

SPECIAL MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
October 7, 1895. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday morning, October 7, 1895, at 10 o'clock, in special session, pursuant to the following call:

INDIANAPOLIS, IND., Oct. 5, 1895.

Lee Nixon, Esq., City Clerk:

DEAR SIR—Please issue this call:

To the Members of the Common Council:

GENTLEMEN—You are hereby requested to meet in special meeting in the Council Chamber, at ten o'clock A. M., October 7, 1895, to transact such business as may come before said meeting.

W. H. COOPER,
President.

I, Lee Nixon, Clerk of the Common Council, do hereby certify that I have served above notice upon the President and each member of the Common Council prior to the time of meeting, pursuant to the rules.

LEE NIXON,
City Clerk.

Present, Hon. W. H. Cooper, President of the Common Council, in the chair, and 15 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Krauss, Merritt, Murphy, O'Brien, Puryear, Rauh, Shaffer, Stein and Young.

Absent, 5—viz: Messrs. Koehring, Magel, Ryan, Schmid and Stott.

The Clerk proceeded to read the Journal, whereupon Councilman Rauh 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,
October 4, 1895. }

To the President and Members of the Common Council:

GENTLEMEN—I have this day had presented to me and have approved Resolution No. 13, 1895, appointing certain persons named as inspectors of the election to be held October 8, 1895, to fill vacancies.

Respectfully submitted,
C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
October 7, 1895. }

To the President and Members of the Common Council:

GENTLEMEN—I have approved the following ordinances presented to me since your last special meeting, to-wit:

- G. O. No. 56, 1895. An ordinance approving a certain contract, granting the Louisville, New Albany & Chicago Railway Company the right to lay and maintain one lead track across Liberty street and six side-tracks or switches across East street, in the City of Indianapolis.
- App. O. No. 11, 1895. An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1896, and ending December 31, 1896, including all outstanding claims and obligations which become due and payable within said period.
- G. O. No. 58, 1895. An ordinance to repeal G. O. No. 8, 1887, being an "Ordinance to permit David Quaintance to occupy a stand over the east gutter of Meridian street, at the southeast corner of Meridian and Washington streets."
- G. O. No. 23, 1895. An ordinance providing for the change of the names of the east and west streets north of St. Clair street.
- G. O. No. 43, 1895. An ordinance to change the name of North and South Mississippi street to North and South Senate avenue.
- G. O. No. 53, 1895. An ordinance regulating bicycles and other vehicles and the use of the streets by them, and to prevent the encumbering of sidewalks with bicycles, and matters connected therewith.

Respectfully submitted,
C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

October 7, 1895.]

CITY OF INDIANAPOLIS, IND.

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DEPARTMENT OF PUBLIC WORKS,
CITY OF INDIANAPOLIS,
October 3, 1895. }

Hon. W. H. Cooper, President Common Council, City:

DEAR SIR—We herewith transmit to the Common Council for its consideration and action thereon an ordinance granting the Indianapolis Manufacturers' & Carpenters' Union the right to lay and maintain a switch or side-track across South New Jersey street.

Very respectfully,

W. B. HOLTON,
E. L. ATKINSON,
JNO. OSTERMAN,
Board of Public Works.

Which was read and referred to Committee on Contracts and Franchises.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

G. O. No. 59, 1895. An ordinance approving a certain contract, granting the Indianapolis Manufacturers' and Carpenters' Union the right to lay and maintain a switch or side-track across New Jersey street, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit, on October 3, 1895, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with the Indianapolis Manufacturers' and Carpenters' Union, of the County of Marion, State of Indiana, which contract is as follows:

WHEREAS, to-wit: On the 15th day of August, 1895, the Indianapolis Manufacturers' and Carpenters' Union filed their petition before the Board of Public Works, of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., August 15, 1895.

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

GENTLEMEN—The undersigned, owner of real estate abutting on South New Jersey street, in the City of Indianapolis, Indiana, north of Louisiana street, 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 to cross New Jersey street, in said city, the center line of which track will cross the east line of New Jersey street eleven feet north of the south line of lot 9, Wingate's Subdivision of Squares Nos. 80 and 81, and the center line of said track will cross the west line of New Jersey street at a point 248 feet, more or less, north of the intersection of the west line of New Jersey street with the north-east line of Virginia avenue, according to 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,

INDIANAPOLIS MANUFACTURERS' AND CARPENTERS' UNION.

VALENTIN SCHAAF, *President.*

FRED. SCHMID, *Secretary.*

NOW, THEREFORE, This agreement made and entered into this October 3, 1895, by and between the Indianapolis Manufacturers' and Carpenters' Union, of Marion County, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, of Marion County, State of Indiana, 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 New Jersey street in the City of Indianapolis, as more specifically described in the petition of said first party, hereto attached and made a part of this contract, hereby covenants and agrees and fully binds itself, its successors, legal representatives 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 New Jersey 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. The party of the first part hereby agrees to properly plank said side-track or switch, from property line to property line of New Jersey street to the entire satisfaction of the second party, and 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 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 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 determined, 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 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 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 New Jersey 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 October 3, 1895.

THE CITY OF INDIANAPOLIS, By

W. B. HOLTON,
E. H. ATKINSON,
JNO. OSTERMAN,
Board of Public Works,
Party of Second Part.

INDIANAPOLIS MANUFACTURERS' AND CARPENTERS' UNION,
Party of the First Part.

VALENTIN SCHAAF, *President.*
FREDERICK SCHMID, *Secretary.*

WHEREAS, said contract has been submitted by said board 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.

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

MISCELLANEOUS BUSINESS.

Mr. Young offered the following motion:

Moved, By the Common Council of the City of Indianapolis, That the following named persons be, and the same are, hereby appointed inspectors of the election to be held October 8, 1895, to fill vacancies.

First Ward, Fourth Precinct—John Overman, 195 Columbia avenue.

Second Ward, Fourth Precinct—T. F. Smithers, 532 Park avenue.

Second Ward, Tenth Precinct—J. P. Lowry, 124 Irwin street.

Fifth Ward, Second Precinct—Isaac Clark, Capitol Park.

Eighth Ward, Eleventh Precinct—Joshua Zimmerman, 560 East Washington street.

Eleventh Ward, Eleventh Precinct—Frank Roberts, 226 West Washington street.

Fourteenth Ward, Sixth Precinct—Thomas Quill, 360 East Morris street.

Eighth Ward, Tenth Precinct—W. C. Compton, 575 East Washington street.

Which motion was adopted.

On motion of Mr. Rauh, the Common Council, at 10:10 o'clock
A. M., adjourned.

[Faint handwritten signature]

President.

ATTEST:

Lee Nixon

City Clerk.

October 7, 1895.]

CITY OF INDIANAPOLIS, IND.

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REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
October 7, 1895. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 7, 1895, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 5 members, viz: Messrs. Allen, Kaiser, Koehring, Stein and Stott.

Absent, 15—viz: Messrs. Colter, Costello, Drew, Hennessy, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer and Young.

There being no quorum present the Council adjourned.

W. H. Cooper

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President.

ATTEST:

L. Nixon

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City Clerk.