

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
December 19, 1892. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 19th, at 8 o'clock, in regular meeting.

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

Absent, 2—viz: Messrs. Gauss and Puryear.

The Proceedings of the Common Council for the regular meeting held Monday, December 5, 1892, having been printed and placed upon the desks of the Councilmen, said Journal was approved as published.

The Clerk proceeded to read the Journal, whereupon Councilman Rassmann moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

REPORTS, ETC., FROM CITY OFFICERS.

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., December 19, 1892. }

To the Honorable the Common Council of the City of Indianapolis:

GENTLEMEN—In addition to its current receipts the City of Indianapolis will probably need one hundred thousand dollars before the collections on the tax duplicate of 1892 become available. I therefore ask for permission or authority to borrow not exceeding said amount from time to time as the needs of the city may require, payable on the 19th of April, 1893, and at a rate of interest not exceeding six per cent.

Very respectfully,

WILLIAM WESLEY WOOLLEN,
City Comptroller.

Which was received and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

DEPARTMENT OF PUBLIC WORKS.

OFFICE OF THE BOARD,

INDIANAPOLIS, IND., December 19, 1892. }

The Honorable, the President and Members of the Common Council, City of Indianapolis :

GENTLEMEN—We herewith submit to you for your consideration and approval “An ordinance approving a certain contract, granting S. R. Greer & Co. the right to lay and maintain a switch or side-track, to be constructed off the main track of the Cleveland, Cincinnati, Chicago & St. Louis R. R. (Chicago Division), across Sixth street, at Lafayette street, in the City of Indianapolis, State of Indiana.”

Very respectfully,

A. W. CONDUITT,

M. M. DEFREES,

Board of Public Works.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Halloran, on behalf of the Committee on Fees and Salaries, to whom was referred

G. O. No. 48, 1892. An ordinance providing for the compensation of officers and employes connected with the Fire Department of the City of Indianapolis, Indiana, and repealing all ordinances or parts of ordinances in conflict therewith.

Made the following report:

Mr. President :

Your Committee on Fees and Salaries, to whom was referred G. O. No. 48, 1892, relating to the compensation of the members of the Fire Department, have had the same under consideration, and recommend that the following amendments be made thereto:

1. Amend paragraph seven in Section 1, by striking out the word “Telephoneman.”
2. Amend paragraph eight in Section 1, by adding after the word “Watchman,” the words, “and Telephoneman.”
3. Amend by adding after paragraph eight in Section 1, the following:
“The member of the fire force whose duty it is made to repair hose shall receive, in addition to his regular pay, an additional compensation of ten dollars monthly.”
And when so amended that it do pass.

H. F. HALLORAN,

J. L. GASPER,

J. F. WHITE,

Committee.

Which was read and concurred in.

Mr. Halloran, on behalf of the Committee on Fees and Salaries, to whom was referred

G. O. No. 51, 1892. An ordinance fixing the salary of the Superintendent of the City Hospital of the City of Indianapolis, Indiana, and repealing all ordinances or parts of ordinances in conflict therewith.

Made the following report :

Mr. President :

Your Committee on Fees and Salaries, to whom was referred G. O. No. 51, 1892, relating to an increase in the annual salary of the Superintendent of the City Hospital, report that they have had said ordinance under consideration. In the opinion of your committee the present salary is a totally inadequate return for the services rendered by the superintendent, inasmuch as a proper discharge of the responsible duties of the position not only require the undivided attention of that officer, but demand a high degree of medical skill as well as excellent business and executive ability. Your committee would therefore respectfully recommend that the ordinance do pass.

H. F. HALLORAN.
J. F. WHITE.
J. L. GASPER.

Which was read and concurred in.

Mr. Rassmann, on behalf of a majority of the Committee on Finance, to whom was referred

G. O. No. 47, 1892. An ordinance requiring every corporation, firm, company or individual supplying natural gas to the City of Indianapolis or its inhabitants, either or both, for heating and illuminating purposes, under the provisions of an ordinance known and designated as General Ordinance No. 14, 1887, to pay into the city treasury annually on the 1st day of January, a license fee of three cents per foot upon all pipe line mains owned, laid or operated by said corporation, firm, company or individual within the limits of said city.

Made the following report :

Mr. President :

The undersigned, being a majority of your Committee on Finance, to whom was referred General Ordinance No. 47, 1892, being an ordinance requiring the natural gas companies to pay a tax of three cents per foot on their mains, would respectfully report as follows, viz :

We have given this matter a great deal of attention and worked hard to get at all the facts. We investigated thoroughly the financial ability of the companies to pay this additional tax, and also inquired more particularly into the advisability of levying this tax at this time, with reference to our citizens' interests. We have heard a great many people on this subject, and also gave the gas companies a hearing, and are of the opinion that it would not be advisable to impose this additional burden on the companies at this time.

The Consumers' Gas Trust Company (as you all know) was organized by the citizens of this city, and it was the means of giving to our people cheaper gas than is furnished any city in this country, not excepting some of the towns in the gas belt. The money required to organize this company was subscribed and furnished by our citizens, about 4,700 people having taken stock for that purpose, and of this number, so we are informed, there still remain about 4,000 shareholders. Thus far not one cent of interest has been paid these people on their investment, all the revenue of the company having been used in the gas field and in this city. This company is now about ready to pay the stockholders some of the interest they are entitled to. You all know upon what plan this company was organized. The company must pay off this stock which our citizens so liberally subscribed, and when this is done it is the property of our city and they must furnish gas at actual cost. This being a fact, is it right to delay that time by imposing additional burdens? The Indianapolis Gas Company, we are informed, has expended all of its receipts and a great deal more in making it possible to supply our city with gas, and we are also informed that the stockholders in that company have never received one cent of dividend on their investment.

When the ordinance was passed under which these companies are operating it was thought that an abundance of gas could be had within twenty miles of this city. Now the companies are compelled to go forty and fifty miles before they can get the gas required. That ordinance does not make it mandatory for the Council to pass an ordinance to impose this tax; it says the Council may, if it thinks it best, impose a tax of not exceeding three cents per foot. That ordinance also says the companies must have at least four ounces of pressure; our companies have and are supplying eight ounces. If this Council imposes this tax upon these companies, may we not in return expect only four ounces of pressure?

If this were done it would necessitate refitting every cook stove in this city. Your Committee could give a great many more facts concerning this matter, but think we have given you enough to show you that it would not be best at this time to pass this ordinance.

We are thoroughly convinced that it would not only be wrong, but that it would work a great hardship upon our people. We therefore most respectfully recommend that the said ordinance be not passed and that it be stricken from the files.

EMIL C. RASSMANN.
H. W. LAUT.
J. L. GASPER.
W. H. COOPER.
E. J. SHERER
JAS. H. COSTELLO.

Mr. Ryan, on behalf of a minority of the Committee on Finance, to whom was referred G. O. No. 47, 1892, made the following report:

To the Members of the Common Council:

GENTLEMEN—The undersigned, a minority of your Finance Committee, to whom was referred General Ordinance No. 47, 1892, providing for the taxation of the natural gas companies doing business in the city, begs leave to report that he is unable to agree with a majority of said committee in recommending that said ordinance be stricken from the files, for the following reasons, viz:

Said natural gas companies accepted the ordinance granting them their franchise, well understanding the provision empowering the city to tax specifically on their pipe lines, therefore it can not be said that the ordinance now under consideration is new to them, or took them by surprise. The undersigned believes it right and equitable that corporations making a profit by using the streets of the city should pay a special tax for the privilege. In no other way can the necessary revenues for conducting the city be more easily or fairly obtained. In addition to these reasons the undersigned would say that in putting down their pipe lines the gas companies did great damage to the streets of the city, the effects of which are to be seen at the present time. For these and other good reasons the undersigned recommends that said G. O. No. 47 do pass.

Respectfully,

P. J. RYAN.

Mr. Ryan moved that the minority report be adopted.

Mr. Laut moved to lay Mr. Ryan's motion on the table.

The ayes and nays being called for by Mr. Ryan.

The roll was called which resulted in the following vote:

AYES 14—viz: Councilmen Allen, Colter, Cooper, Costello, Froschauer, Gasper, Halloran, Laut, Puryear, Rassmann, Schmidt, Schrader, Sherer, Young and President Murphy.

NAYS 4—viz: Councilmen Linn, McGuffin, Ryan and White.

Mr. White moved that the further consideration of G. O. No. 47, 1892, be not taken this evening.

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

The ayes and nays being called for by Messrs. Ryan and McGuffin.

Which resulted in the following vote :

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

NAYS 1—viz: Councilman White.

Mr. Laut moved that G. O. No. 47, 1892, be stricken from the files. Which motion was adopted.

Mr. Ryan offered the following :

To the President and Members of the Common Council:

I do hereby give notice that at the next regular meeting of this body I will move to reconsider the vote by which General Ordinance No. 47, of 1892, was stricken from the files.

Very respectfully,

P. J. RYAN.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced :

By Mr. Rassman :

G. O. No. 52, 1892. An ordinance authorizing the Mayor and City Comptroller to make a temporary loan or loans, in anticipation of the revenue of 1892, not exceeding one hundred thousand dollars in the aggregate.

Which was read the first time.

Mr. Rassman moved that the constitutional rules be suspended for the purpose of placing G. O. No. 52, 1892, on its final passage.

Which motion was adopted.

Thereupon G. O. No. 52, 1892, was read second time; ordered engrossed; read third time and passed by the following vote :

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

NAYS—None.

By Mr. Ryan :

G. O. No. 53, 1892. An ordinance approving a certain contract, granting S. R. Greer & Co. the right to lay and maintain a switch or side-track to be constructed off the main track of the Cleveland, Cincinnati, Chicago & St. Louis R. R. (Chicago Division), across Sixth street, at Lafayette street, in the City of Indianapolis, State of Indiana.

WHEREAS, Heretofore, to-wit: December 19, 1892, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with S. R. Greer & Co., of the County of Marion, State of Indiana, which contract is as follows:

WHEREAS, Heretofore, to-wit: On the 9th day of December, 1892, S. R. Greer & Co. filed their petition before the Board of Public Works, of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., December 9, 1892.

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

GENTLEMEN—The undersigned, S. R. Greer & Co., doing business in the City of Indianapolis, Indiana, 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 Sixth street, at Lafayette street, in the City of Indianapolis, Indiana, described as follows: Beginning at a point in the center of the main track of the Cleveland, Cincinnati, Chicago and St. Louis Railroad (Chicago Division), 150 feet north of the north line of Sixth street; thence south on a curve, curving to the right with a radius of three hundred feet in and across Sixth street to the property of Greer & Co., located at the southwest corner of Sixth and Lafayette streets, all as shown and in accordance with the drawings herewith submitted, attached hereto, filed herewith, and for greater certainty marked "Exhibit A."

Your petitioners pray 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,

S. R. GREER & Co.

By S. R. GREER.

Now, therefore, this agreement made and entered into this December 19, 1892, by and between S. R. Greer & Co., of Marion County, State of Indiana, party of the first part, and the City of Indianapolis, Indiana, by and through her 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 switch, or side-track, over and across Sixth street, at Lafayette street, in the City of Indianapolis, hereby covenant and agree and fully bind themselves, their successors, administrators, legal representatives and assigns that, in consideration of the granting of the privileges and authority herein given, they will lay, construct and maintain said switch, or side-track, upon the terms and conditions hereinafter set forth, viz:

1st. 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.

2d. 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.

3d. The crossing where said side-track or switch intersects Sixth 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.

4th. 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 their 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.

5th. 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.

6th. The said party of the first part hereby bind themselves 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.

7th. Any violation of any provision of this instrument by said party of the first part, or by any one for them, or at their 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 terminated 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 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 Sixth street, at Lafayette street, as and for the purpose prayed in their 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 December 19, 1892.

S. R. GREER & Co.,

By S. R. GREER,

Party of the first part.

THE CITY OF INDIANAPOLIS,

By A. W. CONDUIT.

M. M. DEFREES,

Party of the second part.

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.

Read first time and referred to the Committee on Railroads.

MISCELLANEOUS BUSINESS.

Mr. White offered the following motion :

Mr. President :

I move that the Chair appoint a special committee of five members whose duty it shall be, during the coming session of the State Legislature, to look after legislation affecting the City of Indianapolis.

Which motion prevailed.

Mr. Froschauer offered the following motion :

Moved, by the Common Council of the City of Indianapolis, that the City Attorney be and is hereby instructed to submit, at the next regular meeting of this Council, an opinion as to whether the laying of a double track on South East street by the Citizens Street Railway Co. is in conformity to their rights under the law, or whether it is in violation of the same.

Which motion was adopted.

Mr. Gasper offered the following, and moved that the same be adopted :

To the President and Members of the Common Council :

GENTLEMEN—As rumors, *pro.* and *con.*, have been circulated relative to one member of the Council having been approached by another member in relation to certain matters then before the Council, in the manner of a bribe, I would most most respectfully ask that the charges be investigated by a committee of five members, of which the President of the Council be made chairman, and the other members to be appointed by him.

Which motion was adopted.

ORDINANCES ON SECOND READING.

On motion by Councilman Rassmann, the following entitled ordinance was taken up and read second time; ordered engrossed; read third time :

G. O. No. 48, 1892. An ordinance providing for the compensation of officers and employes connected with the Fire Department of the City of Indianapolis, Indiana, and repealing all ordinances or parts of ordinances in conflict therewith.

Which was passed by the following vote :

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

NAYS 1—viz: Councilman Allen.

On motion by Councilman Gasper, the following entitled ordinance was taken up and read a second time :

G. O. No. 49, 1892. An ordinance prohibiting the throwing of trash upon freezing ice on ice-ponds in the City of Indianapolis.

Mr. Gasper offered the following amendment to G. O. No. 49, 1892 :

Moved, That Section 1 of General Ordinance No. 49 be amended by inserting " or skates " after the words " walks " in lines 17 and 20.

And was passed by the following vote :

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

NAYS 1—viz: Councilman Laut.

Thereupon, G. O. No. 49, 1892, was ordered engrossed, read third time and passed by the following vote :

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

NAYS 1—viz: Councilman Laut.

On motion by Councilman White, the following entitled ordinance was taken up ; read second time ; ordered engrossed and then read the third time :

G. O. No. 51, 1892. An ordinance fixing the salary of the Superintendent of the City Hospital of the City of Indianapolis, Indiana, and repealing all ordinances or parts of ordinances in conflict therewith.

Which was passed by the following vote :

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

NAYS 1—viz: Councilman Allen.

President Murphy appointed the following named members as the special committee to investigate the charges of attempt bribery in compliance with Mr. Gasper's motion : M. J. Murphy, Chairman ; Chas. P. Froschauer, H. F. Halloran, W. H. Cooper and A. A. Young.

On motion of Mr. Ryan, the Common Council, at 9 o'clock p. m., adjourned.

M. J. Murphy

President.

ATTEST :

J. Abrams

City Clerk.