

SPECIAL MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 1, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Thursday, March 1, 1894, at 8 o'clock P. M., in special session, pursuant to the following call:

INDIANAPOLIS, IND., February 27, 1894.

To the Members of the Common Council:

GENTLEMEN—You are hereby requested to meet in special meeting in the Council Chamber, on Thursday, March 1, 1894, at 8 o'clock P. M., to transact such business as may come before said meeting.

W. H. COOPER,
President.

I, Lee Nixon, Clerk of the Common Council, do hereby certify that I served above notice upon the President and each member of the Common Council, prior to time of meeting.

LEE NIXON,
City Clerk.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the Chair, and 17 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Ryan, Schmid, Shaffer, Stott and Young.

Absent, 3—viz: Messrs. Merritt, Rauh and Stein.

The Clerk proceeded to read the Journal, whereupon Councilman Colter 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,
February 23, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I have this day approved the following ordinance passed by your honorable body at your regular session on the 19th inst.:

G. O. No. 12, of 1894. An ordinance providing for the change of the names of Sutherland and Brinkman streets to Seventeenth street.

I have also approved the following ordinance passed at your called session, held on the 20th inst.:

G. O. No. 17, of 1894. An ordinance to amend Section 9 of an ordinance entitled "An ordinance providing for a license upon vehicles," etc., being G. O. No. 61, of 1893.

Respectfully submitted,

C. S. DENNY,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Attorney:

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS,
February 28, 1894. }

Preston C. Trusler, City Comptroller:

SIR—If the Common Council shall by ordinance authorize this department to employ special counsel as contemplated, to assist in Street-car Company litigation, it is doubtful, under Section 51 of the Charter, if I have power to enter into any valid contract for such employment without previous appropriation to this department of a sum sufficient to cover the compensation which may be stipulated to be paid such special counsel.

If the Council shall authorize such employment of special counsel, you are therefore requested to recommend an additional appropriation in the sum of \$6,500.00 to the use of this department for special counsel fees and expenses of said proposed litigation.

Respectfully,

J. E. SCOTT,
City Attorney.

To the President and Members of the Common Council:

GENTLEMEN—I respectfully recommend that the appropriation of \$6,500.00 be made to the use of the Department of Law.

Respectfully,

P. C. TRUSLER,
City Comptroller.

Which was received and ordered spread on the minutes.

APPROPRIATION ORDINANCES.

Under this order of business the following ordinance was introduced:

By Mr. Stott:

App. O. No. 2, 1894. An ordinance appropriating to the Law Department the sum of \$6,500 for special counsel fees and expenses of litigation between the city and the Citizens' Street-railroad Company; and providing for the taking effect thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That from any of the funds remaining unexpended in the treasury, there be and is hereby appropriated to and for the use of the Law Department of said city sums as follows :

For the payment of special counsel in litigation with the Citizens' Street-railroad Company, to be employed pursuant to ordinance, \$5,000.

For expenses of litigation with said Street-car Company, including printing of briefs and record, expense of transcript, hotel and traveling expenses of special counsel, and costs, \$1,500.

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

Which was read the 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 Mr. Drew :

G. O. No. 19, 1894. An ordinance authorizing the City Attorney to employ as an assistant, special counsel in pending and proposed litigation between the city and the Citizens' Street-railroad Company, and matters connected therewith, and providing for the taking effect thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Attorney is hereby authorized to employ an assistant, as special counsel, to assist in all litigation now pending between the city and the Citizens' Street-railroad Company which may in any manner involve the right of said company to the use and occupation of the streets of said city for street railway purposes, and to assist in such further or other action or actions as the city may be made or become a party to which shall involve the question of the right of said company to so use and occupy said streets, or to continue the use thereof for such purpose; and the Law Department, with the assistance of such special counsel, may commence and prosecute such further suit or action against said company as may be deemed necessary or expedient for the purpose of determining the right of said company to the use and occupation of the streets, and the duration of such right, if it shall be found to exist, and for the recovery to the city of the possession of its streets if no such right exists :

Provided, however, That the contract for employment of such special counsel shall not involve the city in liability for counsel or attorneys' fees in any sum in excess of \$3,000, unless such litigation shall be taken to the Supreme Court of the United States, and, in that event, the further liability for counsel and attorneys' fees shall not exceed the sum of \$2,000; but in addition to fees for said special counsel, the Law Department may contract for the printing of all necessary briefs, and for the payment of the traveling and hotel expenses of special counsel while rendering necessary service in said cause in the United States Supreme Court. Said city shall also pay all costs adjudged against it, and all necessary expenses for transcript on appeal or writ of error, and for printing of record.

SEC. 2. The expenses of said litigation, including counsel and attorney's fees shall be paid from time to time as may be necessary, and as may be fixed by the terms of the employment, from an appropriation to the Law Department for such purpose, which shall be made to such department before any contract for the employment of such special counsel shall be entered into.

SEC. 3. This ordinance shall be in force from and after its passage.

Which was read the first time and referred to Committee on Judiciary.

By Mr. Young:

G. O. No. 20, 1894. An ordinance to annex to the City of Indianapolis, Indiana, certain territory contiguous thereto, providing for publication thereof, and fixing the time when the same shall take effect.

SECTION 1. Be is ordained by the Common Council of the City of Indianapolis, Indiana, That the following described territory, platted and unplatted, contiguous to said City of Indianapolis, be and the same is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Indiana, to-wit:

Commencing at the present city limits on the southeast banks of Fall Creek at a point on a line one hundred and eighty-five (185) feet east of the center line of Meridian street, thence north on and along the present corporation line one hundred and eighty-five feet from the center of Meridian street, and parallel therewith, to the center line of Twenty-sixth street, thence east on and along the center line of Twenty-sixth street to a point even with the center line of the first alley east of Meridian street, said point being three hundred and thirty-four (334) feet east of the center line of Meridian street, thence south along the center line of said alley to the center line of Twenty-fourth street, thence east on and along the center line of Twenty-fourth street six (6) feet, thence south parallel with the center line of Meridian street, and three hundred and forty (340) feet distant from such center line, and on and along the center line of Pennsylvania street, and on south to a point on the south bank of Fall Creek in a line three hundred and forty (340) feet east of the center line of Meridian street, thence southwest along the south bank of Fall Creek to the place of beginning, which said territory shall hereafter form a part of the said City of Indianapolis, and be within the jurisdiction of the same, and said territory is hereby consolidated with and made a part of said City of Indianapolis.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in *The Sun*, a daily newspaper of general circulation printed and published in said City of Indianapolis, Marion county, Indiana.

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

On motion of Mr. Young, the Common Council, at 8:10 o'clock P. M., adjourned.

H. H. Cooper

President.

ATTEST:

Lee Wilby

City Clerk.