

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
June 19, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber Monday evening, June 19, 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, Colter, Cooper, Costello, Froschauer, Gasper, Habeny, Linn, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and Young.

Absent, 4—viz: Messrs. Gauss, Halloran, Laut and Sherer.

The Proceedings of the Common Council for the regular meeting held Monday, June 5, 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 Gasper 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,
June 19, 1893. }

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

GENTLEMEN—I have approved Appropriation Ordinance No. 3, passed at your session held March 20th; also General Ordinances Nos. 4, 19 and 26, also Appropriation Ordinance No. 8, also Resolution No. 2, passed at your session held June 5, 1893.

Respectfully submitted,
THOMAS L. SULLIVAN,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rassman, on behalf of the Committee on Finance, to whom was referred Resolution No. 4, 1893, made the following report:

Mr. President :

Your Committee on Finance, to whom was referred Resolution No. 4, 1893, beg leave to report that we have considered the same, and report it back without recommendation.

EMIL C. RASSMANN,
Chairman.

Which was read and concurred in.

Mr. Habenev, from the Committee on Judiciary, to whom was referred the following:

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.

Made the following report:

INDIANAPOLIS, IND., June 16, 1893.

Mr. President :

Your committee to whom was referred G. O. No. 34, 1893, having had the same under consideration, recommend that the same do pass.

HENRY F. HABENEV,
A. A. YOUNG,
EMIL C. RASSMANN,
Committee.

Which was concurred in.

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

G. O. No. 7, 1893. An ordinance to amend Section 13 of G. O. No. 27, 1886, the same being an ordinance regulating the licensing of peddlers in the City of Indianapolis, ordained and established June 14, 1886; repealing conflicting ordinances, providing for publication, and fixing the time when the same shall take effect.

G. O. No. 16, 1893. An ordinance for the annexation of certain property to the City of Indianapolis.

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.

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.

Made the following report:

INDIANAPOLIS, IND., June 19, 1893.

Mr. President and Members of the Common Council:

GENTLEMEN—Your Committee on Sewers, Streets and Alleys, to whom was referred the following general ordinances, Nos. 7, 16, 31 and 33, have considered the same and report as follows: That General Ordinance No. 16, to annex certain territory to the city, be stricken from the files; General Ordinance No. 7, amending section 13 of General Ordinance No. 27, 1886, regulating the licensing of peddlers; General Ordinance No. 31, providing a name for a certain alley, and General Ordinance No. 33, providing for the maintenance of an ambulance service, be passed.

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

Committee on Sewers, Streets and Alleys.

Which was read and concurred in.

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

G. O. No. 28, 1893. An ordinance providing for the change of the name of Tennessee street to Capital avenue.

Made the following report:

Mr. President:

The undersigned, a member of the Committee on Sewers, Streets and Alleys, to whom was referred G. O. No. 28, begs to report, and recommends that the same be passed.

Respectfully submitted,

A. A. YOUNG.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. White:

G. O. No. 35, 1893. An ordinance to amend Sections 1 and 3 of an ordinance entitled, "An ordinance for the protection of passengers, travelers and baggage and for the preservation of order in and about the Union Depot, in the City of Indianapolis, Indiana," in force February 20, 1882, fixing the time when the same shall take effect and providing for publication.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 1 of an ordinance entitled, "An ordinance for the protection of travelers, passengers and baggage and for the preservation of order in and about the Union Depot, in the City of Indianapolis, Indiana," in force February 20, 1882, be and the same is hereby amended to read as follows:

Sec. 1. It shall be unlawful for any hotel runner, boarding-house runner, owner, driver, runner or solicitor of any transfer line, hack, omnibus, express wagon, dray or other vehicle used for the purpose of carrying passengers or baggage for hire, to or from the Union Depot, in the City of Indianapolis, Marion county, Indiana, to stand or be on Louisiana street, between Tennessee and Meridian streets, or any street adjoining said depot, other than McCrea street and Jackson Place, for the purpose of soliciting passengers, customers, baggage or freight.

Sec. 2. That Section 3 of said ordinance be amended to read as follows:

Sec. 3. "It shall be unlawful for the owner or driver of any transfer-line, hack, omnibus, express wagon, dray or other vehicle used for the purpose of carrying passengers or baggage for hire, to or from said Union Depot, to stand the same on Louisiana street, between Tennessee and Meridian streets, or on any street adjoining said depot other than on the west side of McCrea street and the south side of Jackson Place."

SEC. 3. All the persons mentioned in this ordinance using said streets for the purposes and in the manner herein stated, shall be governed and controlled by all the provisions and regulations of the ordinance establishing stands for hacks in the City of Indianapolis.

SEC. 4. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in the *Indianapolis Sentinel*, a daily newspaper of general circulation, printed and published in said city.

Which was read the first time and referred to the Committee on Judiciary.

MISCELLANEOUS BUSINESS.

Mr. Rassmann offered the following resolution:

Resolution No. 5, 1893. Be it resolved by the Common Council of the City of Indianapolis, Indiana, That the Citizens' Executive Board of the Twenty-seventh National Encampment of the G. A. R., be and they are hereby authorized and empowered for the purpose of entertaining such visitors at said National Encampment, as said Board may see fit, to erect and maintain frame barracks in the center of the following streets in said city, to-wit:

In Alabama street from South to Louisiana street, and in Louisiana street from Alabama to East street.

Said Board shall have the right to take possession of said parts of said streets at such time as will enable it to complete said barracks for use at said Encampment, and shall remove the same from said streets immediately after the close thereof.

The plan of said barracks and the material from which they shall be constructed, shall be under the full control of said Board, and the ordinances of said city providing for the issuance of building permits and governing the manner of erecting buildings generally shall not apply to said barracks.

Which was read and adopted by the following vote:

AYES 16—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Habeny, Linn, McGuffin, Rassmann, Ryan, Schmidt, Schrader, White, Young and President Murphy.

NAYS—None.

Mr. Ryan presented a petition signed by all the people living on Mississippi street, requesting the Council to move the express wagons from Mississippi street to Pearl street.

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

ORDINANCES ON SECOND READING.

On motion of Mr. Costello, the following entitled ordinance was read the second time:

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.

Which failed to pass by the following vote:

AYES 7—viz: Councilmen Colter, Costello, Habenev, Puryear, Rassmann, Schrader and Young.

NAYS 10—viz: Councilmen Allen, Cooper, Froschauer, Gasper, Linn, McGuffin, Ryan, Schmidt, White and President Murphy.

On motion of Mr. White, the following entitled ordinance was taken up and read the second time:

G. O. No. 16, 1893. An ordinance for the annexation of certain property to the City of Indianapolis.

Mr. Young moved that G. O. No. 16, 1893, be stricken from the files.

Which motion was adopted by the following vote:

AYES 15—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Habenev, Linn, McGuffin, Puryear, Rassmann, Schmidt, Schrader, White and Young.

NAYS 2—viz: Councilman Ryan and President 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. 7, 1893. An ordinance to amend Section 13 of G. O. No. 27, 1886, the same being an ordinance regulating the licensing of peddlers in the City of Indianapolis, ordained and established June 14, 1886; repealing conflicting ordinances, providing for publication, and fixing the time when the same shall take effect.

Which failed to pass by the following vote:

AYES 6—viz: Councilmen Costello, Linn, Rassmann, Schmidt, Schrader and Young.

NAYS 11—viz: Councilmen Allen, Colter, Cooper, Froschauer, Gasper, Habenev, McGuffin, Puryear, Ryan, White and President 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. 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.

And was passed by the following vote:

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

NAYS—None.

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

G. O. No. 28, 1893. An ordinance providing for the change of the name of Tennessee street to Capital avenue.

Which failed to pass by the following vote:

AYES 8—viz: Councilmen Allen, Cooper, Froschauer, Gasper, Linn, Young and President Murphy.

NAYS 9—viz: Councilmen Colter, Costello, Habaney, McGuffin, Rassmann, Ryan, Schmidt, Schrader, and White.

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. 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.

And was passed by the following vote:

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

NAYS—None.

Mr. White called up Resolution No. 4, 1893, and moved that the same be amended so as to read as follows:

Resolution No. 4, 1893—

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	\$247,000
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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.

Resolved, That the City Comptroller be also requested to investigate as to all other corporate property with a view of securing a proper rate of assessment on all such property.

Which amendment was adopted and the resolution passed by the following vote:

AYES 12—viz: Councilmen Colter, Froschauer, Gasper, Habenev, Linn, McGuffin, Rassmann, Ryan, Schmidt, Schrader, White and President Murphy.

NAYS 5—viz: Councilmen Allen, Cooper, Costello, Puryear and Young.

Mr. Cooper offered the following in writing:

I desire to notify the Council that I will at the next regular meeting of the Council move a reconsideration of the vote by which General Ordinance No. 28 was defeated.

Mr. Rassmann offered the following motion:

Moved, That the City Clerk be requested to furnish to the members of the Common Council printed copies of the amendments made to the City Charter by the last General Assembly.

Which motion was adopted.

On motion of Mr. Rassmann, the Common Council, at 10 o'clock P. M., adjourned.

M. J. Murphy

President.

ATTEST:

R. J. Abrams

City Clerk.