

SPECIAL MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
April 25, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber Tuesday, April 25, 1893, at 12:05 o'clock A. M., in special meeting, pursuant to the following call:

INDIANAPOLIS, IND., April 24, 1893.

Hon. Martin J. Murphy, President Common Council:

You are hereby requested to call a special meeting of the Common Council to meet in the Council Chamber in the City of Indianapolis, at 12:05 A. M., April 25, 1893, for the transaction of any business that may come before said body.

J. L. GASPER.
H. F. HALLORAN.
GEORGE R. COLTER.
EMIL C. RASSMANN.
FRED SCHRADER.
JOHN A. PURYEAR.
JNO. B. MCGUFFIN.
ANTON SCHMIDT.
JAMES H. COSTELLO.
E. J. SHERER.

INDIANAPOLIS, IND., April 24, 1893.

To the Members of the Common Council:

GENTLEMEN—You are requested to meet in the Council Chamber at 12:05 A. M., Tuesday, April 25, 1893, in special meeting, for the purpose of considering such business as may come before the meeting.

M. J. MURPHY,
President.

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

Absent 2—viz: Messrs. McGill and Young.

The Clerk proceeded to read the Journal of the Common Council for the special meeting held Monday evening, April 24, 1893, whereupon Councilman Schrader moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

On motion of Mr. Ryan, the following entitled ordinance was recalled from the Committee on Contracts and Franchises:

G. O. No. 20, 1893. An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 24th day of April, 1893, between the City of Indianapolis, by and through its Board of Public Works, and the City Railway Company, whereby said company is authorized to construct, extend, operate and maintain certain passenger railway in and upon the streets of the City of Indianapolis.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Ryan, on behalf of the Committee on Contracts and Franchises, to whom was referred

G. O. No. 20, 1893. City railway contract.

Made the following report:

INDIANAPOLIS, IND., April 25, 1893.

To the President and Members of the Common Council:

GENTLEMEN—Your Committee on Contracts and Franchises, to whom was referred G. O. No. 20, have had the same under consideration, and believe, and do hereby recommend, that it is to the best interests of the city that the same do pass, as approved by the Board of Public Works.

P. J. RYAN.
E. J. SHERER.
H. F. HALLORAN.
J. R. ALLEN.
W. H. COOPER.

Which was read and concurred in.

Mr. White moved that the further consideration of G. O. No. 20, 1893, be deferred until the next regular meeting of the Council.

Mr. Schrader moved to lay Mr. White's motion on the table.

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

AYES 15—viz: Councilmen Allen, Colter, Cooper, Costello, Gasper, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer and President Murphy.

NAYS 4—viz: Councilmen Froschauer, Gauss, Linn and White.

Mr. White offered the following communication from the Indianapolis Central Labor Union :

INDIANAPOLIS, April 24, 1893.

To the Honorable Body of the City Council of the City of Indianapolis, Greeting :

At a meeting held by the Central Trades and Labor Union of the above said city, the following resolution was adopted :

Resolved, That we, the representatives of the several labor organizations of said city, protest against a thirty-year franchise being granted to any street car company, and against any franchise being granted that allows a larger fare than eight fares for twenty-five (25) cents.

We also request your honorable body to defer action until the public has time to consider.

EDGAR A. PERKINS,
JOHN DUGAN,
W. J. A. ROSS,
JAMES CARROLL,
ROBT. E. GROFF,
D. F. KENNEDY,
W. H. H. TUTTLE,
A. B. LOEHENBERG,
Committee.

Which was received and ordered spread on the minutes.

On motion of Mr. White, the representatives of the Indianapolis Central Labor Union were allowed the privilege of addressing the Council on the street car franchise.

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

G. O. No. 20, 1893. An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 24th day of April, 1893, between the City of Indianapolis, by and through its Board of Public Works, and the City Railway Company, whereby said company is authorized to construct, extend, operate and maintain certain passenger railway in and upon the streets of the City of Indianapolis.

Mr. White moved that G. O. No. 20, 1893, be referred to the Committee on Contracts and Franchises.

Mr. Schrader moved to lay Mr. White's motion on the table.

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

AYES 15—viz: Councilmen Allen, Colter, Cooper, Costello, Gasper, Halloran, Laut, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer and President Murphy.

NAYS 4, viz: Councilmen Froschauer, Gauss, Linn and White.

On motion of Mr. Gasper, the following entitled ordinance was ordered engrossed and then read the third time :

G. O. No. 20, 1893. An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 24th day of April, 1893, between the City of Indianapolis, by and through its Board of Public Works, and the City Railway Company, whereby said company is authorized to construct, extend, operate and maintain certain passenger railway in and upon the streets of the City of Indianapolis.

And was passed by the following vote :

AYES 18—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Gauss, Halloran, Laut, Linn, McGuffin, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer and President Murphy.

NAYS 1—viz: Councilman White.

On motion of Mr. Gasper, the following Bond of the City Railway Company was read :

KNOW ALL MEN BY THESE PRESENTS: That we, the City Railway Company, of Indianapolis, Indiana, as principal, and we, Henry C. G. Bals, Frederick Fahnley, Henry Wetzel and George A. Dickson, as sureties, are held and firmly bound unto the City of Indianapolis, Marion county, State of Indiana, in the sum of one hundred thousand (\$100,000) dollars for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of this bond are such that :

WHEREAS, The above bounden the City Railway Company did, on the 24th day of April, 1893, enter into a certain contract with said City of Indianapolis, by and through its Board of Public Works, for the construction, operation and maintenance of certain lines of street railway in said city, as in said contract specifically set forth and mentioned, and

WHEREAS, By the terms of said contract said the said City Railway Company agrees not to abandon said contract, but to proceed in good faith to carry out the undertakings assumed by it, as set forth in said contract, and

WHEREAS, It is mutually agreed by and between said city and said the City Railway Company as set forth in said contract, that said sum of one hundred thousand (\$100,000) dollars shall be liquidated damages for the failure on the part of said City Railway Company to comply with the conditions above named and that this obligation is executed under and pursuant to the provisions of said contract which read as follows, to-wit:

SECTION 30. Immediately upon the execution of this contract by the Board of Public Works and the party of the second part and in consideration thereof, the party of the second part agrees to execute forthwith to the Board of Public Works for the benefit of the said City of Indianapolis, a bond in the sum of one hundred thousand (\$100,000) dollars, with good and sufficient surety to the satisfaction of the Board of Public Works, conditioned that the party of the second part will not abandon this contract, but will proceed in good faith to carry out the undertakings assumed by the said party of the second part. And it is hereby mutually agreed by and between the parties hereto that the said sum to be named in said bond is and shall be liquidated damages for the breach of the said bond, and that the said bond shall so specify.

Now, therefore, If said the City Railway Company does not abandon said contract, but will proceed in good faith to carry out the undertakings assumed by it, then this obligation shall be void; otherwise, to be in full force and effect.

Witness our hands this 24th day of April, 1893.

THE CITY RAILWAY COMPANY,
By JOHN W. MURPHY, President.
HENRY C. G. BALS, Secretary.

Principal.

HENRY C. G. BALS,
FREDERICK FAHNLEY,
GEORGE A. DICKSON,
HENRY WETZEL,

Surities.

And was approved by the following vote :

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

NAYS—None.

On motion of Mr. Ryan, the Common Council, at 1:30 o'clock A. M., adjourned.

John W. Murphy
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President.

ATTEST :

R. J. Abrams
.....
City Clerk.