, the 20 days limit in which to file a protest having expired.

A communication from J. W. Churchill returning contract for boring Artesian well and declining to sign the same on account of financial difficulties, was read and ordered filed.

A telegram to the mayor from J. P. Miller & Co., Well borers, expressing a desire to bid on putting down Artesian well, was read and referred to the Special Committee on Artesian Water with power to act as they may deem best.

A communication from M. Rotunno asking to be reimbursed for 1520 feet of oak lumber at 17 cents per foot, remaining on hand on account of reduction in the number of flumes contracted for to be used in connection with street crossings, was read and referred to Fin. Com.

A communication from the Assessor and Collector informing the council that the tax rolls for 1890 are ready for the Board of Equalization was read.

On motion the Council decided to meet as a Board of Equalization on Thursday, November 6th at 7-30 p.m.

The following petition was read and referred to the Streets and Grades Committee:

El Paso, Texas, October 18, 1890.

To the Hon. City Council.

Gentlemen: The undersigned citizens and property owners in Block 30, Mills Map, El Paso, Texas, respectfully petition the City Council that the alley in said block, which is now closed for some distance, at its intersection with Sonora Street, be opened by the city so as to afford an unobstructed passage between San Francisco and Sonora streets.

(signed) J. Schwingle, W. H. Ratenbury, Joseph Schacher, Mary H. Mills, Campbell Real Estate Co. by Newman, Russell & Coles.

The bids of A. L. Roy and B. F. Grover for Grading Mesa Avenue and the bid of H. H. Briggs for Grading and Graveling South Stanton street were read and referred to the Streets and Grades Com.

Alderman Dieter offered the following resolution which was lost by the following vote: Yeas, Dieter, Merrick and Papin, 3. Nays, Kelly, Magoffin and Solomon, 3. The vote being a tie Mayor Caples voted Nay

Resolved: That the office of Special policeman, acting as Street Commissioner, and the office of Sewer Commissioner are hereby declared vacant and that all work on the streets cease until such time as suitable arrangements can be made for auditing all bills for such work.

Alderman Papin offered the following resolution which was adopted:

Resolved: That all bills for work done under direction of the Street Commissioner and Sewer Commissioner be not allowed until audited by some committee to be designated by the Mayor.

On motion of Alderman Merrick the City Clerk was instructed to notify the El Paso Water Company to open the Acequia between the head gate and a point opposite the Old Santa Fe pumping station in compliance with agreement of October 28th 1890.

The council then adjourned to meet as a Board of Equalization at 7-30 p.m. Monday, November 10th, 1890.

Approved

Richard Caples Mayor.

G. E. Dover,

City Clerk