

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
January 15, 1900. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, January 15, 1900, at 8 o'clock, in regular meeting.

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 16 members, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, Negley, Spiegel and Wheeler.

Absent—4, viz.: Messrs. Higgins, McGrew, Perrott and Reilly.

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

Which motion prevailed.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

G. O. No. 55, 1899. An ordinance revising and re-fixing the rates and prices to be charged and received in the City of Indianapolis for natural gas fuel, the same being supplemental to an ordinance entitled "An ordinance authorizing corporations, firms, companies or individuals to lay and maintain pipes in the streets, alleys, avenues, lanes and public grounds in the City of Indianapolis for the purpose of supplying said city and its inhabitants with natural gas for heating and illuminating purposes," approved June 27, 1887, providing penalties for its violation, repealing all ordinances and parts of ordinances in conflict therewith, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

Your committee, to whom was referred G. O. No. 55, 1899, begs leave to submit the following report:

We have investigated the subject-matter involved in the ordinance, and the different questions presented by it, as thoroughly as the facilities at our command permitted. We find, on investigation, that a complaint was filed by the City Attorney in Room No. 1 of the Superior Court of Marion County on the 9th day of November, 1899, against one of the gas companies, in which the allegation is made that said company has a sufficient supply of gas to supply all consumers under the present ordinance as to pressure and prices, and praying that a writ of mandate issue to compel said gas company to furnish such gas according to its original contract. The allegations in that complaint are sworn to by the Mayor, Mr. Taggart, and we believe that the position taken therein by the City is a tenable one, and that the Mayor was well advised when said suit was filed. We also believe that if such allegations are true as to the Indianapolis Gas Company, defendant in that suit, they are also true as to the Consumers' Gas Trust Company, and should be applied to it as well for the relief of its consumers.

We have also found, on investigation, that the sliding scale of prices and pressure, as provided in the proposed ordinance, would repeal the old ordinance and the old contract as to price and pressure, and could be used, and we believe would be used, as an absolute bar and defense to the suit now pending against said gas company, or any other suit which might be hereafter brought for the same purpose. Its answer to such suit would naturally be that a new contract had been made under a sliding scale, under which it could furnish three ounces or nothing, as it saw fit, and the only restriction left on it be to charge accordingly.

Under such an ordinance the supply of gas could be reduced by the gas companies to a minimum of one-half ounce at their pleasure, and the consumer would be entirely at their mercy. When they could not, or saw fit not to, furnish an adequate supply for reasonable consumption, they could safely reduce the pressure to the lowest possible measurable stage, and so continue so long as they suspended charges for service. And the entire list of gas consumers would be continually in danger of such action at the hands of the gas companies, and with absolutely no relief, even by resorting to the courts. Such a contingency is not possible under the present ordinance and the old contract. We believe it to have been carefully drawn; that it is and always has been enforceable; and that the Law Department of the City should waste no time in forcing the suit now pending to a speedy termination, to the end that the gas companies may be compelled to carry out their contracts made under the old ordinance, and furnish the people the gas they are paying for.

We therefore think that it is to the best interests of the people that the ordinance do not pass; and we hereby recommend that it do not pass.

GEO. H. EVANS.
H. E. NEGLEY.
J. H. BILLINGSLEY.
JAMES R. MUNRO.
CONRAD KELLER.

Which was read.

Mr. Bernauer, on behalf of a minority of the Committee on Contracts and Franchises, to which was referred G. O. No. 55, 1899, made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

The undersigned, constituting a minority of your Committee on Contracts and Franchises, to whom was referred G. O. No. 55, 1899, beg leave to report that they have had said ordinance under consideration, and respectfully recommend that the same do pass.

W. W. KNIGHT.

EDWARD E. BERNAUER.

Which was read.

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

Mr. Billingsley moved to lay Mr. Bernauer's motion on the table.

Which motion carried by the following vote:

AYES 11—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 6—viz.: Messrs. Bernauer, Dickson, Horan, Kelly, Knight and Moriarity.

Mr. Negley moved that the majority report be concurred in.

Mr. Bernauer moved to lay Mr. Negley's motion on the table.

Which motion was lost.

Whereupon Mr. Negley's motion was adopted by the following vote:

AYES 11—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 6—viz.: Messrs. Bernauer, Dickson, Horan, Kelly, Knight and Moriarity.

Mr. Megrew, on behalf of the Committee on Finance, to which was referred:

App. O. No. 18, 1899. An ordinance appropriating the sum of one thousand dollars to the use of the Indianapolis Free Kindergarten and Children's Aid Society, designating the times and manner of payment, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

The Finance Committee, to whom was referred App. O. No. 18, 1899, beg leave to report having had the same under consideration, and recommend that it do pass.

HAROLD C. MEGREW.
A. DALLER.
W. H. WHEELER.
GEO. H. EVANS.
WM. KAISER.
C. M. DICKSON.

Which was read and concurred in.

Mr. Billingsley, on behalf of the Committee on Public Property and Improvements, to which was referred:

Sp. O. No. 1, 1899. An ordinance annexing certain territory to the City of Indianapolis, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

Your Committee on Public Property and Improvements, to whom was referred Sp. O. No. 1, 1899, return said ordinance and recommend that it do not pass.

J. H. BILLINGSLEY.
JAMES R. MUNRO.
C. M. DICKSON.

Which was read and concurred in.

Mr. Billingsley, on behalf of a majority of the Committee on Public Property and Improvements, to which was referred:

Sp. O. No. 2, 1899. An ordinance annexing certain territory to the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

Your Committee on Public Property and Improvements, to whom was referred Sp. O. No. 2, 1899, return said ordinance and recommend its passage with the following amendments to Section 1. In the description of boundary lines of territory to be annexed, amend same to read:

Beginning on the east right-of-way line of the Indianapolis Union Railway & Stock Yards Company at the center of Walnut street; thence east along the center line of Walnut street to the center line of Sherman Drive; thence south along the center of Sherman Drive to the center line of the first alley north of Michigan street; thence east along the

center line and along the extension of the center line of the first alley north of Michigan street to the center line of the first alley east of Linwood avenue; thence south along the center line of the first alley east of Linwood avenue to the north line of the National Road or what is known as Washington street; thence west along the north line of the National Road to the east line of the right-of-way of the Indianapolis Union Railway & Stock Yards Company; thence in a northerly direction along the east line of said right-of-way to center of Walnut street, the place of beginning.

J. H. BILLINGSLEY.
JAMES R. MUNRO.

Which was read.

Mr. Dickson, on behalf of a minority of the Committee on Public Property and Improvements, to which was referred Sp. O. No. 2, 1899, made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

The minority of the Public Property and Improvements Committee, to which committee was referred Sp. O. No. 2, 1899, makes the following report: That the above-named ordinance do not pass, with or without amendments.

C. M. DICKSON.

Which was read.

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

Mr. Billingsley moved to lay Mr. Bernauer's motion on the table.

Which motion carried by the following vote:

AYES 11—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 6—viz.: Messrs. Bernauer, Dickson, Horan, Kelly, Knight and Moriarity.

Mr. Billingsley moved that the majority vote be concurred in.

Mr. Bernauer moved to lay Mr. Billingsley's motion on the table.

Which motion was lost.

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

Councilman Higgins, absent at roll-call, arrived.

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

G. O. No. 57, 1899. An ordinance providing for the change of the name of Beaty street to South Noble street, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., January 15, 1900.

Mr. President:

Your Committee on Sewers, Streets and Alleys, to which was referred G. O. No. 57, 1899, beg leave to report that we have had said ordinance under consideration, and after investigation, have reached the conclusion that said ordinance ought to pass. We therefore recommend that said ordinance do pass.

JAMES R. MUNRO.
HENRY L. SPIEGEL.
GEO. H. EVANS.
J. D. MORIARITY.
HAROLD C. MEGREW.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. Bernauer:

G. O. No. 1, 1900. An ordinance to increase the public revenue of the City of Indianapolis, Indiana, by requiring all retail dealers in intoxicating liquors to obtain and pay for license therefor; fixing the license fee to be paid to the City of Indianapolis by all persons hereafter or heretofore acquiring license from the Board of Commissioners of Marion County, Indiana, and from all other persons, to sell intoxicating liquors in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof; defining the terms "intoxicating liquors" and "retailer"; providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, 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 it shall be unlawful for any person, whether licensed by the Board of Commissioners of Marion County, Indiana, or not, to sell, barter or give away for any purpose of gain, any spirituous, vinous or malt liquor in a less quantity than a gallon at a time in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof, without having first procured a license from the City Comptroller so to do, as hereinafter provided; nor shall any person or retailer of intoxicating liquors under the provisions of this ordinance sell, barter or give away such liquors without having procured such license; nor shall any person, without having first procured such license, sell, barter or give away any intoxicating liquor

to be drunk, or suffered to be drunk, in his house, out-house, yard, garden or other appurtenances thereto belonging.

Sec. 2. The words "intoxicating liquors" shall apply to any spirituous, vinous or malt liquor, or to any intoxicating liquor whatsoever, which is or may be used as a beverage, and the word "retailer," as applied to dealers in and venders of intoxicating liquors, shall include any dealer in or vender of such liquor under United States Government retail tax, and any person having procured an Internal Revenue retail liquor license, or having paid the United States special stamp tax as required for retailers of such liquors under Internal Revenue statutes, shall be deemed a retailer within the provisions of this ordinance, and shall procure a license according to the provisions hereof; and upon sale of such intoxicating liquors, in any quantity whatsoever, by such person, without having first been licensed according to the provisions of this ordinance, he shall, without further proof, be deemed a retailer of such liquors, and shall suffer the penalty hereinafter provided: Provided, however, That nothing contained in the provisions of this ordinance shall be construed to apply to any person or persons having paid the United States retailers' special stamp tax, who shall also have procured a United States wholesale liquor license, or special stamp tax, and who shall not sell such liquors in quantities less than a gallon at a time.

Sec. 3. Before any person is permitted to sell, barter or give away any spirituous, vinous, malt or intoxicating liquors in any less quantity than a gallon at a time, in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof, he shall pay to the City Treasurer for the use of said city the sum of \$250, and upon the presentation of the Treasurer's receipt for that amount to the City Comptroller, said Comptroller shall, if the said applicant be a person twenty-one years of age, and a voter of said city, issue to such person a city license to sell liquor within such city, at the place designated by such applicant at the time, for the period of one year.

Sec. 4. Said City Comptroller shall keep a register of the names of all persons receiving from said Comptroller such license, with the date when issued and the expiration of the same, which said date of expiration shall be the same as fixed in the said license so granted by the Board of Commissioners of Marion County, Indiana, also the name of the street or location where such person conducts his said business. For all which service said Comptroller shall be entitled to a fee of \$1, to be paid by the person receiving such license: Provided, That such license shall not be transferable, nor shall it authorize any sales on other premises than those designated as aforesaid.

Sec. 5. It shall be unlawful for any person, whether licensed by the Board of Commissioners of Marion County, Indiana, or not, or for any other person, directly or indirectly, to sell, barter or give away any spirituous, vinous, malt or intoxicating liquors in any less quantity than a gallon at a time, in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof, without having first procured from the City Comptroller of said city a license so to do, as hereinafter provided; nor shall any person, without first having procured such license, sell, barter or give away any intoxicating liquors to be drunk or suffered to be drunk in his house, out-house, yard, garden or appurtenances thereto belonging, in said City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding \$100, to which may be added imprisonment for any period of

time not exceeding thirty days, and each day's continuance in the violation of any of the provisions of this ordinance shall constitute a separate offense.

Sec. 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed: Provided, however, Nothing herein shall be construed to rescind or make void unexpired licenses heretofore issued under existing valid ordinances, but the same shall remain in force for the term for which they were issued, and as to such licenses, the ordinance or ordinances under which they were issued shall remain in full force and effect, including the penalties for violation thereof, until the expiration of such licenses. And provided, further, That if it is necessary under Section 3 of this ordinance, in order to comply with the provisions thereof respecting the date of expirations of licenses hereunder, to issue any license for less than one year, the license fee for such fraction of year shall have the same proportion to the annual license fee in said section named as the period for which the license is issued bears to the period of one year.

Sec. 7. This ordinance shall take effect and be in force 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, County of Marion, and State of Indiana.

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

By Mr. Munro:

G. O. No. 2, 1900. An ordinance to prohibit the owners, servants or employes of express wagons, or other vehicles used for carrying freight within said city, from soliciting business at other places than therein provided, and providing a penalty 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 owner, agent, servant or employe of any express wagon, used for carrying freight for hire within said city, to solicit business at any place except as herein provided: Not to exceed a distance of ten (10) feet parallel with the rear or front part of any such wagon or vehicle in charge of any owner, agent, servant or employe, and not to exceed the width of said wagon, at any place where said vehicles are allowed to stand in said city: Provided, That if any owner of any such express wagon or other public vehicle have an office in any place, such owner or his agent or servant may solicit business within the building and premises where such office is located, except the Union Station Buildings.

Sec. 2. Any person, agent or employe violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding five dollars (\$5).

Sec. 3. All ordinances and parts of ordinances in conflict with this ordinance, and especially General Ordinance No. 15, 1899, are hereby repealed.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two successive weeks in the Indianapolis Sentinel, a newspaper of general circulation, printed and published in said city.

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

MISCELLANEOUS BUSINESS.

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

Resolution No. 1, 1900—

Whereas, Section 96 of the charter of the City of Indianapolis provides that no member of the Fire or Police Forces of the city shall be removed for political causes; and

Whereas, A large number of members of the Fire and Police Forces of the city have recently been removed without trial or opportunity to make a defense; and

Whereas, It is common report and openly stated in the newspapers of the city that said members of the Fire and Police Forces were dismissed on account of their political affiliations and preferences, and for no other apparent reasons; therefore, be it

Resolved, That, acting under the authority vested in this Common Council by Section 27 of the charter, that the Investigation and Impeachment Committee be and are hereby directed to investigate the dismissal of said members of the Fire and Police Forces, to ascertain whether or not the provisions of the charter have been in any way violated.

And pursuant thereto said committee shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of said committee, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of Marion county.

And that said committee shall have the power to hold its meetings at any reasonable time or times, as it sees fit, and continue such meetings from time to time until its investigations have been completed, when it shall make a report thereof to this Common Council.

Mr. Knight moved as an amendment to Resolution No. 1, 1900, that the Committee on Investigation and Impeachment be increased to six members.

Which motion was lost.

Whereupon Resolution No. 1, 1900, was adopted by the following vote:

AYES 11—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 7—viz.: Messrs. Bernauer, Dickson, Higgins, Horan, Kelly, Knight and Moriarity.

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

Resolution No. 2, 1900--

Whereas, The interior arrangement of Tomlinson Hall as to acoustic properties and seating convenience is bad and ought to be improved; and

Whereas, There is a growing demand in our city for a large and convenient assembly hall of central location; therefore, be it

Resolved by the Common Council of the City of Indianapolis. That the Board of Public Works be requested to investigate, in conjunction with the Committee on Public Property and Improvements of this body, the practicability of so rearranging the interior construction of Tomlinson Hall as to better the acoustic properties and seating convenience of the same: and the further practicability of building an assembly hall as a second floor covering the Meat Market and the area between the Meat Market and Tomlinson Hall. That a copy of this resolution, after its adoption, be delivered to the Committee on Public Property and Improvements, with instructions to confer with the Board of Public Works.

Which was read and adopted by the following vote:

AYES 18—viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES—None.

Mr. Bernauer moved that the Council do now adjourn.

Which motion was lost.

ORDINANCES ON SECOND READING.

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

App. O. No. 18, 1899. An ordinance appropriating the sum of one thousand dollars to the use of the Indianapolis Free Kindergarten and Children's Aid Society, designating the times and manner of payment, and fixing the time when the same shall take effect.

And failed of passage for want of a constitutional majority by the following vote:

AYES 12—viz.: Messrs. Billingsley, Daller, Dickson, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 6—viz.: Messrs. Bernauer, Higgins, Horan, Kelley, Knight and Moriarity.

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. 57, 1899. An ordinance providing for the change of the name of Beatty street to South Noble street, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 18—viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES—None.

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

Sp. O. No. 2, 1899. An ordinance annexing certain territory to the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Mr. Billingsley moved that the amendments to Sp. O. No. 2, 1899, as recommended by the Committee on Public Property and Improvements, be adopted.

Which motion prevailed.

On motion of Mr. Billingsley, Sp. O. No. 2, 1899, was then ordered engrossed, as amended, read a third time, and failed of passage for want of a constitutional majority by the following vote:

AYES 10—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Munro, Negley, Spiegel, Wheeler and President Crall.

NOES 7—viz.: Messrs. Bernauer, Dickson, Higgins, Horan, Kelley, Knight and Moriarity.

On motion of Mr. Horan, the Common Council, at 8:55 o'clock P. M., adjourned.

Geo. W. Crall

President.

ATTEST :

Wm. F. Gaskin

City Clerk.