

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—DECEMBER 31, 1891.

The Common Council of the City of Indianapolis met in the Council Chamber, Thursday evening, December 31st, A. D. 1891, at 8:00 o'clock, in adjourned session.

PRESENT—Hon. Manford D. Yontz, President of the Common Council in the Chair and 24 members, viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, and Woollen.

ABSENT, 1—viz: Councilman Murphy.

The Proceedings of the Common Council for the regular session held December 21-t, 1891, having been printed and placed upon the desks of the Councilmen, said Journal was approved as published.

COMMUNICATIONS, ETC., FROM CITY OFFICIALS.

His Honor, the Mayor, presented the following communication; which was read and received:

Indianapolis, Ind., December 31st, 1891.

To the Members of the Common Council:

Gentlemen:—I have approved General Ordinances Nos. 24, 25, 55 and 57; also, Appropriation Ordinance No. 11; also, Special Ordinance No. 5; also, Resolutions Nos. 14 and 15, passed at your session held December 21st, 1891.

Respectfully submitted,

THOMAS L. SULLIVAN, Mayor.

ORDINANCES VETOED BY THE MAYOR.

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

Gentlemen:—Ordinance No. 50, passed by your honorably body on December 21, 1891, proposes to disannex from the city certain territory described therein. The authority of the Council to act in the premises is conferred by the Charter in the following words: "The Council shall have power by ordinance to disannex any territory forming a part of the corporate limits of such city, upon a petition of a majority of the freeholders residing therein." If the literal meaning of this language is the true one, then a majority of the resident freeholders of the City of Indianapolis must sign the petition, and as the two railway companies only signed it, the Council was without power to act all. If the language quoted from the Charter means the petition need only be signed by a majority of the freeholders residing within the territory sought to be disannexed, then the question of jurisdiction presented by Ordinance No. 50, is somewhat more complicated. The property sought to be disannexed by that ordinance is owned by The Pittsburgh,

Cincinnati, Chicago & St. Louis R. R. Company, the Cincinnati, Hamilton & Indianapolis R. R. Company, and the State of Indiana. I have some doubt as to whether the two railway companies are *resident* freeholders of the property owned by them. There can be no doubt but that they are not resident freeholders of the portion owned by the State of Indiana. Can two resident freeholders sign a petition which would authorize the Council to take from the City ground belonging to the State—the State not having consented to the petition? The question is a serious one, and an exceedingly doubtful one. I do not attempt to decide it, as my conclusions in regard to the ordinance are based upon other reasons, but I suggest these fundamental jurisdictional questions to your honorable body as worthy of careful consideration.

The ordinance passed by the Council proposes to take from the city a piece of ground about eight hundred (800) feet wide and three thousand nine hundred and fifty-three (3,953) feet long, or about three-quarters ($\frac{3}{4}$) of a mile long. The land is surrounded by streets of the city; tracts of unplatted ground, and additions to the city divided into small lots sold to persons in moderate circumstances, upon which they have erected modest homes for their families. These surroundings are, of course, still left in the city to pay their full share of all the city expenses. Of the territory disannexed by the ordinance, a piece 1,242 feet long belongs to the State of Indiana, along the edge of which runs the main line of the Pennsylvania and C. H. & I. R. R. tracks, and the balance, 2,711 feet long, belongs to the two railway companies. The only reason given for disannexing this territory is that it does belong to the railway companies, or they desire it disannexed. There is nowhere the suggestion that the city is to receive any benefit therefor. The portion belonging to the railway companies is used by them as yards, in which are the shops of the Pennsylvania Company. If the city had reached out to bring in this territory, it would present a different question. On the contrary, the east boundary of this city is straight, and this ordinance reaches into the city three-quarters of a mile and takes from it this territory. The streets bordering on it could not be improved by the city because only half of their width would be within its jurisdiction.

It is urged that if the property is left in the city she may desire, at some time, to put streets through it—the railroad companies' portion alone being a half mile long. There are several answers to this objection. If the city, having due regard for the rights of the railway companies, and also due regard for the rights of that great body of citizens who own no railway stock, should in the future desire to connect the City of Indianapolis by streets through this yard, who shall say it ought not to have the right to do so? May not the City of Indianapolis be trusted to do what is right between her citizens? Or is the only safe way to take the power of acting away from her entirely by disannexing the territory?

The law provides that ample recompense shall be paid to all those injured by the opening of streets, and I think the City of Indianapolis may be trusted to deal fairly towards all her citizens in that respect.

This suggestion as to streets, loses much of its force when we remember that even if the property is outside the city, it is not outside the law, and the County Commissioners have authority to make roads when the needs of the citizens require it. Also do not forget the ordinance I am considering takes out of the city, on the petition of the railroad companies alone, twenty-six acres of ground that belongs to the State of Indiana. There are no railroad shops to be affected by streets on that ground. On the contrary, the Deaf and Dumb Asylum is there, and the State of Indiana has expressed no fear as to streets, nor any desire to be taken from the city. It is said because the railroad yards have electric lights, some fire protection and watchmen, that, therefore, they get no benefit from the city, and ought to pay no city taxes. All these things are had by most of our other corporations and many of our private enterprises. For instance, Kinghan has them; the Atlas Engine Works has them, and either of these establishments could with the same propriety ask to be dis-annexed from the city because of them.

It is our bounden duty to do all we can to bring and keep capital here; but when we have treated the possessors of it as well as we do any other of our citizens, we

have done our whole duty. Let us not forget we owe a duty to each citizen alike which can not be discharged by granting special favors to a few at the expense of their neighbors.

For these reasons I return to your honorable body General Ordinance No 50 not approved.
 THOMAS L. SULLIVAN, Mayor.

To the President and Members of the Common Council:

Gentlemen: General Ordinance number forty-eight (48) passed by your honorable body on December 21, 1891, annexes to the City of Indianapolis four hundred acres of ground northwest of the city, in which is the settlement known as North Indianapolis. This territory has no water mains or fire cisterns; no fire engine or engine house; no gas or other means of public lighting; no sewers or modern streets. In short it would have to be supplied with all of these improvements which citizens have the right to expect from a city. The nearest engine house to this territory is two miles and a quarter from it, and in case of more than one engine being required the distance would be correspondingly increased. The nearest water plug is one mile and a half from it. The station house is four miles and a half from it. The territory to be patrolled is 400 acres and would require a large addition to the police force.

If this property is taken into the city a new engine house ought to be built; a new engine purchased and sufficient firemen added to the present force to make it effective; several new cisterns built, and water mains extended. Of this territory three thousand feet borders upon Fall Creek, and would require an expenditure of large sums of money to protect it against that stream.

In return for this liability, this four hundred acres would bring into the city—

Of personal property the sum of.....	\$ 88,155.
Of real property the sum of.....	360,410.

Total.....	\$448,565.
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which would produce to the city, provided every cent was collected, at the present tax rate of 60 cents, the sum of \$2,691 a year, or about enough to build two cisterns. It is manifest that we could not care for this territory, even in the most inefficient way without drawing upon other resources. We have already within our corporate limits localities that have not been supplied with the benefits they have the right to expect from this city, and before we take in new territory that will be in no degree self-sustaining we ought to care for all that is now within our borders. As you know our tax rate has, been greatly reduced. Years ago the limit of permanent loans was reached. During the last few years many improvements have been made, in which this Council took an active part; next year still more will be done, but we are in no condition to take into our city territory that will not help us in the work that is being carried on. The time will come and come soon, I hope, when the territory described in this ordinance and much more, can with mutual benefit to the city and it be added to our corporation, but justice to the city and the proposed addition both require that we should wait until that time has fully come.

For these reasons, much to my regret, I am compelled to return this ordinance not approved.

THOMAS L. SULLIVAN, Mayor.

To the President and Members of the Common Council:

Gentlemen:—General Ordinance Number Fifty-three (53), passed by your honorable body on December 21, 1891, proposes to annex to the city two hundred and sixty-nine acres of ground described therein. For the reasons stated in my communication in regard to General Ordinance Number Forty-eight (48), I return to you General Ordinance Number Fifty-three (53) not approved.

THOMAS L. SULLIVAN, Mayor.

MISCELLANEOUS BUSINESS.

Councilman Austin then moved to take up the following entitled ordinance, and pass it over the Mayor's veto :

G. O. 50, 1891—An ordinance disannexing certain territory therein described, forming a part of the corporate limits of the City of Indianapolis.

Whereupon Councilman Trusler demanded the previous question.

The vote was then taken on G. O. No. 50, 1891, resulting in its passage over the Mayor's veto, by the following vote :

AYES, 20—viz: Councilmen Austin, Burns, Coy, Davis, Dunn, Gasper, Hicklin, Markey, Martindale, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, and President Yontz.

NAYS, 4—viz: Councilmen Cooper, Gauss, Myers, and Woollen.

Councilman Myers then moved to take up the following entitled ordinance, and pass it over the Mayor's veto :

G. O. 48, 1891—An ordinance providing for the annexation to the City of Indianapolis of a certain territory adjacent and contiguous to said city, made under and by virtue of an Act of the General Assembly of the State of Indiana, approved March 6th, 1891.

Which failed of a two-thirds vote, by the following vote :

AYES, 15—viz: Councilmen Austin, Burns, Coy, Davis, Dunn, Gasper, Hicklin, Markey, Martindale, Meyers, Nolan, Olsen, Sweetland, Trusler, and President Yontz.

NAYS, 9—viz: Councilmen Cooper, Gauss, Murphy, McGill, Pearson, Rassmann, Sherer, Stechhan, Weber, and Woollen.

On motion, the Common Council then adjourned.

W. D. Yontz

....., President.

W. D. Yontz

Attest :

..... City Clerk.