

551

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, NOVEMBER 15TH, 1869, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following members :

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Wiles,
Whitsit and Woodburn—16.

Absent—Councilmen Shepherd and Weaver—2.

The proceedings of the regular session held November 8, 1869,
and of the adjourned session held November 11, 1869, were read and
approved.

The ordinance granting a charter to the Water Works Company
being the special order.

Mr. Brown moved to reconsider the vote taken at the meeting of
Council, November 11, 1869, laying the following motion, offered by
Mr. Locke, on the table :

"That no water shall be taken from the Central Canal for propelling purposes, in the supplying of the necessary amount of water as indicated in section —, to the detriment of any lessee of water from said Central Canal, under penalty of the forfeiture of all the privileges herein granted."

The question being to reconsider.

Those who voted in the affirmative were Councilmen Brown, Locke, Marsee, Thalman, Whitsit and Woodburn—6.

Those who voted in the negative were Councilmen Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Newman, Pyle, Thoms and Wiles—10.

So the motion to reconsider was lost.

On motion, the ordinance was taken up and acted upon, section by section.

Mr. Locke moved to strike out the words "or other power," in the first section.

Mr. Thoms moved to lay the motion to strike out on the table.

Dr. Woodburn called for the ayes and noes.

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Heckman, Kahn, Kennington, Newman, Pyle, Thoms, Whitsit and Wiles—10.

Those who voted in the negative were Councilmen Brown, Harrison, Locke, Marsee, Thalman and Woodburn—6.

So the motion to strike out was laid on the table.

Mr. Locke moved to amend the first section, by inserting after the words "Water Rights," the words, "except the Central Canal."

The question being on the adoption of Mr. Locke's amendment,

Mr. Brown called for the ayes and noes. . . .

Those who voted in the affirmative were Councilmen Brown, Gimber, Locke, Marsee, Thalman, Whitsit and Woodburn—7.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Newman, Pyle, Thoms and Wiles—9.

So the amendment was not adopted.

Mr. Kennington moved to strike out the word "easements," in the first section.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Gimber, Kennington, Locke, Marsee, Thalman, Thoms, Whitsit and Woodburn—9.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn; Newman, Pyle and Wiles—7.

So the motion to strike out was adopted.

Mr. Thoms moved to reconsider the above vote last taken, on striking out the word "easement."

The question being on reconsidering.

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn; Kennington, Locke, Newman, Pyle, Thalman, Thoms and Wiles—11.

Those who voted in the negative were Councilmen Brown, Gimber, Marsee, Whitsit and Woodburn—5.

So the motion to reconsider was adopted.

The question then being renewed to strike out the word "easement."

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Gimber, Marsee and Whitsit—4.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thal-

man, Thoms, Wiles and Woodburn—12.

So the motion to strike out was lost.

On motion, the first section was then adopted.

Mr. Brown moved to amend the second section, by inserting after the words "public works," the words "including other water works built by the city."

The question being on the adoption of the amendment.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Thalman, Thoms, Whitsit and Woodburn--13.

Those who voted in the negative were Councilmen Harrison, Newman and Wiles—3.

So the amendment was adopted.

Dr. Woodburn moved that this Company shall not procure water at a less distance from the National Road Bridge over White river than three miles north.

Mr. Kennington moved to lay the motion on the table.

Those who voted in the affirmative were Councilmen Cottrell, Heckman, Kahn, Kennington, Newman, Pyle, Thalman, Thoms, Whitsit and Wiles—11.

Those who voted in the negative were Councilmen Brown, Gimber, Harrison, Marsee and Woodburn—4.

So the motion to lay on the table was adopted.

The second section was then adopted.

Mr. Cottrell moved to amend the third section, by inserting the words "and like," between the words "good" and "condition," in the 8th line of said section.

Which amendment was adopted.

The third section was then adopted.

Mr. Brown offered the following amendment :

Amend section four, by striking out all between the words "said Company" in the first line, and the words "said city," at the beginning of line twenty-six, and insert in lieu thereof the following :

"Shall construct Water Works so as to furnish pure water to."

Mr. Brown called for the ayes and noes on the amendment.

Those who voted in the affirmative were Councilmen Brown, Gimber, Kennington, Marsee, Thalman and Whitsit—6.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn, Locke, Newman, Pyle, Thoms, Wiles and Woodburn—10.

So the amendment was lost.

Dr. Woodburn moved to strike out the words "supply and," between the words "may" and "direct," in the thirty-seventh line of the fourth section.

The question being on the adoption of the amendment.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Thalman, Thoms, Whitsit and Woodburn—14.

Those who voted in the negative were Councilmen Newman and Wiles—2.

So the motion to strike out was adopted.

Mr. Whitsit moved to amend the fourth section, by striking out the words "which shall not be less than one on every five hundred feet of pipe laid down."

The question being to strike out, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Thalman, Thoms, Wiles, Whitsit and Woodburn—15.

Councilman Newman voting in the negative.

So the motion to strike out was adopted.

Mr. Thalman offered the following amendment :

Amend section four by inserting after "of like population that are supplied with a sufficient supply of water," the words, "those cities of like population that pay the lowest rate, to be taken as a basis for an average."

The question being on the adoption of the amendment.

Those who voted in the affirmative were Councilmen Heckman, Kennington, Pyle and Thalman—4.

Those who voted in the negative were Councilmen Brown, Cottrell, Harrison, Kahn, Locke, Marsee, Newman, Thoms, Whitsit, Wiles and Woodburn—11.

So the amendment was lost.

On motion by Mr. Brown, the fourth section was amended by striking out the word "is," in the thirty-second line, and inserting in lieu thereof the words, "the average price."

Mr. Locke offered the following amendment to section four.

And it is hereby agreed by the said Water Works Company, to supply University, Circle and Military Parks, or any park or public grounds that may be hereafter established by the city of Indianapolis, within its incorporate limits, whenever the requisite pipes shall be laid thereinto, with sufficient water for one or more jets, to be used from the 1st of May to the 1st of November, between the hours of 5 o'clock A. M. and 8 o'clock P. M., for which no charge shall be made to the city or its citizens.

Mr. Kahn moved to lay the amendment on the table.

The ayes and noes being called.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Kahn, Kennington, Marsee, Newman, Pyle and Whitsit—10.

Those who voted in the negative were Councilmen Heckman, Locke, Thalman, Thoms, Wiles and Woodburn—6.

So the amendment was laid on the table.

Mr. Brown offered the following proviso, to be added to the fourth section :

Provided, That the Common Council reserves the right to discontinue the use of any hydrant or plug, on giving sixty days notice to the officers of such Company.

Mr. Newman called for the ayes and noes on the proviso.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Thalman, Thoms and Whitsit—10.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman, Pyle, Wiles and Woodburn—6.

So the proviso was adopted.

Mr. Cottrell moved to reconsider the vote just taken, upon Mr. Brown's proviso.

The question being on reconsidering

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thalman, Thoms, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Gimber, Marsee and Whitsit—4.

So the motion to reconsider was adopted.

Mr. Kennington moved to lay Mr. Brown's proviso on the table.

The ayes and noes were called.

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Newman, Pyle, Thoms, Wiles and Woodburn—10.

Those who voted in the negative were Councilmen Brown, Gimber, Locke, Marsee, Thalman and Whitsit—6.

So the proviso was laid on the table.

Section four was then adopted.

Mr. Thalman offered the following amendment to the fifth section.

After the words, "with as efficient a supply of water," insert "rates based as provided in section four."

Which was adopted.

Section five was then adopted.

Mr. Brown offered the following amendment to the sixth section :

Strike out all after the word "shall," in the fourth line, and insert the following:

"Direct such Company to attach thereto at least one hydrant or fire plug on each one thousand feet of pipe or main so laid or extended, and shall take therefrom a supply of water for fire or other purposes, to be paid for as provided for in section four of this ordinance."

Which was adopted.

The sixth section was then adopted.

On motion by Mr. Brown, the seventh section was stricken out.

Mr. Brown offered the following amendment to the eighth section :

Strike out all before the words "Common Council" in second line, and insert, "At any time, on giving six months notice."

Which was adopted.

Dr. Woodburn moved to strike out the word "easement," in the fourth line of the eighth section.

Mr. Brown called for the ayes and noes on the motion to strike out.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Kennington and Woodburn—7.

Those who voted in the negative were Councilmen Harrison, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Wiles and Whitsit—9.

So the motion to strike out was not adopted.

Dr. Woodburn moved to strike of the sixth line of said eighth section, the words "with all its corporate rights and privileges."

Mr. Brown called for the ayes and noes, on the motion to strike out.

Those who voted in the affirmative were Councilmen Brown, Gimber, Marsee, Thalman, Whitsit and Woodburn—6.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thoms and Wiles—10.

So the motion to strike out was lost.

Mr. Brown offered the following amendment to section eight :

Insert after the words "Corporate rights and privileges," the words:
"But not including any franchises herein or hereafter granted such Company, or estimated value of the charter of such Company."

Which was adopted.

Mr. Thalman moved to amend the eighth section, by striking out the word "Council," in the fourteenth and fifteenth lines.

The question being to strike out, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Gimber, Heckman, Locke, Marsee, Thalman, Whitsit and Woodburn—8.

Those who voted in the negative were Councilmen Cottrell, Harrison, Kahn, Kennington, Newman, Pyle, Thoms and Wiles—8.

There being a tie vote, his Honor the Mayor voted in the negative.

So the motion to strike out was lost.

Mr. Locke offered the following amendment :

Amend section eight as follows :

After the words "surplus water from the Central Canal," insert, "they shall not thereby interfere with the rights of the present lessees of water from said Canal, and."

The question being on the adoption of the amendment.

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Locke, Marsee, Thalman and Woodburn—7.

Those who voted in the negative were Councilmen Cottrell, Heckman, Kahn, Kennington, Newman, Pyle, Thoms, Whitsit and Wiles—9.

So the amendment was lost.

Mr. Thalman offered the following amendment to the eighth section :

Provided. The terms agreed upon by said City Council and Board of Directors be ratified by a majority of the legal voters of said city, at a special election to be held for that purpose.

Which was adopted.

The eighth section was then adopted.

Mr. Wiles moved that the ninth section, as in the printed ordinance, be substituted for the section adopted by the Council November 11, 1869.

Mr. Brown objected to the motion, as he believed the motion to be out of order.

His Honor the Mayor decided that the motion was in order.

Mr. Brown appealed from the decision of the Chair.

The question being, shall the decision of the Chair be sustained?

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Thalman, Thoms, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Gimber, Locke and Whitsit—4.

So the decision of the Chair was sustained.

The question then being on the adoption of Mr. Wiles' motion to adopt the ninth section.

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Newman, Pyle, Thoms and Wiles—9.

Those who voted in the negative were Councilmen Brown, Gimber, Locke, Marsee, Thalman, Whitsit and Woodburn—7.

So Mr. Wiles' motion was adopted.

Mr. Kennington moved to strike out the word "exclusive," in the ninth section.

Mr. Brown called for the ayes and noes on the motion to strike out.

Those who voted in the affirmative were Councilmen Brown, Gimber, Kennington, Locke, Marsee, Thalman and Whitsit—7.

Those who voted in the negative were Councilmen Cottrell, Harrison, Heckman, Kahn, Newman, Pyle, Thoms, Wiles and Woodburn—9.

So the motion to strike out was lost.

Section nine was then adopted.

On motion, the tenth section was adopted.

Mr. Marsee moved to refer the ordinance to the City Attorney.

Which motion was lost.

The question then being on the engrossment of the ordinance.

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thalman, Thoms and Wiles—11.

Those who voted in the negative were Councilmen Brown, Gimber, Marsee, Whitsit and Woodburn—5.

So the ordinance was ordered to be engrossed, and ordered to be printed in the proceedings.

The following is the ordinance:

AN ORDINANCE authorizing the Water Works Company of Indianapolis, to construct, maintain and operate Water Works, and supply water to the city and citizens of Indianapolis, defining their powers and privileges and prescribing their duties.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis, That* under and by virtue of an act of the General Assembly, of the State of Indiana entitled, "An act to authorize the formation of companies for the construction of Water Works, in and for incorporated cities, to enable such cities to subscribe for stock in such companies, and to issue and sell bonds for the payment thereof;" approved March 6, 1865. And by virtue of the further powers and authority of said Common Council, otherwise in them by law vested, consent, permission and authority are hereby given, granted and

duly vested in and unto "The Water Works Company of Indianapolis," a body politic and corporate, organized in the month of October, in the year 1869, under the laws of the State of Indiana, and their successors, the privilege to construct, maintain and operate Water Works, in and for the city of Indianapolis, to take, hold and convey pure filtered water, by steam or other power, to, into and throughout the said city, by aqueducts, pipes or conduits; and also to take and hold, by purchase or otherwise, as by law authorized, any land, real estate, easement or water rights, deemed necessary for erecting, laying and maintaining, and to erect and construct, lay, maintain and operate such aqueducts, pipes, conduits, dams, gates, pumps, bridges, reservoirs, embankments, waterways, drains and other structures, as may be necessary or consistent to insure a sufficient supply of pure and wholesome water, and to convey the same into and throughout the city of Indianapolis.

SEC. 2. That the said Water Works Company of Indianapolis, and their successors, are hereby invested with the privilege of using the streets, alleys and public grounds of the city of Indianapolis, as it is now, or may hereafter be laid out and enlarged, for the purpose of laying down in said streets, alleys and public grounds, pipes, conduits, water ways and other structures, for the conveyance in and throughout said city, of pure water, for the use of said city and the inhabitants thereof, subject to the limitations, conditions and provisions herein contained, and provided that said pipes, conduits, water ways and other structures shall be so laid as not to interfere with or abridge the rights and privileges of the Indianapolis Gas Light and Coke Company, or interfere with other public works, including other water works built by the city, nor with the present or future drainings of said city.

SEC. 3. That whenever said Company propose to open and tear up any part of any street, alley or public ground for the purpose of laying down pipes or water courses, they shall give to the street commissioners of said city, at least three days' notice thereof, and shall not, during the progress of their work, unnecessarily obstruct the passage of said street or alley, and said company shall without unnecessary delay, complete their work upon said street or alley, and regrade, *regravel*, repave or rebooulder the same, leaving it in as good and like condition as the same was when opened or torn up by said Company; and should they fail to do so, or should they subsequently get out of repair or good condition, in consequence of any such opening or tearing up, or because of imperfect repairs, then, and in that case, the city may cause the work to be done, and may retain the amount of the cost thereof out of any moneys due, or afterwards becoming due to said Company; and the Company shall be liable for any damages to any person or property resulting from neglect, mismanagement or fault of themselves or employees. And should the city be sued therefor, the Company or some officer thereof, shall be notified of such suit, and thereupon it shall be the duty of said Company to defend or settle the same, and should a judgment be recovered against the city, the city shall recover the amounts, with all costs, from said company, and the record of such judgment against the city shall be final and conclusive evidence in the cause to entitle the city to recover in any suit brought against said Company.

SEC. 4. Said Company in the construction of said Water Works, shall erect and put in the pumps and machinery known as the "Holly System," with all the latest improvements, and in its best and most efficient form, with a maximum capacity for furnishing at least six millions of gallons, liquid measure, of water daily, with the proper power to throw eight streams of water at one time, and at all times, when needed or wanted by said city authorities, through a one inch nozzle, at each, one hundred feet vertically, at any and all points in said city, where the hydrants or water plugs shall be put in, or located, and cause the application of such power, in all cases where it shall be needed for fire purposes, from as many fire plugs or hydrants, not

exceeding eight, as may be needed, until such fire or fires shall be extinguished, and to keep and maintain said Water Works in the most efficient order to extinguish fires with the greatest thoroughness the system and works are susceptible of. The said building shall be erected and machinery put in under the supervision of the Holly Manufacturing Company, and subject to their approval, and the pipes and mains of such material and of such sizes and proportions as they may approve, and to be maintained at all times in complete and perfect order and properly connected with the mains supplying the city with water. Said water shall be pumped directly from wells dug or sunk as near White River as shall be deemed advisable or practicable by said Holly Manufacturing Company. Said wells are not to connect with the channel of the river or any other open stream or channel; the water in said wells to be derived from the natural filtering or percolation through the gravel in its natural place, and the water so derived, shall be preserved pure, and furnished to the said city and citizens thereof, upon the several streets upon which pipes and water courses may be laid, and in such cisterns and localities off from said pipes and water courses as the city may conduct the same to, such quantity of water as may be required by the City Council for public use, and drainage, and fire purposes, and upon such terms and conditions as may be agreed upon between said Company and said Council, but in no case is said city to pay more for such supply of water than the average price paid by other cities of the United States of like population that are supplied with as efficient supply of water; nor in any case is said city to pay more than fifty dollars per annum per hydrant or fire plug; and for the purpose of furnishing the said City such supply of water, the said Company shall erect and attach as many hydrants and fire plugs as the Council may direct, and from which hydrants or fire plugs the said City shall draw all water necessary for the prevention or extinguishment of fires, washing, cleansing, cooling, flushing or sprinkling the streets, pavements, gutters, alleys, sewers and public grounds. And the said City may also attach to each hydrant or fire plug a cock, faucet or nozzle, from which water may be drawn by citizens and passers by, for all purposes of drinking for persons or animals, and said Company shall afford said City all needed facilities for attaching such cocks, faucets or nozzles.

SEC 5. That said Company shall, within ninety days from the passage of this ordinance, commence the construction of said Water Works, and shall within one year and three months from the time the same is commenced, have at least five miles of water pipes laid down and connected with said Water Works, and at the expiration of two years and three months, at least fifteen miles of water pipes so laid and connected; and should said company fail to commence the construction of said Water Works within ninety days, or having commenced the same, shall fail to lay down pipes as afore-said, or having laid down pipes as afore-said, shall fail to furnish the city and citizens with pure water at as low rates as other cities of like population are supplied, with as efficient a supply of water rates based as provided in section four, then, and in either case, all the rights and privileges herein granted, shall be forfeited by said Company, and shall revert to the City of Indianapolis. *Provided*, that the Common Council reserves the right at any and all times, to fix by ordinance, the rates at which water shall be furnished to citizens and the City, and such company shall not charge any greater rates than those so fixed, such rates to be made upon the basis provided in sections 4 and 5 of said ordinance.

SEC. 6. That the said company shall extend their pipes or mains for conducting water on or along any street, or any alley, in said city, wherever the same shall be ordered by the Common Council; *provided*, the said City or Common Council, shall direct said Company to attach thereto at least one hydraulic or fire plug on each one thousand feet of pipe or main so laid or

extended, and shall take therefrom a supply of water for fire or other purposes, to be paid for as provided in section 4 of this ordinance.

SEC. 7. At any time, on giving six months notice, the City of Indianapolis shall have the right and privilege of purchasing from said Company all the buildings, machinery, aqueducts, pipes, water courses, easement, fixtures, apparatus, and other property of said Company, with all its corporate rights and privileges, but not including any franchise herein or hereinafter granted such Company, or estimated value of the charter of such Company, at such price as may be agreed upon by the Common Council of said City and the Board of Directors of said Company. In case of disagreement between said parties, the price to be ascertained and determined by five disinterested persons, non-residents of said City, two of whom shall be chosen by the Common Council, and two by the Board of Directors of said Company, and the fifth by the four thus chosen, *Provided*, that said Water Works Company shall not be allowed to sell out to any Company whatsoever, without first giving to the City Council the refusal to purchase at the same rates as offered to others, and said City Council shall have the same right to purchase of any such purchaser or purchasers from said Company. If said Company shall erect works to propel the machinery and pumps of said Water Works from surplus water from the Central Canal, they shall not dispense with the steam machinery for the same purpose, so as to be applied immediately to the Water Works for the supply of water to the City and citizens as above provided, nor in case the city shall decide at any time to purchase said Water Works, shall such works constructed to be propelled by such water from the canal, nor the use of said water from the canal be estimated in making up the valuation of the Water Works, nor shall any interest in the said Canal be so estimated. *Provided*, the terms agreed upon by said City Council and Board of Directors be ratified by a majority of the legal voters of said city at a special election to be held for that purpose. Should said city or its citizens at any time, through the carelessness or willfulness of the said Company, be deprived of necessary water for thirty six consecutive hours, said company shall be liable to a forfeiture of its chartered rights; and if said City shall be so deprived for thirty-six consecutive hours of necessary water, said Company shall forfeit all claim for the payment for stipulated price for all hydrants supplying water to the City, for a period of one year.

SEC. 8. The said Company shall have the exclusive privilege of constructing and operating Water Works in the City of Indianapolis for the term of five years; *Provided*, that said Water Works Company comply with each and every one of the foregoing conditions, and *provided*, further, that said City hereby expressly reserves the right at any and all times to construct and operate water works, anything herein to the contrary notwithstanding.

SEC. 9. This ordinance shall be in force from and after its passage: *Provided*, there shall be filed with the Mayor of the City within thirty days from the time of such passage, a certified copy, from the records of said Water Works Company, of a resolution of the Board of Directors of said Company, accepting the terms and conditions herein recited; and it is hereby made the duty of the Mayor to make proclamation of such acceptance, accompanying such proclamation with a copy of this ordinance, and should the same not be so accepted within thirty days, then this ordinance shall be null and void. Ordained and established this 15th day of November 1869.

DANIEL MACAULEY,
Mayor.

ATTEST:

D. M. RANSELL,
City Clerk.

Mr. Newman moved that the ordinance be read the third time and placed upon its passage.

Mr. Marsee moved to adjourn, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Gimber, Marsee and Thalman—3.

Those who voted in the negative were Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thoms, Whitsit, Wiles and Woodburn—13.

So the motion to adjourn was lost.

Mr. Newman's motion was then adopted, and the ordinance read the third time and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Pyle, Thalman, Thoms, Whitsit, Wiles and Woodburn—13.

Those who voted in the negative were Councilmen Brown, Gimber and Marsee—3.

So the ordinance passed.

On motion, the Council adjourned.


DANIEL MACAULEY, Mayor.

ATTEST:


~~D. M. RANSELL~~, City Clerk.