

REGULAR MEETING.

COUNCIL CHAMBER,
 CITY OF INDIANAPOLIS,
 January 3, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, January 3, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 16 members, viz.: Messrs. Allen, Bowser, Clark, Colter, Costello, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent, 4—viz.: Messrs. Bernauer, Crall, Harston and Madden.

The Clerk proceeded to read the Journal, whereupon Councilman Moffett 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, 1897. }

Hon. John H. Mahoney, President of the Common Council:

DEAR SIR—I have this day approved General Ordinance No. 64, 1897, the same being an ordinance changing the name of Webster street to East New York street and a part of East New York street to Marlowe avenue.

Respectfully,
 T. TAGGART,
 Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, January 3, 1898. }

To the President and Members of the Common Council, City:

GENTLEMEN—The Board of Public Works directs me to submit to your Honorable Body for consideration and action thereon a contract which they have this day entered into with the Indianapolis Desiccating Company, granting said company the right to lay and maintain a railroad track on Sellers farm.

Very respectfully,
BART PARKER,
Clerk Board Public Works.

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

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr Costello, on behalf of the Committee on Finance, to which was referred:

App. O. No. 22, 1897. An ordinance appropriating the sum of five hundred dollars (\$500) for the use of the Department of Public Health and Charities during the year of 1898, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., December 30, 1897.

Mr. President:

Your Committee on Finance, to whom was referred App. O. No. 22, 1897, have had the same under consideration, and would recommend its passage.

Respectfully,

JAS. H. COSTELLO,
FRANK S. CLARK,
EDWARD E. BERNAUER,
ROBERT M. MADDEN,
RICHARD MERRICK,
J. W. MCGREW,
E. D. MOFFETT,
W. F. SMITH,
J. R. ALLEN,

Committee.

Which was read and concurred in.

Mr. McGrew, on behalf of the Committee on Public Property and Improvements, to which was referred:

G. O. No. 67, 1897. An ordinance establishing the location of a market for hay and cereals in the City of Indianapolis, providing for the weighing of the same by the City Weighmaster, prescribing a penalty for the violation of the said ordinance, and repealing all ordinances in conflict therewith.

Made the following report :

INDIANAPOLIS, IND., December 20, 1897.

To the President and Members of the Common Council:

We, your Committee on Public Property and Improvements, have examined and carefully considered G. O. No. 67, 1897, and recommend its amendment by substituting in lieu thereof the accompanying ordinance, and when so amended that it do pass.

J. W. MCGREW,
JOHN H. CRALL,
RICHARD MERRICK,
Committee.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Board of Public Works:

G. O. No. 1, 1898. An ordinance ratifying, confirming and approving a certain contract and agreement, made and entered into on the 3d day of January, 1898, between the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Desiccating Company, whereby said company is authorized to construct, maintain, lay and operate upon the property of the City of Indianapolis, comprising a public place known as Sellers Farm, a railroad track, providing for the publication of the same, and fixing a time when the same shall take effect.

Whereas, heretofore, to-wit: On the 3d day of January, 1898, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indianapolis Desiccating Company, namely:

This Agreement, made and entered into this 3d day of January, 1898, by and between the City of Indianapolis, Marion County, and State of Indiana, hereinafter called the city, by and through its Board of Public Works, party of the first part, and the Indianapolis Desiccating Company, a corporation organized and incorporated under and by virtue of the laws of the State of Indiana, hereinafter called "The Company," party of the second part.

Witnesseth, That the City of Indianapolis, party of the first part, by and through its Board of Public Works, under and by virtue of the powers conferred upon it by 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, does hereby authorize and empower the said Indianapolis Desiccating Company, party of the second part, and by the terms of this contract, consent, permission and authority are by said city, party of the first part, through its Board of Public Works, hereby given, granted unto and vested in said company, party of the second part, for the length of time and upon the terms and conditions hereinafter stipulated the right to construct, maintain, lay and operate upon property of the City of Indianapolis, known as Sellers Farm, a railroad track or switch in, upon and through said Sellers Farm and operate trains thereon for transportation of garbage, refuse and other matter usually sent to Sellers Farm, beginning at the north line and near the northwest corner of the south half of the northwest quarter of Section twenty-two, township fifteen north, range three (3) east, in Marion County and State of Indiana, all the space of ground to be occupied for said track by said Indianapolis Desiccating Company, being described as follows, to-wit:

Being a strip of land forty (40) feet in width, twenty feet lying on each side of the following described line, which is the center line of a proposed switch now located from the main track on the Indianapolis & Vincennes Railroad to the buildings of the Indianapolis Desiccating Company, located in the southwest corner of Section twenty-two. Beginning at a point on the north line of the south half of the northwest quarter of said Section twenty-two, and seven hundred and thirty-nine (739) feet east of the northwest corner thereof; thence south thirty-two degrees and eight minutes east a distance of three hundred and seventy-five feet; thence on a curve curving to the right with a radius of nine hundred and fifty-five and thirty-seven-one-hundredths feet for a distance of four hundred and thirty-four and four-tenths feet; thence south six degrees and four minutes east a distance of twelve hundred and twenty-six and six-tenths (1226.6) feet and containing an area of one and eighty one-hundredths acres.

The exact location and amount of space to be occupied by said track being more particularly shown by the maps attached thereto and made part hereof, marked "Exhibit A."

That said grant to the said Indianapolis Desiccating Company is upon the following terms, conditions and limitations, to-wit:

Item 1. The said Indianapolis Desiccating Company shall have the right to lay, maintain and operate said railroad track, or switch, upon said land until the 1st day of April, 1907, the date of the expiration of the said company's lease of Sellers Farm. If Sellers Farm, in the opinion of said Board of Public Works, is continued to be used after April 1, 1907, for the purposes for which it is now used, to wit: Tallow chandleries, slaughter houses, abattoirs, fertilizer factories, deposit and destruction of garbage and refuse matter, etc., the said Indianapolis Desiccating Company shall have the right, with the consent of said Board of Public Works, to continue the use of said railroad track, or switch, subject, however, to the rights of the city to purchase the same, but if, for any reason, the Board of Public Works shall desire the removal of said track, or switch, and its appurtenances, after January 1, 1907, the said Indianapolis Desiccating Company herein agrees and binds itself to remove such track, or switch, and its appurtenances from said land within ninety days after a written notice so to do from the Board of Public Works of said city, and said city shall, in no wise, be liable to said company for the expense of said removal, or liable to them

for damages incurred by said company by reason of such removal, and failing to remove such railroad track, or switch, within ninety days from such written notice, the Board of Public Works, acting for said city, shall have the right to take up and remove the same, and the Indianapolis Desiccating Company hereby agrees to pay the expense of such removal.

Item 2. That said Indianapolis Desiccating Company may transport over said line of railroad all of the garbage, refuse and other matter now removed and transported from said city under what is commonly known as the Garbage Contract, and in addition thereto such matter and materials as they may desire to haul over said track.

During the time said railroad, or switch, shall be operated and maintained upon said line by said Indianapolis Desiccating Company, its successors or assigns, any other person, firm or corporation transporting material to or from the said Sellers Farm, shall have the right to transport the same over the said line of railroad, upon the payment to said company of the rate of charges or trackage per loaded car therefor, fixed by said company not exceeding the sum of \$2 per car, it being intended by the parties hereto that the maximum rate at any time for such transportation over said road shall not exceed the sum of \$2 per loaded car, and that no charge shall be made for transporting empty cars.

Item 3. At any time after January 1, 1907, the said city shall have the right, if it so desires, upon first giving 90 days written notice to said company to purchase the said railroad track, or switch, located upon said farm, at a price to be agreed upon by and between said City of Indianapolis and the Indianapolis Desiccating Company, and in case said parties cannot agree upon the price to be paid for the same, the said price shall be fixed by three disinterested persons, one of whom shall be chosen by the said city and one by the Indianapolis Desiccating Company, its successors or assigns and the third by the two thus chosen, and the price fixed by said persons, or a majority of them, shall be the price to be paid by said city for said road.

Item 4. It is understood and agreed that the Indianapolis Desiccating Company shall pay all damages that may accrue to any person, or persons, as the result of any injury or damage to persons or property growing out of the location, construction or operation of said railroad, and said Indianapolis Desiccating Company hereby agrees to hold said city free from all liability on account thereof.

It is understood by and between the parties hereto that this agreement shall, in no way, affect the terms of the present contract for the destruction of garbage existing between said city and said company, nor shall it in any way affect the present lease for said Sellers Farm.

It is understood that this agreement and the rights and privileges herein contained apply only to the portion of railroad track, or switch, to be constructed by the Indianapolis Desiccating Company upon said Sellers Farm for which right-of-way is procured from said city upon said farm.

Upon the removal of said railroad track, or switch, whether voluntarily by said Desiccating Company, or upon the written order of said Board of Public Works, or the purchase of said railroad by the city, the rights of said company, in and under this said contract, to use the said strip of land for railroad purposes aforesaid, or for any other purpose shall cease and terminate forever.

This contract shall not be assigned or transferred by the said Indianapolis Desiccating Company without the written consent of the Board of Public Works of said City of Indianapolis.

In witness whereof, the parties hereto have hereunto set their hands and seals this 3d day of January, 1898.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,

W. SCOTT MOORE,

T. J. MONTGOMERY,

Board of Public Works.

INDIANAPOLIS DESICCATING COMPANY,

By F. M. BACHMAN,

President.

S. E. RAUH,

Treasurer.

And Whereas, Said contract and agreement has been submitted by the Board of Public Works of said City of Indianapolis to the Common Council of said city for its action thereon; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the foregoing contract and agreement, made and entered into on the 3d day of January, 1898, by the City of Indianapolis, Indiana, by and through its Board of Public Works, and the Indianapolis Desiccating Company, be and the same is hereby, in all things, ratified, confirmed and approved; and said Indianapolis Desiccating Company is hereby granted rights and privileges as in said contract and agreement set forth, in accordance with the terms, provisions and conditions thereof.

SEC. 2. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

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

By Mr. Clark:

G. O. No. 2, 1898. An ordinance licensing and regulating sparring and boxing matches in the City of Indianapolis, providing a penalty for the violation thereof and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person or persons to engage in any sparring or boxing contest, either as principal, seconds, manager or in any other capacity whatsoever, either directly or indirectly without having first procured a license so to do as hereinafter provided, and in no event shall any person or persons as aforesaid engage in or be connected with any sparring or boxing contest, for a greater number than ten rounds of three minutes each.

SEC. 2. Any person desiring to give a sparring or boxing contest, shall first make application for a license to the City Comptroller, which application shall set forth the names of the principals who are to engage in such contest, and also the manager or person giving or controlling such contest, together with the time and place where the same shall occur, and said application shall also set forth the number of rounds of such contest not to exceed ten. The Comptroller shall thereupon issue a license for such contest, for which license the applicant shall pay a fee of twenty-five dollars.

SEC. 3. The City Comptroller shall immediately notify the Superintendent of Police of the issuance of such license, the names of the

parties engaging in the same and the time and place at which the same shall occur, and it shall thereupon be the duty of the Superintendent of Police to have a sufficient number of officers present at such contest to maintain order and to require a strict compliance with the law, and to require that such sparring or boxing be limited only to a scientific contest for points, and to immediately stop such contest if at any time either of the principals engaged therein transgress beyond the rules regulating a scientific boxing contest for points only, or at such time as either of the principals therein become brutal in their conduct or when the punishment given by either of them shall be greater than is necessary or usual in a scientific boxing or sparring contest for points only. In no event shall the Superintendent of Police permit such contest except with gloves weighing at least five ounces.

SEC. 4. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding \$500, to which may be added imprisonment in the Work House of said city, not exceeding one hundred and eighty days.

SEC. 5. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two successive weeks in *The Sun*, a newspaper of general circulation printed and published in the City of Indianapolis.

Which was read a first time and referred to Committee on Public Safety and Comfort.

MISCELLANEOUS BUSINESS.

Mr. Clark moved for a reconsideration of the vote by which G. O. No. 63, 1897, was passed December 20, 1897.

Mr. McGrew moved to lay Mr. Clark's motion on the table.

The ayes and nays being called for by Messrs. Colter and Clark, the roll was called, and Mr. McGrew's motion prevailed by the following vote:

AYES 10—viz.: Messrs. Allen, Bowser, Costello, Knight, Moffett, McGrew, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 7—viz.: Messrs. Clark, Colter, Higgins, Little, Merrick, Rauch and Scanlon.

ORDINANCES ON SECOND READING.

On motion of Mr. Moffett, the following entitled ordinance was taken up:

G. O. No. 62, 1897. An ordinance to provide for the appointment of an Inspector of Plumbing and House Drainage, prescribing his qualifications, powers and duties, and to prescribe the mode and manner of house drainage and plumbing in the City of Indianapolis; prescribing penalties for the violation thereof; providing for the publication thereof, and fixing the time when the same shall take effect.

Mr. Moffett moved that the recommendation of the Committee on Public Health, that the substitute (see page 72) take the place of G. O. No. 62, 1897, be adopted.

Which motion prevailed.

On motion of Mr. Moffett, G. O. No. 62, 1897, was then ordered engrossed, as amended, read a third time, and passed by the following vote:

AYES 16—viz.: Messrs. Allen, Bowser, Clark, Colter, Costello, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Von Spreckelsen and President Mahoney.

NAYS 1—viz.: Smith.

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

App. O. No. 22, 1897. An ordinance appropriating the sum of five hundred dollars (\$500) for the use of the Department of Public Health and Charities during the year of 1898, and fixing a time when the same shall take effect.

And was passed by the following vote:

AYES 17—viz.: Messrs. Allen, Bowser, Clark, Colter, Costello, Higgins, Knight, Little, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

ATTEST :

John H. Mahoney _____
President.

Chas H. Stuckmeyer City Clerk.