

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
February 4, 1901. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 4, 1901, at 8 o'clock, in regular meeting.

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 15 members, viz.: Messrs. Billingsley, Daller, Dickson, Evans, Horan, Keller, Kelly, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel and Wheeler.

Absent 5, viz.: Messrs. Bernauer, Higgins, Kaiser, Knight and Megrew.

The Clerk proceeded to read the Journal, whereupon Councilman Daller 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., January 31, 1901.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith, bearing my signature in approval, G. O. No. 7, 1901, passed by your honorable body January 30, 1901.

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, IND., February 4, 1901.

To the President and Members of the Common Council:

GENTLEMEN—We send you herewith, for your consideration and action thereon, an ordinance ratifying and approving a certain contract this day made with Sarah E. McIntosh, granting the right, privilege and authority to lay and maintain one switch or sidetrack across Alabama street.

Very respectfully,

ALBERT SAHM,
C. MAGUIRE,
Board of Public Works.

Which was read and referred to Committee on Railroads.

Communication from Board of Public Park Commissioners:

DEPARTMENT OF PUBLIC PARKS,
OFFICE OF THE COMMISSIONERS.
INDIANAPOLIS, IND., December 28, 1900.

To the City Comptroller, Indianapolis, Ind.:

DEAR SIR—The insurance on the shelter house, which was destroyed by fire, having been adjusted, we request that an ordinance be presented to the City Council appropriating the two thousand dollars (\$2,000.00), paid in by the insurance companies, to our improvement fund, in order that we may rebuild the shelter house.

Yours truly

M. A. DOWNING,
GEO. MERRITT,
CHARLES E. COFFIN,
Board of Park Commissioners.

DEPARTMENT OF FINANCE,
OFFICE OF THE CITY COMPTROLLER,
INDIANAPOLIS, IND., February 4, 1901.

To the President and Members of the Common Council:

GENTLEMEN—I have examined the above and hereby approve the same, and recommend that the appropriation of \$2,000 asked for be made.

Very respectfully,

E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Keller, on behalf of the Committee on Ordinances, to which was referred:

G. O. No. 5, 1901. An ordinance licensing and regulating second-hand stores and junk stores; prescribing a penalty for the violation thereof;

repealing conflicting ordinances, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 4, 1901.

Mr. President:

The Committee on Ordinances, to whom was referred G. O. No. 5, 1901, have had the same under consideration and recommend its passage.

CONRAD KELLER,
W. H. WHEELER,
SAMUEL V. PERROTT.

Which was read and concurred in.

Mr. Evans, on behalf of the Committee on Public Safety and Comfort, to which was referred:

G. O. No. 50, 1900. An ordinance regulating and prescribing the manner of crossing steam railroads by street cars in the City of Indianapolis, Indiana, and prescribing the duties of conductors, motormen, gripmen and engineers in charge of such cars while about to and in the act of crossing such steam railroads with such cars. And providing penalties for the violation thereof, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 4, 1901.

Mr. President:

We, your Committee on Public Safety and Comfort, to which was referred G. O. No. 50, 1900, respectfully report that we have had said ordinance under consideration since its introduction, and after careful investigation we recommend that said ordinance do pass.

GEO. H. EVANS.
H. E. NEGLEY.
WM. KAISER.
CONRAD KELLER.
M. C. KELLY.

Which was read and concurred in.

Mr. Evans, on behalf of the Committee on Public Safety and Comfort, to which was referred:

G. O. No. 52, 1900. An ordinance to amend Section 11 of an ordinance entitled, "An ordinance to regulate the running of locomotives and cars in the City of Indianapolis; requiring flagmen to be stationed at certain railroad crossings; defining the duties of such flagmen, and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossing;" approved March 12, 1866, the same being Section 1297 of the revision of 1895 of the Laws and Ordinances of the City of Indianapolis; prescribing a penalty for the violation thereof; providing for the publication thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 4, 1901.

Mr. President:

We, your Committee on Public Safety and Comfort, to whom was referred G. O. No. 52, 1900, respectfully report that we have had said ordi-

nance under consideration, and we recommend the following action thereon:

We recommend that the words: "in the night time" be stricken out of said ordinance where they occur in the 17th and 18th lines of Section 1 thereof, and that there be inserted in lieu of said words the following: "between the hours of sunset and sunrise," and when so amended we recommend that said ordinance do pass

GEO. H. EVANS.
H. E. NEGLEY.
WM. KAISER.
M. C. KELLY.
CONRAD KELLER.

Which was read and concurred in.

Mr. Spiegel, on behalf of the Committee on Railroads, to which was referred:

G. O. No. 6, 1901. An ordinance approving a certain contract granting the McCormick Haresting Machine Company the right to lay and maintain a switch or sidetrack across Mobile street and the first alley west of Capitol avenue, in the City of Indianapolis, Indiana.

Made the following report:

INDIANAPOLIS, IND., February 4, 1901.

Mr. President:

Your Committee on Railroads, having had G. O. No. 6, 1901, in consideration, now recommend the same to pass.

HENRY L. SPIEGEL.
A. DALLER.
CONRAD KELLER.
W. H. WHEELER.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

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

By Mr. Wheeler:

App. O. No. 1, 1901. An ordinance appropriating the sum of two thousand dollars (\$2,000) for the use of the Department of Public Parks of the City of Indianapolis, and fixing a time when the same shall take effect.

Whereas, During the month of December, 1900, the building located in Garfield Park, in the City of Indianapolis, known as the "Shelter House," was destroyed by fire; and

Whereas, The sum of two thousand dollars (\$2,000) has been received by the city as insurance thereon, and covered into the city treasury; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated out of any

moneys in the city treasury of the City of Indianapolis not otherwise appropriated the sum of two thousand dollars for the use of the Department of Public Parks, the same to be credited to the fund for Improvements.

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 Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Board of Public Works:

G. O. No. 8, 1901. An ordinance approving a certain contract, granting Sarah E. McIntosh the right to lay and maintain a switch or sidetrack across Alabama street, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on February 4, 1901, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with Sarah E. McIntosh, of the County of Marion, State of Indiana, which contract is as follows:

Whereas, heretofore, to-wit: on January 23, 1901, Sarah E. McIntosh filed her petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., January 23, 1901.

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

GENTLEMEN—The undersigned, Sarah E. McIntosh, respectfully petitions your Honorable Board, asking permission to construct and maintain one switch or sidetrack across Alabama Street, the center line of said track being one hundred and twelve and one-half (112½) feet south of the south property line of Maryland street on the west side of Alabama street, and crossing said street in a straight line, all as shown by 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.

Respectfully submitted,

SARAH E. MCINTOSH.

Now, therefore, this agreement, made and entered into this February 4, 1901, by and between Sarah E. McIntosh, of Marion county, State of Indiana, party of the first part, and the City of Indianapolis, by and through its 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 a switch or sidetrack over and across Alabama 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 herself, her successors, legal representatives and assigns that in consideration of the grant of the privi-

leges and authority herein given, she will lay, construct and maintain said switch or sidetrack upon the terms and conditions hereinafter set forth, to-wit:

(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 of the Board of Public Works of the City of Indianapolis.

(2) Said track or switch 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 sidetrack 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 sidetrack or switch intersects Alabama street shall at all times be kept improved and in repair and free from obstructions or defects 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, and 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 sidetrack or switch, and upon its failure so to do upon such notification, in writing, of ten days, promptly pay the cost of having the same done. And the party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal; and in removing said sidetrack or switch, or in causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave with brick between said sidetrack or switch, from property line to property line, of Alabama street, to the entire satisfaction of the second party, and in case said sidetrack or switch shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact 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 remove the same, 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 the said party of the first part shall be liable.

(6) The said party of the first part hereby binds herself to hold 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 sidetrack or switch and to pay any judgment, with costs, that may on that account, be 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 with its permission shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated without cause, at the pleasure of said Board, as hereinbefore set forth in clause four (4).

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 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 sidetrack across Alabama street, in the City of Indianapolis, as follows: Beginning at a point in the intersection of the west line of Alabama street and the center line of said sidetrack, the said point being one hundred and twelve and one-half (112½)

feet south of the south property line of Maryland street on the west side of Alabama street; thence east with the center line of said sidetrack to the east property line of Alabama street, the said point being one hundred and twelve and one-half (112½) feet south of the south property line of Maryland street extended east. Said right, privilege and authority are granted for the purpose prayed in the petition, hereto attached, and as shown by the drawings hereto attached, made a part hereof and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this February 4, 1901.

SARAH E. MCINTOSH,

Party of the First Part.

CITY OF INDIANAPOLIS,

By ALBERT SAHM,

C. MAGUIRE,

Board of Public Works.

Party of the Second Part.

T. TAGGART,

Mayor.

And, 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 out 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 Railroads.

By Mr. Horan:

G. O. No. 9, 1901. An ordinance requiring the Indianapolis, Decatur & Western Railroad Company and the Peoria & Eastern Railroad Company to station and maintain a flagman at the crossing of the tracks of said companies and Holmes avenue, Miley avenue and Richland street in the City of Indianapolis; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Indianapolis, Decatur & Western Railroad Company and the Peoria & Eastern Railroad Company be, and said companies are hereby required to station and maintain a flagman at each of the following crossings in the City of Indianapolis, Indiana, to-wit: 1. At the intersection of the tracks of said companies and Holmes avenue; 2. At the intersection of the tracks of said companies and Miley avenue; and, 3. At the intersection of the tracks of said companies and Richland street; it being the intention of this ordinance to allow both of said companies to unite in the employment of such flagman at each of said crossings. If said companies shall fail or refuse to comply with any one of the provisions of this section, they shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars; and each day's continuance of such failure or refusal to so comply shall constitute a separate offense.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis.

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

ORDINANCES ON SECOND READING.

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

G. O. No. 6, 1901. An ordinance approving a certain contract granting the McCormick Harvesting Machine Company the right to lay and maintain a switch or sidetrack across Mobile street and the first alley west of Capitol avenue, in the City of Indianapolis, Indiana.

And was passed by the following vote:

AYES—15, viz.: Messrs. Billingsley, Daller, Dickson Evans, Horan, Keller, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—1, viz.: Mr. Kelly.

On motion of Mr. Evans, the following entitled ordinance was taken up and read a second time:

G. O. No. 52, 1900. An ordinance to amend Section 11 of an ordinance entitled, "An ordinance to regulate the running of locomotives and cars in the City of Indianapolis; requiring flagmen to be stationed at certain railroad crossings; defining the duties of such flagmen, and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossing;" approved March 12, 1866, the same being Section 1297 of the revision of 1895 of the Laws and Ordinances of the City of Indianapolis; prescribing a penalty for the violation thereof; providing for the publication thereof, and fixing the time when the same shall take effect.

Mr. Evans moved that the amendment to G. O. No. 52, 1900, as recommended by the Committee on Public Safety and Comfort, be adopted.

Which motion prevailed.

On motion of Mr. Evans, G. O. No. 52, 1900, was then ordered engrossed, as amended, read a third time and passed by the following vote:

AYES—13, viz.: Messrs. Billingsley, Evans, Horan, Keller, Kelly, Moriarity, Munro, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—3, viz.: Messrs. Daller, Dickson and McGrew.

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

G. O. No. 50, 1900. An ordinance regulating and prescribing the manner of crossing steam railroads by street cars in the City of Indianapolis,

Indiana, and prescribing the duties of conductors, motormen, gripmen and engineers in charge of such cars while about to and in the act of crossing such steam railroads with such cars. And providing penalties for the violation thereof, and fixing a time when the same shall take effect.

And was passed by the following vote:

AYES—16, viz.: Messrs. Billingsley, Daller, Dickson, Evans, Horan, Keller, Kelly, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

On motion of Mr. Perrott, the Council returned to the order of

MISCELLANEOUS BUSINESS.

Mr. Perrott offered the following motion:

INDIANAPOLIS, IND., February 4, 1901.

WHEREAS, The so-called interurban lines have entered the city without authority, and have made rules and regulations regarding fares, etc., to suit their own pleasure and convenience, without any adequate return to the city, to the inconvenience of the citizens of our city; therefore, be it

Moved, That it is the sense of this Council that the Board of Public Works be requested to take such action as is necessary to compel said interurban lines to comply with the rules and regulations regarding fares and transfers that govern the Indianapolis Street Railroad Company, or not permit them to enter the city limits.

Mr. Negley moved to lay Mr. Perrott's motion on the table.

Which motion was lost by the following vote:

AYES—2, viz.: Messrs. Evans and Negley.

NOES—14, viz.: Messrs. Billingsley, Daller, Dickson, Horan, Keller, Kelly, Moriarity, Munro, McGrew, Perrott, Reilly, Spiegel, Wheeler and President Crall.

Whereupon Mr. Perrott's motion was adopted.

On motion of Mr. Billingsley, the Common Council, at 8:40 o'clock P. M., adjourned.

Geo. H. Crall
 President.

ATTEST:

John F. Lehman
 City Clerk.