

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
December 19, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 19, 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, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent—2, viz.: Messrs. Clark and Knight.

The Clerk proceeded to read the Journal, whereupon Councilman Rauch 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., December 6, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinance:

G. O. No. 72, 1898. An ordinance authorizing the issue and sale of one hundred and ten refunding bonds of one thousand dollars each of the City of Indianapolis, and fixing the time when the same shall take effect.

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., December 12, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances:

App. O. No. 10, 1898. An ordinance appropriating the sum of \$93.15 with which to pay certain claims made by virtue of Section 8 of an act approved March 11, 1895 (to pay rebate on Jacob Heid's liquor license), and fixing the time when the same shall take effect.

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.

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.

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., December 19, 1898. }

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

Gentlemen—Certain newspapers of the city have recently by insinuations and innuendoes intimated that by the corrupt use of money the location of Riverside Park was secured and the land for the same purchased. If any money was so used, the public should know it, and also to whom it was paid. In justice to this administration, and to all others concerned, I therefore ask your honorable body to make an immediate investigation of these rumors.

Very respectfully,

T. TAGGART,
Mayor.

Which was read and referred to Committee on Investigation and Impeachment.

REPORTS FROM CITY OFFICERS.

Communication from City Attorney:

CITY OF INDIANAPOLIS,
OFFICE OF THE DEPARTMENT OF LAW,
December 15, 1898. }

Dr. E. D. Moffett, Member Committee on Fees and Salaries:

Dear Sir—You have asked for an opinion as to the validity of G. O. No. 43, 1898, now in the hands of your committee, which ordinance attempts to change the compensation of the janitor of the City Dispensary from \$240 per year to \$35 per month.

The city charter provides (Section 23), in defining the powers and duties of the Common Council, that said Council "shall have power * * * to fix the salaries or compensation of the various officers and employes of such city, except where a different provision is made in this act: * * * Provided, That * * * nor shall any salary be changed after the election or appointment of a person to office until his term expires or his office is vacated."

The position of janitor of the City Dispensary is an office provided for in the general salary ordinance of the city, and though the salary paid seems entirely too small, yet he is a salaried officer of the city, and, being such, the above-quoted provision of the city charter, in my opinion, prohibits any change in his salary while he continues in office.

If it is the desire of your committee and the Common Council to make the increase in salary of the person doing the janitor's work of the City Dispensary, it can be done by creating a new office and abolishing the old one. You might say that "the custodian of the City Dispensary should receive a salary of \$35 per month." This can be done by amending the ordinance now before you by simply changing the word janitor to custodian. In that way the new office is created and the old one abolished. Then the present janitor can be appointed to the new position, and he will receive the new salary provided therefor. This would accomplish the same object, and would, in my opinion, be entirely in harmony with the city charter.

Very truly yours,

JOHN W. KERN,
City Attorney.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

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.

Made the following report:

INDIANAPOLIS, IND., December 16, 1898.

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 76, 1898, have considered same, and recommend that it be passed.

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

Which was read and concurred in.

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

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.

Made the following report:

INDIANAPOLIS, IND., December 19, 1898.

Mr. President.

Your Committee on Public Safety and Comfort, to whom was referred G. O. No. 78, 1898, an ordinance declaring the emission into the open air of dense smoke to be a nuisance, have considered the same, and recommend that the ordinance do pass.

A. E. RAUCH.
W. F. SMITH.
T. A. BOWSER.
E. D. MOFFETT.

Which was read and concurred in.

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

G. O. No. 5, 1898. An ordinance providing for the licensing of concerts and theatrical performances to be given and exhibited on Sunday.

Made the following report:

INDIANAPOLIS, IND., December 19, 1898.

Mr. President:

We, your Committee on Public Safety and Comfort, have had under consideration G. O. No. 5, 1898, and recommend that the same do not pass.

A. E. RAUCH.
W. F. SMITH.
T. A. BOWSER.

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. 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.

Made the following report:

INDIANAPOLIS, IND., December 19, 1898.

Mr. President:

We, your Committee on Sewers, Streets and Alleys, to whom was referred G. O. No. 77, 1898, have had same under consideration, and do recommend that the ordinance do pass, with the following amendments: Paragraph 12 of Section 1, strike out the words "eight dollars" and insert instead "five dollars." Paragraph 13, strike out the words "five dollars" and insert the words "three dollars."

JOHN M. HIGGINS.
E. D. MOFFETT.
JOHN H. SCANLON.
T. A. BOWSER.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinance was introduced:

By Mr. Smith:

G. O. No. 79, 1898. An ordinance requiring the owners and occupants of premises situate within the City of Indianapolis to keep the sidewalks in front of or adjacent to the same free from snow and ice, prescribing hours for cleaning such sidewalks, providing penalties for the violation hereof, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Ind., That the occupants of occupied premises and the owners of unoccupied premises situate in the City of Indianapolis be and the same are hereby required to keep the sidewalks in front of or adjacent to the premises so occupied by such occupants, or in front of or adjacent to the unoccupied premises so owned by such owners, free from snow and ice, as hereinafter provided. The word "occupant," as herein used, shall be deemed to mean the person, firm or corporation occupying for business, residence or other purposes the first floor of any building situate on the premises so occupied, and if the first floor of any such building is not occupied, then such premises shall be deemed and held to be unoccupied, and the owner thereof shall be required to keep the sidewalks in front of or adjacent to such premises free from snow and ice: Provided, That in case any snow or ice accumulated on any such sidewalk shall have fallen or accumulated in the night time, and the same shall have been removed by the occupant or owner as aforesaid before eight o'clock on the morning of the following day, or if any such snow or ice shall have fallen or accumulated on any such sidewalk in the daytime and shall have been removed by such occupant or owner within one hour from the time such snow has ceased to fall or such ice has accumulated, then and in either of such cases such occupant or owner shall be deemed and held to have complied with the provisions of this section.

Sec. 2. Any person who shall violate any of the provisions of section one (1) of this ordinance shall, upon conviction, be fined in any sum not less than one nor more than ten dollars, and each day that any such

snow or ice shall be allowed to remain upon any sidewalk in violation of the provisions of said section shall be deemed a separate violation thereof.

Sec. 3. This ordinance shall be in force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper of general circulation in said city.

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

MISCELLANEOUS BUSINESS.

Mr. Rauch offered the following resolution:

Resolution No. 15, 1898—

Resolved by the Common Council of the City of Indianapolis, Indiana, That the President be and he is hereby authorized to appoint a special committee consisting of three members, which committee is hereby authorized to take up and consider, in connection with the Mayor and Board of Public Works of the City of Indianapolis, the advisability of enlarging the Brightwood pumping station, now used in connection with the waterworks of the territory formerly included in the town of Brightwood, and also of adopting a plan for the purpose of extending the mains of said waterworks, and considering such other things as may be deemed advisable to further equip said waterworks to the best interests of the said City of Indianapolis.

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

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

NAYS—None.

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

Resolution No. 16, 1898—

Whereas, For several weeks past two of the daily papers of the City of Indianapolis have contained certain intimations and innuendoes to the effect that certain owners of the lands purchased by the City of Indianapolis for the purpose of establishing Riverside Park had improperly paid certain sums of money for the purpose of influencing the purchase of such lands by said city, but said newspapers in such statements did not designate any of the said owners or persons who had so used such money, or any person to whom such money or any part thereof had been paid; and

Whereas, The Hon. Thomas Taggart, Mayor of the City of Indianapolis, has addressed a communication to this Common Council, wherein he asks that an investigation be made for the purpose of ascertaining whether or not there is any truth in such statements, and for the purpose of requiring the persons making such statements to designate what ones

of the owners of the lands so purchased paid money for the purpose of influencing the purchase of such lands, and the person, if any, connected with the present city administration to whom the same was paid; therefore, be it

Resolved by the Common Council of the City of Indianapolis, Indiana, That the Committee on Investigation and Impeachment be and the same is hereby authorized and directed to make a full and complete investigation of all matters in any way connected with the statements, intimations and innuendoes that have appeared in some of the daily papers of the City of Indianapolis to the effect that certain moneys have been improperly used by persons owning or interested in the lands purchased by the City of Indianapolis for the purpose of establishing the Riverside Park, for the purpose of ascertaining whether or not any such moneys were so used for said purpose, and of ascertaining whether or not any official connected with the present city administration received, directly or indirectly, any such moneys, or any part thereof, or any promise of money to be paid at any future time, and, in general, to make a full and complete investigation to ascertain whether or not there is any truth in the said intimations; and for the purpose of making said investigation, said committee is hereby authorized and empowered to employ whatever clerks are necessary, and to summon before it all witnesses that it, in its judgment, may deem necessary to a thorough and complete investigation, and, in general, to do all things and exercise all powers in connection with said investigation that are set forth and enumerated in Section 27 of the city charter. Said committee is hereby directed to make a report of the said investigation to the Common Council.

Which was read and adopted by the following vote:

AYES 19—viz: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merriek, Moffett, McGrew, Rauch, Scandon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

President Mahoney with expressions of sorrow announced to the Council the death of ex-Councilman Michael J. Burns, who departed this life this 19th day of December, 1898, at 6:30 o'clock p. m.

Mr. Harston moved that a committee of three be appointed for the purpose of drafting resolutions of respect to the memory of Michael J. Burns, the deceased.

Which motion prevailed, and President Mahoney appointed the following named members to constitute said committee: Messrs. Harston, Costello and Allen.

ORDINANCES ON SECOND READING.

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

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 the amendment to G. O. No. 43, 1898, adopted December 5, 1898 (see page 447):

Mr. President:

I move to amend the amendment to G. O. No. 43, 1898, adopted December 5, 1898, by striking out the word "janitor" and inserting in lieu thereof the word "custodian."

Which amendment was read and adopted.

On motion of Mr. Moffett, G. O. No. 43, 1898, was then ordered engrossed as amended, read a third time, and passed by the following vote:

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

NAYS—None.

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

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 dimensions 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.

Mr. Higgins moved that the amendment to G. O. No. 77, 1898, as recommended by the Committee on Sewers, Streets and Alleys, be adopted.

Which motion prevailed.

On motion of Mr. Higgins, G. O. No. 77, 1898, was then

ordered engrossed as amended, read a third time, and passed by the following vote:

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

NAYS—None.

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. 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.

And was passed by the following vote:

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

NAYS—None.

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. 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.

And was passed by the following vote:

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

NAYS 2—viz.: Messrs. Allen and Crall.

Mr. Costello moved for a reconsideration of the vote by which G. O. No. 68, 1898, was passed.

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

Which motion prevailed.

UNFINISHED BUSINESS.

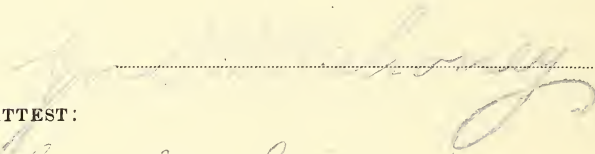
Mr. Shaffer moved that G. O. No. 74, 1898, be referred back to the Committee on Public Health for further consideration.

Which motion prevailed.

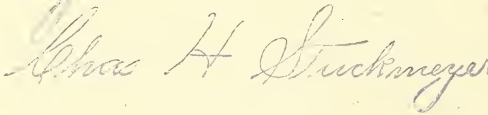
President Mahoney announced the appointment of the following named members as the Special Committee to consider, with the Mayor and Board of Public Works, the advisability of enlarging the Brightwood Pumping Station, in compliance with Resolution No. 15, 1898. Messrs. Rauch, Colter and Shaffer.

On motion of Mr. Bernauer, the Common Council, at 8:45 o'clock P. M., adjourned.

ATTEST:



President.


City Clerk.