

SPECIAL MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 13, 1899. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 13, 1899, at 8 o'clock, in special session, pursuant to the following call:

INDIANAPOLIS, IND., March 11, 1899.

Charles H. Stuckmeyer, Esq., City Clerk:

Dear Sir—Please issue the following call:

To the Members of the Common Council:

Gentlemen—You are hereby requested to meet in special meeting in the Council Chamber at 8 o'clock p. m., Monday, March 13, 1899, to transact such business as may come before said meeting.

JNO. H. MAHONEY,
President.

I, Charles H. Stuckmeyer, 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.

CHAS. H. STUCKMEYER,
City Clerk.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 15 members, viz.: Messrs. Bernauer, Bowser, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer and Smith.

Absent—5, viz.: Messrs. Allen, Clark, Colter, Crall and Von Spreckelsen.

The Clerk proceeded to read the Journal, whereupon Councilman Rauch 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 8, 1899. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances:

App. O. No. 3, 1899. An ordinance appropriating the sum of \$387.36 with which to pay claims of Kate Davy and Mary Hurley. (Rebate on liquor license.)

App. O. No. 4, 1899. An ordinance appropriating the sum of \$1,000 for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, and fixing the time when the same shall take effect.

App. O. No. 5, 1899. An ordinance appropriating the sum of \$159.25 with which to pay claim of Mary E. Liehr. (Rebate on liquor license.)

Respectfully submitted,

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., February 9, 1899. }

To the President and Members of the Common Council:

Gentlemen—A copy of resolutions passed by your honorable body, extending sympathy and condolence to myself and family, was duly received. Permit me, on behalf of Mrs. Taggart and myself, to return to your honorable body our sincere thanks for your kind remembrance and words of sympathy in the hour of our distress. With kindest regards to you all, believe me,

Sincerely yours,

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, IND., March 13, 1899. }

To the President and Members of the Common Council:

Gentlemen—We send you herewith, for your consideration and action, an ordinance granting to M. O'Connor & Company the right and privilege

of laying and maintaining one switch or side-track across Missouri street under certain terms and conditions named therein.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,

Board of Public Works.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Board of Public Works:

G. O. No. 11, 1899. An ordinance approving a certain contract, granting M. O'Connor & Company the right to lay and maintain a switch or side-track across Missouri street, in the City of Indianapolis, Indiana.

Whereas, Heretofore, to-wit, on the 13th day of March, 1899, the Board of Public Works of the City of Indianapolis, Indiana, for and on behalf of said city, entered into a certain contract with M. O'Connor & Company, which contract is as follows:

Whereas, Heretofore, to-wit, on the 19th day of September, 1898, M. O'Connor & Company filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., September 17, 1898.

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

Gentlemen—The undersigned, owners of certain real estate abutting on the tracks of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, in Missouri street, between Georgia street and Maryland 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 Missouri street in said city, for the purpose of entering the grounds of said M. O'Connor & Company, 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,

M. O'CONNOR & Co.,
By JAMES BRODEN.

Now, therefore, This agreement, made and entered into this 13th day of March, 1899, by and between M. O'Connor & Company, of Marion

county, State of Indiana, party of the first part, and the Board of Public Works of the City of Indianapolis, 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 Missouri street in the City of Indianapolis, hereby covenant and agree and fully bind themselves, their heirs, executors 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 switch or side-track 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 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 by said Board.

3. The crossing where said side-track or switch intersects Missouri street shall at all times be kept improved and in repair, 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 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. 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, 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. Said party of the first part hereby bind themselves to hold said party of the second part and the City of Indianapolis 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 said city or said Board.

7. 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 provisions and authority granted or given by this contract, provided, however, the same may be terminated without cause at the pleasure of said Board, as hereinafter set forth in clause four (4).

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 by virtue of the provisions of all amendatory or supplemental acts thereto passed by the General Assembly of the

State of Indiana, 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 in said party of the first part the right, privilege and authority to lay and maintain a single switch or side-track over and across Missouri street, as follows:

The center line of said proposed switch across Missouri street is described as follows: Beginning in the center of the main track of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company on the south property line of Maryland street; thence in a southwesterly direction along the arc of a thirty (30) degree curve to a point on the west property line of Missouri street, said point being one hundred and forty-eight (148) feet south of the south property line of Maryland street.

This privilege is granted for the purpose as set forth in said petition of M. O'Connor & Company, which is set forth in the preamble hereto, and as shown by the drawings attached and made part hereof and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this 13th day of March, 1899.

M. O'CONNOR & Co.,
Party of the First Part.

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works,
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, hereinbefore 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. Little moved that the following entitled ordinance, vetoed by Mayor February 17, 1899 (see page 514), be taken up:

G. O. No. 64, 1898. An ordinance providing that policemen and firemen shall receive their regular salary during sickness or injury for a period not exceeding sixty days, and patrolmen to receive twenty cents per hour for extra work, and firemen to be allowed one day off each week with pay, and providing that bicycles shall be furnished bicycle patrolmen.

Which motion prevailed.

On motion of Mr. Little the rules were suspended for the purpose of amending G. O. No. 64, 1898, according to suggestions of Mayor.

Thereupon Mr. Little offered the following amended ordinance as a substitute for G. O. No. 64, 1898:

G. O. No. 64, 1898. An ordinance providing that patrolmen and firemen shall receive their regular salary during the time they are disabled by sickness or injury, the duration of such disability by such sickness or injury to be determined by the Board of Public Safety; and providing that patrolmen shall receive twenty cents per hour for extra work, providing they shall not receive pay while attending court; and that firemen be allowed one day off each week with pay, and providing that bicycles be furnished bicycle patrolmen by the city.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That firemen and patrolmen shall receive their regular salary during any time they are disabled by sickness or injury received in line of duty, the duration of such disability by such sickness or injury shall be determined by the Board of Public Safety of said city; and that patrolmen shall receive twenty cents per hour for all extra work they may be detailed to perform, from money appropriated for same, provided that patrolmen shall not receive pay while attending court; and that firemen shall have one day off each week with pay, as per custom heretofore; and that bicycle patrolmen shall be furnished with bicycles by the City of Indianapolis.

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

Which was read and adopted.

On motion of Mr. Little, G. O. No. 64, 1898, was then ordered engrossed as amended, and passed by the following vote:

AYES 16—viz.: Messrs. Bernauer, Bowser, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and President Mahoney.

NAYS—None.

On motion of Mr. Costello, the Council took a recess of five minutes.

The Council re-convened at 8:25 o'clock.

Mr. Costello moved that Council return to the order of "Introduction of General and Special Ordinances."

Which motion carried, and the following ordinance was introduced:

By Mr. Costello:

G. O. No. 12, 1899. An ordinance transferring funds heretofore appropriated to the Department of Public Works for park purposes to and for the use of the Department of Public Parks, and fixing the time when the same shall take effect.

Whereas, By ordinances heretofore passed, certain moneys were appropriated by the Common Council to and for the use of the Department of Public Works for park purposes; and

Whereas, An act of the General Assembly of the State of Indiana, approved March —, 1899, was passed establishing a Department of Public Parks in the City of Indianapolis; and

Whereas, The funds heretofore appropriated to the Department of Public Works for park purposes can no longer be used by such Department of Public Works for the improvement or maintenance of parks, but must be used and expended by the Department of Public Parks; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the balances of the funds heretofore appropriated to and for the use of the Department of Public Works to be used for park purposes of the City of Indianapolis, the funds to which said moneys were appropriated and the balances remaining in said funds being as follows, to-wit:

Office	\$5,515.82
Old parks, maintenance.....	18,853.18
Old parks, improvements.....	2,898.50
New parks, maintenance.....	1,220.00
New parks, improvements.....	58,044.90

And the following balances from moneys heretofore derived from the sale of the park bonds of the City of Indianapolis, to-wit:

Labor and expense, bond issue.....	\$29,356.31
Purchase of lands.....	13,659.66

Be and they are hereby transferred to and for the use of the Department of Public Parks of said city, and said Department of Public Parks shall have full power to use the said balances of said funds, as though said appropriation had originally been made to said Department of Public Parks.

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.

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

John H. Mahoney

President.

ATTEST:

Chas H. Stuckmeyer City Clerk.