

Council Room

Tuesday 5<sup>th</sup> July 1870 5 O'clock

City Council met pursuant to a special call

His Honor Leader Brown Mayor in the Chair.

Roll called and the following Aldermen were present:

Alderman Besant, Baker, Palm, Barnes, Donschke and  
Etc

The Ordinance introduced in reference to Houses  
of ill fame, was taken up and read on motion seconded  
and carried, the 5 Section was struck out - Section  
Six was also on motion seconded and carried struck out

The Ordinance thus amended was then passed to  
second reading - Rules were suspended and  
the Ordinance as read was then put on its third  
and final reading, and was adopted by a unanimous  
Vote

Alderman Baker was excused from further  
attendance at this meeting

City Ordinance

Be it Ordained by the City Council of the City  
of Austin

Sec 1

Any House, room or part of a building within the  
limits of said city, kept or used for the purpose of  
prostitution, or as a common resort for prostitutes, or a  
bawdy <sup>house</sup>, within the meaning of this Ordinance, and a  
bawdy is hereby declared to be common nuisance

2.

Any person who shall keep a bawdy house, as defined  
in the first section of this Ordinance, shall be deemed  
guilty of a misdemeanor, and, on conviction thereof, shall  
~~be punished for the offence~~, by fine of not less than  
fifty dollars, nor more than one hundred dollars, and,  
in addition thereto, <sup>be</sup> imprisoned in the city prison  
for a period of not more than ten days; and, on conviction  
for the second and each subsequent offence, of the same  
nature, shall be punished by fine of one hundred dollars,  
and imprisonment in the city prison for the period of  
fifteen days.

3.

On the trial of any person charged with the violation  
of section second of this Ordinance, such person shall be  
deemed prima facie guilty, if proof be made, that the person  
charged is a prostitute, and is the keeper of a house within  
the limits of the city of Austin, and as no visible means of  
support, provided, that this section is not to be construed

as a limitation or restriction of the operation of said second section, but any person guilty of the offense, as therein defined, shall be punished as therein prescribed.

4. Any person who shall permit any house, room or part of a building, owned by him or her, or under his or her control to be used as a bawdy house, as defined by this ordinance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished in the same manner as prescribed in section second of this ordinance. A person shall be deemed guilty of the offense defined in this section, who either lets to another any house, room or part of a building, to be used as a bawdy house, or who, being the owner or having the control of any house, room or part of a building, used as a bawdy house, and having notice that it is being so used, shall fail or neglect for three days after such notice, to make complaint in writing, under oath, before the mayor or against the person in possession of such house or part of a building, as defined in section second of this ordinance.

5. It shall be the duty of the Marshal, his deputies and every policeman of said city to report without delay to the Mayor every violation of any provision of this ordinance which shall come to their knowledge; and should the Marshal either of his deputies or any policeman fail or neglect for three days to discharge the duty imposed upon him by this section, he shall be removed from office and shall also be deemed guilty of a misdemeanor and on conviction thereof before the Mayor, shall be punished by fine of not less than twenty-five dollars.

6. The Mayor shall be authorized to pay any part, at his discretion, of each fine collected under this ordinance not exceeding one half thereof, to the person making the complaint, in case of conviction, if such complaint was voluntarily made, and the Mayor is authorized to apply the residue of said fines, or as much thereof as may be necessary, in the employment of persons to ascertain and report violations of this ordinance.

This ordinance shall take effect ten days after its passage.

A. O. Howe

Approved July the 9<sup>th</sup> 1870

Recorder

Leander Bacon Mayor

Council adjourned,