

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, DECEMBER 14TH, 1868, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following members :

Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

Absent—Councilmen Burgess, Colley and Loomis—3.

The proceedings of the regular session, held Dec. 7th, 1868, were read and approved.

REGULAR ORDER OF BUSINESS.

Mr. Davis offered the following motion :

That proposals be received by the Common Council to fill up the space between the tracks of the Street Railroad Company on Virginia Avenue, between South street and the Corporation line east, to be done under the direction of the Civil Engineer.

Which was adopted.

Mr. Geisel offered the following motion :

That the Street Commissioner be directed to fill up the crossings on Lock-
erbie street, between Liberty and Noble streets, to the proper grade, and ac-
cording to stakes set by the Civil Engineer.

Which was adopted.

Mr. Henschen presented the following resignation :

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—I respectfully tender to you my resignation as one of the
Registers of the Eighth Ward, and ask you to accept the same.

HIRAM SEIBERT.

Which was referred to the Judiciary Committee, with instructions
to report at what time the law requires the Council to elect Regis-
ters for city elections.

Dr. Jameson offered the following resolution :

Resolved, That in conformity with the order of the Marion County Commis-
sioners, made on Sept. 14, 1867, certified by the County Auditor, and filed in
the office of the Clerk of the Council "The City Treasurer be directed to
deliver to the Treasurer of the Board of Trustees of the Indianapolis Home
for Friendless Women the three thousand dollars (\$3,000), and any interest
thereon, contributed by said Commissioners to the object of such a Home,
and which has been by said Board ordered to be paid to the Treasurer of
said Board," whose receipt shall be taken therefor and filed in the office of
the Clerk of the Council.

Mr. Brown offered the following proviso :

Provided, That such money shall be expended in the completion of the
building already commenced south of the city limits.

On motion, the resolution and proviso was laid over for one week.

By consent, Dr. Jameson presented the following reports from Spe-
cial Committee :

INDIANAPOLIS Dec. 14, 1868.

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

GENTLEMEN:—The committee, to whom was referred sundry petitions from
citizens, asking the Common Council to issue to the Junction Railroad Com-
pany \$50,000 in City Bonds, have, since the last reference, examined the list
of the names of freeholders whose signatures were not attached to said peti-
tions, and we find, as to list of such names not attached to the petitions 3,430;
that 838 of said names are non-residents, which left 2,592 names of resident
freeholders on said list; and on the original petitions there were signed 982,
a majority of the entire resident freeholders necessary to be obtained is 1,788.
Your committee have received, and herewith file additional petitions signed
by 926 of the resident freeholders on said list, which, together with 982 on
the original petitions, makes 1,908, being a majority of 120 of the resident
freeholders of said city.

JOHN G. WATERS, *Dep. City Clerk.*
WM. HADLEY, *City Assessor.*

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—The Committee, to whom was referred sundry petitions from citizens, asking the Common Council to issue to the Vincennes and Indianapolis Railroad Company \$60,000 in City Bonds, have, since the last reference, examined the list of the names of freeholders whose signatures were not attached to said petitions, and we find as to such list of names not attached to the petitions in favor of the Vincennes and Indianapolis Railroad Company, numbering 3,135, that 768 of said names are non-residents, which left 2,367 names of resident freeholders on said list; and on the original petition referred there were 1,307. A majority of the entire resident freeholders necessary to be obtained is 1,837. Your committee have received and herewith file additional petitions signed by 702 of the resident freeholders on said list, which, together with 1,307 on the original petitions, makes 2,009, being a majority of 171 of the resident freeholders of said city.

JOHN G. WATERS, *Dep. City Clerk.*
WM. HADLEY, *City Assessor.*

Which were referred back to the Committee.

Also, general ordinance No. 167—1868, entitled:

AN ORDINANCE providing for the execution and delivery of bonds of the City of Indianapolis to the Junction Railroad Company and to the Indianapolis and Vincennes Railroad Company.

Which was read the first time, and,

On motion, was made the special order for next meeting, December 21st, 1868.

Mr. Kappes presented the following communication:

INDIANAPOLIS, Dec. 14, 1868.

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

Believing it would be more satisfactory to all parties to have the Artesian Well on Vermont street sunk by contract than by the day, and having confidence in myself, gained by several years experience in sinking wells, I am confident that I can sink the tube to any depth required.

I will make the following proposition, to clear out the sand pump and sink the well at the following rates:

I will take out the sand pump that is now fast for \$50.

I will sink the tube for \$13.60 per foot to the rock, providing the depth to the rock is not more than 125 feet from the surface.

After reaching the rock I will sink it then for \$3.50 per foot any depth not exceeding 500 feet from the surface, the city furnishing me with tools and power; or I will work as heretofore, at \$3.00 per day.

The tools for taking out the sand pump I will furnish at my own expense.

I submit the above with respect.

R. S. RENO.

P. S. I will say I did not run away, as published in the *Mirror*, but simply quit because I was discharged.

R. S. R.

Which was referred to the Committee on Fire Department.

Mr. Stanton offered the following motion:

That the Street Commissioner be instructed to notify the Indianapolis, Cincinnati and Lafayette Railroad Company to enlarge and clear out the cul-

vert under their track on the south side of Market street, the work to be done under the supervision of the City Civil Engineer; and should said Railroad fail to do said work within 15 days from this date, then the Street Commissioner shall at once proceed to do the same.

Which was adopted.

Dr. Woodburn presented the following proposition:

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—My term of office as Physician to City Prisoners expired December 6th, 1868. I will continue upon the terms of last year, should you desire me to do so.

Yours respectfully,

W. WANDS.

Which was accepted.

REPORTS FROM BOARDS.

Mr. Seidensticker, from the Board of Police, made the following report:

INDIANAPOLIS, Dec. 14, 1868.

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

We respectfully report that it has been customary in previous years during the winter months, to designate one place in each Ward in which the Police-men of the Ward were permitted at stated times to warm themselves in cold nights. We recommend that the Chief of Police be permitted in this year to do so again.

We also call your attention to the fact, that it has become an almost absolute necessity to provide a place where strangers without means can be accommodated with a night's lodging, without taking them to the jail. We recommend that a committee be charged with the duty of conferring with the County Commissioners for obtaining one or more rooms in the old Court House, and to have the same warmed and lighted for that purpose.

A SEIDENSTICKER, } *Committee.*
P. H. JAMESON, }

Which was concurred in, and,

On motion, the Committee on Benevolence were instructed to carry out the object recommended.

REPORTS FROM COMMITTEES.

Mr. Brown, from the Committee on Printing and Stationery introduced special appropriation ordinance No. 57—1868, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first and second times and ordered to be engrossed.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

I hereby report that T. A. Morris, contractor for grading, paving and curbing the east sidewalk on Meridian street, between Maryland and Louisiana streets, has finished bowldering the gutter on the same, and recommend that he be allowed his estimate.

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The Civil Engineer made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

I hereby report the following work finished according to contract :

William Kown, for grading and graveling Paoka alley and sidewalks, between Michigan and North streets :

Length on the east side,	-	-	-	-	448 feet.
Length on the west side,	-	-	-	-	448 "
Total length,	-	-	-	-	896 "
At eighteen cents per lineal foot,	-	-	-	-	\$161 28

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

The City Clerk respectfully reports to the Common Council the following Contract and Estimates:

1st. Contract and bond of David Sylvester for grading and graveling the west sidewalk on Alabama street, between Duncan and Merrill streets, is presented for your approval.

2d. First and final estimate allowed T. A. Morris for grading, paving and curbing the outside edge of the sidewalk with stone the east sidewalk on Meridian street, between Maryland and Louisiana streets, is also presented for your approval.

3d. First and final estimate allowed William Kown for grading and graveling Paoka alley, between Michigan and North streets, is also presented for your approval.

Respectfully submitted,
DAN. M. RANSELL, City Clerk.
Per JOHN G. WATERS, Deputy.

Which was concurred in, and the contract and bond approved.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed T. A. Morris for grading, paving with brick, and curbing the outside edge of the sidewalk

with stone the east sidewalk on Meridian street, between Maryland and Louisiana streets, be, and the same is hereby, adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed Wm. Kown for grading and graveling Paoka alley, between Michigan and North streets, be, and the same is hereby, adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution passed.

The City Attorney made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—I have examined the questions presented by the resolutions providing for a special election in the Sixth and Ninth Wards, and respectfully submit the following opinion :

The act of incorporation confers upon the Common Council power to declare seats in Council vacant, when the Councilman holding the office shall have removed from the Ward from which he was elected. The removal from the Wards mentioned in the resolutions, of the Councilmen named, empowers the Common Council to declare their offices vacant. The law requires such a declaration before there is an actual vacancy. Until such a declaration has been made the offices cannot be treated as vacant, as the law itself does not create a vacancy but clothes the Common Council with ample power to do so.

At the time of election the person elected must be a resident of the Ward from which he is elected. The language of the statute being as follows : "That no person shall hold the office Councilman unless he is a resident of the Ward from which he is elected." This defines a qualification that the person chosen must possess at the time of his election. The act further provides : "And in case of the removal of any Councilman from the Ward from which he was elected the Common Council shall have power to declare the office vacant, and order a special election to fill such vacancy." This latter clause provides when a vacancy occurs after a duly qualified person has been elected. The vacancy occurs upon the removal from the Ward and the

declaration of vacancy by the Common Council. Both the removal and the declaration must occur before the office can be treated as vacant.

The Common Council has power to enact the resolutions, but until declared vacant by the Common Council, the offices designated are not to be treated as vacant.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Also, the following report :

INDIANAPOLIS, NOV. 27, 1868.

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

GENTLEMEN:—I have examined the petition of William A. Lowe and others, and am of opinion that the petitioners are not entitled to the relief demanded. I think the damages were consequent upon the performance of a legal act, and that for such damages there can be no recovery. This is so decided in the case of Macy v. City of Indianapolis, 17 Ind. Rep. 165.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
Indianapolis, Dec. 14, 1868. }

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

GENTLEMEN:—The City Clerk respectfully reports to the Council that there is on file in his office, the following affidavit for the collection of street assessment by precept, as follows :

James Mahoney vs. Elizabeth Records, for \$20.48.

And would respectfully recommend that you order the precepts to issue.

Respectfully,

D. M. RANDELL, *City Clerk.*

Which was concurred in.

The Street Commissioner made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—Some time ago a suit was instituted against me by C. A. Elliott to recover damages for pump handle sawed off by me. Said suit was tried before Esq. Fisher, in which he recovered judgment for \$14.40, and costs since amounting to \$1.25, making a total of \$15.65, which has now been demanded of me. I did said work in accordance with a resolution passed June 26, 1865. In so doing I was simply carrying out what I believed to be the direct orders of your honorable body. I now respectfully ask that you will come to my relief, and appropriate the amount necessary to pay said judgment and costs.

Respectfully,

AUGUST RICHTER, *Street Commissioner.*

Which was referred to the Committee on Claims, with instructions to embody the same in the next account ordinance.

The Gas Inspector made the following report :

INDIANAPOLIS, Dec. 14, 1868.

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

GENTLEMEN:—In the bill of the Indianapolis Gas Light and Coke Company, for the month last past, are two charges of \$7 94 each, for extra lighting and extinguishing 794 street lamps on the nights of the 1st and 25th of November.

At the time this account was brought me, I expressed my doubts to Mr. VanLaningham, the Secretary of the Company, as to the contract between the City and the Gas Company contemplating or authoring such charges. A subsequent examination of the said contract has confirmed me in that opinion.

I have, therefore, thought best to strike off these two items from the November bill, report my action to you, and ask that the matter be referred to Messrs. Jameson, Woodburn and Seidensticker, the Special Committee representing the City in said contract, in conjunction with the City Attorney, by whom the agreement was drawn up.

GEO. H. FLEMING, *City Gas Inspector.*

Which was concurred in.

ORDINANCES ON SECOND READING.

Dr. Woodburn called up the following ordinance :

AN ORDINANCE protecting public morality, decency and order.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That every prostitute found wandering about said City, or within one mile of the corporate limits thereof, or found guilty of any lewd or lascivious conduct in any public place within the aforesaid limits, shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 2. Every male person over the age of twelve years, associating with any common prostitute in any public place, field, common or highway within said city, or within two miles thereof, shall be fined, on conviction of such offence, in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days: *Provided,* That if such accused person shall establish that there was no unlawful, lewd, or improper purpose in such association, he shall be acquitted.

SEC. 3. It shall be unlawful for any person to make any indecent exposure of his or her person, or to use any obscene or indecent language, or to exhibit any obscene books, prints, pictures, or representation, or to be guilty of any other obscene or indecent conduct. Any one violating the provisions thereof shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 4. If two or more male persons be found in company with any common prostitute, or if three or more lewd, drunken or disorderly persons be found together in said city, or within one mile thereof, they shall, in either case, be deemed an unlawful assembly, and either or all of said persons, on conviction of said offence, shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 5. Any person more than ten years old, convicted of having bathed in the day time in the Canal, White River, or Pogue Run, or in any stream at a point subject to the view of the inhabitants of said city, shall be fined in any sum not exceeding twenty-five dollars.

SEC. 6. It shall be unlawful for any person or persons to keep a house of ill-fame or prostitution in said city, and on conviction of such offence the

person or persons so offending shall be fined in any sum not exceeding twenty-five dollars, and upon a second or subsequent conviction such person shall be fined in any sum not less than forty or more than one hundred dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 7. Any male person of the age of fourteen years and upwards, who shall reside in any house of ill-fame or prostitution in said city, or within one mile thereof, or shall resort thereto in the character of servant, musician, boarder, lodger or otherwise, for the purpose of aiding, assisting, abetting or encouraging the owner or keeper of any such house, or the females who reside therein, or resort thereto for lewd or lascivious purposes, shall, upon conviction, be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 8. Any person being the owner or occupant of, or being the agent for renting any building or real estate in said city, and knowingly renting the same to be used as a house of ill-fame or prostitution, shall be fined in any sum not less than twenty-five nor more than fifty dollars. Proof that such owner, occupant or agent was apprized, before renting, of the previous ill-repute of the lessee or lessees, or that they had previously kept or occupied a house of ill-fame, shall be complete and sufficient evidence of knowledge and unlawful intention. If such owner, occupant or agent upon notification by any citizen or officer of said city, shall fail, neglect or refuse to take legal steps within three days after such notification, to eject any person or persons who shall use or permit such premises to be used for purposes of prostitution or as a house of ill-fame, he or they shall, upon conviction, be fined in any sum not exceeding fifty dollars.

SEC. 9. It shall be unlawful for any person being the owner, lessee or occupant of any building or lot within said city, to allow or suffer the same to be used for any public dance or carousal for the resort of idle or dissolute persons, or for any person to act as proprietor, manager, agent or servant for or at such dance or carousal, and any person convicted of a violation of the provisions of this section, shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 10. Any person convicted of having publicly exhibited in said city any stallion, jack or bull, or of having suffered any such animal publicly to cover any mare, jenny, or cow therein, shall be fined in any sum not less than five nor more than twenty-five dollars.

SEC. 11. It shall be unlawful for any owner or occupant of, or agent for renting any building or real estate in said city, to suffer the same to be used or occupied for the purpose of gaming for money, its representative or equivalent. Any person violating the provisions hereof shall be fined in any sum not exceeding fifty dollars.

SEC. 12. It shall be unlawful for any person within said city, by the practice of any trick, game, or device whatever, or by means of any false or fraudulent token, representation, writing, or any false pretence to defraud of, or obtain from another any money or thing of value, and any person upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 13. It shall be unlawful for any person being the owner, manager or agent of any saloon, grocery, or other establishment where liquors of any kind are sold, kept for sale or given away, to permit any one to become intoxicated therein, or to give or sell to any intoxicated person liquor, or to permit any noisy, disorderly, indecent, riotous or improper conduct in or about such establishment. Any person violating the provisions hereof shall be fined in any sum not exceeding fifty dollars.

SEC. 14. Any person visiting a house of ill-fame or prostitution within said city, or within one mile thereof, for the purpose of prostitution or whoredom, or who shall be found therein as an occupant thereof, shall be guilty of a violation of the provisions hereof, and be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days. All persons found therein not being occupants thereof, shall be deemed and taken to have visited the same for the purposes of whoredom or prostitution.

SEC. 15. It shall be unlawful for any person to keep or maintain an establishment for the purpose of gaming or of wagering on any game or chance, money, its equivalent or representative, or for any person to visit such an establishment for the purpose of gaming. All persons found therein shall be deemed to have visited the same for the purpose of gaming. Any person violating the provisions hereof shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 16. It shall be lawful for any officer or policeman of said city to arrest any person found visiting a gaming house, or house of ill-fame or prostitution, or who shall be found therein, and all persons found therein shall be deemed guilty of an unlawful act and subject to arrest by any officer or policeman finding him in such unlawful act.

SEC. 17. It shall be unlawful for any person to appear in any public part of said city, or in any public place therein, in a state of intoxication, and while in such state be guilty of any indecent, disorderly or improper act, or of any act calculated to disturb the peace or quiet of said city, or its inhabitants, or of any conduct detrimental to the morals and good order of said city, or the inhabitants thereof, or in any manner disturb or interfere with the inhabitants thereof. Any person violating the provisions hereof shall be fined in any sum not exceeding ten dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 18. Any person convicted of having disturbed the peace and quiet of said city, or of its inhabitants, by making loud or unusual noises, by crying the alarm of fire, or any other alarm, without good cause, or by threatening any person, or by challenging him to fight, or menacing him with corporal or pecuniary harm, shall be fined therefor in any sum not exceeding ten dollars.

SEC. 19. Any person convicted of having on Sunday, and within said city, pitched quoits, or coins, or of having played at cricket, bandy, cat, town ball, or any other public game or amusement, shall be fined therefor in any sum not exceeding five dollars.

SEC. 20. Any policeman who shall be found in any house of ill-fame or prostitution, or gambling house in said city, without special orders from the Chief of Police, Mayor, or Police Board, or in case of emergency to make an arrest, or suppress riotous or disorderly conduct, shall, upon conviction, be fined in any sum not exceeding fifty dollars and be liable to dismissal; and any legal voter or householder of said city may, without breach of the peace, apprehend any policeman found violating the provisions hereof.

SEC. 21. The Marshal of said city, or his assistant, or any police officer of said city shall arrest, without process, any person violating in his or their presence any provision of this ordinance, and take such offender forthwith before the City Judge for trial, filing complaint of such offence, or, if such arrest be made on Sunday, or in the night time, said Marshal or his Assistant, or any police officer of said city, shall commit such offender to jail, or the City Prison, or otherwise guard him until ten o'clock of the next ensuing morning, when such trial shall proceed, unless continued for good cause; and such officer failing to perform the duty required of him by this section shall be liable to a fine of not less than ten nor more than fifty dollars.

SEC. 22. Said Marshal or his Assistant, or any Police Officer of said city, is hereby empowered and enjoined to arrest, with or without process, any person who in the night time, or on Sunday, and within said city, or one mile therefrom, shall be found rioting, fighting, or in any manner disturbing the public peace, and said Marshal, or any person acting under his authority, or any police officer of said city shall commit such offender to jail, or to the City Prison for safe keeping until complaint against him can be made before the City Judge: *Provided*, That no person shall be so imprisoned longer than until 10 o'clock of the succeeding day, unless such succeeding day shall be Sunday, in which case complaint said offender shall be made on the next following Monday. All arrests shall be subject, of course, to the right to be admitted to bail as provided by law.

Sec. 23. All ordinances, or parts of ordinances in conflict herewith, are hereby repealed: *Provided*, That no action pending or right of action existing in favor of said city shall be affected, but all such actions and rights of action are hereby saved and continued.

Sec. 24. This ordinance shall be in force from and after its passage and publication one day in each week for two consecutive weeks in the Indianapolis Daily Journal.

Mr. Davis arose to a point of order—he stated that inasmuch as His Honor, the Mayor, had introduced said ordinance, it was out of order, he, the Mayor, not being a representative of any Ward.

The Chair decided that the point was not well taken.

From which decision an appeal was taken.

The question being, shall the decision of the Chair be sustained?

Those who voted in the affirmative were Councilmen Coburn, Goddard, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—9.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis, Foster, Geisel and Henschen—6.

So the decision of the Chair was sustained.

On motion, the ordinance was then read and acted upon section by section.

By consent the word “common” was inserted before the word “prostitute” in the first section.

Mr. Brown moved to strike out all after the word “dollars,” in the 1st section, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Geisel and Henschen—6.

Those who voted in the negative were Councilmen Coburn, Goddard, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—9.

So the motion to strike out was lost.

By consent the following words, “he shall not be liable to the penalty of this section,” were substituted for the words “he shall be acquitted,” at the close of the 2d section.

Mr. Brown moved to strike out section 4.

Mr. Davis called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen, MacArthur and Schmidt—8.

Those who voted in the negative were Councilmen Coburn, Goddard, Jameson, Kappes, Seidensticker, Stanton and Woodburn—7.

So the motion to strike out was adopted.

By consent the word "twelve" was substituted for "ten" in the 5th section, and the words "Fall Creek" inserted after the words "Pogue Run."

By consent "fifty dollars" was inserted in lieu of "twenty-five dollars and forty dollars" in the 6th section.

Mr. Brown offered the following amendment to be added at the close of the 6th section :

And it is hereby made the duty of the City Attorney to set forth in each complaint of any subsequent violation of this section, the fact that there has been a first or previous conviction.

Which was adopted.

On motion, all after the word "thereof," down to and including the word "purposes," in the 7th section, was stricken out.

On motion, the following amendments were made to section 8 :

Insert after the words "lessees or" the words "was apprized; and in lieu of the words "complete and sufficient evidence," the words "prima facie evidence;" and before the word "notification" the word "written;" and in lieu of the words "any citizen or officer," the words "two responsible citizens or officers."

On motion by Mr. Seidensticker, the 9th section was stricken out.

By consent the word "knowingly" was inserted before the word "suffer," in the 11th section.

By consent the words "or attempt to defraud of, or obtain from" were inserted after the words "or obtain from" in the 12th section; and, also, the word "exceeding" was stricken out in same section, and the words "less than fifty nor more than."

Mr. Schmidt moved to strike out the 13th section.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Coburn Goddard, Jameson, MacArther, Seidensticker, Schmidt, Stanton and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen and Kappes—7.

So the motion to strike out was adopted.

Mr. Brown moved to strike out all after the period in section 14, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Henschen, MacArthur and Schmidt—7.

Those who voted in the negative were Councilmen Coburn, Goddard, Jameson, Kappes, Seidensticker, Stanton and Woodburn—7.

There being a tie vote, His Honor, the Mayor, voted in the negative.

So the motion to strike out was lost.

By consent the words "and taken," in the 14th section, were stricken out, and the following words added at the end of said section: "unless they prove they were there for a lawful purpose."

Pending the consideration of the ordinance,

On motion the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANDELL, *City Clerk*.