

REGULAR MEETING.

COUNCIL CHAMBER,
 CITY OF INDIANAPOLIS,
 March 7, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 7, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 18 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent, 2—viz.: Messrs. Costello and McGrew.

The Clerk proceeded to read the Journal, whereupon Councilman Madden 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,
 March 3, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved Appropriation Ordinance No. 3, 1898:

“An ordinance appropriating the sum of four thousand two hundred dollars (\$4,200) for the use of the Department of Public Works of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.”

Respectfully submitted,

T. TAGGART,
 Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS, }
March 2, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved General Ordinance No. 11, 1898:
“An ordinance amending Section seven (7) of General Ordinance No. 53, 1894, commonly known as the ‘Building Ordinance.’”

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM CITY OFFICERS.

Communication from City Attorney:

CITY OF INDIANAPOLIS. }
OFFICE OF THE DEPARTMENT OF LAW, }
March 7, 1898. }

Mr. E. M. Johnson, City Comptroller:

Dear Sir—The case of the Indianapolis Gas Co. vs. The City of Indianapolis has reached the stage when the city must commence active preparations for trial. Testimony must be obtained in various cities, and from various experts, concerning the necessary and proper cost of making gas, and the cost of such a gas plant as that operated by the Indianapolis company.

It is of the highest importance to the city and its citizens that the best and highest grade of evidence attainable be presented to the court.

To procure this evidence and to prepare the case for trial will require the expenditure of some money. I do not wish to ask for any appropriation which will add to the burdens of the people, but respectfully request that \$1,000 of the special fund heretofore appropriated for the street railway litigation be transferred and reappropriated to the use of this department in the pending litigation with the Indianapolis Gas Company.

Assuring you, and through you the Council, that not a dollar shall be unnecessarily expended, but urgently requesting that speedy action be taken in the matter, I am,

Very respectfully,
JNO. W. KERN,
City Attorney.

The transfer requested is approved and recommended, 7th March, 1898.

E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Finance.

Communication from City Attorney :

CITY OF INDIANAPOLIS.
 OFFICE OF THE DEPARTMENT OF LAW, }
 March 7, 1898.

Mr. E. M. Johnson, City Comptroller:

Dear Sir—Some days ago the Board of Public Works requested that a petition be filed in the Circuit Court, asking for the appointment of appraisers to appraise the City Dispensary property for the purpose of selling the same.

Mr. Downing, of the Board of Public Works, was of the impression that an ordinance authorizing the sale of the Dispensary property had already been passed by the Common Council, as the Board has no authority to sell real estate without such authority from the Council. Upon investigation I find that an ordinance for this purpose passed the Common Council upon April 5, 1897, but was never signed by the Mayor, which failure to sign was equal to a veto. Therefore, before appraisers for this property can be appointed, it is necessary that an ordinance be passed by the Council and approved by the Mayor, authorizing the sale.

I have prepared an ordinance which authorizes the sale of the Dispensary property in accordance with the terms of the will of Stephen D. Tomlinson, and also with the contract made by his widow, which you will please secure some one of the members of the Council to introduce to-night and, for the reason that no one is objecting to the sale, it might be passed by unanimous consent, at the same meeting at which it is introduced.

As the City Clerk is familiar with the facts, he could explain to the Council that the ordinance passed a year ago was never signed by the Mayor.

Very truly yours,

JNO. W. KERN,
City Attorney.

Which was read and referred to Committee on Public Property and Improvements.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Bernauer, on behalf of the Committee on Fees and Salaries, to which was referred:

G. O. No. 15, 1898. An ordinance amending Subdivision 2 of Section 6 of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances and fixing the time when this ordinance shall take effect," approved January 18, 1894, and fixing the time when this ordinance shall take effect.

Made the following report:

INDIANAPOLIS, IND., March 4, 1898.

Mr. President:

We, your Committee on Fees and Salaries, have had under consideration G. O. No. 15, 1898, and recommend that the same do pass.

Respectfully yours,
EDWARD E. BERNAUER.
ALBERT HARSTON.
E. D. MOFFETT.

Which was read and concurred in.

Mr. Rauch, on behalf of the Committee on Judiciary, to which was referred:

Resolution No. 4, 1898.—

Whereas, As the time for paying vehicle licenses falls due on the first of the year, and as it works hardships on a great many people, being in the winter; therefore, be it

Resolved, That the time for paying said license be extended from January 1st, 1898, to April 1st, 1898.

Made the following report:

INDIANAPOLIS, IND., March 7, 1898.

Mr. President:

We, your Committee on Judiciary, have carefully considered Resolution No. 4, 1898, and have decided that we cannot set aside an ordinance by resolution.

ALBERT E. RAUCH.
E. W. LITTLE.
J. R. ALLEN.

Which was read and concurred in.

Mr. Higgins, on behalf of the Committee on Sewers, Streets and Alleys, to which was referred:

G. O. No. 9, 1898. An ordinance prohibiting the soliciting of custom, or trade upon the streets, sidewalks and other public places in the City of Indianapolis, and fixing penalties for the violation thereof.

Made the following report:

INDIANAPOLIS, IND., March 7, 1898.

Mr. President:

We, your Committee on Sewers, Streets and Alleys, to whom was referred G. O. No. 9, 1898, have had the same under consideration and recommend its amendment by substituting in lieu thereof the accompanying ordinance, and when so amended, that it do pass.

Respectfully,
JOHN M. HIGGINS.
JOHN H. SCANLON.
E. D. MOFFETT.
JOHN A. VON SPRECKEISEN,
T. A. BOWSER.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. Clark:

G. O. No. 18, 1898. An ordinance authorizing and directing the transfer of one thousand dollars heretofore appropriated for the payment of special counsel and expenses of Street Railroad Company's litigation, to a fund to be used in defraying the expenses of the litigation between the City of Indianapolis and the Indianapolis Gas Company.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one thousand dollars of the sum heretofore appropriated for the Department of Law for the payment of special counsel and expenses of the litigation between the City of Indianapolis and the Citizens Street Railroad Company, be and the same is hereby transferred to a fund to be used by said department in defraying the necessary and legitimate expenses of the litigation now pending, or which may hereafter exist between the Indianapolis Gas Company and the City of Indianapolis.

Sec. 2. This ordinance shall be in force from and after its passage.

Which was read a first time and referred to Committee on Finance.

By Mr. Rauch:

G. O. No. 19, 1898. An ordinance providing for the change of the name of Louisa street to Nowland avenue, 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 name of Louisa street, running from Newman street east to Commerce avenue, be and shall hereafter be known as Nowland avenue.

Sec. 2. This ordinance shall be in force from and after its passage and approval by the Mayor.

With the following petition:

INDIANAPOLIS, IND., March 4, 1898.

To the Common Council of the City of Indianapolis:

Gentlemen—The undersigned, owners of real estate fronting on Louisa street, from Newman street to Commerce avenue, respectfully petition for the passage of an ordinance providing for changing the name of Louisa street to Nowland avenue.

WILLIAM C. SANDMANN, No. 1705 Louisa street.

FRANK MURRAY, No. 1625 Louisa street.

GOTTLÖB ERBER, No. 1701 Louisa street.

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

By Mr. Mahoney:

G. O. No. 20, 1898. An ordinance establishing the grade of Morris street; and requiring the Jeffersonville, Madison & Indianapolis Railroad Company, and the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, each to make its tracks to conform to such grade; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the grade of Morris street be and the same is hereby established according to the measurements set forth in the blue print, profile and specifications, marked "Exhibit A," attached hereto and made a part of this ordinance, the profile of said street to be made as shown on said "Exhibit A."

Sec. 2. The Jeffersonville, Madison & Indianapolis Railroad Company and the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company are each hereby required to lower, raise or adjust any railroad tracks owned, operated or controlled by them, or either of them, running along, across or upon said parts of said Morris street, so as to make such track or tracks conform to the grade of said Morris street, as established by this ordinance, within sixty (60) days after being notified so to do by the Board of Public Works of the City of Indianapolis, Indiana.

Sec. 3. Either of said railroad companies mentioned in Sections 1 and 2 of this ordinance failing or refusing to cause its track or tracks to conform to the grade established by this ordinance within sixty (60) days after being notified so to do, as provided by Sections 1 and 2 of this ordinance, shall, upon conviction of failure to comply with the terms of this ordinance, be fined in any sum not less than one hundred (100) dollars nor more than five hundred (500) dollars; and each day's continuance in such failure or refusal to cause any track or tracks owned, operated or controlled by either of them so as to conform to said grade as established in Section 1 of this ordinance, shall constitute a separate offense.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

By Mr. Colter:

G. O. No. 21, 1898. An ordinance authorizing the sale of certain real estate belonging to the City of Indianapolis.

Whereas, A part of lot six (6) in square thirty-six (36) in the City of Indianapolis, Marion county, Indiana, described as follows, to-wit:

Beginning at a point on the north line of Ohio street 120 feet west of the west line of Pennsylvania street and running thence north parallel with the west line of said Pennsylvania street 67½ feet to the north line of said lot six; thence west along the north line of said lot 40 feet and 3 inches to a point 34 feet and 9 inches east of the east line of Scioto street; thence south parallel with the east line of said Scioto street 67½ feet, to the north line of Ohio street; thence east along the north line of said

Ohio street 40 feet and 3 inches to the place of beginning, and the building located thereon, have heretofore been used and occupied by the City of Indianapolis for City Dispensary purposes, but which are no longer needed by said city for such purposes; and,

Whereas, It is necessary to sell said property to raise funds to be used in making certain repairs and additions upon the public buildings located upon the west end of the east Market Place; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Mayor and Board of Public Works of said city be and they are hereby authorized to sell and convey, and to cause the necessary conveyances to be executed for the sale and conveyance of said part of lot six (6) in square thirty-six (36) in the City of Indianapolis, Indiana, owned by said city, which real estate is described as follows:

Beginning at a point on the north line of Ohio street 120 feet west of the west line of Pennsylvania street, and running thence north parallel with the west line of said Pennsylvania street $67\frac{1}{2}$ feet to the north line of said lot six; thence west along the north line of said lot 40 feet and 3 inches to a point 34 feet and 9 inches east of the east line of Scioto street; thence south parallel with the east line of said Scioto street $67\frac{1}{2}$ feet to the north line of Ohio street; thence east along the north line of said Ohio street 40 feet and 3 inches to the place of beginning, after first causing the same to be appraised by three disinterested freeholders of such city, to be appointed by the Judge of the Marion Circuit Court in accordance with the provisions and requirements of the charter of said city relating to the conveyance and sale of real estate belonging to such city, the deed for the conveyance of said real estate to be executed by the Mayor and attested by the City Clerk.

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

Which was read a first time and referred to Committee on Public Property and Improvements.

MISCELLANEOUS BUSINESS.

Mr. Colter offered the following motion:

Mr. President:

I move to amend the rules of the Common Council by striking out Article IV, of Rule 1, which reads as follows: "No smoking will be allowed in the Council Chamber before or during the sitting thereof."

Which was read and referred to Committee on Rules.

Mr. Colter offered and moved the adoption of the following resolution:

Resolution No. 5, 1898—

Resolved by the Common Council of the City of Indianapolis, That the annual reports of city officers, transmitted by the Mayor to the Council at the last meeting, be referred to the City Comptroller, with authority to receive bids for printing same.

Which was read and adopted by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

Mr. Clark stated that Councilman James W. McGrew is seriously ill of typhoid fever, and moved that the President appoint a committee of five to visit Mr. McGrew, and extend the sympathy of the Common Council.

Which motion prevailed, and President Mahoney appointed the following committee: Messrs. Clark, Allen, Moffett, Knight and Higgins.

ORDINANCES ON SECOND READING.

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

G. O. No. 15, 1898. An ordinance amending Subdivision 2 of Section 6 of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances and fixing the time when this ordinance shall take effect," approved January 18, 1894, and fixing the time when this ordinance shall take effect.

And was passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

App. O. No. 4, 1898. An ordinance appropriating the sum of one hundred and six dollars and sixteen cents with which to pay a certain claim made by reason of the City Comptroller issuing a liquor license to John Hoffman, on the 4th day of January, 1898, to do business on the premises known as old No. 199 Meek street, in the City of Indianapolis, upon which premises a license had already been issued by said Comptroller to one James Reilly on the 9th day of June, 1897.

Mr. Bernauer offered the following amendment to App. O. No. 4, 1898:

Mr. President:

I move to amend App. O. No. 4, 1898, by adding the following section:

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

Which amendment was read and adopted.

On motion of Mr. Bernauer, App. O. No. 4, 1898, was then ordered engrossed, as amended, read a third time, and passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 9, 1898. An ordinance prohibiting the soliciting of custom, or trade upon the streets, sidewalks and other public places in the City of Indianapolis, and fixing penalties for the violation thereof.

Mr. Higgins, on behalf of the Committee on Sewers, Streets and Alleys, offered the following amended ordinance as a substitute for G. O. No. 9, 1898:

An ordinance prohibiting the soliciting of custom or trade upon the streets, sidewalks and other public places of the City of Indianapolis, and fixing penalties for the violation thereof.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any merchant or other tradesman, or the keeper of any hotel, or other public or business house, to solicit the custom or trade of the public or of any individual, by any outcry made by himself or any employe, in or about the door or window of his place of business, or in the vicinity of such place of business.

Sec. 2 It shall be unlawful for any merchant or the keeper of any restaurant or store, either by himself or by any employe, to solicit the trade or custom of any person or persons passing any such place of business, or any sidewalk, street or alley in said city.

Sec. 3. Any person violating any of the provisions of this ordinance shall on conviction, be fined in any sum not less than two nor more than twenty dollars.

Sec. 4. This ordinance shall be in force from and after its publication for two consecutive weeks in *The Indianapolis Sentinel*, a newspaper of general circulation in said city.

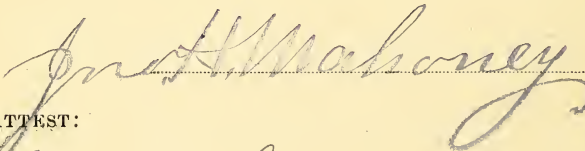
Mr. Shaffer moved that the substitute for G. O. No. 9, 1898, be referred to Committee on Sewers, Streets and Alleys, and printed in the Journal.

Mr. Higgins moved to lay Mr. Shaffer's motion on the table.

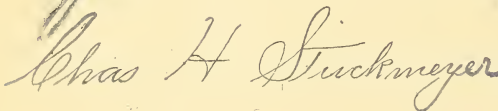
After some discussion, Mr. Higgins withdrew his motion.

The question being on Mr. Shaffer's motion, which motion prevailed.

On motion of Mr. Clark, the Common Council, at 8:45 o'clock P. M., adjourned.


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President.

ATTEST:


City Clerk