

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
June 6, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 6, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 19 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent, 1—viz.: Mr. Madden.

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

Which motion prevailed.

On motion of Mr. Higgins, the Council took a recess of fifteen minutes.

The Council reconvened at 8:20 o'clock.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 20, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinance:
G. O. No. 41, 1898. An ordinance ratifying, confirming and approving the certain contract or agreement made and entered into on the 18th day

of May, 1898, between the City of Indianapolis, by and through its Board of Public Works, and the New Telephone Company, and providing for the taking effect of same.

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.
INDIANAPOLIS, IND., May 26, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following resolution:

Resolution No. 8, 1898. A resolution directing the City Clerk to make proper entry upon mortgage record that assessment made for opening and extension of Rohampton street is declared null and void.

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 6, 1898. }

To the President and Members of the Common Council:

Gentlemen—We hand you herewith, for your consideration and action, a certain contract and agreement made and entered into by and between this Board and the Cincinnati, Hamilton & Indianapolis Railroad Company and the Indianapolis Manufacturers' and Carpenters' Union.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

Which was read.

Mr. Colter moved to refer the communication to the Committee on Contracts and Franchises.

The ayes and nays being called for by Messrs. Harston and Higgins, the roll was called, which resulted in the adoption of Mr. Colter's motion by the following vote:

AYES 16—viz.: Messrs. Allen, Bernauer, Clark, Colter, Costello, Crall, Knight, Little, Merrick, Moffett, McGrew, Rauch, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 4—viz.: Messrs. Bowser, Harston, Higgins and Scanlon.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Merrick, on behalf of the Committee on Accounts and Claims, to which was referred:

App. O. No. 6, 1898. An ordinance appropriating the sum of twenty-eight dollars and eight cents (\$28.08) for the use of the Department of Finance during the year 1897, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., June 5, 1898.

Hon. John H. Mahoney, President of the Common Council:

Dear Sir—We, your Committee on Accounts and Claims, have had under consideration App. O. No. 6, 1898, and recommend that the same do pass.

RICHARD MERRICK.
EDWARD E. BERNAUER.
JOHN H. CRALL.

Which was read and concurred in.

Mr. Colter, on behalf of a majority of the Committee on Contracts and Franchises, to which was referred:

G. O. No. 13, 1898. An ordinance fixing the maximum rate to be charged for the use of water to private consumers, and repealing all ordinances in conflict therewith and declaring an emergency.

Made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Mr. President:

Your Committee on Contracts and Franchises, to whom was referred G. O. No. 13, 1898, together with the amendments thereto, have considered the same, and respectfully report as follows:

The object to be attained is immediate relief to the residents of the City of Indianapolis in the way of cheaper water rates. If this ordinance should be passed and the Water Company refuse to accept the rates fixed, it would require the appointment of commissioners or arbitrators to arrange and agree upon a schedule of prices to be charged within the city. This could only result in much delay, and perhaps finally in such litigation as would postpone reduction in price to the consumers for an indefinite period of time.

The City Charter provides that the Board of Public Works shall have power to contract for the furnishing of water to the city or citizens thereof, by any company or individual, and in such contract to fix prices to be charged for the same in such city, subject to ordinances of such city in relation to consumption by private consumers.

With this power conferred upon the Board of Public Works, to be used in connection with such ordinances as the Common Council may pass, we believe that cheaper water rates to the citizens of Indianapolis could be more quickly and easily attained by referring the whole subject-matter to the Board of Public Works for the purpose of having them enter into immediate negotiations with the Indianapolis Water Company, to

the end that a new contract may be entered into between the city and said company, in which reasonable rates shall be fixed to be paid by the city and consumers, so that the people can have the immediate benefit of such reduction as soon as such contract shall be entered into, thus avoiding the appointment of commissioners or arbitrators, and all litigation in regard to such reductions.

We therefore recommend that the whole subject-matter covered by the said ordinance and amendments be referred to the Board of Public Works, with the request to said Board to immediately negotiate with the Indianapolis Water Company for the purpose of making a new contract with said company for furnishing water to the citizens of this city at reasonable rates, as we consider the present rate charged by said company as unreasonably high.

GEO. R. COLTER.
 JAMES H. COSTELLO.
 W. W. KNIGHT.
 ALBERT E. RAUCH.
 JOHN A. VON SPRECKELSEN.
 GEO. W. SHAFFER.
 JOHN H. SCANLON.

Which was read.

Mr. Little, on behalf of the minority of the Committee on Contracts and Franchises, to which was referred G. O. No. 13, 1898, made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Mr. President:

A minority of your Committee on Contracts and Franchises have had under consideration an amendment to G. O. No. 13, known as the water ordinance, and most respectfully submit the following report:

The ordinance is one for the purpose of reducing the water rates as now charged by the Indianapolis Water Company to an amount of about 10 per cent. The majority report of your committee recommends and suggests that the ordinance be referred to the Board of Public Works of the City of Indianapolis—a recommendation never before heard of, and should never be heard of again; wholly without warrant, not authorized by the statutes of Indiana, in direct conflict with every syllable in the charter, and in direct conflict with every principle of law. The Common Council of the City of Indianapolis, we suggest and recommend, has nothing whatever to do with determining the legality of an ordinance. We were not sent here for the purpose of passing upon legal questions. We were not sent here to perform any duty pertaining to legal matters. The city provides for and the taxpayers pay a competent man to determine what is legal and what is illegal in matters of this kind, and the city, as a rule and as a custom, has always taken the advice of its City Attorney. If we would disabuse our minds of questions of this character, and occupy our minds with the duties imposed upon us by reason and virtue of our office, and discharge the duty entrusted to us by the people who selected us to represent them in this body, at the expiration of our term of office we could walk out of this Council with honor to ourselves, to our constituency, and to our party. Each department has a duty to perform, and if the person or persons in the several departments discharge the duties imposed upon them, then they have acquitted themselves in a manner of which they should be proud. We, as a body, represent not any special institution, not any special class, not any spe-

cial section, but the whole city, the whole people, regardless of their condition in life, financially or otherwise. The question is now, Have the people any rights? Is there a just demand for lower water rates? We suggest and recommend that there is. For years past there has been a clamor by the struggling people for a lower water rate in this city. It is not only demanded from one section of the city, but is demanded from every section of the city, and rightly so. And why? The people of Indianapolis are not in the habit of complaining if they are treated reasonable. Why, then, this complaint? It is notorious that the rates are excessive to such an extent that they impose a burden upon the people which they are not able to carry. This ordinance asks for nothing unreasonable. It simply asks for a gradual deduction or reduction from the prices fixed by the ordinance heretofore passed by the City of Indianapolis, of the nominal sum of 10 per cent. Here is a corporation that invested possibly five hundred thousand dollars when they entered into business. To-day they are worth from two to two and one-half millions. We absolutely submit that it is the people of the City of Indianapolis that have paid the money to enrich this corporation; they had to stand the brunt and the burdens of all the greed and avarice and outrageous prices by this corporation. It has become so thoroughly planted and entrenched, its influence and power is so great, that it is now a stable octopus, with power and influence so persuasive that even the great Democratic party does not dare to attack it. We have heard it suggested that some men have heard no complaint from the high water prices paid by the people of this city. They evidently were not listening or they could be heard; but remember, if this ordinance is defeated, the great Democratic party will hear complaint from the people. I speak thus for the reason that the Democratic party is now in the majority in this Council, and they are responsible to the people for the relief they are entitled to and the relief they are demanding at their hands. Your report from the minority of your committee begs to suggest that the ability and the opinion of our City Attorney has never been rightfully questioned, and as a part of this report we submit his written opinion on the question as to the power of the Council and the Board of Public Works. And we submit further that the contract between the city and the Indianapolis Water Company has expired nearly two years ago. And we desire to call attention to the provisions of that contract when it was entered into, notwithstanding that it has expired, and that is this, which provides: "The company shall have the right to charge the city and the citizens thereof for such water as may be supplied as much as the average price paid by other cities of the United States and the citizens thereof, of like population that are supplied with efficient water-works, unless a less price may be agreed upon," etc. And in connection with the provisions of the charter, the law of Indiana, the City Attorney's opinion, we submit that this ordinance should not be referred to the Board of Public Works, or any other Board, but be disposed of in this Council, who have the exclusive control and jurisdiction of the matter. The Democratic party, being in the majority, should look after the welfare and interest of the whole people. The party has always made its boasts of being closer to the people, being more jealous of the people's interests against the encroachments of corporate power than any other party that ever existed. One of the greatest Democrats, one of the greatest statesmen that ever lived on the American continent, once said that there was a tendency in American politics towards centralization of power, and that it was the duty of the Democratic party to check and rebuke that tendency. That was the utterance of Samuel J. Tilden. So it is here. It is the duty of the Democrats in this Council to stand as barriers against the encroachments of corporations upon the people's rights, and protect them from exorbitant prices and outrageous charges,

and see that while they are in power their interests are protected, and that the party always did and will stand as the guardians of the people. And we respectfully recommend that G. O. No. 13 do pass.

E. W. LITTLE.

With the following communication from City Attorney:

CITY OF INDIANAPOLIS,
OFFICE OF THE DEPARTMENT OF LAW, }
June 6, 1898. }

E. W. Little, Esq., Member Common Council:

Dear Sir—In reply to your inquiry, will say that Section 23 of the City Charter expressly gives to the Common Council the right "to license, tax, regulate and prohibit the supply, distribution and consumption of artificial and natural gas, of water and of electricity, and to fix the prices thereof."

Of course, this right to fix prices by ordinance is subject to the contract rights of all interested parties.

The ordinance of 1870, which is the basis of the existing contract between the Water Company and the city, provides in Section 3 that "the company shall have the right to charge the city and the citizens thereof, for such water as may be supplied, as much as the average price paid by other cities of the United States, and citizens thereof, of like population, that are supplied with as efficient water-works, unless a less price may be agreed upon; but the company may not demand or charge a greater price. In case the company and the City Council fail to agree upon a schedule of prices * * * then such schedule and rates of charges shall be ascertained and determined by five disinterested persons * * * and the rates so fixed shall remain in force until altered by agreement or arbitration as aforesaid."

This is the existing contract which must be considered in connection with any ordinance providing for a reduction of rates.

It is true that all provisions of the City Charter bearing upon any given subject must be construed together, and that Section 23, above quoted, conferring power upon the Council to fix rates, must be construed in connection with Section 59 of the Charter, which confers upon the Board of Public Works the power "to authorize and empower, by contract, telegraph, telephone, electric light, gas, water, steam or street car or railroad companies to use any street, alley or public place in said city, and to erect necessary structures therein, and to prescribe the terms and conditions of such use, and to fix by contract the prices to be charged to patrons: Provided, That such contract shall in all cases be submitted by said Board to the Council of such city, and approved by them by ordinance before the same shall take effect."

Thus it will be seen that by Section 23 the Council has the right to fix rates by ordinance, subject to existing contract rights, while by Section 59 the Board of Public Works has the right to fix the rates by contract, subject to the approval of the Council.

Before rates can be fixed by contract by the Board of Public Works, there must be an agreement between the Board and Water Company as to what the rates should be. If such an agreement can be arrived at there would be no legal obstacle in the way of the Board fixing the rates by such contract, subject to the approval of the Council; but in the absence of an agreement the Board would be powerless to act.

The whole situation, then, is that the Board of Public Works may fix rates by contract, if an agreement can be reached, while the Council

may fix rates by ordinance, whether an agreement is reached or not, provided it keep in view the restrictive provisions of the ordinance of 1870.

This, I believe, fully answers your question as to the respective powers of the Council and Board of Public Works in this and similar cases.

Very respectfully,

JOHN W. KERN,
City Attorney.

Which was read.

Mr. Little moved that the minority report be substituted for the majority report.

Mr. Colter moved to lay the minority report on the table:

The ayes and nays being called for by Messrs. Higgins and Little, Mr. Colter's motion was adopted by the following vote:

AYES 15—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Knight, Moffett, Rauch, Scanlon, Shaffer, Von Spreckelsen and President Mahoney.

NAYS 5—viz.: Messrs. Higgins, Little, Merrick, McGrew and Smith.

Mr. Colter moved that the majority report be adopted.

Mr. Little moved to lay Mr. Colter's motion on the table.

The ayes and nays being called for by Messrs. Little and Higgins, Mr. Little's motion was lost by the following vote:

AYES 4—viz.: Messrs. Higgins, Little, Merrick and McGrew.

NAYS 16—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Knight, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

The question being on the adoption of the majority report.

The ayes and nays being called for by Messrs. Higgins and Little, Mr. Colter's motion was adopted by the following vote:

AYES 17—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Knight, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 3—viz.: Messrs. Higgins, Little and Merrick.

Mr. Scanlon, on behalf of the Committee on Elections, to which was referred the following communication:

BOARD OF SCHOOL COMMISSIONERS, }
INDIANAPOLIS, IND., May 12, 1898. }

Mr. Chas. H. Stuckmeyer, Clerk of City of Indianapolis:

Dear Sir—I respectfully beg leave to notify you that the terms of Commissioners of Fourth, Seventh and Eighth school districts will expire on the last day of June, 1898, and, according to Section 141 of the

School Law of the State of Indiana, there will be held an election of one Commissioner in each of said districts on the second Saturday of June, 1898, being the 11th day of said month.

Respectfully,

FRANK L. REISSNER,
Ass't Sec. Board of School Commissioners.

N. B.—Voting places heretofore have been in District No. 4, at School No. 4, corner Blackford and Michigan streets; No. 7, at School No. 7, corner Bates and Benton streets; No. 8, at School No. 8, Virginia avenue and Huron streets.

Made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Mr. President:

Your Committee on Elections, to which was referred the communication from the Board of School Commissioners of May 12, 1898, relative to the school election to be held June 11, 1898, hereby report on same and submit the accompanying resolution, which we recommend be passed.

Very respectfully,

JOHN H. SCANLON.
T. A. BOWSER.

Resolution No. 9, 1898—

Resolved, by the Common Council of the City of Indianapolis, Indiana, That the following-named persons be and they are hereby appointed Inspectors, Judges and Clerks of the election for School Commissioners to be held in the following School Commissioners' Districts, Saturday, June 11, 1898:

District No. 4.—Inspector, George W. Killinger; Judges, Charles Ray and Frank Hubbard; Clerks, Gustave Frobinus and Joseph Broyles. (Voting place, School No. 4, corner Blackford and Michigan streets.)

District No. 7.—Inspector, Joseph Behringer; Judges, Jacob C. Hinckley and Charles H. Taylor; Clerks, Robert Tout and Richard Gwinn. (Voting place, School No. 7, corner Bates and Benton streets.)

District No. 8.—Inspector, Henry Stolte; Judges, Andrew Keller and John J. Ray; Clerks, John Smith and William Kuerman. (Voting place, School No. 8, corner Virginia avenue and Huron street.)

This resolution shall be in full force and effect from and after its passage.

Which was read and concurred in, and, on motion of Mr. Little, Resolution No. 9, 1898, was adopted by the following vote:

AYES 18—viz.: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Crall, Harston, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney

NAYS 2—viz.: Messrs. Clark and Higgins.

Mr. Von Spreckelsen, on behalf of the Committee on Ordinances, to which was referred the following petition:

To the Honorable Board of the Council of the City of Indianapolis:

The undersigned residents of the vicinity of St. Joe and Alabama streets respectfully petition your honorable Board to give us an ordinance whereby we may have a reasonable rate of speed on the Alabama-

street car line between Fort Wayne avenue and Eleventh street. This being a very narrow street, and St. Joe also being a narrow street, it is a very dangerous crossing, and in view of the fact that we have had three very serious accidents within a year, and two deaths resulting from same, we believe you should give this your immediate and special attention.

[Signed by 27 citizens.]

Made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Mr. President:

We, your Committee on Ordinances, have had under consideration a petition regulating the speed of street cars. After careful investigation, we find an ordinance on page 648, Revised Ordinances, Section 2138, regulating the speed to ten miles per hour, and at the crossings six miles per hour, which we think covers the petition asked.

Respectfully,

JOHN A. VON SPRECKELSEN.
GEO. W. SHAFFER.
GEO. R. COLTER.

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. 26, 1898. An ordinance establishing the grade of South-eastern avenue, and requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company and the Cincinnati, Hamilton & Indianapolis Railway Company each to make its tracks to conform to such grade, providing a penalty for the violation thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Hon. John H. Mahoney, President of the Common Council:

We, your Committee on Sewers, Streets and Alleys, have had G. O. No. 26, 1898, under consideration, and recommend that the same do pass.

Very respectfully,

JOHN M. HIGGINS.
JOHN H. SCANLON.
E. D. MOFFETT.
JOHN A. VON SPRECKELSEN.
T. A. BOWSER.

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. 40, 1898. An ordinance providing for the change of the name of Andrews street to Dewey avenue, and fixing the time when same shall take effect.

Made the following report:

INDIANAPOLIS, IND., June 6, 1898.

Hon. John H. Mahoney, President of the Common Council:

We, your Committee on Sewers, Streets and Alleys, have had G. O. No. 40, 1898, under consideration, and recommend the same do pass, as Mr. Dewey, the first hero of the present war, has always been a staunch Democrat.

Respectfully submitted,

JOHN M. HIGGINS.
E. D. MOFFETT.
JOHN H. SCANLON.
JOHN A. VON SPRECKELSEN.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Board of Public Works:

G. O. No. 44, 1898. An ordinance approving a certain contract, granting the Cincinnati, Hamilton & Indianapolis Railway Company and the Indianapolis Manufacturers' and Carpenters' Union the right to lay and maintain three switches or side-tracks across South New Jersey street, in the City of Indianapolis, Indiana.

Whereas, Heretofore, to-wit, June 6, 1898, the Board of Public Works of the City of Indianapolis, Indiana, for and on behalf of said city, entered into a certain contract with the Cincinnati, Hamilton & Indianapolis Railroad Company and the Indianapolis Manufacturers' and Carpenters' Union, which contract is as follows:

Whereas, Heretofore, to-wit, on the 3d day of June, 1898, the Cincinnati, Hamilton & Indianapolis Railroad Company filed their petition with the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., June 2, 1898.

To the Board of Public Works of the City of Indianapolis:

Gentlemen—The undersigned, owner of real estate abutting on South New Jersey street, north of Louisiana street, being lot five (5) and the south half of lot six (6) in Yandes & Wilkin's subdivision of square sixty-two (62), in the City of Indianapolis, Indiana, respectfully petition you for the making of a contract by and between the undersigned and the City of Indianapolis, providing for a right-of-way for three switches or side-tracks across New Jersey street, in said city, the center line of which tracks will cross the east line of New Jersey street at points 162.5, 170.5 and 182.5 feet, respectively, south of the south line of Pearl street, measured along the east line of New Jersey street, and the center line of said tracks will cross the west line of New Jersey street at points 140.5, 170.5 and 182.5 feet, respectively, south of the south line of Pearl

street, measured along the west line of New Jersey street, according to drawings herewith submitted, and for further certainty marked Exhibit "A."

Your petitioner prays that the privilege and authority herein requested shall be granted, upon such terms and conditions as may hereafter be agreed upon by contract.

THE CINCINNATI, HAMILTON & INDIANAPOLIS R. R. Co.,
By C. G. WALDO, *President*.

INDIANAPOLIS MANUFACTURERS' AND CARPENTERS' UNION,
By VALENTIN SHAAF, *President*.

Now therefore, This agreement, made and entered into this June 6, 1898, by and between the Cincinnati, Hamilton & Indianapolis Railroad Company and Indianapolis Manufacturers' and Carpenters' Union, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part:

Witnesseth: That said party of the first part, being desirous of securing a right-of-way for three switches or side-tracks across South New Jersey street, in the City of Indianapolis, hereby covenant and agree and fully bind themselves, their legal representatives, successors and assigns, that in consideration of the granting of the privileges and authority herein given, it will lay, construct and maintain said switches or side-tracks upon the terms and conditions hereinafter set forth, viz.:

First—They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall at all times be subject to the orders and control of the Board of Public Works of the City of Indianapolis.

Second—Said switches or side-tracks shall be laid on such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said side-tracks or switches shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered in writing by said Board.

Third—The crossing where said switches or side-tracks cross New Jersey street shall, at all times, be kept improved (properly planked between the rails from property line to property line), and in repair, and free from defects or obstructions of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, but they shall at no time be stopped or detained thereon in such a manner as to obstruct public travel.

Fourth—Said party of the first part agrees, at the pleasure and written order of said Board, to take up, remove and abandon said side-tracks or switches, and upon its failure so to do, upon such notification in writing of ten days, to promptly pay the cost of having the same done. And said party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal, and said Board, or said city, in removing said side-tracks or switches, or in causing the same to be done, shall in no wise be or become a trespasser.

Fifth—In case said switches or side-tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which facts the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or improve the same, and failing in which, after a notification in writing of ten days, the said Board shall do or cause the same to be done at the expense of said party of the first part, and for which expense and cost said party of the first part shall be liable.

Sixth—The said party of the first part hereby binds itself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said switches or side-tracks, and to pay any judgments or costs that may be, on account thereof, rendered against said city.

Seventh—Any violation of any provision of this instrument by said party of the first part, or by anyone for it or at its instance or permission, shall operate as an immediate and absolute forfeiture of all the privileges and authority granted by this contract; provided, however, that the same may be terminated without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

The said party of the second part, by virtue of an act of the General Assembly of the State of Indiana, entitled "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth, and upon the terms and conditions of the things herein stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain three switches or side-tracks across South New Jersey street, as and for the reasons prayed for in its petition, which is set forth in the preamble hereto, and as shown by the drawings attached and made part hereof and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this 6th day of June, 1898.

THE CINCINNATI, HAMILTON & INDIANAPOLIS R. R. Co.,
By C. G. WALDO, *President*,

INDIANAPOLIS MANUFACTURERS' AND CARPENTERS' UNION,
By VALENTIN SHAAF, *President*,

Party of the First Part.

THE CITY OF INDIANAPOLIS,

By M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works,

Party of the Second Part.

Whereas, Said contract has been submitted by the City of Indianapolis, through its Board of Public Works, to the Common Council of the City of Indianapolis, for its consideration and action; now, therefore.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said contract, hereinbefore set forth, be and the same is hereby, in all things, confirmed and approved.

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

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

By Mr. Rauch:

G. O. No. 45, 1898. An ordinance providing for the change of the name of Keith street to North State street, 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 Keith street, running from

Twelfth street north to Nowland avenue, being the first street east of Newman street, be and shall hereafter be known as North State street.

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

With the following petition:

INDIANAPOLIS, IND., June 4, 1898.

To the Mayor and Council:

We, the undersigned property owners of Keith street, would respectfully request that the name of Keith street be changed to North State street, for the following reasons:

First—It is on a direct line with that street, and should be a continuation of it.

Second—Being a very short street, it is hard to describe and harder to find.

Third—It is a well-improved street, but, owing to the name, eight people out of ten have trouble to find it.

Fourth—We have never had a street sign. When the name is changed as above, we want a sign put up at each end of the street, and one about in the center.

H. Morris, L. Murray, Thos. McQuillin, F. Maynard,
W. O. Thiele, E. C. Bence, J. P. Carroll, Chas. N.
Chester, Chris. Class.

Which was read a first time, and, on motion of Mr. Higgins, referred to Committee on Contracts and Franchises.

By Mr. Little:

G. O. No. 46, 1898. An ordinance advancing the pay of members of the Indianapolis Fire and Police Force.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the salaries and pay of all members of the Fire and Police Departments shall be advanced 10 per cent: Provided, That said advancement shall not take effect until there is sufficient money in the City Treasury to pay said advancement over and above the regular salaries and pay they are now receiving.

Sec. 2. This ordinance shall be in full force and effect, as above provided, 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 Indianapolis, Indiana.

Which was read a first time.

Mr. Little moved that G. O. No. 46, 1898, be referred to Committee on Sewers, Streets and Alleys.

Mr. McGrew moved as a substitute for Mr. Little's motion, that G. O. No. 46, 1898, be referred to Committee on Fees and Salaries.

Which motion prevailed.

By Mr. Crall:

G. O. No. 47, 1898. An ordinance to regulate the sale of ice in the City of Indianapolis, to provide for the weighing of the same, prescribing penalties for the violation of its provisions, and providing for its taking effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any dealer in ice in said city, who sells such ice by weight, to charge, collect or receive, or attempt to charge, collect or receive from any person to whom any such ice has been so sold or delivered for any greater number of pounds of ice than shall have been actually delivered to any such customer.

Sec. 2. That it shall be unlawful for any dealer in ice in said city, who sells such ice by weight at a stipulated price per pound or hundred-weight, to deliver any such ice to any customer in said city without causing the same to be correctly weighed at the time of such delivery by the agent or employe delivering the same, and all agents and employes of any such dealer in ice so engaged in delivering the same shall be provided with the necessary scales, or other weighing apparatus, by such dealer, to enable such agent or employe to correctly weigh each piece of ice so delivered at the time of such delivery, and it shall be unlawful for any such agent or employe to report or charge for any quantity of ice as delivered in excess of the quantity actually delivered, according to the correct weight thereof.

Sec. 3. It shall be unlawful for any person delivering ice in said city, which has been sold by weight, to refuse upon demand to allow the customer to whom said ice is being delivered to witness the weighing of the same at the time of such delivery, or to refuse upon demand therefor to furnish to any such customer a written statement of the actual number of pounds of ice delivered to such customer at the time of any such delivery.

Sec. 4. Any person who shall violate any of the provisions of sections one, two or three of this ordinance shall, on conviction therefor, be fined in any sum not less than five dollars nor more than ten dollars for the first offense, and not less than ten dollars nor more than fifty dollars for any subsequent offense.

Sec. 5. This ordinance shall be in force from and after its publication once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper having general circulation in said city.

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

ORDINANCES ON SECOND READING.

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

G. O. No. 10, 1898. An ordinance requiring all property owners or agents to obtain a permit from the Park Bureau before planting any tree or trees in or along the streets of the City of Indianapolis, and requiring all trimming or pruning of trees along said streets to be done under the direction of the Park Superintendent.

And, on motion of Mr. McGrew, was stricken from the files.

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

App. O. No. 6, 1898. An ordinance appropriating the sum of twenty-eight dollars and eight cents (\$28.08) for the use of the Department of Finance during the year 1897, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 20—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 26, 1898. An ordinance establishing the grade of South-eastern avenue, and requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company and the Cincinnati, Hamilton & Indianapolis Railway Company each to make its tracks to conform to such grade, providing a penalty for the violation thereof, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 20—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 40, 1898. An ordinance providing for the change of the name of Andrews street to Dewey avenue, and fixing the time when same shall take effect.

And was passed by the following vote:

AYES 18—viz.: Messrs. Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Smith, Von Spreckelsen and President Mahoney.

NAYS 2—viz.: Messrs. Allen and Shaffer.

On motion of Mr. Colter, the Common Council, at 9:20 o'clock P. M., adjourned.

Geo. H. Mahoney
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President.

ATTEST:

Chas. H. Truckenmeyer
City Clerk.