

## REGULAR MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
June 5, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber Monday evening, June 5, 1893, at 8 o'clock, in regular meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the chair, and 17 members, viz: Messrs. Allen, Cooper, Costello, Froschauer, Gasper, Habeney, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and Young.

Absent, 4—viz: Messrs. Colter, Gauss, Linn and Sherer.

The Proceedings of the Common Council for the special meeting held Wednesday, May 24, 1893, having been printed and placed upon the desks of Councilmen, said Journal was approved as published.

The Clerk proceeded to read the Journal, whereupon Councilman Young moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

## COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
May 25, 1893. }

*To the President and Members of the Common Council of the City of Indianapolis:*

GENTLEMEN—I have approved General Ordinance No. 22, passed at your session May 2d; also General Ordinances Nos 21, 24 and 25, passed May 15th; also General Ordinance No. 30, passed May 24, 1893.

Respectfully submitted,

THOMAS L. SULLIVAN,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
May 25, 1893. }

*To the President and Members of the Common Council of the City of Indianapolis:*

GENTLEMEN—I submitted General Ordinance No. 27 to the City Attorney, with the request that he examine and report as to its legality and the power of a city to pass such an ordinance, and I herewith submit to you his opinion, which is that the city has not the power to grant the permission sought to be conferred by this ordinance; and not only so, but that the city itself would be liable in damages if, by its consent, the permission sought to be conferred should be exercised.

I therefore return General Ordinance No. 27, not approved.

Respectfully submitted,

THOMAS L. SULLIVAN,  
*Mayor.*

DEPARTMENT OF LAW.  
OFFICE OF CITY ATTORNEY,  
INDIANAPOLIS, May 20, 1893. }

*Hon. Thomas L. Sullivan, Mayor of the City of Indianapolis:*

DEAR SIR—Your request for an opinion respecting the validity of General Ordinance No. 27, 1893, entitled "An ordinance authorizing the construction and maintenance of a portico or vestibule at and in front of the public entrance of the Grand Hotel, on South Illinois street, in the City of Indianapolis, upon certain conditions," is received.

This ordinance purports to give a portion of the sidewalk for private purposes. A public street is a public highway, and a sidewalk is part of a street. Common Council, etc., *v. Croas*, 7 Ind., p. 9; *The State v. Mathis*, 21 Ind., p. 277; *The State v. Berdetta*, 73 Ind., p. 185.

As to the right of a city to give away a portion of the public highway for private purposes, our Supreme Court has decided as follows: "A city has no power to authorize the construction of anything which, when constructed, will be a public nuisance."

"A city has no power to authorize a property owner to construct anything which, when constructed, will permanently interfere with the enjoyment of the rights either of the public or of a private person." *Pettis v. Johnson et al*, 56 Ind., p. 139.

"A public street is a public highway, and a sidewalk is a part of the street, and the public highways belong, from side to side, and from end to end, to the public."

"The permanent obstruction of a public street is in itself an unlawful act, essentially interfering with the free use of property, as well as the comfortable enjoyment of life. The right of adjacent proprietors in and to the highways is one of which the Legislature itself can not deprive them without compensation; nor can the municipal authorities, broad and comprehensive as their powers are, devote the street to private purposes. *Haynes v. Thomas*, 7 Ind., 38; *St. Vincent O. Asylum v. City of Troy*, 32 Am. R., 286. So far does this rule go that the municipality is itself guilty of maintaining a public nuisance, if it place a permanent obstruction in a public street."

The ordinance in question authorizes the construction and maintenance of a permanent portico, or vestibule, which would occupy three or more feet of the sidewalk, and, as it is for private purposes, I am of the opinion from the above, and numerous other authorities, that the city has not power to authorize its construction.

Very respectfully,

AQUILLA Q. JONES,  
*City Attorney.*

Which was received and ordered spread on the minutes.

Mr. Rassmann moved that the following entitled ordinance be taken up and passed, notwithstanding the Mayor's objections thereto:

G. O. No. 27, 1893. An ordinance authorizing the construction and maintenance of a portico or vestibule at and in front of the public entrance of the Grand Hotel, on South Illinois street, in the City of Indianapolis, upon certain conditions.

Which motion was adopted.

Thereupon G. O. No. 27, 1893, was taken up and passed, notwithstanding the Mayor's objection thereto, by the following vote:

AYES 15—viz: Councilmen Cooper, Costello, Froschauer, Gasper, Habaney, Haloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, White, Young and President Murphy.

NAYS 2—viz: Councilmen Allen and Schrader.

#### REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rassman, on behalf of the Committee on Finance, to whom was referred

Ap. O. No. 8, 1893. An ordinance authorizing the transfer of fifteen thousand dollars to a fund other than that for which it was originally appropriated, and fixing the time when the same shall take effect.

WHEREAS, In Ap. O. No. 8, 1892, a certain sum was appropriated to the Department of Public Works of the City of Indianapolis, and designated as follows: "For street and alley improvements;" and,

WHEREAS, By an act of the General Assembly of 1893, amending certain sections of the charter of the City of Indianapolis, the object for which said appropriation was made was abolished; and,

WHEREAS, The said Department requires the sum of fifteen thousand dollars for a "street repair pay-roll" fund.

Made the following report:

*Mr. President:*

Your Committee on Finance, to whom was referred Appropriation Ordinance No. 8, 1893, beg leave to report that we have had the same under consideration and would respectfully recommend that the same be passed.

EMIL C. RASSMANN.  
H. W. LAUT.  
JAMES H. COSTELLO.  
E. J. SHERER.  
P. J. RYAN.  
W. H. COOPER.

Mr. Rassmann, on behalf of the Judiciary Committee, to whom was referred Resolution No. 2, 1893:

*Mr. President:*

I present the following resolution and move its adoption:

WHEREAS, Heretofore at the different dates hereinafter mentioned, there were conveyed by the different persons hereinafter named, to the City Council of Indianapolis, and their successors in office and their assigns forever, the lots, parcels and pieces of real estate hereinafter described, which conveyances and each of them was made for school purposes and have ever since been used for school purposes, though such purpose is not expressed in the deeds of such conveyances; and,

WHEREAS, The legal title ought to be vested in the Board of School Commissioners of the City of Indianapolis; now, therefore, to put the title to said several lots and parcels of real estate at rest in said the Board of School Commissioners of the City of Indianapolis; be it

*Resolved*, By the Common Council of the City of Indianapolis, That Thomas L. Sullivan, Mayor of said city, be and is hereby authorized, empowered and directed to execute the deed of the City of Indianapolis, releasing and conveying to said the Board of School Commissioners of the City of Indianapolis, the following described lots, parcels and pieces of real estate in Marion County, Indiana:

LIST OF DEEDS—PROPERTY FOR SCHOOL PURPOSES TRANSFERRED TO THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, IN MARION COUNTY, INDIANA :

MAY 7, 1872.

*High School No. 1—Corner Pennsylvania and Michigan streets.* Commencing at the southwest corner of square 4, in said city, thence north on the west line of said square, two hundred and fifty-two and one-half feet, thence east one hundred and ninety-five feet to alley, thence south two hundred and fifty-two and one-half feet to Michigan street, thence west one hundred and ninety-five feet to the place of beginning.

MARCH 1, 1875.

*No. 3—Meridian street, between Ohio and New York.* Lots number eight (8) and nine (9) in square number thirty-six (36), in the City of Indianapolis.

SEPTEMBER 19, 1857.

*No. 4—Corner of Blackford and Michigan streets.* Lots numbered seventy-five (75) and seventy-six (76) and also thirty two feet five and one-half inches (32 ft. 5½ in.) off the east side of lot numbered seventy-seven (77) in said Blackford's subdivision of out-lots numbered one hundred and fifty-four in said city, which lots are bounded as follows: Commencing at the southeast of said lot numbered seventy-five (75), running thence west with Michigan street one hundred and fifty-seven feet and four and a half inches (157 ft. 4½ in.) to Blackford street, thence north with Blackford street two hundred and ten feet (210 ft.) to an alley, thence east with said alley one hundred and fifty-seven feet four and one-half inches (157 ft. 4½ in.) to an alley, thence south with said alley two hundred and ten feet (210 ft.) to the place of beginning.

FEBRUARY 2, 1878.

*No. 19—Shelby street, south of Prospect.* Lot one (1) in square one (1) of Hubbard, Martindale and McCarty's southeast addition to the City of Indianapolis.

MARCH 8, 1875.

*No. 20—Spruce street, between Prospect and Orange.* Lots Nos. twenty-four (24), twenty-five (25) and twenty-six (26) in block five (5) in southeast addition to the City of Indianapolis.

APRIL 1, 1876.

*No. 22—Corner of Chestnut and Hill streets.* The undivided  $\frac{5}{8}$  of lots numbered 91, 92, 93, 94, 95, 96 and 97 in McCarty's south addition to the City of Indianapolis.

JUNE 3, 1876.

The undivided  $\frac{1}{8}$  of lots 91, 92, 93, 94, 95, 96 and 97 in same addition.

APRIL 26, 1879.

*No. 23—Corner of Fourth and Howard streets.* Lots numbered 28, 29 and 30 in West heirs' addition to the City of Indianapolis.

MAY 31, 1879.

*No. 24—Corner of North and Minerva streets.* Lots 7 and 8 in square No. 1 in Harris' subdivision of out-lot 157 in the City of Indianapolis.



JULY 31, 1879.

No. 25.—*Corner of New Jersey and Merrill streets.* The southeast quarter (s. e.  $\frac{1}{4}$ ) and five (5) feet off of the east side of the southwest quarter (s. w.  $\frac{1}{4}$ ) of out-lot twenty-two (22) in the City of Indianapolis.

MAY 23, 1874.

No. 34.—*Corner of Buchanan and Beaty streets.* Lot numbered sixteen (16) in the subdivision made by David Beaty, administrator of the estate of John Greer, of  $3\frac{6}{16}$  acres of land of out-lot numbered one hundred (100) in the City of Indianapolis.

MAY 22, 1873.

Lots numbered seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21) and twenty-two (22) in the subdivision made by David Beaty, administrator of the estate of John Greer, as per plat book No. —, p. —, of the Recorder's office of Marion county, Indiana.

DECEMBER 5, 1848.

No. 15.—*Market, between West and California streets.* Lot numbered twenty-one (21) in out-block numbered one hundred and forty-seven (147) in the City of Indianapolis.

OCTOBER 8, 1872.

No. 16.—*Corner of Bloomington and Springfield streets.* Lots numbered one (1); two (2) and three (3) in James Blake's and James M. Ray's subdivision of out-lot numbered twelve (12) in Indianola, west of White River.

MAY 23, 1873.

No. 17.—*Corner of West Michigan road and Huntington street.* Lot numbered one (1) in Matthew heirs' addition to the City of Indianapolis.

APRIL 24, 1880.

Fifty feet wide off of the east side of lot numbered two (2) in same subdivision, in the City of Indianapolis.

JULY 9, 1870.

No. 18.—*Yandes street, between Home avenue and Lincoln avenue.* Lots forty-three (43), forty-four (44) and forty-five (45) in Elijah Fletcher's subdivision of E. T. & S. K. Fletcher's addition to the City of Indianapolis.

JANUARY 8, 1872.

No. 6.—*Corner of Union and Phipps streets.* Lot numbered 24 in out-lot 115 in the City of Indianapolis.

AUGUST 28, 1871.

No. 7.—*Corner of Bates and Benton streets.* Lot numbered 29 in Bates' subdivision of out-lot numbered eighty-nine (89) in the City of Indianapolis; also lots Nos. 31, 32 and 30 in same subdivision.

JANUARY 31, 1872.

No. 10.—*Corner of Home avenue and Ash street.* Lots numbered one (1), five (5) and six (6) in Alvord & Co.'s subdivision of Butler & Fletcher's addition to College Corner, Indianapolis.

JANUARY 27, 1872.

Lots two (2), three (3) and four (4) in same subdivision.

APRIL 26, 1872.

No. 11.—*Corner of Tennessee and Fourth streets.* Lots numbered eleven (11) and twelve (12) in block marked twelve (12) of Drake's addition to the City of Indianapolis.

JULY 28, 1873.

No. 12—*Corner of West and McCarty streets.* Lots numbered fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19) in the south half of out-lot one hundred and twenty-seven (127) according to the subdivision thereof made by James C. Yohn, administrator of estate of William Sheets, in the City of Indianapolis.

MARCH 19, 1880.

No. 26—*Beeler street, between Lincoln avenue and Seventh street.* Lot No. 100 in Ingram Fletcher's second addition, being a subdivision of the southwest quarter of section 31, T. S. 16, north of range 4 E., as per plat book —, p. —

MARCH 17, 1880.

Lot No. 101 in same addition.

Lots Nos. 102 and 103 in same addition.

FEBRUARY 15, 1882.

No. 27—*Corner of Park avenue and Eighth street.* Lot numbered 28 in Caven's subdivision in lots numbered 6 and 7 in Johnson heirs' addition, being the fifth lot from the northwest corner of Park avenue and Eighth street, in the City of Indianapolis.

JANUARY 21, 1882.

Lots numbered 13, 14, 15 and 16 in Oliver's (guardian) subdivision of Johnson heirs' subdivision of lot 5 and part of lot 6.

FEBRUARY 4, 1882.

No. 28—*Fletcher avenue.* Lot 116 in Fletcher, Stone, Witt, Taylor and Hoyt subdivision of out-lot 94, 95, 96, 97, 98, and the south half of 91.

JANUARY 21.

Lot 117; also lot 118 in same subdivision.

Made the following report :

*Mr. President :*

Your Committee on Judiciary, to whom was referred Resolution No. 2, 1893, beg leave to report that we have had the same under consideration and would respectfully recommend that it be passed.

EMIL C. RASSMANN.  
A. A. YOUNG.

Which was read and concurred in, and Resolution No. 2, 1893, was passed by the following vote:

AYES 17—viz: Councilmen Allen, Cooper, Costello, Froschauer, Gasper, Habene, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS—None.

Mr. Cooper, on behalf of the Committee on Railroads, to whom was referred the following:

G. O. No. 19, 1893. An ordinance approving a certain contract granting the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain a switch or side-track across Phipps street, between Delaware and Pennsylvania streets, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: April 17, 1893, the Board of Public Works of the City of Indianapolis, Indiana, made and entered into a certain contract with the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, which contract is as follows:

WHEREAS, Heretofore, to-wit: On the 24th day of October, 1892, the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, by its legal representative, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

Made the following report:

INDIANAPOLIS, IND., June 5, 1893.

The Committee on Railroads recommend the passage of G. O. No. 19, 1893, an ordinance approving a certain contract granting the P., C., C. & St. L. Railway Co. the right to lay and maintain a switch or side-track across Phipps street, between Delaware and Pennsylvania streets, in the City of Indianapolis, Indiana.

C. A. GAUSS.  
GEO. R. COLTER.  
W. H. COOPER.

Which was read and concurred in

Mr. Costello, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred

G. O. No. 26, 1893. An ordinance granting the United States Encaustic Tile Works Natural Gas Company, of the City of Indianapolis, Marion county, State of Indiana, the right and privilege to lay and maintain natural gas pipe lines in certain streets and alleys in the City of Indianapolis, under stipulated terms and conditions.

WHEREAS, Heretofore, to-wit: May 5, 1893, the Board of Public Works of the City of Indianapolis, State of Indiana, for and in behalf of the City of Indianapolis, entered into the following agreement and contract, namely:

WHEREAS, On the 26th day of April, 1893, the following petition was filed before the Board of Public Works of the City of Indianapolis, namely:

Made the following report:

*Mr. President and Members of the Common Council:*

GENTLEMEN—Your committee to whom was referred G. O. No. 26, 1893, have considered the same and recommend that it be passed.

JAS. COSTELLO,  
ANTON SCHMIDT,  
A. A. YOUNG.

*Committee on Sewers, Streets and Alleys.*

Which was read and concurred in.

Mr Costello, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred

G. O. No. 4, 1893. An ordinance to change the name of Leland street to Blake street.

Made the following report:

*Mr. President and Members of the Common Council:*

GENTLEMEN—Your committee to whom was referred G. O. No. 4, 1893, report recommending that it be passed.

JAS. COSTELLO,  
ANTON SCHMIDT,  
A. A. YOUNG,

*Committee on Sewers, Streets and Alleys.*

Which was concurred in.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced :

By Mr. Young :

G. O. No. 31, 1893. An ordinance providing a name for the alley running west from Ft. Wayne avenue to Alabama street, between Pratt and St. Joseph streets.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the alley running west from Ft. Wayne avenue to Alabama street, between Pratt street and St. Joseph street be, and the same is hereby designated as, and given the name of, Sahn street.

SEC. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Young :

G. O. No. 32, 1893. An ordinance to amend section three of an ordinance entitled "An ordinance authorizing the construction, extension and operation of certain passenger railways in and upon the streets of the City of Indianapolis," ordained and established January 18, 1864, and amended by General Ordinance No. 60, of 1889, ordained and established on the — day of January, 1889.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That section three of said ordinance be amended to read as follows: Sec. 3. The cars to be used on said tracks shall be operated with animal and electric power only, and shall not connect with any other railway on which other power is used, and no railway car or carriage used by any other railway in this State shall be used upon any of said tracks: *Provided that*, If electricity is adopted, and the over-head system used, then the Citizens Street Railroad Company shall place iron poles between their double tracks and suspend the wires from an arm on the said poles, and said poles, wires and fixtures shall be so placed and maintained as not to interfere with reasonable and proper use of existing telephone wires: *Provided, however*, That whenever said Company shall desire to operate its cars by electricity upon Talbott avenue in said city, it shall have the right to lay double tracks upon said avenue, between Seventh and Fourteenth streets, the inner rails of which tracks shall not be a greater distance than four feet apart, and the poles from which the wires and fixtures for operating said cars shall be suspended, shall be placed at the outer edge of the roadway along said part of said avenue between the curb and sidewalk along the same.

SEC. 2. This ordinance shall be in full force and effect from and after its passage.

Read first time and referred to Committee on Railroads.

By Mr. Rassmann :

G. O. No. 33, 1893. An ordinance to provide for the maintenance of an ambulance service in the City of Indianapolis, providing a penalty for the violation thereof, and providing for the publication thereof and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Health Commissioners of the City of Indianapolis are hereby authorized, directed and empowered to establish and maintain an ambulance service,



for the speedy removal of sick and injured persons, free of charge, from place to place within said city. The vehicles used in said service shall be known as "Free Ambulances," and prominently marked as such in plain letters.

SEC. 2. The said Health Commissioners shall have the right to establish said ambulance service in whatever manner they may see fit. They shall adopt rules and regulations to govern the persons engaged in such service, and it shall be unlawful for the persons so engaged to fail to obey the said rules and regulations.

SEC. 3. In all cases of emergency the ambulances used by such service shall be permitted to be driven at a greater rate of speed than is otherwise allowed, and in such cases shall be entitled to have the right of way over the streets of said city as against all private or public vehicles, except those of the fire and police departments of said city. And in all such cases of emergency when so driving, it shall be the duty of the driver to constantly sound the gong attached to said ambulance.

SEC. 4. It shall be unlawful for any person or persons to purposely or willfully obstruct the passage of any such ambulance when the same is being driven over the streets of said city, in any case of emergency, at a higher rate of speed than is otherwise permitted.

SEC. 5. Any person or persons who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding fifty (50) dollars.

SEC. 6. All ordinances or parts of ordinances in conflict herewith, and especially General Ordinance No. 56, of 1891, the same being "An ordinance providing for the licensing of free ambulances, and regulating other matters connected therewith," be and the same is hereby repealed.

SEC. 7. This ordinance shall take effect and be in force from and after its passage and publication once each week for two successive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Marion County, Indiana.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Rassmann :

G. O. No. 34, 1893. An ordinance repealing General Ordinance No. 8, of 1887, entitled, "An ordinance to permit David Quaintance to occupy a stand over the east gutter of Meridian street at the southeast corner of Meridian and Washington streets, in the City of Indianapolis," and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That General Ordinance No. 8, of 1887, the same being an ordinance entitled "An ordinance to permit David Quaintance to occupy a stand over the east gutter of Meridian street, at the southeast corner of Meridian and Washington streets, in the City of Indianapolis," ordained and established on the 23d day of May, 1887, be and the same is hereby repealed.

SEC. 2. This ordinance shall be in full force and effect from and after its passage.

Read first time and referred to Committee on Judiciary.

#### MISCELLANEOUS BUSINESS.

Mr. White offered the following resolution:

*Mr. President :*

WHEREAS, The Indiana tax law provides (Sec. 25) "that every franchise granted by any law of this State, owned or used by any person or corporation, and every franchise or privilege used or enjoyed by any person or corporation shall be listed and assessed as personal property;" and,

WHEREAS, It is further provided in Section 74 of said law that "every franchise or privilege of any street railroad corporation shall be assessed at its true cash value," it being provided that "where the full value of any franchise is represented by the capital stock listed for taxation, then such franchise shall not itself be taxed: but in all cases where the franchise is of greater value than the capital stock, then the franchise shall be assessed at its full cash value, and the capital stock shall not be assessed;" and,

WHEREAS, The Citizens Street Railway Company has recently filed articles of association with the Secretary of State increasing its capital stock to the sum of \$5,000,000; and,

WHEREAS, The said Citizens Street Railway Company has also issued a prospectus, through the Solicitor's Loan and Trust Company, of Philadelphia, in which it is stated that the net income for the current year will not be less than \$337,000; and,

WHEREAS, It is believed that the tangible plant belonging to said company (tracks and equipment) does not exceed a value of \$1,500,000 (it was assessed in 1892, including franchise, at \$1,048,085), and if 6 per cent. return for capital invested is allowed on this value, a statement of income would stand as follows:

Net income . . . . .	\$337,000
Deduct 6 per cent. return on capital invested in plant (\$1,500,000) . . . . .	90,000
Net earnings of franchise . . . . .	<u>\$247,000</u>

and,

WHEREAS, It is believed that the true value of a franchise can only be determined by its earning capacity, and as it would require an investment of at least \$4 000,000 at 6 per cent. to realize the sum thus shown to have been earned during the current year by said franchise, and as this sum also represents an amount one million dollars less than that at which the said company has been recently capitalized, therefore, be it

*Resolved*, That the City Comptroller, under the authority vested in him by the city charter, and for the purpose of enforcing the provision of the State tax law, is hereby requested and urged to use his best endeavors to secure the listing of the franchise held by the said Citizens Street Railway Company at a sum not less than \$4,000,000.

Which was read and referred to Committee on Finance.

Mr. McGuffin offered the following resolution:

*Resolved, by the Common Council of the City of Indianapolis*, That the following named persons be, and are hereby appointed Inspectors and Judges of the election to be held in the following School Commissioners' Districts:

District No. 3.—Inspector, Gen. G. W. Koontz; Judges, W. L. Becks and James M. Winter.

District No. 5.—Inspector, Fred R. Fink; Judges, John Higgins and John R. Sourbeer.

District No. 6.—Inspector, Ernst Knodle; Judges, Ernest Bremermam and Harry Snider.

District No. 9.—Inspector, Fred Kolb; Judges, John Helm and W. T. Parker.

The election to be held in the following places:

District No. 3.—School House No. 3, on Meridian street, between Ohio and New York streets.

District No. 5.—School House No. 12, corner West and McCarty streets.

District No. 6.—School House No. 6, corner Union and Phipps streets.

District No. 9.—School House No. 14, on Ohio street, east of Highland avenue.

Which was read and passed by the following vote:

AYES 17—viz: Councilmen Allen, Cooper, Costello, Froschauer, Gasper, Habeny, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS—None.

## ORDINANCES ON SECOND READING.

On motion of Mr. Rassmann the following entitled ordinance was taken up, read the second time, ordered engrossed, and then read the third time:

Ap O. No. 8, 1893. An ordinance authorizing the transfer of fifteen thousand dollars to a fund other than that for which it was originally appropriated, and fixing the time when the same shall take effect.

WHEREAS, In Ap. O. No. 8, 1892, a certain sum was appropriated to the Department of Public Works of the City of Indianapolis, and designated as follows: "For street and alley improvements;" and

WHEREAS, By an act of the General Assembly of 1893, amending certain sections of the charter of the City of Indianapolis, the object for which said appropriation was made was abolished; and

WHEREAS, The said Department requires the sum of fifteen thousand dollars for a "street repair pay-roll" fund.

And was passed by the following vote:

AYES 16—viz: Councilmen Allen, Cooper, Costello, Froschauer, Habene, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS 1—viz: Mr. Gasper.

On motion of Mr. Ryan the following entitled ordinance was taken up, read the second time, ordered engrossed and then read the third time:

G. O. No. 19, 1893. An ordinance approving a certain contract granting the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain a switch or side-track across Phipps street, between Delaware and Pennsylvania streets, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: April 17, 1893, the Board of Public Works of the City of Indianapolis, Indiana, made and entered into a certain contract with the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, which contract is as follows:

WHEREAS, Heretofore, to-wit: On the 24th day of October, 1892, the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, by its legal representative, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

And was passed by the following vote:

AYES 16—viz: Councilmen Allen, Cooper, Costello, Froschauer, Gasper, Habene, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and Young.

NAYS 1—viz: Mr. Murphy.

On motion of Mr. Costello the following entitled ordinance was taken up, read the second time, ordered engrossed and then read the third time:

G. O. No. 26, 1893. An ordinance granting the United States Encaustic Tile Works Natural Gas Company, of the City of Indianapolis, Marion County, State of Indiana, the right and privilege to lay and maintain natural gas pipe lines in certain streets and alleys in the City of Indianapolis, under stipulated terms and conditions.

WHEREAS, Heretofore, to-wit: May 5, 1893, the Board of Public Works of the City of Indianapolis, State of Indiana, for and in behalf of the City of Indianapolis, entered into the following agreement and contract, namely:

WHEREAS, On the 26th day of April, 1893, the following petition was filed before the Board of Public Works of the City of Indianapolis, namely:

Which was passed by the following vote:

AYES 17—viz: Councilmen Allen, Cooper, Costello, Froschauer, Gasper, Habene, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS—None.

On motion of Mr. Costello the following entitled ordinance was taken up, read the second time, ordered engrossed and then read the third time:

G. O. No. 4, 1893. An ordinance to change the name of Leland street to Blake street.

And was passed by the following vote:

AYES 17—viz: Councilmen Allen, Cooper, Costello, Froschauer, Gasper, Habene, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS—None.

On motion of Mr. Cooper, the Common Council, at 9:30 o'clock P. M., adjourned.

*M. J. Murphy*  
.....  
President.

ATTEST:

*R. J. Abrams*  
.....  
City Clerk.