

## REGULAR MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
February 19, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 19, 1894, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 17 members, viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stein, Stott and Young.

Absent, 4—viz: Messrs. Costello, Magel, Merritt and Ryan.

The Clerk proceeded to read the Journal, whereupon Councilman Young 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,  
February 19, 1894. }

*To the Honorable the President and the members of the Common Council:*

The city's fundamental law requires the Mayor to communicate to you at least once a year "a statement of the finances and general condition of city affairs." While my short incumbency will not permit me to enter into details on these subjects at this time, I have thought it proper to advise you somewhat as to present conditions, instead of waiting till the end of a year's service.

The last message of my predecessor to the Council was presented in January, 1893. This was accompanied by reports from the different city departments, except those of Law and Assessment and Collection. I recently requested, and have now received, reports from the heads of all the departments, except that of Assessment and Collection, covering not only the short time they have respectively served, but also reaching back to the date of their predecessor's reports, and I take pleasure in transmitting them all to you herewith. I trust it may be thought proper by you to order at least such parts of them as may be deemed of public interest printed in pamphlet form.

## FINANCE.

Having already submitted one communication to your honorable body since the commencement of my term of office, bearing upon the city's financial condition, and the present Comptroller having at various times made known to you the true situation in that regard, I deem it unnecessary to go into details on that subject at this time. The Comptroller's report herewith submitted, shows the receipts from all sources during the year 1893 (including cash on hand at beginning of year and temporary loans negotiated) to have been \$1,196,384.14; total disbursements, \$1,150,697.45, leaving a balance of cash on hand at the beginning of this calendar year of \$45,686.69. As heretofore shown, when the present administration assumed control the middle of last October, the treasury was much worse than empty, there being outstanding matured claims against the city far in excess of the small cash balance apparently to the city's credit, in the hands of the Treasurer. By curtailing expenses in every department, and the exercise of the most scrutinizing care on the part of the Comptroller, the city has so far managed to preserve its credit by meeting all of its obligations at maturity during the four months of our incumbency—a condition hardly hoped for at first. By the exercise of the same degree of prudence and economy we hope to be able to "tide over," with our present income, until the April installment of taxes becomes available.

Of course the income for the present year has been fixed. That was done by our predecessors. While the tax levy of sixty cents was no doubt too low, as stated by the outgoing Comptroller, and conceded by all who have examined the contract liabilities previously made, yet our embarrassments for the coming year will not end there. An error of \$52,050 in the estimated miscellaneous receipts was made at the time the tax levy was fixed, which has already been demonstrated. I refer to the two items standing together in the ex-Comptroller's estimates for 1894, including \$21,000 cash to be received for sale of bonds to replace a like amount used April 1, 1893, in taking up the "Sellers Farm" issue, and the sum of \$31,050 claimed to have been forfeited by Coffin & Stanton, growing out of their failure to purchase the \$621,000 issue of city bonds of July 1, 1893. It has been recently decided by the United States Court that the city had no legal right to sell the \$21,000 of bonds referred to, and that the attempt to include said amount with the \$600,000 of bonds which should have been sold July 1, 1893, to take up the ones maturing at that time, vitiated the contract previously made with Coffin & Stanton, and released their forfeit deposit of \$31,050. Enough is already known to demonstrate that the strictest economy must be exercised in every department of the city government during the present year, in order to keep expenses within the city's income.

Notwithstanding the unfortunate blunders that led to the city's inability and failure to pay the \$600,000 of bond obligations that matured July 1, 1893, we were enabled, in the face of the prejudices engendered and injuries caused thereby, to refund the \$109,500 of South Park Purchase Bonds that matured January 26, last, at a 4 per cent. rate, at par. The old bonds have been cancelled, surrendered and destroyed. While in New York making the exchange of these bonds, I also caused to be cancelled and returned to the Comptroller, the \$621,000 of bonds refused by Coffin & Stanton, which had been in the possession of Winslow, Lanier & Co. since July last, and they have also been destroyed.

Your honorable body recently authorized the Comptroller to advertise and sell \$600,000 of 4 per cent. thirty year bonds of the city, with which to take up the past due bonds above referred to, the same to be dated March 1. While in New York last month I caused the necessary thirty days' notice to be served on the various holders of the old bonds, that the city would be ready to pay them off on or about that day, such notice being necessary under the contract made by ex-Comptroller Woollen with the New York Life Insurance Company and other holders, at the time of the default in their payment last July, at which time it was agreed that the city should continue to pay  $7\frac{3}{10}$  per cent. interest for another year, unless, after six months, it should desire to pay them off sooner than one year, in which case, thirty days' notice of its intention should be given. On the 15th inst. bids were received by the Comptroller, and they proved to be much more favorable than was anticipated. The best bid was that of the Indiana Trust Company, of this city, proposing to take

the whole issue and pay a premium of \$10,187.50 therefor. The bid was at once accepted, and the bonds are now being prepared for execution; and on or about the first day of next month, it is expected that the exchange will be made, the premium to be received being more than sufficient to pay the accrued interest since January 1 on the old bonds, together with a bonus of one-half of 1 per cent. on a part thereof, which was agreed to by our predecessors with certain of the holders at the time the extension was secured. The saving made on the sale of this one issue over the Coffin & Stanton proposition accepted by our predecessors amounts to \$100,187.50.

On the whole, we may congratulate ourselves, under the circumstances, on the favorable financial turns we have been able to make so far. If we can refund the \$300,000 of bonds to mature July 1, next, at the same rate of interest as the two loans just consummated, we will have saved the city \$33,313.50 a year in our interest charge.

#### LAW DEPARTMENT.

The City Attorney shows by his report herewith submitted that there were nearly 200 cases pending in the various courts, to which the city was a party, when he assumed control of the Law Department. On the first day of the present year, 162 cases still remained undisposed of. It is unfortunate that any such a number of cases had been allowed to accumulate against the city. It has already and will continue to impose unusual burdens on the present incumbent of the office, besides making it a matter of mere conjecture as to what amount should be estimated for judgments, compromises and costs in any given year.

#### DEPARTMENT OF PUBLIC WORKS.

The report of the Board of Public Works herewith submitted is quite voluminous, showing at a glance that a great deal of work has been done in that department during the past year. As a part of the report of the Board proper, you will find accompanying the same, separate itemized reports from the City Civil Engineer, Foreman of Street Repairs, Chief Clerk of Assessment Roll Bureau and the Clerk of the Board of Public Works.

The important contracts entered into during the past year between the city and the various corporations dealing with it are set out in the report, and need not be reviewed by me here. Some of them have been already printed in various forms, and it may not be deemed wise to print them again. This will be a matter for the discretion of your honorable body.

The report shows that 7.38 miles of asphalt streets were laid during the year 1893, as against 2.96 miles in 1892. On account of the large amount of sewer work to be done this year, the permanent improvement of some streets will be delayed until next year that would otherwise have been made this. It is the policy of the Board, however, to proceed as rapidly as they consistently can, to pave all of the principal thoroughfares with asphalt, brick or other good quality of material.

In order to invite competition in the matter of asphalt street making, the Board, with the concurrence of the City Civil Engineer and myself, have recently modified, in a very substantial way, the specifications as heretofore used. The following will hereafter be some of the requirements that bidders for asphalt work will have to observe, and include the provisions where radical changes have been made in the old form:

"Persons making bids shall show to the Board of Public Works that they have facilities, expert workmen and experience to perform the contract in a proper manner and furnish a durable pavement.

"Samples of material proposed to be used in the construction of the pavement bid upon shall be deposited with the Board of Public Works on the fifth business day preceding the day set for opening the bids, that opportunity may be given for investigation and the test of the same before awarding the contract.

"The Board of Public Works may require additional security in the shape of bonds, with good security in their judgment, to the amount of 40 per cent. of the estimated cost of the entire pavement at the contract price, for the entire replace-

ment of the surface or the pavement as a whole at any time during the guarantee period of five years, if the condition of the pavement is such, in the judgment of the Board of Public Works, as to require such replacement.

“The Engineer will have the power to condemn any work or material not equal to the samples of materials to be used in the work approved by the Board of Public Works.

“The asphaltum to be used shall be the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake, in the Island of Trinidad), or asphalt of a quality equal in all respects or superior thereto, to be approved by the Engineer and Board of Public Works.”

The addition of the last half of the words in the last clause, is, of course, the most important change made. It is expected that this will bring representatives of companies to the city as competitors who handle material of recent discovery claimed to be equally as good as the Lake Pitch from the Island of Trinidad.

I have mentioned these matters for the reason that the changes above set out have been made since the preparation of the report of the Board of Public Works.

#### DEPARTMENT OF PUBLIC SAFETY.

The third annual report of the Commissioners of Public Safety is submitted herewith, together with separate reports from the Superintendent of Police, Chief of the Fire Force, Police and Fire Surgeon, Clerk of the Board of Public Safety, Police Matron, Market Master, Building Inspector and the Baliff of the Police Court. They are all full and explicit, and together present a very interesting *resume* of the work of this important department of the city service.

The new rules governing the making of original appointments in the police and fire forces, and promotions of those already in the service, referred to near the beginning of the Board's report, which were only in course of preparation at the time said report was prepared, have now been completed and adopted. Too much praise can not be bestowed on the Board for taking this advanced step contemplated by the charter. It is the declared 'purpose of the Board that these rules shall be the means of throwing the applicant wholly upon his own resources as to character, intelligence and physical soundness ; that this same principle shall prevail in dealing with all the employes in the department, and that retention in the service and promotion to higher responsibilities shall depend upon the fidelity and energy of appointees, the fitness to perform all assigned work, and their personal habits and conduct.' If such rules had been in force since the new charter was passed, a much higher standard of efficiency would prevail in these departments than now exists. I trust that every one connected with the city government will encourage and aid the Board in speedily bringing about the much needed reforms and improvements in these two departments of the city service, that have so largely in their keeping the lives and property of the people.

The Board say in their report that “the Superintendent of Police has vigorously acted against illegal assemblages, gamblers and gambling rooms, and violation of the liquor law, and has thus gained a clearer field to work in for the enforcement of all laws. This step has greatly improved the efficiency of the police force.” I wish, from close observation and careful inquiry into the facts, to corroborate these statements. Many members of the force were not at first prepared to deal with the radical change of policy inaugurated by the present Board. But four months' experience has taught them that the orders of the Board, requiring all laws to be enforced, were not meant to be temporary in their application to law breakers, and little difficulty is now experienced in making officers understand that the way to enforce laws is to arrest offenders.

I confidently predict that under the wise and firm guidance of the present Board, the police and fire forces will very soon take a front rank among those of the large cities of the country for efficiency, if, indeed, they do not stand at the very head.

## DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.

I also hand you herewith the annual report of the Commissioners of the Department of Public Health and Charities. Accompanying the same are the reports of Dr. Ferguson, Superintendent of the City Hospital, and Dr. Moffett, Superintendent of the City Dispensary.

I call your special attention to that part of the Board's report in reference to the erection of a suitable hospital for the treatment of contagious and infectious diseases. There is now no place to send persons afflicted with such diseases, should an epidemic occur, which is likely to happen at any time. The Board of County Commissioners have been asked to erect a building on the city's ground northwest of the city, but have given no decisive answer. It is certainly the duty of the county to erect this building, as the city expects to support it, furnishing all medical attendance, medicine and other supplies during the prevalence of epidemics. Should the Commissioners refuse to do so, however, as now seems probable, I suppose some kind of a building must be erected by the city very soon, for with small-pox prevalent in neighboring cities an emergency may arise for a pest hospital any day.

I concur in the conclusion of the Board, that no definite plan can be entered upon in reference to the garbage question, until the legal questions now pending in the courts, testing the validity of the garbage ordinance and contract entered into by our predecessors, have been settled.

I submit all these reports and the recommendations they contain, without further comment at this time, asking that your honorable body will give them such consideration as they severally deserve. I shall always be ready to give to any and all recommendations contained in said reports, such time as the Council may request, in case any joint conferences are desired at any time in reference thereto.

It may be that I will have some special recommendations of my own to make to your honorable body during the present year, and in that event will further address you upon the subjects about which action by you may be desired.

Respectfully submitted,

C. S. DENNY,  
*Mayor.*

Which was read, and on motion of Mr. Young, referred to Committee on Printing.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
February 19, 1894. }

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

GENTLEMEN—I have recently approved the following ordinances passed by your honorable body at your last regular session :

G. O. No. 5, of 1894. An ordinance requiring the C., C., C. & St. L. Railway Co. to station and maintain a flagman at Leota street and said company's tracks.

G. O. No. 9, of 1894. An ordinance in relation to Ashland avenue, Sheridan street, Grandview avenue, Custer street, Forest avenue and Alger street, and the changing of the names thereof.

But I return G. O. No. 13, of 1894, entitled: "An ordinance to amend Sections 1 and 9 of an ordinance entitled, 'An ordinance providing for a license upon vehicles,' etc., passed by your honorable body at your last session, and presented to me by the City Clerk on the 13th inst., without my approval and with my disapproval endorsed thereon, as required in case of a veto. Said ordinance is not in proper form. The whole of Section 1 as contained in the amendment (and as it would take the place of Section 1 of the original ordinance, if I should give it my approval), is 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: except all vehicles owned and operated by all charitable and benevolent institutions be exempt from complying with the requirement of said ordinance; and said vehicles shall have painted thereon the name and character of said vehicles.”

It will be seen that no license fees whatever are provided for in said section, as to any kind of vehicles, and hence that there was no need of making an exception in the case of vehicles owned by charitable and benevolent institutions. Section 1 of the original ordinance specified thirty-one different kinds of vehicles subject to license, and fixes the annual fee in each case. This is all left out of the amendment, and hence the practical effect of an approval of the ordinance under consideration would be to repeal the whole of the original ordinance.

I suggest that a careful examination of the legal questions involved in the proposed exemption of a certain class of vehicles be had before another ordinance is introduced on this subject. If it shall be found to be within the power of the Council to make such exemptions, then, I suggest further, that consideration be given to the question as to whether such exemption should apply to such of said institutions as have not paid the license fee for 1894, when, no doubt, a number of such have already paid.

The amendment to Section 9 seems to be in proper form, and on account of the present hard conditions I approve the motive that prompted the extension provided for; but I cannot approve one part and disapprove another part of an ordinance of this character. Hence, a new ordinance will have to be passed.

Respectfully submitted,

C. S. DENNY,  
*Mayor.*

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following preamble and resolution:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS, }  
February 14, 1894. }

*To the Members of the Common Council:*

GENTLEMEN—At the regular monthly meeting of the Heads of Departments, held in my office on the evening of February 13th, a resolution was unanimously adopted, requesting your honorable body to authorize the City Attorney to employ special council to assist him in the street railway litigation. I submit herewith a copy of the resolution referred to, and respectfully ask that you give it prompt consideration.

Respectfully submitted,

C. S. DENNY,  
*Mayor.*

WHEREAS, it is the opinion of the Mayor and Heads of the Departments that litigation should proceed in some form to ascertain and determine whether the Citizens' Street-railroad Company has a right to the occupation and use of the streets of the city, and if so, whether such right is perpetual, as claimed by it, or otherwise; and

WHEREAS, the city, by its Board of Public Works, has heretofore entered into a contract with the City Railway Company, approved by the Common Council, under which said company is also claiming the right to occupy and use the streets, and there is now litigation pending between said companies, which involves results of interest to the city; and

WHEREAS, said pending litigation, and that which may follow between the city and one or both of said companies, may not be determined during the present term of the head of the Law Department, and in any event, involve such important interests to the city as to render it advisable that special counsel be employed to assist; therefore,

*Resolved*, That the Common Council is requested by proper action to authorize the City Attorney to employ special counsel in such litigation as may be deemed advisable, with either or both of said street-car companies, and matters connected therewith—the selection of the person so employed to be approved by the Mayor, and the terms of the employment as to compensation to be subject to the approval of the City Comptroller and the Board of Public Works.

The foregoing is a true copy of a resolution adopted by the Heads of Departments in conference on February 13, 1894.

C. S. DENNY,  
*Mayor.*

Which was read and ordered spread on the minutes.

#### REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred G. O. No. 70, 1893 (Haughville annexation ordinance), made the following report:

INDIANAPOLIS, February 19, 1894.

*Mr. President:*

Your Committee on Finance, to whom was referred G. O. No. 70, 1893, relating to the annexation of Haughville, have had the same under due consideration, and recommend that said ordinance be not passed.

HENRY RAUH.  
GEO. R. COLTER.  
J. R. ALLEN.  
ED. G. STOTT.

Which was read and concurred in.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred the opinion of the City Attorney on the "unexpended balance in the hands of the Encampment Finance Committee," made the following report:

INDIANAPOLIS, February 19, 1894.

*Mr. President:*

Your Committee on Finance, who have duly considered the opinion of the City Attorney, treating on the unexpended balance in the hands of the Encampment Finance Commission, beg leave to report that while we feel the City Attorney is fully competent, and has no doubt carefully examined the ordinance pertaining to the encampment fund, recommend inasmuch as certain promises were made by Mr. Lilly, president, and Mr. Fortune, secretary, of the Commercial Club Committee on Assemblages to the former Council, that all unexpended money would be returned into the city treasury, we therefore recommend that to subserve the best interests of the city, that the City Attorney be instructed to enter suit to recover the full amount.

HENRY RAUH.  
GEO. R. COLTER.  
J. R. ALLEN.  
ED. G. STOTT.

Which was read and concurred in.

Mr. Puryear, on behalf of the Committee on Public Morals, to whom was referred the communication from the Local Council of

Women, addressed to the Mayor and Common Council, submitted the following from City Attorney Scott:

DEPARTMENT OF LAW,  
CITY OF INDIANAPOLIS,  
February 19, 1894. }

*Hon. John A. Puryear, Chairman Committee on Public Morals:*

SIR—I have had under consideration the communication of the Local Council of Women, addressed to the Mayor and Common Council and referred to your committee, and by your committee to me, concerning the closing of wine-rooms now existing in this city.

I am not ready to report on this communication. If you desire to make a report to the Council you may state that I desire further time for the consideration of this subject. You may also state that your committee is in no wise chargeable with the delay which has already occurred. The subject-matter of the communication is an important one, and I do not wish to dispose of it without proper consideration.

Very respectfully,

J. E. SCOTT,  
*City Attorney.*

Which was read, and on motion of Mr. Young, further time was given the City Attorney for consideration of the same.

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

G. O. No. 12, 1894. An ordinance providing for the change of names of Sutherland street and Brinkman street to Seventeenth street, and matters connected therewith.

Made the following report:

INDIANAPOLIS, February 19, 1894.

*Mr. President:*

Your committee to whom was referred G. O. No. 12, 1894, changing names of Sutherland street and Brinkman street to Seventeenth street, beg leave to recommend that the ordinance be passed.

LUCIUS W. DREW.  
WM. HENNESSY.  
GEO. W. SHAFFER.

Which was read and concurred in.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. Stott:

G. O. No. 14, 1894. An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at Palmer street and said company's tracks in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company is hereby required to station and maintain a flagman at said company's tracks on Palmer street where the tracks of the Louisville division of said company's railway cross said Palmer street in the City of Indianapolis, Indiana, the same to be done within

ten days from the date of the passage of this ordinance. Said flagman shall be a man over the age of twenty-one (21) years, and his duties shall be to warn all persons on foot or in vehicles of the approach of all trains on the tracks of said railway company at said crossing, between the hours of seven (7) o'clock A. M. and six (6) o'clock P. M. of each and every day except Sundays. Said company is required to provide said flagman with a red flag for use in the daylight and a red lantern for use at night. Every day said railway company shall fail or refuse to comply with any provision of this ordinance it shall, on conviction, be fined in any sum not exceeding five dollars, and each day's failure to comply with any provision of this ordinance shall be a separate offense.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two weeks consecutively in *The Sun*, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Marion county, Indiana.

Which was read first time and referred to Committee on Railroads.

By Mr. Shaffer :

G. O. No. 15, 1894. An ordinance prescribing general regulations for the public markets of the City of Indianapolis, Indiana, prescribing and defining the general powers, functions and duties of the City Market Masters and concerning matters connected with the city markets; repealing certain ordinances, and repealing all ordinances and parts of ordinances in conflict therewith; providing penalties for violations thereof; providing for publication 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 market house on the west side of the south half of square forty-three (43) in the City of Indianapolis, Indiana, under Tomlinson Hall, is hereby established and declared to be a public market for the sale of provisions. The market house on said south half of square forty-three (43), east of said Tomlinson hall, is hereby established and declared to be a public market for the sale of meats, poultry, game, butter, eggs and fruits. And the east side of Delaware street, between Wabash street and Market street; the north and south sides of Market street between Delaware and Alabama streets; the west side of Alabama street between Wabash street and Market street; the east side of Delaware street between Market street and Washington street; the east side of the south half of said square forty-three (43), bordering on the property line next to Alabama street, and the south side of said square forty-three (43), between the east market house and Alabama street, bordering on the property line next to Market street, in said city, is hereby established and declared to be a public market for the sale of poultry, game, butter, eggs, fruit and vegetables in their natural state. The said market houses and said specified spaces shall be known as the East Market.

SEC. 2. The City Engineer shall make and furnish plats showing the location, size and number of the stalls, stands, spaces and curbstone stands in the city markets which are to be rented, with numbers attached to the same. Said plats shall be submitted to the Board of Public Safety of said city, and when by said Board approved, copies thereof furnished to the Board of Public Safety, the City Comptroller and the Market Masters.

SEC. 3. The several terms, in this section defined and described, shall, hereafter, be understood and employed as below set forth, viz :

*City Markets.*—The spaces heretofore dedicated to the public use for market purposes, and such other ground as may be purchased or rented by this city for like public convenience, together with the buildings and other structures erected thereon, and all certain designated streets and sidewalks adjacent thereto.

*Stalls.*—Certain allotted spaces within market houses, the occupied length of which shall not be greater than ten feet, nor the occupied width more than six feet.

*Benches.*—Shelves or ledges attached to the outer wall of market houses, or a species of counter, the outer edge of which shall not be more than five feet distant

from such walls ; also the permanent fixtures for the sale of fish, flowers, fruits and vegetables located at the ends of market houses. The standard length of benches shall not be greater than ten feet, nor the width more than five feet.

*Stands.*—Light wooden booths or structures, roofed with boards, canvass or tarpaulin, and furnished with tables or counters, and located in the open air upon the market site proper. The standard length of stands shall not be greater than seven feet, nor the width more than five feet.

*Curbstone Stands.*—Along the outer edge of the sidewalk bordering upon the grounds used for city markets only, and along the outer edges of the sidewalk along the street designated in this ordinance, the Market Master may permit the placing of temporary tables of not more than six feet in length and three feet in width, to be brought there and used by dealers in farm and garden products, butter, eggs, poultry, and provisions generally, except fish; and said Market Master shall assign and station a place for the wagon or other vehicle used in bringing such articles, on the street, immediately on the line of such curbstone stands.

*Marketer.*—A person who brings anything to market for sale.

*Engrossing.*—Purchasing of whole or large quantities of any article for the purpose of enhancing the price of the same, and so selling in market.

*Forestalling.*—Purchasing or contracting for commodities on their way to market, for the purpose of disposing of the same at any public market.

*Regrating.*—Purchasing articles in any public market in order to again sell the same in that or any other public market.

SEC. 4. The Market Masters of each of the city markets shall be appointed by the Board of Public Safety of said city, for the term of two years, and shall serve until his removal, or his term of office expires, or until his successor is appointed and has qualified. He shall take the usual oath of office, and execute an official bond in the penal sum of three thousand dollars, with good and sufficient surety, before entering upon the duties of his office. In the event of a vacancy in the office of any City Market Master, whether caused by removal, death or otherwise, such vacancy shall be filled by appointment by the Board of Public Safety; and the tenure of office of the new incumbent shall be only until the expiration of the term of the original incumbent. Each City Market Master shall be paid a stipulated salary for his services, the same to be fixed from time to time by ordinance, as other salaries are fixed. All market fees and other income of whatsoever character received by him on account of said market or the buildings situated thereon, shall be by him paid into the city treasury once each week. He shall make a sworn itemized statement of all such fees and other funds collected by him, separately stated by days, depositing the same, together with the Treasurer's receipt for the money so paid over, with the City Comptroller.

SEC. 5. The Market Master of the East Market shall be the custodian of all buildings connected with said market, including Tomlinson Hall. And it is hereby made his duty to have charge of the opening, lighting, heating, cleaning, repairing and closing of all of the said buildings, and to see that order is maintained during all meetings in said Tomlinson Hall, and to preserve order and strict discipline in and around all the buildings on said market space. All janitors, assistant janitors and laborers in or around said building or market space shall be subject to the order of such Market Master. He shall have full and exclusive charge and control of the market under said hall, and the meat market east thereof, and of the entire market space, and of all stands that may at any time be permitted outside of said buildings connected with said market, and of all persons permitted in this ordinance to sell any article from their wagons, in or around said market space, with full power to enforce the provisions herein contained. He shall see that the market houses, the market space and all the surroundings are cleaned up after every market, and to this end he shall require every butcher and marketer to carry away with him all refuse matter collected in or about his stall, stand or wagon. Any butcher or marketer neglecting or refusing to clean up immediately after the close of market hours, as directed by the Market Master, shall pay to said Market Master the reasonable cost of having said work done before he shall again be permitted to occupy any stall or stand on said market. Any violation of this requirement on the part of any butcher or marketer shall work a forfeiture of any money already paid by him as rent for said stall, stand or place.

SEC. 6. The market days shall be Tuesdays, Thursdays and Saturdays of each and every week. The opening hour shall be three o'clock A. M., and the closing hour shall be twelve o'clock noon on Tuesdays and Thursdays, and on Saturdays ten o'clock P. M. from November 1st to April 1st, and eleven o'clock P. M. from April 1st to November 1st.

SEC. 7. The Market Masters shall indicate the time of opening and closing the markets by ringing a bell, and shall in no case allow any sales to be made by any butcher or marketer outside of the hours above specified. And it shall be unlawful for any marketer or butcher to make any sale before the opening or after the closing of market, or for any Market Master to knowingly permit any butcher or marketer to make any such sale.

SEC. 8. It shall be the duty of each Market Master to cause the market house and city market to which he may be appointed to be kept perfectly clean, and to report to the Board of Public Safety when any repairs shall have become necessary thereto; to cause wagons to be so placed as best to suit the convenience of buyers and sellers; to keep in his charge the weights and measures belonging to the market, and not to suffer the same to be used for any purpose except to test suspected weights and measures; to preserve order during market hours; to prevent and remove all obstructions in the markets, and all nuisances found therein; to remove all vagrants and disorderly persons loitering in or about the market houses or city markets during market hours, or at any other time, and especially to cause all offenses against the provisions of this ordinance, or of any other ordinance made for the regulation of markets in this city, to be prosecuted in the Police Court of said city; and to enable said Market Masters to perform their duties efficiently, they shall have the powers of police officers. Each of said Market Masters shall attend the City Market to which he may be appointed, on all market days, and be and remain on duty during the regular market hours. He shall exercise a general care and custody of the buildings and all the appurtenances of the market; he shall assign standing places for the wagons and other vehicles of temporary and occasional marketers; and shall assign unrented stands and spaces to the aforesaid temporary and occasional marketers, giving a preference to farmers, market gardeners, and other raisers and producers of food; he shall decide all disputes that may arise between buyer and seller touching the weight or measure of any article bought or sold in the market; he shall examine the quality of all articles of food offered or exposed for sale in the market, and shall seize and destroy all such as he may find to be blown, putrid, unsound, immature, diseased, impure, unwholesome, or unmerchantable; he shall seize and confiscate all articles which he may find to be lighter in weight or shorter in measure than is represented by the seller thereof; he shall seize and confiscate all prohibited articles that may be offered or exposed for sale in the market; he shall seize and confiscate all false and fraudulent scales, weights or measures, and shall file, or cause to be filed, a complaint against the marketer using the same; he shall seize and confiscate any article sold, offered or exposed for sale in the market, by liquid measure standard, when the same should be sold by dry measure standard; he shall seize and confiscate any article sold, offered or exposed for sale by "struck" or other short dry measure standard, when the same should be sold by "heaped" dry measure standard. And all articles so seized and confiscated shall be forfeited to the said City of Indianapolis, and shall be forthwith sold at public outcry to the highest bidder, and the proceeds thereof shall be paid into the city treasury.

SEC. 9. There shall be kept at each City Market, by the Market Master thereof, two pairs of scales, one large, the other small, with necessary weights of the avoirdupois standard; one set of dry measures of the capacity of one-half bushel, one peck, one half-peck, one quarter-peck and one quart; and one set of liquid measures of the capacity of one gallon, one quart and one pint, all of which shall be furnished by the city and shall be the standard weights and measures for all articles that may be sold or offered or exposed for sale by weight or measure in said market, and for testing weights and measures used in said market.

SEC. 10. It shall be unlawful for any person to sell, offer or expose for sale in any market any article by weight or measure, which article shall not be of full weight or measure, according to the standard of weights and measures kept by the Market Master thereof; or to sell, offer or expose for sale any butter, butterine or oleomar-

garine in any market, in lumps, roll or prints, unless such lumps, rolls or prints shall each weigh one full pound according to the standard aforesaid. And every such lump, roll or print, which on being weighed by the Market Master in the presence of two disinterested persons, householders in the said city, shall be found to weigh less than one full pound as aforesaid, shall be forfeited to the said city, and shall be forthwith sold at public outcry to the highest bidder, and the proceeds thereof shall be paid into the city treasury.

SEC. 11. The daily and annual rental of all stalls, stands, rooms and restaurant spaces in the Market Houses, and also the daily fee to be charged for curb-stone stands, and stands outside of the said Market Houses, shall be fixed annually by the Board of Public Safety not later than the month of April: *Provided, however,* That restaurant spaces may be rented for one, two or three years.

On the second Monday in May in each year, all the stalls, rooms and restaurant spaces in said market houses shall be offered for sale at public auction to the persons who will pay the highest premiums therefor, all rent to be payable semi-annually in advance. The Market Masters for the city markets respectively, shall be the auctioneers on such occasions and may adjourn said sales from day to day as they may think proper. If any of said stalls, rooms or restaurant spaces shall fail to sell at a premium when offered at public auction, and shall remain unsold for that reason on the 1st day of June, they may be taken at the appraised value thereof at any time on and after said 1st day of June as applied for. The Market Master shall be the judge of the order in which stalls are applied for and shall settle all disputes in reference thereto: *Provided, however,* That at the annual sale of stalls, stands and spaces on the markets any person who shall have continuously occupied any such stand or space during the entire current year in which such sale occurs shall have the privilege of retaining such stall, stand or space during the succeeding year if he or she shall pay therefor the appraised value thereof at the time of such sale plus 10 per cent. additional sum.

SEC. 12. The City Comptroller in person, or by deputy, shall attend the public sales of stalls, rooms, curbstone stands and restaurant spaces in the city markets and make and preserve a minute of the same. The person bidding the highest price for any stall, room, curbstone stand or restaurant space, shall at the time of said sale, pay to the Market Master, or some one authorized by him to receive the same, one-half of the amount bid by him as the annual rental therefor, and the City Comptroller, or his deputy there present, shall immediately issue to said person a receipt for the first six months rental for said stall, room, curbstone stand or restaurant space, which said receipt, on presentation of the same at the office of the City Comptroller, shall entitle said successful bidder to a lease for said stall, room, curbstone stand or restaurant space for a term of one year from the 1st day of June succeeding such annual sale, subject to the provisions of the ordinances of the city governing said markets, for the issuance of which said lease said City Comptroller shall receive from the lessee the sum of fifty cents. Should such successful bidder fail or refuse to so pay such six months' rental at the time of sale, it shall be the duty of the Market Master to at once re-sell said stall, room, curbstone stand or restaurant space to the highest bidder therefor. And such successful bidder who shall refuse to pay in cash at the time of sale said six months' rental shall be prohibited from bidding for or occupying any stall, room, curbstone stand or restaurant space in or about said markets for one year thereafter.

All persons who shall select a stall, room, curbstone stand or restaurant space at the appraised value thereof after the time of said public sale, shall pay in cash to the City Treasurer on an order to be furnished him or her by the City Comptroller one-half of the appraised value thereof and deposit the receipt of said City Treasurer with the City Comptroller, who shall thereupon issue to said person a lease for said stall, room, curbstone stand or restaurant space so purchased, for which services, from the lessee, the sum of fifty cents shall be paid.

SEC. 13. If any such lessee at the beginning of the succeeding six months thereafter shall have failed to pay the said six months' rental in advance he shall thereby forfeit his said lease, and shall not be allowed to occupy any stall, room, curbstone stand or restaurant space in or about said City Markets for one year thereafter. It

shall be the duty of the Market Master to resell any such unoccupied or forfeited stall, room, curbstone stand or restaurant space to the person offering the highest price therefor, providing such price is not lower than the appraised value.

SEC. 14. Not more than one stall, bench or stand in any city market shall be leased to or occupied by any one individual, firm or company; except that dealers in cut fresh meats, or market gardeners, who do a business requiring more liberal accommodations, shall be privileged to secure and occupy two adjoining stalls, benches or stands. No other marketer shall be allowed to increase his place for doing business through renting more than one of these different classes of market appurtenances.

SEC. 15. Any person who may obtain the lease of any stall, bench, stand, room or restaurant space in any city market and shall not occupy the same for any ten consecutive days shall forfeit his lease and the rental moneys paid therefor; and the right to re-rent shall revert to the city.

SEC. 16. Any marketer who shall be twice convicted in any one year of violating any of the market regulations of this city shall forfeit his lease and be barred from selling at any city market for at least two years.

SEC. 17. The Board of Public Safety shall have the power to revoke market leases at any time, but the marketer so ousted shall not be entitled to have any portion of the rental moneys by him paid refunded to him.

SEC. 18. No city market lease shall be transferred, assigned or under-let; nor shall any other person than the lessee occupy or use the stall, bench, stand, room or restaurant space so leased, or any portion thereof.

SEC. 19. Leases may be surrendered to the City Comptroller to be cancelled, but such surrender or cancellation shall not entitle the lessee to receive back any portion of the rental money by him paid.

SEC. 20. Any stall, bench, room, stand or restaurant space, the lease of which may be surrendered and cancelled under the provisions of the preceding section, or the lease of which may be not completed from failure to prepay the annual rental thereof, or which may remain unrented after the first day of June, or the lease of which may be forfeited to the city for violation of any market regulation, or the lease of which may be revoked by the Board of Public Safety, may be leased at any time for the unexpired portion of the market year, at a rental proportioned to the rental chargeable for the whole market year: *Provided*, That in no case shall the rental so paid be less than the pro rate rental for three months.

SEC. 21. No horses or vehicles used in bringing meat, garden produce or other commodities to said markets shall be allowed to stand upon any street, alley or passageway near said markets, after unloading, except when assigned to unoccupied stations against the curbstones around and about said markets, and no wagon or other vehicle containing provisions or commodities for sale in said markets shall stand on any part of said space, unless the hind wheels thereof shall rest against the curbstone or the covering of the gutter.

SEC. 22. Every farmer, market gardener, grocery keeper, provision dealer, or other person who shall bring articles of his own raising, production or traffic to any city market, and sell or offer to sell the same from a wagon or other vehicle, shall report to and be assigned a standing place by the Market Master in charge of such market; and said party shall pay to said officer such sum as may be fixed by the Board of Public Safety, for each time he shall attend such market, and there sell or offer for sale.

SEC. 23. Every person who occasionally brings cut fresh meats to any city market for sale, shall report to and be assigned a stall, stand, or place by the Market Master in charge thereof, and shall pay to said officer such sum as may be fixed by the Board of Public Safety for each time he shall attend such market, and there sell or offer for sale.

SEC. 24. The Market Master in charge of any city market is hereby empowered to permit the persons named in the last two preceding sections to occupy and use any unrented stands for the sale of the articles by them brought and offered for sale, provided the said occupant and user of such market stand shall pay the said officer such sum as may be fixed by the Board of Public Safety as the day's rental for such stand.

SEC. 25. Except as above provided, no marketer shall occupy any stand or space outside of the market houses so long as there are any stalls or spaces therein not already taken by someone else.

SEC. 26. Every occupant of any stall, bench or stand in any city market, whether leasing or temporary, shall, within one hour after the closing of the same, cause his articles or vehicle to be removed from such market, and his stall, bench or stand to be thoroughly cleansed, and all animal or vegetable refuse matter to be removed or carried away. And each butcher, marketer or dealer in fresh cut meats shall cause his stall, bench, stand, tables, blocks, and all other fixtures by him used, to be thoroughly scraped and cleaned within the same mentioned time. It shall be unlawful for any marketer or butcher marketer to fail to comply with the provisions of this section.

SEC. 27. It shall be unlawful for any person to sell, offer or expose for sale any meat in any of the said markets without having procured and become the owner of a lease for one of the said stalls as aforesaid.

SEC. 28. It shall be unlawful for any person, except a butcher having a lease as provided in this ordinance, to sell, offer or expose for sale in any of said markets, any article of fresh meat whatsoever, any sausages or puddings made of fresh meats with other ingredients, pork spare-ribs, tenderloins, pigs' feet or back bones, in any quantity less than twenty pounds in weight, unless the said meat, or meats of which said sausages, puddings, pork spare-ribs, tenderloin, pigs' feet or back bones shall be made, shall have been raised by such person.

SEC. 29. It shall be unlawful for any butcher to keep his stall, benches, blocks or fixtures attached thereto, in an unclean or unwholesome condition.

SEC. 30. It shall be unlawful for any person to sell or cause to be bought or sold, or to engage or cause to be engaged, or to take into possession, or suffer himself to be put into possession of any article of provisions, corn, oats, or other articles intended to be sold at any of said markets, which shall have arrived at the said market place, or any other place within the limits of the corporation, before the hour of opening the markets: *Provided, however,* That the provisions of this section shall not apply to the purchase of potatoes and apples for family use.

SEC. 31. It shall be unlawful for any person, during market hours, to sell or purchase, directly or indirectly, any article of provision, corn, oats or other article for the purpose of exporting or reselling the same, or to directly or indirectly sell or offer for sale any of the articles aforesaid at any market, which said person may have purchased and forestalled at any place whatever while on the way to or designed for said market.

SEC. 32. It shall be unlawful for any person to bring or suffer to come with him into or upon a market place, during market hours, any dog or unruly or dangerous animal.

SEC. 33. It shall be unlawful for any person to drive or place any wagon, team or obstruction of any kind before the hour of 12 o'clock midnight on the day preceding market day, on any part of the public market established by this or any other ordinance. Any curbstone space in said market which may not be rented by the city in any year, shall be occupied and used by the person who shall first after 12 o'clock midnight on the day preceding any market day, occupy the same with a vehicle or vehicles, but the placing of a bench or any obstruction on such space other than a vehicle, shall not be sufficient to secure the right of use of such space to the persons so placing the same.

SEC. 34. It shall be unlawful for any person connected with or attending any public market of this city to engross, forestall or regrate, or to suffer, permit or connive at the same being done.

SEC. 35. It shall be unlawful for any person to sell, offer or expose for sale any unwholesome, damaged or spoiled provisions of any kind in said markets.

SEC. 36. It shall be unlawful for any person to sell, offer or expose for sale in any public market, or at any other place in this city, the flesh of any animal, fowl or fish, which died a natural death or which was killed by accident, casualty, or by any other means than the usual manner of slaughtering animals for food.

SEC. 37. It shall be unlawful for any person to sell, offer or expose for sale in any public market, or at any other place in this city any blown, putrid, unsound,

immature, diseased, impure, unwholesome or unmerchable meat, fowl, fish or other article.

SEC. 38. It shall be unlawful for any person to sell, offer or expose for sale in any public market, or at any other place in this city, the flesh of any bull, boar, ram or that of any other animal commonly deemed unwholesome or unfit for food.

SEC. 39. It shall be unlawful for any person to sell, offer or expose for sale in any public market, or at any other place in this city, any unfresh, addled or rotten eggs.

SEC. 40. It shall be unlawful for any person to use or employ any dry measure, sides of which are otherwise than vertical and of consequent uniform circumference from top to bottom.

SEC. 41. When any vegetables, fruits, nuts or berries are sold, offered or exposed for sale by measure, it shall be unlawful to so sell, offer or expose the same for sale otherwise than by dry measure.

SEC. 42. It shall be unlawful for any person to kill, slaughter, skin, pluck, draw or dress any animal, fowl or fish in any of the public markets of this city, or to lay or place any garbage, offal, filth or rubbish in any part of the same.

SEC. 43. It shall be unlawful for any person other than a lessee, or a person who has been assigned thereto by the Market Master thereof, to use or occupy any stall, bench or stand in any city market.

SEC. 44. It shall be unlawful for any person to post, paste or stick up any bill, placard or any other printed or written advertisement or card upon any city market house or the fixtures thereto appertaining.

SEC. 45. It shall be unlawful for any person to hitch any animal to any of the pillars, posts, hooks or other portions or fixtures of any city market.

SEC. 46. It shall be unlawful for any person to obstruct the passageways of any public market of this city, or any street or alley in the near vicinity thereof with vehicles, animals or any other obstacle to the free and convenient use thereof.

SEC. 47. It shall be unlawful for any person to obstruct the main passageways or the cross passageways of any city market house, or to encumber the reserved portion of the sidewalks bordering on any city market, or the avenues laid out on said market space, or the aisles between the curbstone stands thereof with casks, barrels, boxes or any article whatsoever.

SEC. 48. It shall be unlawful for any person to deface, mark or in any way injure any property, or interfere with any bell or gong in or about any such market space or in any other way disturb the good order of such market.

SEC. 49. It shall be unlawful for any person to idly sit, stand, lounge or walk about any public market during market hours.

SEC. 50. It shall be unlawful for any person to sell any article whatsoever, from any vehicle or otherwise, in or upon any street, ally, sidewalk or public place adjacent to any city market, unless he shall have been there stationed by the Market Master in charge of such market, and shall have duly paid the required fee.

SEC. 51. It shall be unlawful for any person to sell by auction or outcry, any article of food, wares, or merchandise, in any city market, or in or upon any street, alley, sidewalk, public place, or private premises contiguous thereto, during the market hours of such city market.

SEC. 52. It shall be unlawful for itinerant venders of matches, pins, shoestrings, fruits or any other article, to sell the same in or about any city market without first paying the required market fee for such privilege.

SEC. 53. It shall be unlawful for the lessee or occupant of any stall, bench or stand, in or connected with any city market, to attract attention to his articles, goods, wares or merchandise by outcry or any other boisterous or annoying manner.

SEC. 54. An ordinance entitled "An ordinance prescribing general regulations for the Public markets of the City of Indianapolis; providing for the establishment of licensed markets; and defining the general powers, functions and duties of Market Masters." in force June 25, 1878; an ordinance entitled "An ordinance establishing certain rules and regulations for the government of the public markets of the City of Indianapolis; prescribing restrictions upon the sale of sundry articles of food in other portions of said city, and imposing fines and punishments for violations thereof," in force July 2, 1878; an ordinance entitled "An ordinance supplemental to the ordinances of the City of Indianapolis on the subject of general markets of

said city, modifying and changing certain rules heretofore existing for the regulation and government of said markets, repealing all conflicting provisions, putting the Market Masters on salaries, and requiring that all rents and fees of marketers shall be paid into the treasury," ordained and established March 21, 1887, and all ordinances amendatory of and supplemental to said above named ordinances and parts thereof, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SEC. 55. Any person, or persons, or corporation, violating any of the regulations, requirements or provisions of this ordinance shall, on conviction thereof, be fined in any sum not exceeding fifty dollars.

SEC. 56. This ordinance shall be in full force and effect from and after its passage and publication once each week for two weeks consecutively in *The Sun*, a daily newspaper of general circulation, printed and published in said City of Indianapolis, Marion county, Indiana.

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

By Mr. Young :

G. O. No. 16, 1894. An ordinance authorizing the City Attorney to employ as an assistant, special counsel, in pending and proposed litigation with the Citizens' Street-railroad Company and the City Railway Company, either or both, and matters connected therewith, and providing for the taking effect thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the attorney and counsel of said city be and is hereby authorized to employ an assistant, or assistants, as special counsel to assist in all litigation now pending, either between the Citizens' Street-railroad Company and the City Railway Company, or between the city and either or both of said companies, or which may be commenced by either or both of said companies, or which may be deemed advisable to be brought by the city against either or both, which involves or may involve the right of either of said companies, whether claimed under contract, license or otherwise, to the use and occupation of the streets of the city for street-railway purposes, and the duration of any such rights, if they exist, and all matters connected therewith. The action of said City Attorney and Counsel as to the selection of the person or persons to be so employed shall be subject to the approval of the Mayor, and the terms of the employment as to compensation shall be subject to the approval of the City Comptroller and Board of Public Works.

SEC. 2. The compensation for such assistant special counsel, when fixed as herein above provided, shall be paid according to the terms of such employment, from appropriations to the Law Department for such purpose, which shall be made from time to time, as may be needed under the terms of the employment.

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

Which was read first time and referred to Committee on Judiciary, with instructions to report at special meeting of Common Council, to be held February 20, 1894.

By Mr. Young :

G. O. No. 17, 1894. An ordinance to amend Section 9 of an ordinance entitled "An ordinance providing for a 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," being General Ordinance No. 61, 1893, passed by the Common Council of the City of Indianapolis, November 20, 1893, providing for the publication thereof, 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 9 of the above described G. O. No. 61, 1893, passed by the Common Council of the City of Indianapolis, November 20, 1893, be and the same is hereby amended so as to read as follows :

Section 9. It shall be the duty of all livery and boarding stable keepers to report to the City Comptroller the number and kind 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 of January of each year; and on and after the thirtieth day of January of each year, (except the year 1894, and on and after the first day of May, 1894,) there shall be added to all unpaid license fees, and collected together with such license fees, a penalty of one hundred per cent., in addition to the amount provided by this ordinance; and any person or persons, partnership or corporation that shall, after the twenty-eighth day of February, of each year, (except the year 1894, and on and after the first day of May, 1894,) drive or cause to be driven on any of the streets of the City of Indianapolis, any unlicensed vehicle or vehicles which under this ordinance, requires a license, or who shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, in addition to all other penalties and requirements, be fined in any sum not less than twice the amount of said license fee, and not more than fifty dollars.

SEC. 2. 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 Sun*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

By Mr. Young :

G. O. No. 18, 1894. An ordinance defining a part of the boundary line of the City of Indianapolis, Indiana, so as to extend the same, and annexing to the City of Indianapolis certain territory contiguous thereto; providing for the publication thereof, 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 boundary line of the said City of Indianapolis, from a point where the north section line of section eleven, in township fifteen north, range three east, crosses the present corporation line on or along the east bank of White River, to a point where the Belt Railroad crosses the present corporation line on or along the east bank of White River, in section fourteen, in township fifteen north, range three east, be and the same is hereby extended so as to include the following described territory contiguous to the City of Indianapolis, Indiana, whether platted or not, which said following described contiguous territory is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion county, Indiana, to-wit: All that territory bounded as follows: Commencing at the present city limits where the corporation line of said City of Indianapolis on and along White River crosses the north section line of section eleven in township fifteen north, range three east, thence west on and along the north section line of said section eleven and section ten, in township fifteen north, range three east, to the northwest corner of said section ten, thence south on and along the west section line of said section ten, and on and along the west section line and to the southwest corner of section fifteen, in township fifteen north, range three east, thence east on and along the south section line of said section fifteen to a point at the northeast corner of the northwest quarter of section twenty-two, in township fifteen north, range three east, thence south on the middle section line of said section twenty-two to the north or northwest bank of White River, thence north and northeast along said White River to the eastern boundary of the lands owned by the Union Stock Yards, thence north on and along the present corporation line of the town of West Indianapolis to the Belt Railroad, thence southeast and east along the line of the Belt Railroad to a

point where the present corporation line on or along the east bank of White River crosses said Belt Railroad, thence north on and along the present corporation line of the City of Indianapolis, following the meanderings of White River, to the place of beginning, together with any and all other contiguous territory, if any, now forming a part of the town of West Indianapolis, which is not embraced in the foregoing description, all of which said territory contiguous to the City of Indianapolis shall hereafter form a part of the said City of Indianapolis and be within the jurisdiction of the same, and said territory is hereby consolidated with and made a part of the said City of Indianapolis.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in *The Sun*, a daily newspaper of general circulation printed and published in said City of Indianapolis, Marion county, Indiana.

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

#### MISCELLANEOUS BUSINESS.

Under this order of business, Mr. Rauh offered the following resolution:

*Resolved*, That the City Attorney be instructed to bring suit for the recovery of the unexpended balance (\$17,000) still remaining in the possession of the Commercial Club Committee on Assemblages, rightfully belonging to the City of Indianapolis.

Which was passed by the following vote:

AYES 17—viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Mr. Murphy offered the following resolution:

WHEREAS, The City of Indianapolis employed Rudolph Hering to design a system of drainage and sewerage for the City of Indianapolis, and said Rudolph Hering planned the drainage of what is known as the State Ditch district, to consist of a main sewer known as the State Ditch main sewer, and the interceptor on the line of Belle street, which latter was intended to intercept the waters of the State Ditch at Belle street, and discharge them into Fall creek on the line of Belle street or thereabouts; and,

WHEREAS, Mr. Hering in his report expressly states that "Before the State Ditch sewer is built farther up than above Columbia street it will be necessary to intercept the flood waters of the State Ditch above Belle street, because the proposed sewer below Belle street is not large enough to carry any more water than that which falls south of this street;" and,

WHEREAS, The cost of the State Ditch main sewer is assessed upon lands affected by the proposed Belle street sewer at a cost of about \$15 per lot, and no corresponding benefit will be derived by said lands unless the Belle street sewer is built, and thus a gross injustice will be done the owners of said lands;

*Resolved*, That the Board of Public Works be requested to immediately take steps to construct said Belle street interceptor, and that any further delay would be unjustifiable.

Which was passed by the following vote:

AYES 17—viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Mr. Murphy moved that a committee of three be appointed to present the resolution passed in regard to the "State Ditch Main Sewer," to the Board of Public Works.

Which was carried, and the President appointed the following committee: Messrs. Murphy, Krauss and O'Brien.

The following call, signed by five members of the Council, was presented:

INDIANAPOLIS, IND., February 19, 1894.

*Hon. William H. Cooper, President Common Council:*

You are hereby requested to call a special session of the Common Council in the Council Chamber, on Tuesday evening, February 20, 1894, at 8 o'clock, for the purpose of considering such business as may come before the meeting.

Respectfully,

A. A. YOUNG.  
HENRY RAUH.  
CHARLES KRAUSS.  
ED. G. STOTT.  
CHAS. KOEHRING.

#### ORDINANCES ON SECOND READING.

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

G. O. No. 70, 1893.—

WHEREAS, Certain of the citizens of the town of Haughville, have petitioned the Common Council to annex said town to the City of Indianapolis, pursuant to the provisions of Sections 37, 38, 39 and 40, of an act of the General Assembly of the State of Indiana, entitled "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891.

And on motion of Mr. Krauss, was stricken from the files by the following vote:

AYES 16—viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stott, Young and President Cooper.

NAY 1—viz: Mr. Stein.

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

G. O. No. 12, 1894. An ordinance providing for the change of names of Sutherland street and Brinkman street to Seventeenth street, and matters connected therewith.

On motion of Mr. Rauh, G. O. No. 12, 1894, was ordered engrossed, read the third time, and was passed by the following vote:

AYES 17—viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Rauh, the Common Council, at 9:15 o'clock P. M., adjourned.

*W. H. Cooper*

*President.*

ATTEST:

*Lee Nixon*

*City Clerk.*