

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, }
 March 10, 1892. }

The Common Council of the City of Indianapolis met in the Council Chamber Thursday evening, March 10, at 8 o'clock P. M., in special session, pursuant to the following call :

To the President of the Council of the City of Indianapolis, Indiana :

We, the undersigned, members of the Council of the City of Indianapolis, Indiana, respectfully request you to call a special meeting of the City Council on Thursday evening, March 10, 1892, at 8 o'clock P. M., for the purpose of considering the ordinance granting a franchise to the Indianapolis and Broad Ripple Rapid Transit Company.

GEO. R. COLTER,
 T. B. LINN,
 J. R. ALLEN,
 J. L. GASPER,
 JOHN A. PURYEAR.

Present, Hon. Martin J. Murphy, President of the Common Council, in the Chair, and 19 members; viz: Messrs. Allen, Colter, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and Young.

Absent, two, viz: Councilmen Cooper and McGill.

The Proceedings of the Common Council for the regular session held Monday, March 7, 1892, having been printed and placed upon the desks of the Councilmen, said Journal was approved as published.

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

Which motion prevailed.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Ryan, on behalf of the Committee on Contracts and Franchises, reported G. O. No. 14, 1892, "An ordinance confirming a certain contract made and entered into on the 1st day of March, 1892, by and between the City of Indianapolis and the Indianapolis and Broad Ripple Rapid Transit Company, wherein said Company is granted a certain right of way for the construction and maintenance of an electric street

railway within the City of Indianapolis, and the operation of cars thereon, upon certain terms and conditions therein set forth," without recommendation from the Committee.

Mr. Rassmann moved that G. O. No. 14, 1892, be taken up and read a second time.

Which motion was adopted.

Mr. Rassmann moved that G. O. No. 14, 1892, be read by sections for the purpose of amending the same.

Mr. Linn moved that the Council go into a committee of the whole.

Mr. Gauss moved to lay Mr. Linn's motion on the table.

The ayes and nays being called for by Mr. Young and Mr. Gasper, the roll was called, which resulted in the following vote :

AYE 12—viz.: Councilmen Colter, Costello, Gauss, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and President Murphy.

NAYS 7—viz.: Councilmen Allen, Gasper, Holloran, Laut, Linn, Sherer and Young.

The question being on the adoption of Mr. Rassmann's motion.

The ayes and nays being called for by Mr. Gasper and Mr. Young, the roll was called, which resulted in the following vote :

AYES 12—viz.: Councilman Colter, Costello, Gauss, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and President Murphy.

NAYS 8—viz.: Councilman Allen, Gasper, Holloran, Laut, Linn, Sherer and Young.

Mr. Rassmann moved that all amendments offered by this body to G. O. No. 14, 1892, be offered to the Board of Public Works as suggestions.

Which was adopted.

Mr. Gasper moved that G. O. No. 14, 1892, be referred back to the committee with instructions to report Monday, March 14, 1892, at 8 o'clock, P. M.

Thereupon Mr. Ryan raised the question of order in reference to referring G. O. No. 14, 1892, back to the committee after action had been taken by the Council.

In which Mr. Ryan was sustained.

Mr. White offered the following amendment to section (7) seven, G. O. No. 14, 1892 :

Amend paragraph 7 by adding the following: *Provided*, That the party of the second part hereby agrees that the party of the first part shall have reserved to it the right to purchase from the party of the second part, at any time during the year 1901, the entire said street railway system, including all equipment, cars and other property used in the operation of said railway, but excluding all franchise values lying within the limits of the City of Indianapolis, at such price as may be agreed upon between the party of the second part and the Board of Public Works of the City of Indianapolis, said price not to exceed an amount for which a similar street railway system could be built, all decay and deterioration of materials to be taken into account. In the event such purchase is not made during the year 1901, then the party of the second part will continue to own and operate said street railway in accordance with the provisions of this contract.

WHITE.

Which motion was adopted by the following vote:

AYES, 14—viz.: Councilmen Colter, Costello, Gauss, Laut, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and President Murphy.

NAYS, 5—viz.: Councilmen Allen, Gasper, Holloran, Linn and Young.

Mr. Olsen moved to amend Section 12 by inserting the following:

SEC. 12. Said party of the second part shall not charge more than three (3) cents fare for each passenger between its termini, or any fractional part of the distance between its termini.

Mr. Gasper moved to lay Mr. Olsen's motion on the table.

Which motion was adopted

Mr. Gauss moved to amend section 12 by inserting the following:

Mr. President:

I move that the Board of Public Works be requested to so amend the contract with the Indianapolis and Broad Ripple Rapid Transit Company, as to provide that the fare shall be three cents instead of five cents within the city limits.

Which motion was lost by the following vote:

AYES 7—viz.: Councilmen Colter, Gauss, Olsen, Puryear, Rassmann, Ryan and Sherer.

NAYS 12—viz.: Councilmen Allen, Costello, Gasper, Holloran, Laut, Linn, McGuffin, Schmidt, Schrader, White, Young and President Murphy.

Mr. Ryan moved to amend Section 23 by inserting the following:

I move that the contract referred to in said G. O. No. 14 be referred back to the Board of Public Works, with the suggestion that the same be modified so as to strike out of section 23 the following words: "sell or lease its property and rights herein granted to any other company operating other lines in said city of Indianapolis."

And that there be inserted in such contract a provision that said Indianapolis & Broad Ripple Rapid Transit Co., its successors or assigns, shall not sell, transfer, assign, lease or in any other manner, dispose of any or all of the rights, franchises or authority herein granted, or any of the lines of its street railroad, or any of its other property, to any other company or individual who may now or hereafter own or operate a line or lines of street railroad in or upon the streets, alleys or high ways of said city of Indianapolis, and shall not consolidate with any such other street railroad company; nor enter into any combination or agreement with such other company by which competition may or shall be rendered to no effect.

And that a provision be inserted therein that upon any attempt to violate the terms of such agreement by said Indianapolis & Broad Ripple Rapid Transit Co., or its authorized agents, all rights granted to it by the city of Indianapolis shall become and be forfeited and such contract shall be null and void.

P. J. RYAN.

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

Which motion was adopted by the following vote :

AYES 16—viz.: Councilmen Allen, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGuffin, Olsen, Puryear, Rassmann, Schmidt, Sherer, White, Young and President Murphy.

NAYS 3—viz.: Councilmen Colter, Ryan and Schrader.

Mr. Ryan moved to amend section 23, G. O. No. 14, 1892, by inserting the following :

I move to amend section 23 by adding thereto the following: *Provided*, That no sale, lease or assignment made by said party of the first part, its successors, lessees or assignees, shall be valid or effective until first approved in writing by the Board of Public Works.

RYAN.

Which was adopted by the following vote :

AYES 19—viz.: Councilmen Allen, Colter, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White, Young and President Murphy.

NAYS—None.

Mr. White moved to amend section 24, G. O. No. 14, 1892, by inserting the following :

Provided, That said party of the second part shall have the option of commencing the construction of said road at any point along the rout named, and may put any part of said road into operation at any time prior to December 31, 1892, but in doing so said party of the second part expressly agrees to pay to the city of Indianapolis the sum of two and one-half per cent. of all its gross receipts as set out in paragraph 7 of this contract.

Amend paragraph 24 to read as follows :

24. The rights and privileges herein granted shall not become wholly operative until the party of the second part, its successors or assigns, shall have fully constructed and equipped an electric road from Broad Ripple to the terminus of said line in the city of Indianapolis, and until a car propelled by electricity shall have passed over the entire distance between said terminus in the city of Indianapolis and the town of Broad Ripple, which shall not be later than the 31st day of December, 1892, which date may be extended in writing by said Board of Public Works, if, in their opinion, it is deemed proper and advisable to do so.

Which motion was lost by the following vote :

AYES, 8—viz.: Councilmen Colter, Costello, Gasper, Puryear, Ryan, Schrader, White and Young.

NAYS, 11—viz.: Councilmen Allen, Gauss, Holloran, Laut, Linn, McGuffin, Olsen, Rassmann, Schmidt, Sherer and President Murphy.

Mr. White offered the following amendment, to take the place of paragraph 28, and that paragraph 28 of the pending contract be changed to 29 :

It is hereby agreed by the party of the second part, that if at any time there shall be a cessation of a proper street car service by the said street railway, through any disagreement between said party of the second part and their employes, which shall extend beyond a period of twenty-four hours, the said street railway shall be taken in charge by the Mayor of the City of Indianapolis and operated under his direction until such time as such difference may be adjusted: *Provided*, That in case said difference is not adjusted within the period of thirty days, then in that event the controversy shall be adjusted by a board of arbitration, to consist of the Judges of the Marion County Superior Court, who shall be fully authorized to adjust said difference between the party of the second part and its employes, and the finding of said Judges shall be binding on the parties to the controversy.

Which motion was adopted.

Mr. Costello offered the following motion :

Mr. President :

I move that G. O. No. 14, 1892, be referred back to the Board of Public Works, together with a copy of all amendments suggested by the Common Council as shown by the records of this session, with the urgent request that said Board consider such suggestions without delay, and report the result of their efforts back to this body not later than Monday night, March 14, 1892, and that when this Council adjourn it adjourn to meet at 8 o'clock P. M. of that day.

COSTELLO.

Which was adopted by the following vote :

AYES, 10—viz.: Councilmen Colter, Gauss, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader and White.

NAYS, 9—viz.: Councilmen Allen, Costello, Gasper, Holloran, Linn, Olsen, Sherer, Young and President Murphy.

On motion of Mr. Rassmann the Common Council, at 9:45 o'clock P. M., adjourned.

ATTEST:

M. J. Murphy
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R. J. Shaw
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President.

City Clerk.