

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 21, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 21, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 18 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Smith and Von Spreckelsen.

Absent, 2—viz.: Messrs. McGrew and Shaffer.

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

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
March 10, 1898. }

To the President and Members of the Common Council:

Gentlemen—I herewith return to you G. O. No. 4, 1898, unsigned, and attach thereto the opinion of the City Attorney with reference to said ordinance.

Very respectfully,
T. TAGGART,
Mayor.

With the following opinion from City Attorney:

CITY OF INDIANAPOLIS,
OFFICE OF THE DEPARTMENT OF LAW, }
March 3, 1898.

Hon. Thomas Taggart, Mayor:

Dear Sir—I have considered your communication as to the right of the Common Council to pass an ordinance requiring the payment of all employes of the city to be made once every two weeks.

Section 54 of the City Charter, in enumerating the powers of the Comptroller, provides that he shall have power "to prescribe * * * the manner in which the salaries shall be drawn, and the mode by which all creditors, officers and employes shall be paid. The salaries shall be payable once in three months."

The word "employes," as used in the ordinance, is a very general term and its meaning is very broad. It has been variously defined by the different authorities. Webster defines the term as "one who is employed." Worcester defines it as "one who is employed; an official, a clerk, a servant." The United States Court of Claims has defined the word to mean "anyone in place, or having charge, or using a function, as well as one in office."

Under these definitions of the term it could be held to mean all persons connected with the city government. But I think the reasonable interpretation to be put upon it, as would seem to be indicated by the decisions of the courts with regard to wages due employes of railroads, is that it includes all persons rendering service to the city other than the elective officers and various boards and heads of departments appointed by you.

The charter establishes certain departments of the city government, and expressly defines the powers and functions of each; and one department cannot in any way regulate or interfere with powers and duties exclusively conferred upon another. The charter provides that the Comptroller shall prescribe the manner in which salaries shall be drawn and the mode by which all creditors, officers and employes shall be paid, and does not anywhere confer upon the Common Council authority to regulate this matter.

It is therefore my opinion that any attempt of the Common Council to fix the time when the salaries or compensation of employes shall be paid amounts to nothing more than a mere expression of opinion.

Very truly yours,

JOHN W. KERN,
City Attorney.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS, }
March 14, 1898.

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances:

App. O. No. 4, 1898. An ordinance appropriating the sum of one hundred and six dollars and sixteen cents with which to pay claim of James Reilly.

Resolution No. 5, 1898. That annual reports of city officers be referred to City Comptroller, with authority to receive bids for printing of same.

G. O. No. 15, 1898. An ordinance amending subdivision two of section six of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation."

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

App. O. No. 5, 1898. An ordinance appropriating the sum of one hundred four dollars and seventeen cents (\$104.17), with which to pay a certain claim made by virtue of Section 8 of an act entitled "An act to better regulate and restrict the sale of intoxicating and malt liquors," etc., approved March 11, 1895, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 4, 1898.

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

Dear Sir—We, your Committee on Accounts and Claims, have had under consideration App. O. No. 5, 1898, and recommend that the same do pass.

Respectfully yours,

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

Which was read and concurred in.

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

G. O. No. 6, 1898. An ordinance fixing the maximum rate to be charged for the use of electric lights, providing a penalty for the violation thereof and repealing all ordinances in conflict therewith and declaring an emergency.

Made the following report:

INDIANAPOLIS, IND., March 18, 1898.

Mr. President:

We, your Committee on Contracts and Franchises, have had G. O. No. 6, 1898, under consideration, and upon the opinion of the City Attorney that it would not be valid if passed, would recommend that it be stricken from the files.

GEO. R. COLTER.
JOHN A. VON SPRECKELSEN.
ALBERT E. RAUCH.
JAS. H. COSTELLO
ROBERT M. MADDEN.
JOHN H. SCANLON.
W. W. KNIGHT.

With the following communication from City Attorney:

CITY OF INDIANAPOLIS.
OFFICE OF THE DEPARTMENT OF LAW, }
March 16, 1898. }

Geo. R. Colter, Esq., Member Common Council:

In reply to your inquiry as to the validity of the ordinance regulating the prices to be charged in the city for electric light furnished to private consumers, I will say that as a general proposition there is no question as to the right of the city authorities to regulate rates to be charged to the public by persons and corporations engaged in the business of furnishing to the public light, water, and similar necessities.

There are two limitations upon this general principle, to which I call your attention:

First. Such regulations must not in any way interfere with the valid contract rights of the parties affected, and

Second. Such regulation must be reasonable.

The contract between the city and the Indianapolis Light and Power Company contains no provision as to the rates to be charged to private consumers. It is, however, provided that after a certain date that company shall pay a certain per cent. of its gross receipts from incandescent lighting, as well as from arc lighting and power furnished, into the city treasury.

It is claimed by the company that this ordinance, which it claims will greatly reduce its gross receipts, but which at the same time leaves unchanged the per cent. of its gross receipts to be paid to the city, is invalid because it impairs the obligation of what it claims amounts to an implied contract with the city—that its rates by which it accumulated the gross receipts, the per cent. of which it is required to pay into the city treasury, should remain unchanged during the period that percentage is required to be paid.

It is also claimed that the ordinance is unreasonable in its regulation because it requires the company to furnish electric light to all persons using the same at so much per burner, without regard to the amount used.

While there is some plausibility in the first claim advanced, yet I am inclined to the opinion that if the present rates charged are unreasonable and extortionate, as measured by the amounts charged to and paid by citizens of other cities in all respects similarly situated, the rates might be so regulated by the city authorities as to make them reasonable and to protect the citizens from extortionate charges.

In fixing an arbitrary per cent. of the gross receipts to be paid to the city, it was doubtless believed that there would be fluctuations in the amount derived from time to time by the company from its gross receipts. If by reason of large consumption and high rates those receipts were large, the amount received by the city would be correspondingly great, while, on the other hand, if by reason of less consumption or lower rates, or both, the gross receipts were decreased, the payment to the city would be proportionately less.

Applying the rule universally accepted by the courts that contracts such as this are to be construed in favor of the public, resolving all doubts against the corporation, I think it clear that there is nothing in this contract to prevent the city authorities from fixing rates reasonable to both the public and the company.

I am compelled, however, to admit that there is merit in the second objection. The Electric Light Company sells electric light by meter measurement. Every man using the light pays for the amount actually consumed. This ordinance provides that a certain amount shall be paid for each burner, regardless of the amount consumed; so that the man

who uses a single electric light eighteen hours every day will be required to pay the same price as his neighbor who uses one light fifteen minutes each day.

Electricity is generated or manufactured to be sold. It is in the nature of a commodity. Will it be claimed that, in the absence of a contract to that effect, the city could require an artificial gas company to furnish illuminating gas at so much per burner, receiving the same price for a million feet furnished one man as for a thousand feet furnished another? It is true that our citizens have natural gas furnished them at so much per fire, regardless of the amount consumed, but it will be borne in mind that natural gas is so furnished in accordance with a contract entered into with the natural gas companies before any of them commenced the sale and distribution of natural gas in the city.

It has been held by the courts that, under the general power to regulate prices and protect the citizens against unreasonable rates and charges, the Common Council of a city may by ordinance fix the price of bread.

In accordance with the power assumed by the ordinance under discussion, the price to be charged for bread might be fixed by the city authorities, not at so much per loaf, or per pound, but at so much per consumer, so that each individual should be supplied with all the bread he could use at a certain price—the price to be the same whether much or little should be consumed. It would scarcely be contended that such legislation would be a proper and valid exercise of the power to regulate.

For the reason that the regulation attempted here is clearly unreasonable, I am of the opinion that the validity of the ordinance in question would not be sustained by the courts.

JNO. W. KERN,
City Attorney.

Which was read and ordered spread on the minutes.

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

G. O. No. 18, 1898. An ordinance authorizing and directing the transfer of one thousand dollars heretofore appropriated for the payment of special counsel and expenses of Street Railroad Company's litigation, to a fund to be used in defraying the expenses of the litigation between the City of Indianapolis and the Indianapolis Gas Company.

Made the following report:

INDIANAPOLIS, IND., March 21, 1898.

Mr. President:

Your Committee on Finance have considered G. O. No. 18, 1898, and the request of the City Attorney, and recommend that the ordinance do pass.

Respectfully,

JAS. H. COSTELLO.
E. D. MOFFETT.
W. F. SMITH.
EDWARD E. BERNAUER.
RICHARD MERRICK.
J. R. ALLEN.
ROBERT M. MADDEN.
FRANK S. CLARK.

Which was read and concurred in.

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

G. O. No. 16, 1898. An ordinance ratifying the issue and sale of certain park bonds therein described, in pursuance of the provisions of an ordinance passed on the 1st day of March, 1897; pledging the faith and credit of the City of Indianapolis to the payment of the same; transferring the funds derived therefrom to the Department of Public Works; and authorizing such Department to expend the same for park purposes, subject to conditions and limitations contained therein, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., March 21, 1898.

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 16, 1898, authorizing the transfer of certain moneys derived from the sale of bonds for the purchase of parks and the improvement thereof, have considered same, and do recommend its passage.

Respectfully,

JAS. H. COSTELLO.
E. D. MOFFETT.
RICHARD MERRICK.
EDWARD E. BERNAUER.
W. F. SMITH.
ROBERT M. MADDEN.
FRANK S. CLARK.

Which was read and concurred in.

Mr. Rauch, on behalf of the Committee on Judiciary, to which was referred:

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

Made the following report:

INDIANAPOLIS, IND., February 17, 1898.

Mr. President:

We, your Committee on Judiciary, have carefully considered G. O. No. 13, 1898, and recommend that the same do pass.

ALBERT E. RAUCH.
E. W. LITTLE.

Which was read and concurred in.

Mr. Clark, on behalf of the Committee on Public Safety and Comfort, to which was referred:

Resolution No. 3, 1898.—

Whereas, Willis D. Engle is desirous of erecting a frame dwelling-house upon lot six (6) in Ray's subdivision of the east part of outlet ninety-two (92) in the City of Indianapolis; and

Whereas, Said lot is located within the fire limits of the City of Indianapolis, and the erection of such building is prohibited by the ordinance defining such fire limits; therefore, be it

Resolved by the Common Council of the City of Indianapolis, Indiana, That Willis D. Engle be and he is hereby given permission to erect a frame dwelling-house upon lot number six (6) in Ray's subdivision of the east part of out lot ninety-two (92) in the City of Indianapolis, the same being in the rear of number three hundred and eighteen (318) South Noble street, in the City of Indianapolis.

Made the following report:

INDIANAPOLIS, IND., March 3, 1898.

Mr. President:

We, your Committee on Public Safety and Comfort, have had Resolution No. 3, 1898, before the committee, and after careful consideration would recommend that the same do not pass.

Respectfully,

FRANK S. CLARK.
W. F. SMITH.
T. A. BOWSER.
ALBERT E. RAUCH.
E. D. MOFFETT.

Which was read and concurred in.

Mr. Clark, on behalf of the Committee on Public Safety and Comfort, to which was referred:

G. O. No. 68, 1897. An ordinance requiring street railroad companies to provide electric alarm bells on their cars for the use, convenience and safety of passengers.

Made the following report:

INDIANAPOLIS, IND., March 3, 1898.

Mr. President:

We, your Committee on Public Safety and Comfort, have had G. O. No. 68, 1897, under consideration, and after a careful investigation we would recommend that the same do not pass.

Respectfully,

FRANK S. CLARK.
W. F. SMITH.
T. A. BOWSER.
ALBERT E. RAUCH.
E. D. MOFFETT.

Which was read and concurred in.

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

G. O. No. 19, 1898. An ordinance providing for the change of the name of Louisa street to Nowland avenue, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., March 21, 1898.

Mr. President:

We, your Committee on Sewers, Streets and Alleys, have had G. O. No. 19, 1898, under consideration, and recommend its passage.

Respectfully,

JOHN M. HIGGINS.

E. D. MOFFETT.

JOHN A. VON SPRECKELSEN.

JOHN H. SCANLON.

T. A. BOWSER.

Which was read and concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Clark, on behalf of the Committee appointed to visit Councilman James W. McGrew, reported that the Committee had visited Mr. McGrew and found his health very much improved.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. Von Spreckelsen:

G. O. No. 22, 1898. An ordinance changing the name of a portion of Peru avenue and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of that portion of Peru avenue lying between the west line of Davidson street and the south line of St. Clair street, in said city, be and the same is hereby changed to Davidson street, and said portion of said Peru avenue shall hereafter be known and designated as Davidson street.

Sec. 2. That the name of that portion of Peru avenue lying between the west line of Pine street and the south line of Massachusetts avenue be and the same is hereby changed to Pine street, and said portion of said Peru avenue shall hereafter be known and designated as Pine street.

Sec. 3. This ordinance shall be in full force from and after its passage.

With the following petition:

INDIANAPOLIS, IND., March 21, 1898.

To the Common Council of the City of Indianapolis:

Gentlemen—We, the undersigned property holders abutting on Pine street and Peru avenue, do respectfully request your honorable body to change the name of that portion of Peru avenue lying between the west

line of Pine street and the south line of Massachusetts avenue to Pine street; also that portion of Peru avenue lying between the west line of Davidson street and the south line of St. Clair street to Davidson street. We respectfully submit the above to your honorable body for your consideration.

Mrs. Ellen Breen, David G. Kern, A. Izor, W. H. Kern,
Frank and Bertha Norkus, Daniel Campbell, Henry
Reinken, Cornelius Hanley, Henry Brockway, Joseph
Henn, Anna Bush, Ed. Homuth.

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

By Mr. Moffett:

G. O. No. 23, 1898. An ordinance authorizing the erection of a portico or vestibule at and in front of the public entrance to the Bates House Hotel, on Illinois street, in the City of Indianapolis, upon conditions therein named.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the lessee and proprietor of the Bates House, a hotel in said city situate on the northwest corner of Washington and Illinois streets, be and is hereby authorized and permitted to erect and maintain a permanent portico or vestibule at and in front of the principal public entrance to said hotel on Illinois street. *Provided*, That no part of the said structure shall extend beyond the outer edge of the sidewalk in front of such entrance; that the overhead portions thereof shall not be closer to the surface of the sidewalk at any point than ten feet, the posts or pillars supporting the same shall not reduce the space left open for travel to less than twelve feet; that the space between such posts or pillars shall not be less than twelve feet, and that the said structure shall not interfere with travel, nor obstruct the street or sidewalk to a greater extent than the porticos or vestibules of like character now maintained in front of the Grand and Denison Hotels in said city: *Provided further*, That before such structure shall be commenced, built or maintained, detailed drawings and plans and specifications thereof shall be submitted to and approved by the Building Inspector of said city, and that after such approval a building permit shall be issued as provided by the ordinance regulating such permits.

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

Which was read a first time and referred to Committee on Public Safety and Comfort.

MISCELLANEOUS BUSINESS.

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

Resolution No. 6, 1898—

Whereas, In the destruction of the battleship Maine, and in the death of so many of her gallant crew, the United States Government has suffered an irreparable loss; and

Whereas, Recent developments have established the fact that these results were due either to official or individual Spanish intrigue; therefore, be it

Resolved, That the Common Council of Indianapolis, Indiana, urge upon the Government the necessity of insisting upon the evacuation of the Spanish army from Cuba, and a suitable indemnity for the loss of the Maine; and

Resolved, That should the court of inquiry develop the fact that the disaster was the result of a plot of the Spanish Government, that this body will lend its moral assistance to the executive in a declaration of hostilities; and be it further

Resolved, That a copy of these resolutions be forwarded to the Navy Department at Washington.

Which was read and adopted by the following vote:

AYES 17—viz.: Messrs. Bernauer, Bowser, Clark, Colter, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Smith, Von Spreckelsen and President Mahoney.

NAYS 2—viz.: Messrs. Allen and Crall.

ORDINANCES ON SECOND READING.

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

G. O. No. 16, 1898. An ordinance ratifying the issue and sale of certain park bonds therein described, in pursuance of the provisions of an ordinance passed on the 1st day of March, 1897; pledging the faith and credit of the City of Indianapolis to the payment of the same; transferring the funds derived therefrom to the Department of Public Works; and authorizing such department to expend the same for park purposes, subject to conditions and limitations contained therein, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 16—viz.: Messrs. Bernauer, Bowser, Clark, Colter, Costello, Harston, Higgins, Knight, Madden, Merrick, Moffett, Rauch, Scanlon, Smith, Von Spreckelsen and President Mahoney.

NAYS 3—viz.: Messrs. Allen, Crall and Little.

Mr. Moffett moved that the Council return to the order of "Miscellaneous Business."

Which motion prevailed.

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

Resolution No. 7, 1898—

Be it resolved by the Common Council of the City of Indianapolis, Indiana, That it is the sense of this Council that the Board of Public

Works should include in their park plans a commodious public bath house on the south bank of Fall creek, and on the edge of one of the lakes proposed to be made—the bank or beach of such lake to be so constructed as to make a sandy beach to the breadth of at least one hundred yards, and gradually sloping from the outer edge or surf into the lake for a distance of at least one hundred feet, where the depth of the water shall not be less than six feet, so that the same can be used for public bathing during the summer months; and be it further

Resolved, That said Board will receive the cordial support of this Council in the construction of a suitable building at or near the same place, to be ultimately provided with such interior arrangements that large pools can be constructed therein and maintained in a suitable manner, for public bathing during the winter months—the said building to be kept and maintained as one of the public charities of said city.

Which was read and adopted by the following vote:

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

NAYS 2—viz.: Messrs. Bernauer and Little.

The Council then returned to the regular order of business, "Ordinances on Second Reading."

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

App. O. No. 5, 1898. An ordinance appropriating the sum of one hundred four dollars and seventeen cents (\$104.17), with which to pay a certain claim made by virtue of Section 8 of an act entitled "An act to better regulate and restrict the sale of intoxicating and malt liquors." etc., approved March 11, 1895, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

Mr. Madden moved that the following entitled ordinance be called from the Committee on Public Safety and Comfort:

G. O. No. 7, 1898. An ordinance regulating hauling and transportation of sand, gravel and dirt; defining what shall constitute a load for two horses; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Which motion prevailed.

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

G. O. No. 6, 1898. An ordinance fixing the maximum rate to be charged for the use of electric lights, providing a penalty for the violation thereof and repealing all ordinances in conflict therewith and declaring an emergency.

And, on motion of Mr. Colter, G. O. No. 6, 1898, was stricken from the files by the following vote:

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

NAYS 1—viz.: Mr. Little.

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

G. O. No. 7, 1898. An ordinance regulating hauling and transportation of sand, gravel and dirt; defining what shall constitute a load for two horses; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Mr. Madden moved that the words "The Sun," in line three of Sec. 3 be stricken out and the words "The Indianapolis Sentinel" be substituted therefor.

The President ruled the motion out of order.

The question being on the passage of G. O. No. 7, 1898.

Which failed of passage by the following vote:

AYES 8—viz.: Messrs. Bowser, Crall, Harston, Higgins, Little, Madden, Merrick and Scanlon.

NAYS 11—viz.: Messrs. Allen, Bernauer, Clark, Colter, Costello, Knight, Moffett, Rauch, Smith, Von Spreckelsen and President Mahoney.

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

G. O. No. 19, 1898. An ordinance providing for the change of the name of Louisa street to Nowland avenue, and fixing the time when the same shall take effect.

And was passed by the following vote:

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

NAYS 1—viz.: Mr. Allen.

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

G. O. No. 69, 1897. An ordinance to amend section one (1) of "An ordinance regulating peddling and designating portions of public streets where certain kinds of peddling is prohibited, and matters connected therewith," approved March 11, 1895, and fixing the time when the same shall take effect.

Mr. Moffett offered the following amendment to G. O. No. 69, 1897:

Mr. President:

I move to strike out the words "The Sun," in line 3 of Section 2 of G. O. No. 69, 1897, and insert in lieu thereof the words "The Indianapolis Sentinel."

Which amendment was read and adopted.

On motion of Mr. Moffett, G. O. No. 69, 1897, was then ordered engrossed, as amended, read a third time, and passed by the following vote:

AYES 16—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Merrick, Moffett, Rauch, Scanlon, Smith and Von Spreckelsen.

NAYS 3—viz.: Messrs. Little, Madden and President Mahoney.

Mr. Knight moved that the Council do now adjourn.

The Chair decided the motion lost.

Mr. Crall appealed from the decision of the Chair.

The Chair was sustained.

On motion of Mr. Higgins, the following entitled ordinance was taken up:

G. O. No. 9, 1898. An ordinance prohibiting the soliciting of custom, or trade upon the streets, sidewalks and other public places in the City of Indianapolis, and fixing penalties for the violation thereof.

Mr. Harston moved that the recommendation of the Committee on Sewers, Streets and Alleys, that the substitute (see page 187) take the place of G. O. No. 9, 1898, be adopted.

Which motion prevailed.

On motion of Mr. Harston, G. O. No. 9, 1898, was then ordered engrossed as amended, read a third time, and passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 18, 1898. An ordinance authorizing and directing the transfer of one thousand dollars heretofore appropriated for the payment of special counsel and expenses of Street Railroad Company's litigation, to a fund to be used in defraying the expenses of the litigation between the City of Indianapolis and the Indianapolis Gas Company.

Mr. Higgins moved that the Council do now adjourn.

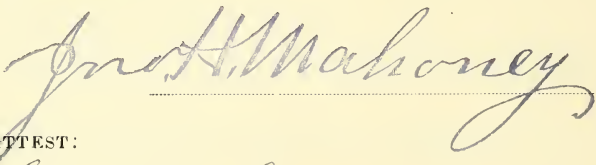
Which motion was lost.

On motion of Mr. Costello, G. O. No. 18, 1898, was then ordered engrossed, read a third time, and passed by the following vote:

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

NAYS 1—viz.: Mr. Little.

On motion of Mr. Madden, the Common Council, at 9:40 o'clock P. M., adjourned.



 President.

ATTEST:

 City Clerk.