

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
April 17, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, April 17, at 8 o'clock, in regular meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the chair, and 17 members, viz: Messrs. Allen, Colter, Cooper, Costello, Froschauer, Gasper, Gauss, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader and White.

Absent 4—viz: Messrs. Linn, McGill, Sherer and Young.

The Proceedings of the Common Council for the regular meeting held Monday, April 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,
April 17, 1893. }

To the President and Members of the Common Council :

GENTLEMEN—I have approved General Ordinances Nos. 6, 11 and 17; also Appropriation Ordinance No. 5, passed at your session held April 3, 1893.

Respectfully submitted,

T. L. SULLIVAN,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

The City Clerk submitted the following report :

To the Common Council of the City of Indianapolis :

GENTLEMEN—The various ordinances introduced by your honorable members are printed upon a type-writing machine, and as original ordinances are generally changed, new sections inserted, and parts stricken out, before their final passage, often requiring the re-writing of the whole ordinance, and as the City Clerk's office was furnished with a type-writing machine to facilitate his work heretofore, the said machine having been removed to one of the other city offices prior to the present City Clerk's occupancy, I therefore request that the City Council recommend the Board of Public Works to furnish the aforesaid Clerk's office with a type-writing machine.

R. J. ABRAMS,
City Clerk.

Which was read and referred to the Committee on Public Property and Improvements.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Comptroller :

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., April 13, 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 I respectfully recommend that you pass an ordinance authorizing the transfer asked for.

Very respectfully,
WILLIAM WESLEY WOOLLEN,
City Comptroller.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, April 12, 1893. }

Mr. W. W. Woollen, City Comptroller, City :

DEAR SIR—It is the intention of the Board to enter into a contract for the disposal of garbage. Before doing this, it will be necessary to have an appropriation made for that purpose. Therefore we ask that you request the Council to transfer the sum of \$5,000 from the "Street and Alley" fund to the "City Garbage and Dump" fund.

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

Which was received and ordered spread on the minutes.

Communication from City Comptroller :

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., April 17, 1893. }

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

GENTLEMEN—I beg to call your attention to the accompanying letter of Dr. Frank A. Morrison, President of the Department of Public Health and Charities, asking for an appropriation of five hundred dollars to pay the expense of ambulance service for the remainder of the present fiscal year, and I respectfully recommend that the appropriation be made.

Very respectfully,
WILLIAM WESLEY WOOLLEN,
City Comptroller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES. }
OFFICE OF COMMISSIONERS, }
INDIANAPOLIS, April 15, 1893. }

Wm. W. Woollen, *City Comptroller* :

The Commissioners of Public Health and Charities request that the sum of five hundred dollars be appropriated for ambulance service to the end of the present fiscal year.

FRANK A. MORRISON.

Which was read and referred to Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rassmann, on behalf of the Committee on Finance, to whom was referred the following :

Ap. O. No. 4, 1893. An ordinance appropriating six hundred and sixty-six dollars and sixty-seven cents to the Department of Public Health and Charities to pay an additional amount to the Training School of Nurses.

G. O. No. 15, 1893. An ordinance authorizing the head of the Department of Finance of the City of Indianapolis, Marion county, Indiana, to issue and sell six hundred and twenty-one bonds of one thousand dollars each of the City of Indianapolis for the purpose of refunding certain indebtedness of said city aggregating six hundred thousand dollars, represented by certain bonds known as "Series A" and "Series B," falling due on the first day of July, 1893, and replacing in the treasury of said city the sum of twenty-one thousand dollars used in paying off certain bonds of said city known as the "Sellers Farm Issue;" providing for the sale of said bonds, and fixing the time when the same shall take effect.

Made the following report :

Mr. President :

Your Committee on Finance, to whom was referred General Ordinance No. 15, 1893, and Appropriation Ordinance No. 4, 1893, beg leave to report that we have had the same under consideration and would respectfully recommend they be passed.

EMIL C. RASSMANN.
JAS. H. COSTELLO.
W. H. COOPER.
P. J. RYAN.
J. L. GASPER.

Which was read and concurred in.

Mr. Halloran, on behalf of the Committee on Fees and Salaries, to whom was referred

G. O. No. 18, 1893. An ordinance regulating and fixing the salary of the Clerk of the Board of Public Safety of the City of Indianapolis.

Made the following report:

Mr. President:

Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 18, 1893, have had the same under consideration, and report that as the City Charter provides that no salary can be changed during the incumbency of any officer except through resignation for purpose of accepting such increase or decrease, and as there is no probability of a resignation following to accept such reduction, provided in said ordinance, we recommend that it be stricken from the files.

H. F. HALLORAN.
J. F. WHITE.
J. L. GASPER.

Which was adopted by the following vote:

AYES 17—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Gauss, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and President Murphy.

NAYS—None.

APPROPRIATION ORDINANCES.

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

Ap. O. No. 6, 1893. An ordinance appropriating the sum of six hundred thousand dollars for the use of the Department of Finance of the City of Indianapolis, in paying off certain bonds of the City of Indianapolis, known as "Series A" and "Series B," and which become due July 1, 1893, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, State of Indiana, That there be, and is, hereby appropriated out of the funds in the treasury of the City of Indianapolis, Indiana, to and for the use of the Department of Finance of the City of Indianapolis, Indiana, in paying off certain bonds of the City of Indianapolis, Indiana, known as "Series A" and "Series B," amounting in the aggregate to the sum of six hundred thousand dollars, which bonds become due July 1, 1893, the sum of six hundred thousand dollars.

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

Read first time and referred to Committee on Finance.

The City Comptroller, through Councilman Rassmann, introduced the following appropriation ordinance:

Ap. O. No. 7, 1893. An ordinance authorizing the transfer of five thousand dollars to a fund other than that for which it was originally appropriated, and fixing the time when the same shall take effect.

WHEREAS, In G. O. No. —, 1892, a certain sum was appropriated to the Department of Public Works of the City of Indianapolis, and designated as follows: "For street and alley improvements;" and,

WHEREAS, by an act of the General Assembly of 1893, amending certain sections of the charter of the City of Indianapolis, the object for which said appropriation was made was abolished; and,

WHEREAS, The said Department requires the sum of five thousand dollars for a "city garbage and dump" fund; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be, and he hereby is, authorized and directed, out of moneys heretofore appropriated for the use of the Department of Public Works for "street and alley improvements," to transfer and charge the sum of five thousand dollars to the "city garbage and dump" fund of said Department.

SEC. 4. This ordinance shall take effect and be in full force from and after its passage.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinance was introduced:

G. O. No. 19, 1893. An ordinance approving a certain contract granting the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain a switch or side track across Phipps street, between Delaware and Pennsylvania streets, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: April 17, 1893, the Board of Public Works of the City of Indianapolis, Indiana, made and entered into a certain contract with the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, which contract is as follows:

WHEREAS, heretofore, to-wit: On the 24th day of October, 1892, the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, by its legal representative, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., October 24, 1892.

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

GENTLEMEN—The undersigned, the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, 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 from the main track of the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company (Louisville division) to cross Phipps street, between Delaware and Pennsylvania streets, said switch or side track commencing at a point eighty (80) feet north of the north line of Phipps street (located on the west side of said main track) and running from the place of beginning to a point one hundred and forty (140) feet, more or less, south of the north line of said Phipps 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.

Very respectfully,

F. G. DARLINGTON,
Superintendent P., C., C. & St. L. Ry. Co.

Now, THEREFORE, This agreement, made and entered into April 17, 1893, by and between the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, 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 Phipps street, between Delaware street and Pennsylvania 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:

1st. 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.

2d. 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.

3d. The crossing where said side track or switch intersects Phipps 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.

4th. 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.

5th. In case the said side track shall be or become out of repair, or in need of being re-constructed, 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.

6th. 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 it or said city.

7th. Any violation of any provision of this instrument by said party of the first part, or by anyone 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 Phipps 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 April 17, 1893.

F. G. DARLINGTON,
Supt. P., C., & St. L. Ry. Co.,
Party of the First Part.

A. W. CONDUIT,
A. SCHERRER,
M. M. DEFREES,
Party of the Second Part.

WHEREAS, Said contract has been submitted by the City of Indianapolis, through its Board of Public Works, to the Common Council of the City of Indianapolis for its consideration and action; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said contract, above set forth, be, and the same is hereby, in all things, confirmed and approved.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Read first time and referred to Committee on Railroads.

MISCELLANEOUS BUSINESS.

Mr. Cooper offered the following resolution :

To the President of the Common Council and Gentlemen :

We have learned with regret of the sad misfortune to our associate, Mr. A. A. Young, in the death of his beloved wife, who was loved by all who knew her; therefore, be it

Resolved, That this body tender him its heartfelt sympathy in this the sad hour of his bereavement, which is the greatest loss a man can have, in the death of a true wife and mother; also, be it

Resolved, That a copy of these resolutions be sent to Mr. Young.

W. H. COOPER.

Which was passed by a rising vote.

ORDINANCES ON SECOND READING.

On motion of Mr. Rassmann the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read the third time:

Ap. O. No. 4, 1893. An ordinance appropriating six hundred and sixty-six dollars and sixty-seven cents to the Department of Public Health and Charities to pay an additional amount to the Training School of Nurses.

And was passed by the following vote:

AYES 17—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Gauss, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, White and President Murphy.

NAYS—None.

On motion by Councilman Rassmann, the following entitled ordinance was taken up and read second time.

G. O. No. 15, 1893. An ordinance authorizing the head of the Department of Finance of the City of Indianapolis, Marion county, Indiana, to issue and sell six hundred and twenty-one bonds of one thousand dollars each of the City of Indianapolis for the purpose of refunding certain indebtedness of said city aggregating six hundred thousand dollars, represented by certain bonds known as "Series A" and "Series B," falling due on the first day of July, 1893, and replacing in the treasury

of said city the sum of twenty-one thousand dollars used in paying off certain bonds of said city known as the "Sellers Farm Issue;" providing for the sale of said bonds, and fixing the time when the same shall take effect.

Mr. White offered the following amendment to G. O. No. 15, 1893 :

That when the word "thirty" appears, the word "twenty" be inserted.

Mr. Rassmann moved to lay Mr. White's amendment on the table.

The ayes and nays being called for by Messrs. Ryan and Cooper, the roll was called, which resulted in the following vote :

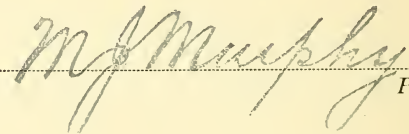
AYES 10—viz: Councilmen Allen, Colter, Costello, Gasper, Laut, Rassmann, Ryan, Schmidt, Schrader and President Murphy.

NAYS 7—viz: Councilmen Cooper, Froschauer, Gauss, Halloran, McGuffin Puryear and White.

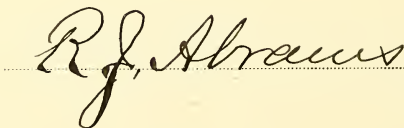
Mr. White moved that G. O. No. 15, 1893, be referred back to the Committee on Finance with instructions to amend the same by striking out the word "thirty" wherever the same occurs in said ordinance and inserting in lieu thereof the word "twenty."

Which motion was adopted.

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


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President.

ATTEST :


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City Clerk.