

## REGULAR MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
December 5, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 5, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 15 members, viz.: Messrs. Allen, Bernauer, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, McGrew, Shaffer, Smith and Von Spreckelsen.

Absent—5, viz.: Messrs. Bowser, Clark, Knight, Rauch and Scanlon.

The Clerk proceeded to read the Journal, whereupon Councilman Von Spreckelsen 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,  
INDIANAPOLIS, IND., November 29, 1898. }

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

Gentlemen—I have this day approved the following ordinances:

G. O. No. 42, 1898. An ordinance requiring the Lake Erie & Western Railroad Company and the Chicago, Indianapolis & Louisville Railroad Company to station and maintain one flagman at the crossing of Twentieth street by the tracks of said companies.

G. O. No. 66, 1898. An ordinance authorizing the transfer of \$2,505.25 from funds other than those to which this sum was originally appropriated.

G. O. No. 67, 1898. An ordinance authorizing the transfer of certain sums to other funds than those for which they were originally appropriated.

Respectfully submitted,

T. TAGGART,  
*Mayor.*

Which was read and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., December 5, 1898. }

To the Members of the Council:

Gentlemen—We beg to recommend that authority be granted this Board to expend from the fund for purchase of real estate for park purposes the sum of \$2,635.62, for the following items:

To pay assessment against property known as "Miller property" on account of construction of Pogue's Run intercepting sewer	\$365.59
To pay assessment against the property known as "Miller property" on account of construction of Marlowe avenue main sewer	1,113.72
To reimburse said Catherine L. Miller for money expended for taxes during the years 1896 and 1897	556.31

In relation to the above, we desire to submit the following statement: Miss Miller's proposition to the Board of Park Commissioners was that she would sell block No. 15 in Davidson's third addition to the city for the sum of \$23,500, the city to assume the payment of assessments and taxes of 1896, so that she would receive the sum of \$23,500 as the net price for the tract.

After the abolition of the Park Board, the matter was taken up by the Board of Public Works, and an attempt made to ratify the original contract made with the Park Board—it being understood that the city should pay Miss Miller \$23,500 for the land and assume all taxes and sewer liens that were due at the time of the original contract and had accrued since, so that she would realize the said sum exclusive of such taxes and liens.

When the ordinance was prepared, the sum of \$23,500 was before the City Attorney as the contract price, but the details of the contract had not been communicated to him. He therefore inserted the sum of \$23,500 as the amount to be appropriated for the purchase of the land described, and the ordinance was passed in that form.

Under the contract Miss Miller is entitled to have the city assume the payment of the sewer assessments mentioned, and have the taxes paid by her since 1896, amounting to \$556.31, refunded. She will have to assume the taxes of 1898, amounting to something like \$333.56.

The city is morally bound by its contract, about which there is no question, and an ordinance appropriating the correct amount to Miss Miller is herewith presented.

Very respectfully,

M. A. DOWNING,  
W. SCOTT MOORE,  
T. J. MONTGOMERY,  
*Board of Public Works.*

Which was read and referred to Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

App. O. No. 10, 1898. An ordinance appropriating the sum of ninety-three dollars and fifteen cents (\$93.15), with which to pay certain claims made by virtue of Section 8, of an act entitled "An act to better regulate and restrict the sale of intoxicating, vinous and malt liquors," etc., approved March 11, 1895, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

We, your Committee on Accounts and Claims, have had under consideration App. O. No. 10, 1898, and recommend that the same do pass.

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

Which was read and concurred in.

Mr. Bernauer, on behalf of the Committee on Fees and Salaries, to which was referred:

G. O. No. 38, 1898. An ordinance providing for the appointment of a custodian and assistants for the City Hall, fixing the salaries thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

We, your Committee on Fees and Salaries, to whom was referred G. O. No. 38, 1898, have had same under consideration, and recommend that the same be amended by striking out all of the words after the word "sum" in the fourth line of the second section, and insert in lieu thereof the words "forty-five dollars (\$45) per month, or five hundred and forty dollars per annum," and when so amended, recommend that the same do pass.

EDWARD E. BERNAUER.  
ALBERT HARSTON.  
E. D. MOFFETT.

Which was read and concurred in.

Mr. Bernauer, on behalf of the Committee on Fees and Salaries, to which was referred:

G. O. No. 43, 1898. An ordinance to amend Subdivision 2 of Section 7 of an ordinance entitled "An ordinance authorizing the employment of

certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances, and fixing the time when this ordinance shall take effect," approved January 18, 1894, and fixing the time when same shall take effect.

Made the following report:

INDIANAPOLIS, IND., November 30, 1898.

*Mr. President:*

We, your Committee on Fees and Salaries, to whom was referred G. O. No. 43, 1898, have had same under consideration, and recommend that the same do pass.

EDWARD E. BERNAUER.  
E. D. MOFFETT.  
ALBERT HARSTON.

Which was read and concurred in.

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

G. O. No. 70, 1898. An ordinance annexing certain territory to the City of Indianapolis, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., November 30, 1898.

*Mr. President:*

We, your Committee on Finance, to whom was referred G. O. No. 70, 1898, have had the same under consideration, and recommend that the same do pass.

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

Which was read and concurred in.

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

G. O. No. 68, 1898. An ordinance authorizing the transfer of four thousand six hundred and fifty dollars (\$4,650) from funds other than those to which it was originally appropriated, and making the same available to the use of the Department of Public Works, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., November 30, 1898.

*Mr. President:*

We, your Committee on Finance, to whom was referred G. O. No. 68, 1898, have had same under consideration, and recommend that it be passed.

JAS. H. COSTELLO.  
EDWARD E. BERNAUER.  
W. F. SMITH.  
J. W. MCGREW.  
E. D. MOFFETT.  
RICHARD MERRICK.

Which was read.

Mr. Allen, on behalf of the minority of the Committee on Finance, to which was referred G. O. No. 68, 1898, made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

I am unable to concur in the action of the majority of the Committee on Finance recommending that G. O. No. 68, 1898, be passed, and respectfully protest against the passage of the same, for the following reasons:

Said ordinance includes an appropriation of \$2,300, requested to be made by the Board of Public Works, and recommended by the City Comptroller, for the payment of expenses incurred by the Board of Public Works for experts in the investigation of the plant of the Indianapolis Water Company. See letter from the Board to the Comptroller, and his recommendation, Council Proceedings 1898, pp. 418, 419.

Said expenses were incurred by the Board of Public Works by the employment of experts without any previous appropriation of funds to said Board by the Council for such purpose, and at the time the services were rendered there was no fund appropriated available for such purpose.

The act of the Board of Public Works in employing the said experts and incurring said expenses was, therefore, unauthorized, and in plain violation of the provisions of the charter, and creates no liability upon the part of the city, the members of said Board being alone liable therefor, if anyone. (See Secs. 50, 51, 52 and 62 of the charter.)

In the case of the City of Indianapolis v. Wann, Receiver, 144 Indiana, p. 175, the Supreme Court held that a contract made by the Board of Public Works of the City of Indianapolis, for which appropriations had not already been made, was absolutely void, and could not be ratified by the Council by making a subsequent appropriation to be applied upon the contract; and that the charter provisions cited deprive the Board of Public Works of the power to bind the city by any contract, agreement, or in any way, beyond the amount of money already appropriated by ordinance for the purpose, and says: "If language could be so framed as to make such a contract absolutely void, this language has certainly accomplished that result. If it has not, then it is because the English language is utterly incapable of conveying that idea to the understanding."

I think repeated violations of the statute upon this subject by the Board of Public Works, particularly after vigorous rebuke by the Supreme Court, is utterly inexcusable, and should not be countenanced or encouraged by the Council by appropriations upon request after contracts so expressly prohibited have been entered into.

I also think that appropriations to be applied upon such void contracts, where no liability exists against the city, are not within the powers of the Council, and that such ordinances are themselves void, and the carrying of the same into effect may be enjoined at the suit of any taxpayer.

The communication from the Board of Public Works requests an original appropriation. The ordinance, as drafted, purports to be one authorizing a transfer of money from one fund to another, but as the fund to which the money is to be transferred has never had any existence—there being now no such fund—the real purpose and effect of the ordinance is an attempt to create a new fund and to make an original appropriation. The ordinance is not, therefore, what it purports to be. I am opposed to such deceptive juggling of language in ordinances appropriating public funds.

Respectfully,

J. R. ALLEN,

*Of Committee on Finance.*

Which was read.

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

G. O. No. 72, 1898. An ordinance authorizing the issue and sale of one hundred and ten (110) refunding bonds of one thousand dollars (\$1,000) each of the City of Indianapolis, in order to raise money to take up and refund certain bonds bearing date of January 1, 1889, and which will become due January 1, 1909, but which, by their terms, are payable on and after January 1, 1899, aggregating one hundred and ten thousand dollars (\$110,000); prescribing the time and manner of advertising the sale of said refunding bonds and of the receipt of the bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds; providing the time and manner of payment of said outstanding bonds, and providing for the refunding of the indebtedness of the said City of Indianapolis represented by said bonds, and matters connected therewith; and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

Your Committee on Finance, to whom was referred G. O. No. 72, 1898, relating to the issue and sale of \$110,000 Indianapolis refunding bonds of 1899, after duly considering the same, beg leave to report as follows:

First. In Section 2 of said ordinance, paragraph 2 of the form of bond, after the word "Indianapolis" in the third and fourth lines of said paragraph, the following should be inserted: "in order to raise money to take up valid outstanding bonds of the city."

Second. In the fifth, sixth and seventh lines of said paragraph, the following words should be stricken out: "on the . . . . . day of . . . . ., 1898, and approved by the Mayor of said city on the . . . . . day of . . . . ., 1898."

Third. At the end of the paragraph referred to, after the word "bond" in the last line thereof, there should be inserted the following: "and this

bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana."

And, as so amended, we recommend that the ordinance do pass.

Respectfully submitted,

JAS. H. COSTELLO.  
J. R. ALLEN.  
EDWARD E. BERNAUER.  
J. W. MCGREW.  
W. F. SMITH.  
E. D. MOFFETT.  
ROBERT M. MADDEN.

Which was read and concurred in.

Mr. Moffett, on behalf of the Committee on Public Health, to which was referred:

G. O. No. 74, 1898. An ordinance regulating the cleaning of vaults and the removal of night soil and other noxious matter, providing penalties for the violation thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

We your Committee on Public Health have had G. O. No. 74, 1898, under consideration and respectfully recommend that the same do pass.

GEO. W. SHAFFER.  
JOHN M. HIGGINS.  
E. D. MOFFETT.

Which was read and concurred in.

Mr. Moffett, on behalf of the Committee on Public Health, to which was referred:

G. O. No. 75, 1898. An ordinance to further promote the public health of the City of Indianapolis by prohibiting the practice of spitting upon sidewalks and in other public places, fixing a penalty for the violation thereof, and providing when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 5, 1898.

*Mr. President:*

Your Committee on Public Health has had G. O. No. 75, 1898, under consideration and recommend that the same do pass.

E. D. MOFFETT.  
JOHN M. HIGGINS.

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. 69, 1898. An ordinance changing the name of Rural street to Laporte avenue.

Made the following report:

INDIANAPOLIS, IND., November 30, 1898.

*Mr. President:*

We your Committee on Sewers, Streets and Alleys have had G. O. No. 69, 1898, under consideration and recommend the same do pass.

JOHN M. HIGGINS.  
JOHN A. VON SPRECKELSEN.  
T. A. BOWSER.  
E. D. MOFFETT.

Which was read and concurred in.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Mr. Costello (by request):

G. O. No. 76, 1898. An ordinance authorizing the Board of Public Works of the City of Indianapolis, Indiana, to pay out of the fund heretofore appropriated for the purchase of real estate for park purposes, the sum of two thousand and thirty-five dollars and sixty-two cents (\$2,035.62) to Catherine L. Miller, in fulfillment of the contract entered into between her and the Board of Public Works of said city.

Whereas, the Board of Public Works of the City of Indianapolis, by its contract with Catherine L. Miller, agreed to pay to her for Block No. 15 in Davidson's Third Addition to the City of Indianapolis, as recorded in Plat Book No. 3, page 97, in the Recorder's office of Marion county, Indiana, the sum of \$23,500 and to assume and pay the sewer liens and taxes on said real estate which existed at the time and which had accrued subsequent to the original purchase of said real estate by the Board of Park Commissioners, so that said Catherine L. Miller would receive said amount of \$23,500 exclusive of said taxes and liens; and

Whereas, by inadvertance in the drafting of G. O. No. 50, 1898, the sum of \$23,500 was inserted therein as the purchase price of said real estate and no provision made therein for the assumption and payment of said taxes and sewer liens by the Board of Public Works; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city is hereby authorized to pay out of the funds heretofore appropriated for the purchase of park lands, the sum of two thousand and thirty-five dollars and sixty-two cents (\$2,035.62) to said Catherine L. Miller, said sum being the amount of said taxes and sewer liens against said real



estate, for which by the terms of said contract said city is liable as a part of said purchase price, provided that said Catherine L. Miller shall pay the taxes for the year 1898 against said real estate.

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

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

By Mr. Costello (by request):

G. O. No. 77, 1898. An ordinance to amend Sections 1, 9 and 10 of an ordinance entitled "An ordinance providing for license upon vehicles drawn upon the streets of the City of Indianapolis, Indiana; regulating the construction and dimension of tires to be used on such vehicles, and providing penalties for the enforcement of the same; also for the publication thereof, and the date when the same shall take effect," approved November 27, 1893, and amended February 1, 1895, 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 Section 1 of an ordinance entitled "An ordinance providing for license upon vehicles drawn upon the streets of the City of Indianapolis, Indiana; regulating the construction and dimension of tires to be used on such vehicles, and providing penalties for the enforcement of the same; also for the publication thereof, and the date when the same shall take effect," approved November 27, 1893, and amended February 1, 1895, be amended to read as follows:

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the owners of all vehicles used upon the streets of the City of Indianapolis shall pay annually license fees as follows, viz.:

1. On each wagon or truck used for hauling boilers, engines, machinery, safes, or stone and drawn by four or more horses, twenty dollars.
2. On each wagon or truck used as above and drawn by two horses, fifteen dollars.
3. On each wagon or truck used for hauling logs, lumber, brick or ice and drawn by two horses, eight dollars.
4. On each wagon or truck used for hauling logs, lumber, brick or ice and drawn by one horse, five dollars.
5. On each omnibus drawn by four horses, ten dollars.
6. On each omnibus drawn by two horses, eight dollars.
7. On each tally-ho drawn by four horses, ten dollars.
8. On each tally-ho drawn by two horses, eight dollars.
9. On each wagon drawn by four horses, and not used in the manner specified in Clause 1, eight dollars.
10. On each wagon or cart drawn by two horses, five dollars.
11. On each wagon or cart drawn by one horse, three dollars.
12. On each dray or truck drawn by two horses, eight dollars. —
13. On each dray or truck drawn by one horse, five dollars. —
14. On each furniture car drawn by two horses, seven dollars.
15. On each furniture car drawn by one horse, four dollars.
16. On each sprinkling cart drawn by two horses, eight dollars.
17. On each sprinkling cart drawn by one horse, five dollars.
18. Hacks, or hackney carriages, cabs, barouches, buggies or driving carts, surreys and all pleasure vehicles using the streets:

19. On each hack or hackney carriage drawn by two horses, six dollars.
20. On each barouche, coupe, rockaway, trap, cab or surrey wagon drawn by two horses, five dollars.
21. On each vehicle as in the foregoing number described drawn by one horse, three dollars.
22. On each family surrey drawn by one horse, two dollars.
23. On each horseless carriage, three dollars.
24. On each surrey or vehicle drawn by one horse and used for delivery or hauling purposes other than as herein described, three dollars.
25. On each driving cart drawn by one horse or pony, two dollars.
26. On each buggy used for riding purposes only, two dollars.
27. On each sulky, two dollars.
28. On each push or hand cart, two dollars.
29. On each bicycle, except those used by children under fourteen years of age, one dollar.
30. On each one-horse vehicle, not before mentioned, three dollars.
31. On each two-horse vehicle, not before mentioned, five dollars.
32. On each three-horse vehicle, not before mentioned, six dollars.
33. On each four-horse vehicle, not before mentioned, eight dollars.

Sec. 2. That Section 9 of said ordinance be amended to read as follows:

Sec. 9. It shall be the duty of all livery and boarding stable keepers to report to the City Comptroller the number and kinds of vehicles (subject to license) in their stables on the first day of January of each year, together with the names of the owners thereof, said report to be made between the first and fifteenth days of January of each year, and any person or persons, partnership or corporation, who shall after the thirty-first day of March of each year, drive or cause to be driven on any of the streets of the City of Indianapolis any unlicensed vehicle which, under this ordinance requires a license, or who shall violate any provision of this ordinance, shall, upon conviction, be fined in any sum not exceeding ten dollars: Provided, however, This ordinance shall not be held to repeal any part of said ordinances as to any suits now pending in any court under or involving said ordinances or any part thereof.

Sec. 3. Amend Section 10 of said ordinance to read as follows:

Sec. 10. The owners of vehicles covered by the terms of this ordinance, shall, before obtaining a license as herein provided, be required to make an affidavit before the City Treasurer, in which shall be set forth a full description of the kind and character of vehicle for which a license is desired, the name of the owner and the use to which such vehicle is to be put, which affidavit shall be signed and sworn to by said owner and endorsed on the back of the receipt, which shall be duly issued to said owner by the City Treasurer upon the payment of the license fee required by said ordinance. But it shall be unlawful to charge said owner so making said affidavit any notary or other fee except the one expressly named in the ordinance itself. Thereupon it shall be the duty of the City Comptroller, without further charge, to deliver, upon the presentation and surrender to him of said City Treasurer's receipt, to said owner a license covering the period for which payment has been made, which license shall be signed by the Mayor and issued and countersigned by the City Comptroller. All licenses provided for in this ordinance shall be issued for one year and shall be dated on the first day of January of each year; Provided, That any owner who shall come into possession of any such vehicle upon which no license has been paid between the first day of July of any one year and the first day of January of the next succeeding year shall only be required to pay a fee in proportion to the unexpired part of the year to be covered; Provided, However, that no reduction shall be made for any period of less than

the first three months of the last half of the year and no reduction shall be made for any part of the last three months of such year; And Provided further, That if the owner of any licensed vehicle part ownership therewith, the license issued to him shall be no protection to the firm, company or individual to whom it is sold unless the same shall have been duly transferred on the books of the City Comptroller. But it shall be the duty of said Comptroller, whenever any licensed vehicle shall have been sold, upon proper application, to transfer the license from the original owner to the purchaser by making the proper endorsement of such transfer upon the back of the original license and making a note thereof in a column intended for such purpose on the record book of such licenses to be kept by him. No fee shall be exacted by the City Comptroller for such transfer. All licenses so issued by the City Comptroller shall be duly recorded and kept by him in a record book properly prepared for such use, in which shall be entered in serial number the issuance of all vehicle licenses, the kind of a vehicle licensed, the use to which it is to be put, the name and residence of its owner and the fee paid therefor, as shown by the receipt of the City Treasurer.

Sec. 4. This ordinance shall be in full force and effect 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 said City of Indianapolis.

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

By Mr. Colter:

G. O. No. 78, 1898. An ordinance declaring the emission into the open air of dense smoke, containing soot or other deleterious substances, from the smoke stacks, chimneys or flues of any building or structure within the City of Indianapolis, to be a nuisance, and prohibiting the same, providing penalties for the violation thereof, 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 the emission into the open air, from the smoke stack, chimney or flue of any building or structure situate within the said City of Indianapolis, of dense smoke, or smoke containing soot or other substance in such quantity as that such soot or other substance contained in said smoke shall be deposited or settle upon the surface of any property situate within said city so as to discolor or otherwise injure or deface such property, or so as to interfere with the health or comfort of the inhabitants of said city, shall be deemed and is hereby declared to be a nuisance.

Sec. 2. Any owner, agent, lessee or manager of any building or other structure, situate within said city, who shall cause, allow or permit to be emitted into the open air, from any smoke stack, chimney or flue connected with or built as a part of any such building or structure, dense smoke or smoke containing soot or other substance in such quantity as that such soot or other substance contained in said smoke shall be deposited or settle upon the surface of any property, public or private, situate within said city so as to discolor or otherwise injure or deface, any such property, or so as to interfere with the health or comfort of the inhabitants of said city, shall be guilty of creating a nuisance, and upon conviction therefor shall be fined in any sum not less than ten nor more than fifty dollars; and every day or part of a day on which any such nuisance is continued after the taking effect of this ordinance shall be

deemed and held to be a separate offense, provided that there shall not be two convictions for the unlawful emission of such smoke on any one day.

Sec. 3. This ordinance shall be in force and effect after the same has been signed and approved by the Mayor, and it shall have been published once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper having a general circulation in said city.

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

#### ORDINANCES ON SECOND READING.

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

G. O. No. 69, 1898. An ordinance changing the name of Rural street to Laporte avenue.

Mr. Little moved that G. O. No. 69, 1898, be stricken from the files.

Mr. Higgins moved to lay Mr. Little's motion on the table.

The ayes and nays being called for by Messrs. Higgins and Harston, the roll was called, and Mr. Higgins' motion failed of adoption by the following vote:

AYES 3—viz: Messrs. Harston, Higgins and Moffett.

NAYS 13—viz: Messrs. Allen, Bernauer, Colter, Costello, Crall, Little, Madden, Merrick, McGrew, Shaffer, Smith, Von Spreckelsen and President Mahoney.

Mr. Knight, absent at roll-call, now arrived.

Mr. Little's motion, that G. O. No. 69, 1898, be stricken from the files, prevailed by the following vote:

AYES 12—viz: Messrs. Allen, Bernauer, Colter, Costello, Crall, Knight, Little, Merrick, McGrew, Shaffer, Smith and Von Spreckelsen.

NAYS 5—viz: Messrs. Harston, Higgins, Madden, Moffett and President Mahoney.

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

G. O. No. 38, 1898. An ordinance providing for the appointment of a custodian and assistants for the City Hall, fixing the salaries thereof, and fixing the time when the same shall take effect.

Mr. Bernauer moved that the amendment to G. O. No. 38, 1898, as recommended by the Committee on Fees and Salaries, be adopted.

Which motion prevailed.

On motion of Mr. Bernauer, G. O. No. 38, 1898, was then ordered engrossed as amended, read a third time, and passed by the following vote:

AYES 17—viz.: Messrs. Allen, Bernauer, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 43, 1898. An ordinance to amend Subdivision 2 of Section 7 of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances, and fixing the time when this ordinance shall take effect," approved January 18, 1894, and fixing the time when the same shall take effect.

Mr. Moffett offered the following amendment to G. O. No. 43, 1898:

*Mr. President:*

I move to amend G. O. No. 43, 1898, by striking out the last paragraph of Section 1 and inserting in lieu thereof the following:

The Janitor of the City Dispensary shall receive a salary at the rate of forty-five dollars (\$45) per month, or five hundred and forty dollars (\$540) per annum.

Which amendment was read and adopted.

Mr. Colter moved to refer G. O. No. 43, 1898, back to Committee on Fees and Salaries, for the purpose of ascertaining legality of same.

Which motion prevailed.

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. 10, 1898. An ordinance appropriating the sum of ninety-three dollars and fifteen cents (\$93.15), with which to pay certain claims made by virtue of Section 8 of an act entitled "An act to better regulate

and restrict the sale of intoxicating, vinous 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 17—viz.: Messrs. Allen, Bernauer, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Shaffer, 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. 72, 1898. An ordinance authorizing the issue and sale of one hundred and ten (110) refunding bonds of one thousand dollars (\$1,000) each of the City of Indianapolis, in order to raise money to take up and refund certain bonds bearing date of January 1, 1889, and which will become due January 1, 1909, but which, by their terms, are payable on and after January 1, 1899, aggregating one hundred and ten thousand dollars (\$110,000); prescribing the time and manner of advertising the sale of said refunding bonds and of the receipt of the bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds; providing the time and manner of payment of said outstanding bonds, and providing for the refunding of the indebtedness of the said City of Indianapolis represented by said bonds, and matters connected therewith; and fixing the time when the same shall take effect.

Mr. Costello moved that the amendment to G. O. No. 72, 1898, as recommended by the Committee on Finance, be adopted.

Which motion prevailed.

On motion of Mr. Costello, G. O. No. 72, 1898, was then ordered engrossed as amended, read a third time, and passed by the following vote:

AYES 17—viz.: Messrs. Allen, Bernauer, Colter, Costello, Crall, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 75, 1898. An ordinance to further promote the public health of the City of Indianapolis by prohibiting the practice of spitting upon sidewalks and in other public places, fixing a penalty for the violation thereof, and providing when the same shall take effect.

Mr Madden moved that G. O. No. 75, 1898, be stricken from the files.

Mr. Moffett moved to lay Mr. Madden's motion on the table.

The ayes and nays being called for by Messrs. Higgins and Moffett, the roll was called, and Mr. Moffett's motion was lost by the following vote:

AYES 5—viz.: Messrs. Allen, Bernauer, Higgins, Moffett and McGrew.

NAYS 12—viz.: Messrs. Colter, Costello, Crall, Harston, Knight, Little, Madden, Merrick, Shaffer, Smith, Von Spreckelsen and President Mahoney.

Whereupon Mr. Madden's motion, that G. O. No. 75, 1898, be stricken from the files, was lost by the following vote:

AYES 7—viz.: Messrs. Bernauer, Crall, Knight, Little, Madden, Merrick and Shaffer.

NAYS 10—viz.: Messrs. Allen, Colter, Costello, Harston, Higgins, Moffett, McGrew, Smith, Von Spreckelsen and President Mahoney.

On motion of Mr. Moffett, G. O. No. 75, 1898, was then ordered engrossed, read a third time, and failed of passage by the following vote:

AYES 5—viz.: Messrs. Allen, Colter, Higgins, Moffett and McGrew.

NAYS 12—viz.: Messrs. Bernauer, Costello, Crall, Harston, Knight, Little, Madden, Merrick, Shaffer, Smith, Von Spreckelsen and President Mahoney.

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. 70, 1898. An ordinance annexing certain territory to the City of Indianapolis, and fixing a time when the same shall take effect.

And was passed by the following vote:

AYES 15—viz.: Messrs. Allen, Bernauer, Colter, Costello, Crall, Harston, Knight, Madden, Merrick, Moffett, McGrew, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 1—viz.: Mr. Little.

On motion of Mr. Shaffer, the Common Council, at 9:20 o'clock P. M., adjourned.

ATTEST:

*John H. Mahoney*

President.

City Clerk.