

REGULAR MEETING.

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

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

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 16 members, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Horan, Kaiser, Keller, Kelly, Moriarity, McGrew, Negley, Perrott, Reilly, Spiegel and Wheeler.

Absent 4, viz.: Messrs. Higgins, Knight, Megrew and Munro.

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., March 4, 1901.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith, bearing my signature in approval, G. O. Nos. 5, 9 and 2, 1901, App. O. No. 19, 1900, and Resolution No. 1, 1901, which were received by me last Saturday.

Respectfully,
T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Comptroller:

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

To the President and Members of the Common Council:

GENTLEMEN—I recommend the passage of an ordinance for \$2,000 for the Prevention of Contagious Disease fund of the Department of Public Health and Charities, in compliance with their request herewith attached.

Very respectfully,
E. M. JOHNSON,
City Comptroller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., March 4, 1901.

Mr. E. M. Johnson, City Comptroller:

DEAR SIR—Herewith attached we hand you statements showing amounts already expended, \$499.75, and amounts due and unpaid, \$410.58, a total of \$910.33, on account of prevention of contagious diseases.

January 1, 1901, this department had \$1,000 to its credit in the fund for prevention of contagious diseases, and since that time twenty-three cases of smallpox have been discovered and placed under quarantine. The balance now to the credit of this fund is \$89.67, a fund sufficient only to last but for a few days, and we must now request of you that you recommend that an appropriation be made by the Common Council for the sum of \$2,000 for the prevention of contagious diseases.

At this time we have under quarantine Mary A. Morris and Helen Riley, No. 2022 Lewis street; Rachel, Lulu and Robert Ryan, No. 2020 Lewis street; Mary, Ernest and Bessie Owens, 2207 Yandes street; Jennie Gullion and Alice Wright, No. 2211 Yandes street; Henry Woods, No. 934 Roanoke street; William Nelson, No. 932 Roanoke street; Lizzie Perry, Wayne street, and Gus Hancock, Collins street. At the above named places seventy odd people are quarantined and the proper maintenance of such a number necessitates quite an expenditure for provisions alone.

The outlook, although not encouraging, to say the least, is not in a sense alarming, but we feel that the appropriation asked for will be necessary at this time to properly maintain the quarantines we now have and those we are pretty certain we will have to establish in the near future.

Very respectfully,
E. D. CLARK,
Secretary.

Which was read and referred to Committee on Finance.

Communication from City Comptroller:

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

To the President and Members of the Common Council:

GENTLEMEN—I send you herewith, with my approval, an ordinance appropriating the sum of \$148 to pay certain claim made under and by virtue of Section 8 of an act of of the General Assembly of the State of Indiana, entitled: "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895, the said claim being in conformity with Section 8 of said act.

Respectfully yours,
E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Finance.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC PARKS,
OFFICE OF THE COMMISSIONERS,
INDIANAPOLIS, IND., March 1, 1901.

To the President and Members of the Common Council:

GENTLEMEN—We refer to you herewith for your consideration and action thereon, a contract this day made with Maas-Niemeyer Lumber Co., granting to said company the right and privilege to lay and maintain one switch or side-track across Twenty-first street, in the City of Indianapolis.

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

Which was read and referred to Committee on Railroads.

APPROPRIATION ORDINANCES.

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

By Mr. Wheeler:

App. O. No. 2, 1901. An ordinance appropriating the sum of two thousand dollars (\$2,000) for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, 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 there be and is hereby appropriated for the use of the Department of Public Health and Charities, to be credited to the fund known as "Contagious Disease Fund," the sum of two thousand dollars (\$2,000).

SEC. 2. An emergency existing for the immediate taking effect of this ordinance, the same shall be in force from and after its passage.

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

By Mr. Wheeler:

App. O. No. 3,1901. An ordinance appropriating the sum of one hundred and forty-eight dollars (\$148.00) to the Department of Finance of the City of Indianapolis, Indiana, with which to pay a certain claim made by virtue of Section 8 of an act of the General Assembly of the State of Indiana, entitled: "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895, 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 sum of one hundred and forty-eight dollars (\$148.00) be and the same is hereby appropriated to the Department of Finance of the City of Indianapolis, Indiana, to pay the following claim made under and by virtue of Section 8 of an act of the General Assembly of the State of Indiana, entitled: "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895:

Katharina Bernhart, administratrix of the estate of Frederick Bernhart, deceased, the sum of one hundred and forty-eight dollars (\$148.00).

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.

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, 1901. An ordinance approving a certain contract, granting Maas-Niemeyer Lumber Company the right to lay and maintain a switch or sidetrack across Twenty-first street, in the City of Indianapolis, Indiana.

Whereas, heretofore to-wit: on March 1, 1901, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with Maas-Niemeyer Lumber Co., of the County of Marion, State of Indiana, which contract is as follows:

Whereas, heretofore to-wit: on February 8, 1901, the Maas-Niemeyer

Lumber Co., filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., February 8, 1901.

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

GENTLEMEN—The undersigned, Maas-Niemeyer Lumber Co., respectfully petition your honorable body, asking permission to construct and maintain one switch or sidetrack across Twenty-first street, the center line of said switch or sidetrack commencing five (5) feet west of the center line of the main track of the Chicago, Indianapolis & Louisville Railway Company and extending northwesterly to a point in the north line of Twenty-first street, the said point being eighteen (18) feet west of the center line of the main track of the Chicago, Indianapolis & Louisville Railway Company, 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 hereinafter be agreed upon by contract.

Respectfully submitted,

MAAS-NIEMEYER LUMBER CO.,

By GEO. L. MAAS,

Secretary and Treasurer.

Now, therefore, this agreement, made and entered into this March 1, 1901, by and between Maas-Niemeyer Lumber Co., 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 Twenty-first 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 itself, its successors, legal representatives and assigns that, in consideration of the grant of the privileges and authority herein given, it 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 Twenty-first 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,

to promptly pay the cost of having the same done. And the party of the first part hereby releases all claims 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 hereby agrees to properly plank said sidetrack or switch from property line to property line of Twenty-first street, to the entire satisfaction of said second party, and in case the 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 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 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 itself 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 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 United States census last preceding, 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 Twenty-first street, in the City of Indianapolis, as follows: Beginning at a point in the intersection of the south line of Twenty-first street with the center line of the proposed switch, the said point being five (5) feet west of the center line of the main track of the Chicago, Indianapolis & Louisville Railway Co.; thence with the center line of said switch in a northwesterly direction to a point in the north line of Twenty-first street, the said point being eighteen (18) feet west of the center line of the main track of the Chicago, Indianapolis & Louisville Railway Co.

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 March 1, 1901.

MAAS-NIEMEYER LUMBER Co.,
By GEO. L. MAAS,
Secretary and Treasurer.
Party of First Part.

CITY OF INDIANAPOLIS,
By ALBERT SAHM,
C. MAGUIRE,
Board of Public Works,
Party of Second Part.

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 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 Railroads.

By Mr. Perrott:

G O. No. 12, 1901. An ordinance fixing the salary of the Second Assistant City Attorney.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Second Assistant City Attorney shall receive a salary at the rate of nine hundred dollars (\$900.00) per annum.

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

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

By Mr. Perrott:

G. O. No. 13, 1901. An ordinance licensing bill posters in the City of Indianapolis, providing penalties 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, Indiana, That it shall be unlawful for any person, firm or corporation to engage in the business of bill posting in the City of Indianapolis without first having procured a license so to do, as in this ordinance so provided. Any person, firm or corporation desiring to do business as a bill poster in said city shall first pay into the city treasury a license fee of twenty-five dollars (\$25.00) per annum therefor, and upon presentation of the receipt of said Treasurer to the City Comptroller of said city, shall receive from said Comptroller a license so to do. Said license shall run from the first day of January to the 31st day of December of each year, and no reduction shall be made for any part of the year that may have elapsed at the time of the issuance of the same. Any person, firm or corporation violating the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding twenty-five dollars, and each day's continuance of such violation 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 said city.

Which was read a first time and referred to Committee on Public Property and Improvements.

Mr. Knight, absent at roll-call, arrived.

MISCELLANEOUS BUSINESS.

Mr. Crall offered the following resolution:

Resolution No. 2, 1901.—

WHEREAS, Mr. George Merritt of Indianapolis, Indiana, is the trustee by appointment of the City of Indianapolis and of the Board of School Commissioners of the City of Indianapolis of certain lands in the State of Iowa, and as such the holder of the legal title to said lands which were acquired from the estate of Thomas D. Gregg, the income of the proceeds thereof to be used for the benefit of the public schools of the city; and,

WHEREAS, Said trustee has an offer for all of the lands of said trust remaining unsold of \$12,850 from one S. L. Fouts, which offer he and the Board of School Commissioners think it wise to accept; and

The said Board of School Commissioners having recommended the sale; be it

Resolved, by the Common Council of the City of Indianapolis, Indiana, in regular session assembled on this 4th day of March, 1901, that said George Merritt, as such trustee, be and he hereby is authorized and directed to sell, for the price above stated, to said S. L. Fouts, all of the lands of the Thomas D. Gregg trust remaining unsold in his hands as trustee, the same being more particularly described as follows, viz.:

The southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) and the southeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section nineteen (19), township seventy-nine (79), range twenty-seven (27).

Also the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) and the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of section thirty (30), same township and range.

Also the southwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of said section thirty (30); all in the county of Dallas and State of Iowa; that for any part of the purchase money not paid cash on the delivery of his deed as trustee to the purchaser, that he take the purchaser's note or notes at five (5) per cent. interest, payable to said George Merritt as such trustee or order, and a purchase money mortgage on the lands sold securing such note or notes; that said deed when executed, shall pass to the purchaser in fee simple and absolutely all right, title and interest legal and equitable, of the City of Indianapolis, Indiana; that said trustee as fast as said purchase money is received, shall duly account for the same to the Treasurer, for school purposes, of the City of Indianapolis, to be invested, used and disposed of according to law and to the terms of the will of Thomas D. Gregg and of the decree of the King William Circuit Court of King Williams County, Virginia, of June 12, 1878, in pursuance of which said lands were acquired.

Which was read and, on motion of Mr. Daller, adopted by the following vote:

AYES—18, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Horan, Kaiser, Keller, Kelly, Knight, Moriarity, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

Mr. Daller offered the following resolution:

Resolution No. 3, 1901.—

WHEREAS, After the strongest possible protests of the city press, Marion County Senators, Representatives and all of the Commercial bodies of Indianapolis, the Indiana Senate now in session, after amending Senate bill No. 283, commonly known as the Goodwine bill, for the sale of State lands, to read, that St. Clair Park be exempt from sale, but that same be fenced in, thereby destroying it as a public park, passed the same; and,

WHEREAS, By this action, it is plain that the members are working in the interest of the Electric Street Railway lines, as against the unfortunate, and the common people, by depriving them of a breathing place within the city limits, thus compelling them to take the street cars and go to the more remote parks, or the country, at an expense which in many cases will be burdensome; therefore, be it

Resolved, That, if said bill shall pass the House, it is the sense of this Common Council that our Honorable Governor be, and is hereby petitioned to veto such bill in the interest of the deaf, dumb and blind children of our State, and the poor people of this city who live in tenement houses in the overcrowded portions of the city, but who of necessity are compelled to live there.

Which was read.

Mr. Daller moved that the words "deaf, dumb and blind children of our State, and the" in lines 17 and 18 of Resolution No. 3, 1901, be stricken out.

Which motion prevailed.

Whereupon Resolution No. 3, 1901, on motion of Mr. Daller, was adopted, as amended, by the following vote:

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

NOES—2, viz.: Messrs. Knight and Perrott.

Mr. Negley offered the following resolution:

Resolution No. 4, 1901.—

WHEREAS, A contract made and entered into between the City of Indianapolis and the so-called Home Heating and Lighting Company was ratified by this Common Council on the 1st day of October, 1900, on very liberal terms and conditions; and,

WHEREAS, In the eleventh paragraph of said contract said Home Heating and Lighting Company agrees and binds itself that within ninety (90) days after the Board of Public Works shall have bounded a territory within which said Company shall establish its first plant for heating and lighting service it will begin the construction of said plant; and,

WHEREAS, Said Board of Public Works did bound and designate such territory on the 23d day of November, 1900, by a resolution duly passed and recorded; and,

WHEREAS, Said Home Heating and Lighting Company has not commenced the construction of its said plant according to the plain provi-

sions of its contract, although more than ninety days have passed since the bounding of said territory by the Board of Public Works; therefore, be it

Resolved, by the Common Council of the City of Indianapolis, that the Board of Public Works of said city is hereby directed to at once bring such proceedings, through the City Attorney, as may be necessary to declare said contract with said Home Heating and Lighting Company null and void by reason of said Company's direct violation of the provisions thereof.

Which was read and, on motion of Mr. Bernauer, laid on the table by the following vote :

AYES—14, viz.: Messrs. Bernauer, Daller, Dickson, Horan, Keller, Kelly, Knight, Moriarity, McGrew, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—4, viz.: Messrs. Billingsley, Evans, Kaiser and Negley.

ORDINANCES ON SECOND READING.

Mr. Daller moved that the constitutional rules be suspended for the purpose of placing the following entitled ordinance on its final passage :

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

Which motion was adopted by a unanimous vote.

App. O. No. 2, 1901, was then read a second time.

On motion of Mr. Daller, App. O. No. 2, 1901 was then ordered engrossed, read a third time and passed by the following vote :

AYES—18, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Horan, Kaiser, Keller Kelly, Knight, Moriarity McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

On motion of Mr. Daller, the Common Council, at 8:50 o'clock P. M., adjourned.

Geo. H. Crall
President.

ATTEST :

John F. Geckler

City Clerk.