

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
January 16, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, January 16th, at 8 o'clock, in regular meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the chair, and 16 members, viz: Messrs. Colter, Cooper, Froschauer, Gasper, Halloran, Laut, Linn, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and Young.

Absent, 5—viz: Messrs. Allen, Costello, Gauss, McGill and McGuffin.

The Proceedings of the Common Council for the special meeting held Tuesday, January 3, 1893, 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 Colter 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,
December 31, 1892. }

To the President and Members of the Common Council:

GENTLEMEN—I have approved General Ordinance No. 52, passed at your session December 21, 1892. Also General Ordinance No. 41, passed at your session January 3, 1893. Also Resolution No. 5, passed January 3, 1893.

Respectfully submitted,
THOS. L. SULLIVAN,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Comptroller :

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., January 10, 1893. }

To the Honorable the Common Council of the City of Indianapolis:

GENTLEMEN—I beg to call your attention to the accompanying letter to me from the Board of Public Works, and respectfully recommend that the appropriation asked for be made.

Very respectfully,

WILLIAM WESLEY WOOLLEN,
City Comptroller.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, January 9, 1893. }

Mr. W. W. Woollen, City Comptroller :

DEAR SIR—The attached—"An ordinance appropriating four hundred dollars for the use of the Department of Public Works in the purchase of a certain lot in the City of Indianapolis from Simeon' Dearing," is respectfully referred to you for your recommendation to the Council as to its passage. Will you kindly do this and refer the proposed ordinance to the Mayor for his action?

Very respectfully,

A. W. CONDUITT,
A. SCHERRER,
M. M. DEFREES,
Board of Public Works.

Which was read and referred to the Committee on Finance.

REPORTS FROM OFFICIAL BOARDS.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, January 11, 1893. }

To the President and Members of the Common Council :

GENTLEMEN—We send to you herewith, for your consideration, and action thereon, "An ordinance prohibiting any person, persons, firm or corporation from cutting or digging into any street, alley or sidewalk paved with asphalt, vulcanite, brick, granite, wooden block or other pavement, without first having obtained permission from the Board of Public Works of the City of Indianapolis so to do, fixing a penalty for the violation thereof, repealing conflicting ordinances and providing for the publication of the same."

Very respectfully,

A. W. CONDUITT,
A. SCHERRER,
M. M. DEFREES,
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, January 6, 1893. }

To the President and Members of the Common Council:

GENTLEMEN—We beg to submit to you, for your consideration and action, "An ordinance approving a certain contract granting the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis Division) the right to lay and maintain a switch or side-track across North street, in the City of Indianapolis, Indiana."

Very respectfully,
A. W. CONDUITT,
A. SCHERRER,
M. M. DEFREES,
Board of Public Works.

Which was received and ordered spread on the minutes.

MISCELLANEOUS BUSINESS.

The Firemen Pension Board made the following report :

INDIANAPOLIS, IND., January 16, 1893.

To the Members of the Common Council of the City of Indianapolis :

GENTLEMEN—In compliance with the law we herewith submit a report showing the condition of the Firemen's Pension Fund January 1, 1893:

BONDS PURCHASED TO DATE.

Six Marion County Jail Bonds, \$1,000 each, bearing 5 per cent. interest . \$6,000 00
Two City of Indianapolis Bonds, \$500 each, bearing 4 per cent. interest . 1,000 00
Cash in treasury 323 77

Respectfully submitted,
EDWARD HAWKINS, President,
WILLIAM TOBIN, Secretary,
Firemen's Pension Board.

Which was received and spread on the minutes.

President Murphy, on behalf of the special committee which was appointed to investigate the alleged attempt to bribe a member of the Council, made the following report:

INDIANAPOLIS, IND., January 16, 1893.

To the Members of the Common Council of the City of Indianapolis:

GENTLEMEN—We, your committee appointed to investigate rumored charges of bribery of one member of the Common Council by another member thereof, beg leave to report that a majority of the committee met on Thursday evening, January 5, 1893, for the purpose of making such investigation, and having before them the two members that rumor connected with the transaction, Mr. Rassmann was

called on and stated to the committee that he had no charges to make, and further that he had made none against any member of the Council. Therefore, your committee report that in their judgment there is nothing to investigate and ask to be discharged.

Respectfully submitted,

M. J. MURPHY.
A. A. YOUNG.
W. H. COOPER.
CHAS. P. FROSCHAUER.
H. F. HALLORAN.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

The City Comptroller, through Councilman Rassmann, introduced the following Appropriation Ordinance:

App. Ordinance No. 1, 1893. An ordinance appropriating \$400 for the use of the Department of Public Works, in the purchase of a certain lot in the City of Indianapolis from Simeon Dearinger.

Read a first time and referred to the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Mr. Ryan:

G. O. 2, 1893. An ordinance approving a certain contract, granting the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis division) the right to lay and maintain a switch or side-track across North street, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: January 6, 1893; the Board of Public Works of the City of Indianapolis, Indiana, for and in behalf of the City of Indianapolis, made and entered a certain contract with the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis division), which contract is as follows:

WHEREAS, heretofore, to-wit: On the 4th day of November, 1892, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis division), by its legal representative, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., November 4, 1892.

To the Board of Public Works of the City of Indianapolis:

GENTLEMEN—The undersigned, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis division), respectfully petition you for the making of a contract by and between the undersigned and the City of Indianapolis providing for a right of way for a switch or side-track across North street, in the City of

Indianapolis, parallel to and thirty (30) feet west of the center of the west main track of the Lake Erie & Western Railroad, which track is the second track located west of the main track of the C., C., C. & St. L. R'y, crossing North street at the above point. Said proposed track beginning 110 feet, more or less, north of the north line of North street and extending thence south to a point 160 feet south of the south line of said North street—all as shown by the drawings herewith submitted, attached hereto, filed herewith, and for greater certainty marked "Exhibit A."

Your petitioner prays that the privilege and authority herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Yours respectfully,

THE C., C., C. & ST. L. R'Y CO.

By J. Ramsey, Jr., General Manager.

Now therefore, this agreement made and entered into this January 6, 1893, by and between the Cleveland, Cincinnati, Chicago & St. Louis Railway Company (Indianapolis division), by and through its legal representative, party of the first part, and the City of Indianapolis, Indiana, by its Board of Public Works, party of the second part:

WITNESSETH: That said party of the first part being desirous of securing a right-of-way for a switch or side-track over and across North street, in the City of Indianapolis, hereby covenants and agrees and fully binds itself, its legal representatives, successors and assigns that, in consideration of the granting of the privileges and authority herein given, it will lay, construct and maintain said switch or side-track upon the terms and conditions hereinafter set forth, viz:

1. It shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles, or otherwise, and shall at all times be subject to the orders and control of the Board of Public Works of the City of Indianapolis.

2. Said track or switch shall be laid on such grade as shall be established by said Board and shall be put down under its supervision and to its satisfaction and approval. Said side-track or switch shall be raised or lowered to conform to any grade which may from time to time, be hereafter established whenever so ordered in writing by said Board.

3. The crossing where said side-track or switch intersects North street shall, at all times, be kept improved and in repair and free from defects or obstructions of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, but they shall, at no time, be stopped or detained thereon in such a manner as to obstruct public travel.

4. Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said side-track or switch, and upon its failure so to do, upon such notification, in writing, of ten days, to promptly pay the cost of having the same done. And said party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal and said Board, or said city, in removing said side-track or switch, or in causing the same to be done shall, in no wise, be or become a trespasser.

5. In case the said side-track or switch shall be or become out of repair, or in need of being reconstructed, or becomes in any way defective (of which facts the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or improve the same, and failing in which—after a notification, in writing, of ten days—said Board shall do or cause the same to be done at the expense of said party of the first part, and for which expense and cost said party of the first part shall be liable.

6. The said party of the first part hereby binds itself to hold the said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said side-track or switch, and to pay any judgment, with costs, that may be, on that account, rendered against said city.

7. It is hereby made a further condition of this contract that in consideration of the granting, to the party of the first part, the privilege of laying the side-track heretofore described, the party of the first part agrees to take up and remove from across North street, the track shown on the plat, herewith attached, marked "B;"

"B" being the second track east of the first alley east of Pine street. The party of the first part shall place in good condition, to the satisfaction of the second party, all that portion of North street now occupied by the track to be removed.

8. Any violation of any provision of this instrument by said party of the first part, or by any one for it or at its instance or permission, shall operate as an immediate and absolute forfeiture of all the privileges and authority granted or given by this contract: *Provided, however,* The same may be terminated, without cause, at the pleasure of said Board, as hereinbefore set forth in clause four.

The said party of the second part, by virtue 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 in consideration of the things hereinbefore set forth, and upon the terms and conditions of the things herein stipulated, hereby gives, grants and duly vests said party of the first part, the right, privilege and authority to lay and maintain a single switch or side-track over and across North street, as and for the purpose prayed in its petition, which is set forth in the preamble hereto, and as shown by the drawings attached and made part thereof and marked "Exhibit A."

In witness whereof we have hereunto set our hands this January 6, 1893.

THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS R'Y Co.,

By Joseph Ramsey, Jr., General Manager, party of the first part.

THE CITY OF INDIANAPOLIS,

By A. W. Conduitt, A. Scherrer, M. M. Defrees,

Board of Public Works, party of the second part.

Witness: A. W. WOODS.

Read first time and referred to Committee on Railroads.

By Mr. Ryan :

G. O. No. 3, 1893. An ordinance prohibiting any person, persons, firm or corporation from cutting or digging into any street, alley or sidewalk paved with asphalt, vulcanite, brick, granite, wooden block or other pavement, without first having obtained permission from the Board of Public Works of the City of Indianapolis so to do, fixing a penalty for the violation thereof, repealing conflicting ordinances and providing for the publication of the same.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana: That it shall be unlawful for any person, persons, firm or corporation to cut or dig into any street, alley or sidewalk of said city that has been permanently improved with asphalt, vulcanite, brick, granite, wooden block or other pavement, for any purpose whatever, without first having obtained from the Board of Public Works of said city a written permit so to do.

SEC. 2. Any person violating any of the provisions of this ordinance shall be fined in any sum not exceeding one hundred dollars, and shall put said street, alley or sidewalk in good condition, to the satisfaction of said Board of Public Works.

SEC. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 4. This ordinance shall take effect and be in force from and after its passage and publication once each week for two consecutive weeks in the *Indianapolis Sentinel*, a daily newspaper of general circulation, printed and published in said City of Indianapolis.

Read a first time and referred to the Committee on Sewers, Streets and Alleys.

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

M. J. Maup

President.

ATTEST:

R. J. Abrams

City Clerk.