

## REGULAR MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
October 16, 1899. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 16, 1899, at 8 o'clock, in regular meeting.

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 20 members, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel and Wheeler.

The proceedings of the first regular session of the Common Council, held Thursday, October 12, 1899, were read and approved.

## REPORTS FROM CITY OFFICERS.

## Communication from City Comptroller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY COMPTROLLER,  
INDIANAPOLIS, IND., October 16, 1899. }

*To the President and Members of the Common Council:*

Gentlemen—I send you herewith, for your consideration and action, an ordinance appropriating for the use of this Department, to the credit of the Election Fund, the sum of \$2,638.87. This sum is necessary on account of the election of School Commissioners at the same time as other city officers, thus entailing the payment for one extra day of one Inspector, two Judges, two Clerks and two Sheriffs. I am informed that these officers were employed, in almost every instance, long beyond midnight in counting the ballots for School Commissioners, while it is known that the vote for other city officers was counted and tabulated in most instances before that time. I append, in this connection, a copy of the opinion of the Assistant City Attorney and the unanimous recommendation of the City Election Commissioners.

Had there been no election of School Commissioners at this time, the expense would have been about as follows:

195 Inspectors, 2 days; 390 each Judges, Clerks and Sheriffs, 1 day and meals for 195 election precincts.....	\$4,972.50
Rent of voting places.....	1,000.00
Bills certified to me by Election Commissioners, being for print- ing, advertising, delivering booths, maps and supplies.....	3,131.27
Total .....	\$9,103.87

It will thus be seen that, eliminating some of the expense which it is impossible to calculate at this time, the election would have cost no more than the amount appropriated one year ago, \$9,000.

The amount asked for is made up of the following items:

One day's pay for 195 Inspectors, 390 Judges, 390 Clerks and 390 Sheriffs .....	\$2,535.00
Extra expense of Election Commissioners caused by school elec- tion .....	103.87
	<hr/>
	\$2,638.87

I therefore recommend that your honorable body make the appropriation asked for, and shall, as recommended by the City Attorney, call upon the School Board to pay into the City Treasury the expense caused by the election of School Commissioners.

Very respectfully,

E. M. JOHNSON.  
*City Comptroller.*

October 16, 1899.

*Mr. E. M. Johnson, City Comptroller:*

Dear Sir—In your inquiry of the 14th inst. you ask, first, whether or not, on account of the election of School Commissioners at the city election just past, any part of the expense of such election should be borne by the School Board of the city, and second, whether or not, on account of more time being required to count the ballots, in most cases the Election Board being in session until after midnight, the election officers should be allowed compensation for more than the one day heretofore allowed.

In reply to your first inquiry, it is my opinion that, as the election of School Commissioners is required by the act of the General Assembly, approved March 4, 1899, under which the Board of School Commissioners is created, therefore the expense of such election is a necessary part of the creation and maintenance of the school government of the city and must be paid from the revenues belonging to such Board: such expense being necessarily incurred on account of the School Board, must be paid by it.

As to what items of expense shall be paid by the School Board must be determined by you, from the nature of the expense itself—including therein all extra expense caused directly in connection with the nomination and election of School Commissioners.

As to your second inquiry, relating to the compensation of election officers, I understand that, on account of there being two separate ballots, the time required to count them at the present election was much greater than has heretofore been required; that in most cases the board was in session until after midnight.

It has long been recognized that the compensation of election officers

in city elections is grossly inadequate. Yet the law fixing such compensation is specific and admits of but one construction, viz., that the word "day" used in the statute prescribing the pay of election officers means a day of twenty-four hours. This day means a day of the week—from 12 o'clock midnight to 12 o'clock midnight following. It does not mean that the election officer must work twenty-four hours to be entitled to a day's compensation, but it means that if all the labor performed was done in the period of time between midnight of Monday night and midnight of Tuesday night, then he is only entitled to pay for one day. But if the work in connection with the Election Board carries over past midnight Tuesday, then such officers have begun work upon a second day of twenty-four hours, and as the law does not recognize a fraction of a day, therefore such work on the second day would entitle such person to an extra day's pay, and he should be paid accordingly.

The election officers having served until after midnight, they should be given an extra day's pay.

As the appropriation for election expenses was made a year ago, when the election of School Commissioners was not contemplated, and when there was nothing to indicate that the time such election officers would be required to serve would be longer than at previous elections, therefore, no appropriation was made to cover the expense of the additional day for which the election officers are now entitled to be paid. On that account it will be necessary for you to recommend to the Common Council an additional appropriation to cover the extra day for which such officers are now entitled to pay, and have such Council pass an ordinance appropriating money therefor, before the said officers can be paid

Very truly yours,

J. E. BELL,

*Assistant City Attorney.*

INDIANAPOLIS, IND., October 16, 1899.

*Mr. E. M. Johnson, City Comptroller:*

Dear Sir—We, the undersigned City Election Commissioners of the city election held Tuesday, October 10, 1899, recommend that the Inspectors of said election be allowed three (3) days' pay, and the Judges, Clerks and Sheriffs be allowed two (2) days' pay.

Very truly yours,

CHAS. H. STUCKMEYER,

WM. W. SPENCER,

THOS. J. CARTER,

*City Election Commissioners.*

Which was read and referred to Committee on Finance.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Megrew, on behalf of the Special Committee on Rules, made the following report:

INDIANAPOLIS, IND., October 16, 1899.

*To the President and Members of the Common Council:*

Your Special Committee on Rules, appointed at the last meeting of the Council, respectfully report as follows:

We recommend the adoption of the following rules and regulations for the government of the Common Council, the same being the rules and regulations for the government of the Common Council preceding this body, except that the rule prescribing the standing committees has been so amended that all committees heretofore having nine members are now constituted of seven, and all committees heretofore having seven members are now constituted of five.

## RULES AND REGULATIONS FOR THE GOVERNMENT OF THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS.

[Adopted October 16, 1899.]

### MEETINGS.

The regular meetings shall be held on the first and third Monday evenings of each month, at the hour of 8 o'clock. At the hour fixed the Clerk shall call the roll of members, noting those present and those absent. If the President be absent at the time of first roll call, the Vice-President shall call the Council to order; and if the latter is absent any member of the Council may, upon motion, be called to the chair, and such chairman shall act as presiding officer until the arrival of the one entitled to preside.

Special meetings of the Common Council may be held upon the call made as follows: By the Mayor, or by the President, or by any five members of the Common Council. In case of a call for a special meeting, in whatever manner made, it shall be the duty of the persons authorizing the same to duly notify the City Clerk thereof, and it shall be the duty of that officer to cause notice of such meetings to be served upon each member, either in person or by notice left at his place of residence.

### DUTIES OF OFFICERS.

#### *President.*

The presiding officer shall preserve order and decorum. He shall decide all questions of order, subject to an appeal to the Council. He shall vote on all questions when the ayes and noes are taken (his name being called last), and upon all other questions, when the Council is equally divided, he shall cast the deciding vote.

He shall appoint all standing committees, as well as all special committees that may be ordered by the Council. All standing committees shall be appointed at the commencement of the term of the Council. He shall fill all existing vacancies, or vacancies that may thereafter occur, in any of said committees.

It is the duty of the President to sign all ordinances, orders or resolutions passed by the Council before being presented to the Mayor, as well as all ordinances after enrollment, and the journal of proceedings.

Before putting the question to a vote of the Council, the President shall rise to his feet, but may state the question sitting.

#### *Clerk.*

It shall be the duty of the City Clerk to keep an accurate journal of the proceedings of the Common Council. He shall have said proceedings printed after each regular or special meeting, one copy of which shall be presented to each member, and at least fifty (50) copies of which shall be kept on file, to be bound at the end of the term, with a proper index thereto, which shall be the official journal of the Common



Council of said city, and he shall also keep a proper file of all papers thereof.

He shall arrange a roll call of the members in alphabetical form. It shall also be his duty to have all necessary papers delivered to the chairmen of the committees within two days after adjournment of any meeting of the Council.

*Sergeant-at-Arms.*

The Sergeant-at-Arms shall preserve order in the lobby, and shall prohibit smoking and loud talking. He shall act as messenger for the Council, and shall deliver all papers to the chairman of the committee that may be placed in his hands by the City Clerk, within two days after adjournment of any meeting of the Council at which such papers have been referred. He shall also notify all members of all special meetings, and shall always act under the directions of the Council or the President, and obey all orders given him.

RULE 1.

1. The general rules of parliamentary law, so far as applicable, are to be considered the rules of the Council, unless the same conflict with any of the rules herein prescribed.

2. A quorum shall consist of a majority of all members elected, but no ordinance, order or resolution shall be passed, or ordinance engrossed, which shall not have received the votes of a majority of all members constituting the Common Council.

3. No one not a member of the Common Council shall be permitted to address the same, except by unanimous consent of the Council; provided, however, that any officer may, when called upon, make a report.

4. No smoking will be allowed in the Council Chamber before or during the sittings thereof.

5. The presiding officer shall decide whether any question is carried by affirmative or negative vote; but if he doubt, and the "ayes and noes" or a division be called for, the Council shall decide. In case of a rising vote, the affirmative shall first rise and be counted; after, those of the negative.

6. There shall be sixteen standing committees of the Council, and shall consist of three members each, except the Committee on Finance and Committee on Contracts and Franchises, which shall consist of seven members each, and the Committee on Public Safety and Comfort five members, and Committee on Railroads five members, and Committee on Sewers, Streets and Alleys five members, and shall be appointed, as herein provided, by the President of the Council, viz.:

Committee on Accounts and Claims.

Committee on Contracts and Franchises.

Committee on Elections.

Committee on Fees and Salaries.

Committee on Finance.

Committee on Judiciary.

Committee on Ordinances.

Committee on Printing.

Committee on Public Health.

Committee on Public Morals.

Committee on Public Property and Improvements.

Committee on Public Safety and Comfort.

Committee on Railroads.

Committee on Rules.

Committee on Sewers, Streets and Alleys.

Committee on Investigation and Impeachment.

7. The duties of standing committees shall be the same as in legislative bodies, except as herein modified or changed.

8. It shall be the duty of the Committee on Finance to report ordinances making the annual tax levies and those making the annual appropriations to meet the several items of expense that are appropriately chargeable against the city; all other matters relating to the raising of revenues shall also be referred to the committee.

## RULE 2.

### *Ordinances.*

1. Ordinances shall be of three distinct classes, viz.: First, appropriation ordinances; second, special ordinances relating to special matters; third, general ordinances relating to the government of the city. The Clerk shall keep each class of ordinances in distinct files, according to the number of their readings, and shall give each ordinance of each class a distinct number in the order of its introduction, and shall place such files on Clerk's desk at the opening of each meeting.

2. The vote on passage of ordinances and resolutions, upon suspension of rules, and motions to reconsider, must be by call of roll; but any two members may call the ayes and noes upon any question or motion; and any member may call for the division of a question when the sense will admit of it.

3. All ordinances shall be read by title only, upon introduction, but such title shall clearly set forth the subject-matter of the ordinance. Said ordinance shall then immediately be referred to the proper committee, or may be taken up in committee of the whole. The Council may, at any time, order that ordinances be printed for distribution among the members or other persons. No ordinance shall be passed upon the day of its introduction, except by unanimous consent.

4. Each ordinance shall be read through at its second reading, at which time it is open for amendments, and the next question will be on ordering the same to be engrossed. No amendments, except to strike out, shall be in order after the engrossment of an ordinance, unless by unanimous consent.

5. Any ordinance may be stricken from the files at any time by a vote of two-thirds of all the members elected, or by a majority vote after the ordinance shall have passed a second reading.

6. Any ordinance failing to receive a majority of votes upon "engrossment" will be considered as still on its second reading and awaiting engrossment, unless stricken from the files or otherwise disposed of by order or permission of the Council.

7. Any ordinance failing to receive a sufficient number of votes on final passage will be considered as lost, and stricken from the files: Provided, The vote be not reconsidered within the time and manner authorized by Rule 4.

8. Any amendment to an ordinance may be referred, delayed, or otherwise disposed of, without delay or prejudice to the ordinance itself.

9. Ordinances reported back to the Council by committees or officers will take their proper places in first, second or third readings.

10. Ordinances, resolutions and reports may be committed and re-committed at the pleasure of the Council.

11. When a reference is made of any subject to a standing or special committee, the member introducing the same shall be a member of such committee during its deliberations thereon, but shall have no power to vote. He shall be notified by the chairman of such committee of the time and place of meeting of said committee.

12. All reports from committees shall be made in writing, and must

be signed by a majority of the members thereof; and all committees shall return all ordinances, resolutions and papers referred to them, and report upon the same to the Common Council not later than the second regular meeting night after the same is introduced. Provided, That the Council may, at its discretion, extend the time for making such reports.

13. After the call of the "ayes and noes" has been answered to by any one member called, it shall not be in order for any member to offer any remarks except in explanation of his vote; and no explanation shall be in order under the operation of the "previous question" or motion to "lay on the table."

### RULE 3.

#### *Motions—Their Precedence, Etc.*

1. When any motion is made and seconded, it shall be stated by the presiding officer, or, being in writing, it shall be handed to the Clerk and read aloud before debate, and shall be entered upon the journal with the name of the member making it, unless it is withdrawn at the same meeting.

2. Every motion shall be reduced to writing, except to adjourn; to adjourn to a day certain; to reconsider the previous question or the seconding thereof; to lay on the table; to postpone to a day certain; to postpone indefinitely; to commit; to amend; to suspend the rules, or to concur; and every other motion not so reduced to writing shall, upon the objection of any one member, be considered out of order.

3. A motion to "lay on the table" or for the "previous question" shall not be in order if prefaced by any speech or remarks.

4. Any motion or resolution which in effect contemplates a violation of law, or is in conflict with any ordinance, will be ruled out of order.

5. A motion to adjourn cannot be repeated unless other business has intervened between the motions.

6. A motion to adjourn cannot be reconsidered.

7. Any matter laid upon the table may be taken up by a vote of the Council at any time: Provided, A motion to reconsider, once laid upon the table, cannot again be taken up.

8. A motion to "reconsider" and "that when the Council adjourn it adjourn to meet on a day certain," are privileged questions, and are debatable.

9. A business which by law or necessity must or should be transacted within or by a certain time will be considered a question of privilege.

10. A motion to "suspend the rules" is a privileged question, is not debatable, and cannot be amended except to the acceptance of the mover.

### RULE 4.

#### *Reconsideration.*

When any question has been once decided in the affirmative or negative, any member voting with the majority may move a reconsideration thereof on the same or next regular meeting: Provided, That no such motion shall be introduced at the next or subsequent meeting, unless the member intending to make the same shall have given written notice of such intention at the meeting at which the vote which he desires to have reconsidered was taken. A resolution once adopted may be rescinded by subsequent resolution, and ordinances passed may be repealed by subsequent ordinances.

## RULE 5.

*Previous Question.*

The "previous question" shall be put in this form: "Shall the main question be now put?"

It shall only be admitted when decided by a majority of the members present, and, until decided, shall preclude all other motions or amendments, except the motion to adjourn. If the motion be sustained, the Chair shall at once put the question, first upon the pending amendments in their order, and then upon the main question.

## RULE 6.

*Order of Business.*

1. The following order of business shall be observed by the Common Council at its meetings:
  - a. Reading and correcting journal of the preceding regular or special meetings.
  - b. Communications, etc., from the Mayor.
  - c. Reports, etc., from City Officers.
  - d. Reports from Official Boards, in the following order:
    1. Board of Public Works.
    2. Board of Public Health.
    3. Department of Public Health.
  - e. Reports from Standing Committees, in the following order:
    1. Accounts and Claims.
    2. Contracts and Franchises.
    3. Elections.
    4. Fees and Salaries.
    5. Finance.
    6. Judiciary.
    7. Ordinances.
    8. Printing.
    9. Public Health.
    10. Public Morals.
    11. Public Property and Improvements.
    12. Public Safety and Comfort.
    13. Railroads.
    14. Rules.
    15. Sewers, Streets and Alleys.
    16. Investigation and Impeachment.
  - f. Reports from select committees.
  - g. Appropriation ordinances.
  - h. Introduction of general and special ordinances.
  - i. Introduction of miscellaneous business.
  - j. Ordinances on second reading.
  - k. Ordinances on third reading.
  - l. Unfinished business.
2. The reading of the journal may be dispensed with at any time by order of the Council.
3. Special orders may be taken up immediately after "Reports from Select Committees," if so ordered by the Council.

## RULE 7.

*Committee of the Whole.*

1. In forming a Committee of the Whole Council, the presiding officer, leaving the chair, shall appoint a chairman to preside.



2. Upon ordinances committed to a Committee of the Whole Council the ordinance shall be read throughout by the Clerk, and then again read and debated by clauses. The body of the ordinance shall not be defaced or interlined, but all amendments, noting the line and page, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the Council; after report, the ordinance shall again be subject to be debated and amended by clauses before a question to engross it be taken.

3. The rules of proceeding in the Council shall be observed (as well as parliamentary law) in a Committee of the Whole Council, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak more than twice to any question until every member choosing to speak shall have spoken.

#### RULE 8.

##### *Decorum and Debate.*

1. When any member is about to speak or deliver any matter to the Council, he shall rise from his seat and respectfully address himself to the presiding officer, and, on being recognized, may address the Council, and shall confine himself to the question in debate, and avoid personality. The Chair shall not recognize any member as in order unless he shall be in his proper seat.

2. No member shall speak more than twice on the same question without leave of the Council, nor more than once until every member choosing to speak shall have spoken: Provided, All speeches shall be limited to five minutes, unless further time be granted by Council, answering questions not to be considered as part of the speaker's time.

3. When two or more members rise at once, the presiding officer shall decide which shall speak first.

4. While the presiding officer is putting a question or addressing the Council, or when any member is speaking, no member shall engage in any private discourse, or walk across or leave the room unnecessarily.

5. No member shall impeach the motive of any other.

6. Any member may change his vote before the announcement of the result by the Chair. Every member must vote upon every question, unless excused from voting by a majority of the members present.

7. If any member in anywise transgress the rules of the Council, any other member may call him to order, in which case the alleged offender shall immediately take his seat, unless permitted to explain. If the question of order be decided against him, he shall be liable, if the case require it, to the censure of the Council. If the decision be in his favor, he shall be at liberty to proceed.

#### MISCELLANEOUS RULES.

##### RULE 9.

When the reading of any paper is called for, if objections be made, it shall be decided by the Council; and no paper shall be read, if objected to, without the consent of the Council.

##### RULE 10.

No matter or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

## RULE 11.

When any matter is postponed indefinitely, it shall not be again voted upon during that or the next two succeeding meetings.

## RULE 12.

*Petitions, Memorials, Etc.*

When the roll of members is called for the purpose, the member called shall have the privilege of presenting petitions, memorials, communications or remonstrances, or of offering motions or resolutions; and after such call has been made it shall not be in order for any member to present any petition, memorial, communication or remonstrance, or offer any motion or resolution, during the evening, until the call for "Unfinished Business" is reached: Provided, That nothing herein contained shall be construed to prevent any member from offering any motion upon any pending matter during any time if the same shall be declared by the Chair to be in order.

## RULE 13.

*Amending the Rules.*

These rules may be amended or annulled by a majority vote of all the members of the Common Council. All proposed amendments to the rules shall be referred to the Committee on Rules without debate, and said committee shall have the right to report at any time, and may at any time report any change in the rules: Provided, however, That no vote on any amendment or resolution to annul shall be taken until at least two weeks' notice shall be given of such intended action.

Respectfully submitted,

HAROLD MEGREW,  
W. W. KNIGHT,  
A. DALLER,

*Special Committee on Rules.*

Which was read and, on motion of Mr. Megrew, adopted by the following vote:

AYES 21—viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

## APPROPRIATION ORDINANCES.

Under this order of business, the following ordinance was introduced:

By Mr. McGrew:

App. O. No. 16, 1899. An ordinance appropriating the sum of twenty-six hundred and thirty-eight dollars and eighty-seven cents (\$2,638.87) for the use of the Department of Finance of the City of Indianapolis, 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 there be, and is hereby appropriated, out of any funds in the City Treasury not otherwise appropriated, the sum of two thousand six hundred and thirty-eight dollars and eighty-seven cents (\$2,638.87) for the use of the Department of Finance, to be credited to the Election Fund.

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

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

#### MISCELLANEOUS BUSINESS.

President Crall announced the appointment of the following Standing Committees:

##### ACCOUNTS AND CLAIMS.

Negley,	Keller,	Horan.
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##### CONTRACTS AND FRANCHISES.

Evans,	Billingsley,	Munro,
Negley,	Knight,	Bernauer,
	Keller.	

##### ELECTIONS.

Billingsley,	Megrew,	Perrott.
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##### FEEES AND SALARIES.

Kaiser,	Daller,	Reilly.
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##### FINANCE.

Megrew,	Wheeler,	Kaiser,
Evans,	McGrew,	Dickson,
	Daller.	

##### JUDICIARY.

Negley,	Evans,	Bernauer.
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##### ORDINANCES.

Keller,	Wheeler,	Perrott.
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##### PRINTING.

Daller,	Spiegel,	Kelly.
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##### PUBLIC HEALTH.

Munro,	Kaiser,	McGrew.
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##### PUBLIC MORALS.

Spiegel,	Megrew,	Higgins.
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##### PUBLIC PROPERTY AND IMPROVEMENTS.

Billingsley,	Munro,	Dickson.
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## PUBLIC SAFETY AND COMFORT.

Evans,	Negley,	Kaiser,
Keller,	Kelly.	

## RAILROADS.

Spiegel,	Daller,	Wheeler,
Keller,	Higgins.	

## RULES.

Crall,	Billingsley,	Horan.
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## SEWERS, STREETS AND ALLEYS.

Munro,	Spiegel,	Evans,
Megrew,	Moriarity.	

## INVESTIGATION AND IMPEACHMENT.

Wheeler,	Daller,	Knight.
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Mr. Munro offered the following resolution:

Resolution No. 16, 1899--

Be it resolved by the Common Council of the City of Indianapolis, That the City Pest House, in the interest of the public health, should be removed to some other location. That this resolution be referred to the Committee on Public Health, with instruction to investigate the matter and report, both on disposition of old Pest House and the location of a new one.

Which was read and referred to Committee on Public Health.

On motion of Mr. Spiegel, the Common Council, at 8:30 o'clock P. M., adjourned.

*Geo. N. Grace.*

President.

ATTEST:

*John F. Geckler*

City Clerk.