

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
August 15, 1892. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 15, at 8 o'clock P. M., in regular meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the Chair, and 15 members, viz.: Messrs. Allen, Costello, Holloran, Linn, McGill, McGuffin, Olsen, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and Young.

Absent, 6—viz.: Messrs. Colter, Cooper, Gasper, Gauss, Laut and Puryear.

The Clerk proceeded to read the Journal of the Common Council for the regular meeting, held Thursday, July 1, 1892, whereupon Councilman Rassmann moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

REPORTS, ETC., FROM CITY OFFICERS.

DEPARTMENT OF FINANCE,
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, August 10, 1892. }

To the Common Council of the City of Indianapolis:

GENTLEMEN—I respectfully recommend that you authorize by ordinance the transfer of money heretofore appropriated by you to the Department of Public Safety, the sum of seventeen hundred and fifty dollars from the Fire Department Accounts to the Fire Force Pay-Roll Account.

This money will be needed to pay the fire force for August, and can be spared from the Fire Department Accounts.

Very respectfully,

WILLIAM WESLEY WOOLLEN,
City Comptroller.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. McGill, on behalf of the Judiciary Committee, to whom was referred the following :

WHEREAS, The Common Council on March 16, 1891, passed an ordinance directing, authorizing and empowering the City Attorney to employ such assistance, at the expense of the city, as may be necessary to make a complete revision and codification of all the ordinances of the city of Indianapolis in force at that time, and no report having ever been made as to the progress of this work, or the estimated cost of the same; I, therefore,

Move, That the Judiciary Committee be instructed to make an immediate and proper examination into this matter, and report to the Common Council the condition of said work at this time, together with all other facts relating thereto, said report to be presented at the next regular meeting of this body.

WHITE.

Made the following report :

INDIANAPOLIS, IND., August 13, 1892.

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

GENTLEMEN—Your Committee on Judiciary, to which was referred the motion of Councilman White relating to the codification of city ordinances, after proper inquiry with reference to the condition of such work, would respectfully state that, promptly after the passage of the ordinance of this body providing for such work, the City Attorney selected John W. Kern, J. E. McCullough, and Wm. L. Taylor as a commission to assist in preparing a complete revision of all the ordinances of the city of Indianapolis; that the gentlemen named have had numerous meetings relating to the matter, and have assigned and divided the work in the manner which to them seemed best; that the work is progressing satisfactorily and will probably be completed before the close of the year. Your committee would further report that the duties imposed by the ordinance require much labor and time, but we are satisfied that when the revision is completed it will be of much value to the city.

As evidence of the nature of the appointment of the gentlemen above named, and the wide scope which City Attorney Bailey contemplates in the completion of this work, your committee reproduces in this report a copy of his letter, which was sent to each of the persons named and is as follows :

“Under and by virtue of an ordinance entitled, ‘An ordinance empowering the City Attorney to revise and codify all existing city ordinances, and to employ such assistance necessary to accomplish the same,’ known as General Ordinance No. 1, passed by the Common Council of the City of Indianapolis March 16, 1891, and signed and approved by the Mayor of said city March 26, 1891, I take pleasure in designating you as one of the assistants and members of the commission charged with this important work.

Owing to the uncertainty attached to the character, scope and extent of the labor connected with this undertaking, no appropriation has been made out of which the expense of the revision can be paid.

I, therefore, desire to call your attention to section 51, of the act of the General Assembly, approved March 6, 1891, known as the City Charter, which provides that:

"No executive department, officer or employe thereof shall have power to bind such city by any contract, agreement, or in any other way, to any amount beyond the amount of money at the time already appropriated by ordinance for the purpose of such department, and all contracts and agreements, express or implied, and all obligations of any and every sort beyond such existing appropriation, are declared to be absolutely void."

While, therefore, the Common Council may reasonably be relied upon to make adequate compensation for the services to be rendered, when they are terminated and definitely known, I desire that it be understood that by this appointment there is no contract made or contemplated, either express or implied, by which the city is bound to pay much, little or anything for your services. The city may in the future, provide adequate remuneration or it may decline to pay anything whatever. It is with this express understanding that you are named by me and under which your acceptance must come.

I am determined that the work of this commission shall result in the most perfect, and so far as skill and care can make it, in the most faultless compilation of the statutes and ordinances affecting the city, which it is possible to prepare. It is my desire that the volume to be issued shall contain every valid franchise and contract in existence in which the city is interested; that there be an elimination of all inoperative ordinances now on file; that all of those in force be published; that there be a repeal and re-established, in their stead, of all which are of doubtful application; that there be prepared for the action of the Common Council all ordinances which shall be necessary to give full expression to the numerous powers granted in the new law; that there be a most complete indexing of the city charter and a compilation of all other statutes enacted by the late General Assembly, which shall apply to the city of Indianapolis; also, a thorough examination of all the decisions of our Supreme Court, construing any of the statutes or ordinances above referred to, which decisions shall be set forth, in abstract, as foot notes.

The above outlines may suffice to indicate the care, extent and vast importance to the city of the work to be performed, and fully appreciating these conditions I have made the selections decided upon.

Be kind enough to indicate your acceptance at an early day and meet with the other gentlemen named at my office to-morrow, Wednesday afternoon, at 2 o'clock.

Your committee is, therefore, of the opinion that the work is in experienced and capable hands and is progressing with all rapidity consistent with the thoroughness and accuracy which should characterize such a production.

Very respectfully submitted,

ROBERT C. MCGILL,
Chairman.

EMIL C. RASSMANN,
A. A. YOUNG.

Mr. Costello, on behalf of the Committee on Sewers, Streets and Alleys, made the following report :

August 15, 1892.

Mr. President and Members of the Common Council :

GENTLEMEN—Your Committee on Sewers, Streets and Alleys, to whom was referred General Ordinance No. 30, have had same under consideration, and recommend that it be passed.

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

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. White :

G. O. No. 31, 1892. An ordinance to promote the health and comfort of the citizens of Indianapolis, providing for the cutting and burning of weeds, and the cleaning and filling up of vacant lots.

Read the first time and referred to the Committee on Public Health.

By Mr. McGuffin :

G. O. No. 33, 1892. An ordinance to amend an ordinance to further promote and secure the health of the city of Indianapolis.

Read first time.

Mr. McGuffin moved that the constitutional rules be suspended for the purpose of placing General Ordinance No. 33, 1892, on its final passage.

Which motion was adopted by the following vote :

AYES, 15—viz: Councilmen Allen, Costello, Holloran, Linn, McGill, McGuffin, Olsen, Rassmann, Ryan, Schmidt, Schrader, Sherer, White, Young and President Murphy.

NAYS—None.

Thereupon General Ordinance No. 33, 1892, was read second time ; ordered engrossed ; read third time and passed by the following vote :

AYES, 15—viz: Councilmen Allen, Costello, Holloran, Linn, McGill, McGuffin, Olsen, Rassmann, Ryan, Schmidt, Schrader, Scherer, White, Young and President Murphy.

NAYS—None.

By Mr. Young :

G. O. No. 32, 1892.

Read a first time, and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Young :

G. O. No. 34, 1892. An ordinance prohibiting traction engines and other engines from being propelled over and along certain streets of Indianapolis, and providing penalties for the violation thereof.

Read a first time, and referred to the Committee on Sewers, Streets and Alleys.

APPROPRIATION ORDINANCES.

The City Comptroller, through Councilman Rassmann, introduced the following Appropriation Ordinance :

Appropriation Ordinance No. 7, 1892. An ordinance authorizing and directing the transfer of one thousand, seven hundred and fifty dollars (\$1,750) from the fire force account of the Department of Public Safety to the fire pay-roll account of said Department.

Read first time.

Mr. Rassmann moved that the constitutional rules be suspended for the purpose of placing Appropriation Ordinance No. 7, 1892, on its final passage.

Which motion was adopted by the following vote :

AYES, 15—viz: Councilmen Allen, Costello, Holloran, Linn, McGill, McGuffin, Olsen, Rassmann, Ryan, Schmidt, Schrader, Sherer, White, Young and President Murphy.

NAYS—None.

Thereupon Appropriation Ordinance No. 7, 1892, was read second time; ordered engrossed; read third time and passed by the following vote :

AYES, 15—viz: Councilman Allen, Costello, Holloran, Linn, McGill, McGuffin, Olsen, Rassmann, Ryan, Schmidt, Schrader, Sherer, White, Young and President Murphy.

NAYS—None.

MISCELLANEOUS BUSINESS.

Mr. McGuffin offered the following resolutions, which were adopted by the Board of Health :

RESOLUTION ADOPTED BY THE HEALTH BOARD.

To the Mayor and Common Council of the City of Indianapolis :

GENTLEMEN—At a special session of the Indianapolis Board of Public Health and Charities, held August 13, 1892, the following resolution was approved and adopted :

Resolved, That the existence of weeds upon or within any lot, yard, commons or other ground, within the limits of the City of Indianapolis, is hereby declared to be a nuisance and a menace to the health of the residents of said city; be it further

Resolved, That the Sanitary Inspectors and members of Police Force shall be instructed to notify the owner, agent or occupant, of any lot, yard, commons or other ground, within said city upon which weeds are or have been growing to cause said weeds to be cut and burned; and any owner, agent, or occupant, who

shall neglect or refuse to comply with said order shall be deemed guilty of having violated the provisions of this resolution and shall be prosecuted in accordance with "an ordinance defining the powers and duties of the Board of Health." In force January 8, 1872.

FRANK A. MORRISON,
ALLISON MAXWELL,
Board of Health and Charities.

Mr Young moved to lay Mr. McGuffin's resolution on the table.

Which motion was adopted.

On motion of Mr. Rassmann, the Common Council, at 9:15 o'clock P. M., adjourned.

M. J. Murphy

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President.

ATTEST: *R. L. Brown*

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City Clerk.