

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
April 1, 1901. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, April 1, 1901, at 8 o'clock, in regular meeting.

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 14 members, viz.: Messrs. Bernauer, Billingsley, Dickson, Evans, Kaiser, Keller, Knight, Munro, McGrew, Negley, Perrott, Reilly, Spiegel and Wheeler.

Absent 6, viz.: Messrs. Daller, Higgins, Horan, Kelly, Megrew and Moriarity.

The Clerk proceeded to read the Journal, whereupon Councilman Bernauer 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,
INDIANAPOLIS, IND., March 21, 1901.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith, bearing my signature in approval, Resolution No. 5, 1901 (in duplicate), and General Ordinances Nos. 3, 11 and 12, 1901, which have been passed by your honorable body.

Respectfully yours,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., April 1, 1901.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith, bearing my signature in approval, Resolution No. 7, 1901, which was passed by your honorable body.

Respectfully,
T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE,
OFFICE OF THE CITY COMPTROLLER,
INDIANAPOLIS, IND., April 1, 1901.

To the President and Members of the Common Council:

GENTLEMEN—Herewith I send you a communication from the City Attorney, requesting an appropriation for his department of \$3,000 and giving the reasons therefor.

I respectfully recommend that the appropriation asked for be made, and herewith send you an ordinance for the purpose of making the same.

Very respectfully,
E. M. JOHNSON,
City Comptroller.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., April 1, 1901.

E. M. Johnson, Esq., City Comptroller:

DEAR SIR—The appropriation made by the Common Council to this department for this year for judgments, compromises and costs was only \$5,000.

In the estimates prepared by the various departments of the city as to the amounts to be appropriated to cover the expenses for the year 1901, this department requested an appropriation of \$10,000 for judgments, compromises and costs. This amount was estimated to be necessary on account of a number of cases then pending upon appeal in the Supreme and Appellate Courts which were likely to be decided during said year, and if decided adversely to the city, would have to be paid from this fund.

In your communication to the Common Council you recommended that said amount be appropriated to this department, but the Council appropriated only one-half the amount asked.

The appropriation to this department for judgments, compromises and costs for the year 1900 was only \$5,000. This was \$3,000 less than had ever been appropriated to this department for judgments, compromises and costs, and prior to 1900 and since 1894 there had been carried a special appropriation to cover the expenses of gas and street railway litigation.

The appropriations for judgments, compromises and costs from 1894 to 1901, inclusive, were as follows:

| | |
|------------|-------------|
| 1894 | \$10,783.21 |
| 1895 | 12,000.00 |
| 1896 | 12,000.00 |
| 1897 | 12,000.00 |
| 1898 | 8,000.00 |
| 1899 | 8,000.00 |
| 1900 | 5,000.00 |
| 1901 | 5,000.00 |

Since the beginning of the year 1901 some of the judgments pending upon appeal in the Supreme and Appellate Courts have been affirmed and have been paid from the \$5,000 appropriation for this year, which, together with the compromise of several claims pending against the city, has exhausted this fund. Two judgments for damages against the city, amounting to about \$1,250, have been secured, which must be paid at once. There should at all times be a fund on hand from which claims can be compromised without suit, as by these compromises the city is able to save much money.

It is, therefore, necessary that an additional appropriation of at least \$3,000 be made to this fund in order to meet the expenses of the city's litigation during the remainder of this year.

I therefore request that you send your recommendation to the Common Council, asking an appropriation of the sum of \$3,000 for this department for judgments, compromises and costs.

Very respectfully,
 JNO. W. KERN,
City Attorney.

Which was read and referred to Committee on Finance.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., March 22, 1901.

To the President and Members of the Common Council:

GENTLEMEN—We desire to withdraw from the further consideration of your honorable body the ordinance authorizing the improvement of the sidewalks of Baltimore avenue, from Hillside avenue to Twenty-fifth street, no action having been taken by your body within sixty days of the time it was referred to you as provided by law.

Very respectfully,
 ALBERT SAIM,
 C. MAGUIRE,
Board of Public Works,

Which was read and ordered spread on the minutes.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., April 1, 1901.

To the President and Members of the Common Council:

GENTLEMEN—We refer to you herewith, for your consideration and action thereon, an ordinance ratifying and approving a certain contract this

day entered into with Bemis Bros. Bag Co., granting said company the right, privilege and authority to lay and maintain switches across Ringgold avenue and the first alley east of Barth avenue and to relocate the switch now crossing Barth avenue, all as described therein.

Very respectfully,

ALBERT SAHM,
C. MAGUIRE,
Board of Public Works.

Which was read and referred to Committee on Railroads.

APPROPRIATION ORDINANCES.

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

By Mr. Wheeler:

App. O. No. 5, 1901. An ordinance appropriating the sum of three thousand dollars (\$3,000.00) to and for the use of the Department of Law of the City of Indianapolis.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to and for the use of the Department of Law for judgments, compromises and costs, the sum of three thousand dollars (\$3,000.00).

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Board of Public Works:

G. O. No. 16, 1901. An ordinance approving a certain contract granting Bemis Bros. Bag Co. and Daniel A. Chenoweth the right to lay and maintain switches or sidetracks across Ringgold avenue and the first alley east of Barth avenue and to relocate the present switch crossing Barth avenue, in the City of Indianapolis, Indiana.

Whereas, Heretofore, to-wit: On the first day of April, 1901, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with Bemis Bros. Bag Company and Daniel A. Chenoweth, which contract is as follows:

Whereas, Heretofore, to-wit: On March 27, 1901, the Bemis Bros. Bag Co. and Daniel A. Chenoweth filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., March 27, 1901.

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

GENTLEMEN—The Bemis Bros. Bag Co. and Daniel A. Chenoweth hereby ask permission of the City of Indianapolis to build and operate the following switches within the city, crossing the alley and streets as hereinafter set out, viz:

A single track across Ringgold avenue (formerly Wallack street) in said City of Indianapolis, emerging from the east end of lots numbered 24 and 25 in block 11 in Beatty's addition to the City of Indianapolis, Marion county, State of Indiana, in such a manner that the center of the track of said switch will be 36 feet north of the south line of lot No. 25 in said block No. 11, and running thence in an easterly direction and entering the west line of lot No. 16 of block No. 10 of Beatty's addition at such a point that the center of the track of said switch will be 427 feet north from the north line of the first alley running east and west south of said point.

Also a single track across the alley running north and south through block No. 9 in Beatty's addition at a point where said alley separates lots numbered 17 and 24 in said block.

Also to relocate the switch track at present crossing Barth avenue (formerly Gating street) in said City of Indianapolis, on the south side of the main tracks of the Indianapolis Union Railway Company in such a manner that the center of the track of said switch will emerge from the west end of lot No. 16 in square No. 9 in Beatty's addition to the City of Indianapolis, at a point 575.5 feet north of LaGrande street (formerly Sanford street) and thence run southwesterly across Barth avenue and enter the east end of lot No. 26 in square No. 10 in said Beatty's addition to said city at such a point that the center of the track of said switch will be 371 feet north of the first alley south of said point, all as shown by the attached plat, marked "Exhibit A," and which plat is hereby made a part of this petition.

Your petitioners would respectfully show that Daniel A. Chenoweth, owner of the above described lots numbered 16 and 25, and other lots in block or square No. 9 in Beatty's addition, is at this time without switch facilities, and which are material and necessary to the use of said real estate in the manner contemplated for it: that the petitioner, the Bemis Bros. Bag Co., is the owner of lots numbered 6 to 16, inclusive, and of lots numbered 25 to 35, inclusive, and part of lots numbered 5 and 6, all in block No. 10 in Beatty's addition to the City of Indianapolis; that the Indianapolis Union Railway Company's tracks run along the north line of its above described real estate; that one of the largest brick buildings of said Bemis Bros. Bag Co. occupies almost all of the north end of its above described real estate, and has a switch along the north side of said building; that said present building is inadequate for the needs of the petitioner; that it is necessary to build a new four-story brick building south of the present building, having dimensions of about 80 by 300 feet for warehouse, shipping and manufacturing purposes, and that said switches are indispensable to the advantageous use of its said factory site, and that there is no feasible way in which to get switches into said premises at the points needed other than the way hereby petitioned for.

Petitioners furthermore show that said switches will not appreciably increase the risks incident to the use of said crossings by other vehicles.

Respectfully submitted,

BEMIS BROS. BAG CO.,

By W. H. SIMMONS,

Agent and Manager.

DAN'L. A. CHENOWETH.

Now, Therefore, This agreement made and entered into this first day of April, 1901, by and between Bemis Bros. Bag Co. and Daniel A. Chenoweth, party of the first part, and the City of Indianapolis, by and through 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 switches or sidetracks over and across Ringgold avenue and the first alley east of Barth avenue and to relocate its present switch crossing Barth avenue, in the manner more specifically described in the petition of said first party, hereto attached and made a part of this contract, agrees and fully binds itself, its successors, legal representatives and assigns, that in consideration of the privileges and authority herein given, it will lay, construct and maintain said switches or sidetracks upon the terms and conditions hereinafter set forth, to-wit:

(1) They 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 of the Board of Public Works of the City of Indianapolis.

(2) Said tracks or switches shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said sidetrack or switches shall be raised or lowered to conform to any grade which may hereafter, from time to time, be established, whenever so ordered, in writing, by said Board.

(3) The crossings where said sidetracks or switches intersect Ringgold avenue, first alley east of Barth avenue and Barth avenue shall at all times be kept in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossings, 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 sidetracks or switches, and upon its failure so to do, upon such notification, in writing, of ten (10) days, to promptly pay the cost of having the same done. And the party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal; and in removing said sidetracks or switches, or in causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part hereby agrees to properly plank said sidetracks or switches, from property line to property line of Ringgold avenue, first alley east of Barth avenue, and Barth avenue, to the entire satisfaction of the second party, and in case said sidetracks or switches shall be or become out of repair, or in need of being reconstructed, or become 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 remove the same, 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 the said party of the first part, and for which expense and cost the 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 sidetracks or switches, and to pay any judgment, with costs, that may, on that account, be rendered against it or said city.

(7) 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 with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract: *Provided,*

however, That the same may be terminated without cause, at the pleasure of said Board, as hereinbefore set forth in clause four (4).

Said party of the second part, by virtue of the provisions 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 United States census last preceding, 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 herein stipulated, hereby gives, grants and duly vests in said party of the first part the right, privilege and authority to lay and maintain the following switches or sidetracks in the City of Indianapolis, as follows:

A single track across Ringgold avenue: Beginning at the east end of lots 24 and 25 in block No. 11 in Beatty's addition to the City of Indianapolis in such a manner that the center of the track of said switch will be 36 feet north of the south line of lot No. 25 in said block 11 and running thence in an easterly direction across said Ringgold avenue and entering the west line of lot No. 16 of block 10 of Beatty's addition at such a point that the center of the track of said switch will be 427 feet north of the north line of the first alley running east and west, south of said point.

Also a single track across the alley running north and south through block No. 9 in Beatty's addition at a point where said alley separates lots numbered 17 and 24, said alley being known as the first alley east of Barth avenue.

Permission, consent and authority, subject to the above named terms, are also given, granted and duly vested in said first party to relocate the switch at present crossing Barth avenue in said City of Indianapolis, on the south side of the tracks of the Indianapolis Union Railway Company in such a position that the center of the track of such switch will emerge from the west end of lot No. 16 in square No. 9 in Beatty's addition to the City of Indianapolis at a point 575.5 feet north of La Grande street and thence run southwesterly across Barth avenue and enter the east end of lot No. 26 in square No. 10 in said Beatty's addition at such a point that the center of the track of said switch will be 371 feet north of the first alley south of said point.

Said right, privilege and authority are granted for the purpose prayed in the petition hereto attached, and as shown by the drawings hereto attached, made a part hereof, and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this first day of April, 1901.

BEMIS BROS. BAG CO.,
By W. H. SIMMONS,
Agent and Manager.
DAN'L A. CHENOWETH,
Party of First Part.

CITY OF INDIANAPOLIS,
By ALBERT SAHM,
C. MAGUIRE,
Board of Public Works,
Party of Second Part.

And, Whereas, Said contract has been submitted by said Board to the Common Council of the City of Indianapolis for its ratification and approval; 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.

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

ORDINANCES ON SECOND READING.

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

G. O. No. 10, 1901. An ordinance providing for the appointment of an Inspector of Plumbing and House Drainage, prescribing his qualifications, powers, duties and salary, and prescribing the mode and manner of plumbing and house drainage in the City of Indianapolis; prescribing the penalties for the violation thereof and providing for the publication thereof, and fixing the time when the same shall take effect.

Mr. Evans moved that the amendments to G. O. No. 10, 1901, as recommended by the Committee on Public Safety and Comfort, be adopted.

Which motion prevailed.

Mr. Billingsley moved that G. O. No. 10, 1901, as amended, be referred back to Committee on Public Safety and Comfort for further consideration.

Mr. Negley moved to lay Mr. Billingsley's motion on the table.

Which motion was lost by the following vote:

AYES— 6, viz.: Messrs. Evans, Kaiser, Keller, Munro, Negley, Spiegel.

NOES—9, viz: Messrs. Bernauer, Billingsley, Dickson, Knight, McGrew, Perrott, Reilly, Wheeler and President Crall.

Whereupon Mr. Billingsley's motion, that G. O. No. 10, 1901, as amended, be referred back to Committee on Public Safety and Comfort, was adopted.

UNFINISHED BUSINESS.

Mr. Negley moved that the following Resolution be taken from the table:

Resolution No. 6, 1901.—

Be it resolved by the Common Council of the City of Indianapolis, Indiana, That permission and authority are hereby given to the Gentry Dog and Pony Show to exhibit the said show at any place in said city outside

of the area bounded by North street, East street, South street and West street, at any time during the year 1901, upon payment to the City Comptroller of the usual license fee charged by the city for such show and exhibition.

And said Gentry Dog and Pony Show is hereby authorized to give its exhibitions without first procuring the written consent of the resident voters within one square of the place where such show and exhibition are given.

Mr. Bernauer moved to lay Mr. Negley's motion on the table.

Which motion was lost by the following vote:

AYES—6, viz.: Messrs. Bernauer, Dickson, Knight, McGrew, Perrott and Reilly.

NOES—9, viz.: Messrs. Billingsley, Evans, Kaiser, Keller, Munro, Negley, Spiegel, Wheeler and President Crall.

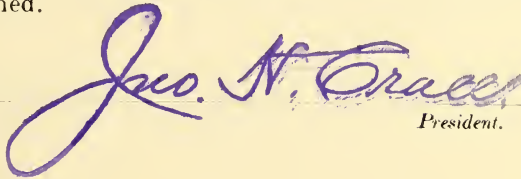
Whereupon Mr. Negley's motion, that Resolution No. 6, 1901, be taken from the table, prevailed.

And Resolution No. 6, 1901, on motion of Mr. Negley, was adopted by the following vote:

AYES—12, viz.: Messrs. Billingsley, Dickson, Evans, Kaiser, Keller, Munro, McGrew, Negley, Reilly, Spiegel, Wheeler and President Crall.

NOES—3, viz.: Messrs. Bernauer, Knight and Perrott.

On motion of Mr. Evans, the Common Council, at 8:35 o'clock P. M., adjourned.


President.

ATTEST:

City Clerk.