

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 5, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 5, 1894, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 18 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott and Young.

Absent, 2—viz: Messrs. Merritt and Murphy.

The Clerk proceeded to read the Journal, whereupon Councilman Rauh 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,
March 5, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—The new City Charter confers powers upon your honorable body to pass and enforce ordinances on a number of subjects not covered by the old law, and which have not been taken advantage of up to the present time. A few of these matters I deem of sufficient importance to call your special attention to, and ask that proper ordinances may be prepared and passed. I name the following:

1. The last paragraph of Section 23, providing for the regulation and building of party walls and partition fences. This statutory provision confers power to prescribe in what proportion adjoining owners of lots shall bear the expense of constructing partition fences, in what manner such expense shall be levied and collected, and to define the terms upon which party walls already established may be used by adjoining owners.

The lack of an ordinance regulating these matters causes many injustices to be practiced, and innumerable misunderstandings to occur among neighbors. I

have a number of ordinances of other cities on the subject that I will gladly furnish to your members as a guide in framing one for the consideration of your honorable body, should you conclude to act favorably on this recommendation.

2. The same section of the Charter, under the heading "Streets," authorizes the Council to pass ordinances requiring the owners or occupants of premises "to keep sidewalks in front of the same free from snow and other obstructions, and prescribe hours for cleaning the same."

The recent heavy snow fall, coupled with the carelessness of so many citizens in failing to clear their walks, is a sufficient argument to call for action, at least in time to prevent a repetition of these conditions next winter.

3. Still another clause of Section 23 authorizes you to designate the kind of vehicles that shall not be used upon certain classes of improved streets, and to fix the hours for the use of streets by specified kinds of vehicles. I am informed that no proper regulations have yet been adopted on this subject. The new streets made and to be made in the future, should be protected from abuse by the hauling of unusual loads of heavy freight.

In the same ordinance provision should be made for speeding horses on certain streets during certain hours, to be specified by proper authority, during sleighing seasons. Nearly all large northern cities have ordinances setting aside the general provisions of the ordinances forbidding fast driving, in order to permit speeding during the sleighing period. Properly regulated, no harm can come from such an ordinance, but may be made a source of much enjoyment to many citizens.

I recommend that all these suggestions be referred to proper committees and duly considered by your honorable body.

Respectfully submitted,

C. S. DENNY,

Mayor.

Which was read and referred to the Committee on Ordinances.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Drew, of the Judiciary Committee, moved that G. O. No. 19, 1894, be called from committee.

Which motion prevailed.

Mr. Young, on behalf of the Committee on Railroads, to whom was referred:

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.

Made the following report:

Mr. President:

Your Committee on Railroads, to whom was referred G. O. No. 20, 1894, beg to report that they have considered the same, and recommend that it do pass.

Respectfully submitted,

A. A. YOUNG.

P. J. RYAN.

THEODORE STEIN.

Which was read and concurred in.

Mr. Stott, on behalf of the majority of Special Committee on Public Property, to whom was referred :

G. O. No. 11, 1894. An ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, and matters connected therewith, and fixing the time for the taking effect thereof.

Made the following report :

INDIANAPOLIS, March 5, 1894.

To the President and Members of the City Council:

GENTLEMEN—Your committee on Public Property and Improvements—on G. O. No. 11—recommend the passage of the same.

ED. G. STOTT.
GEO. R. COLTER.

Mr. Koehring, on behalf of the minority of the Special Committee on Public Property, to whom was referred G. O. No. 11, 1894, made the following report :

To the Members of the Common Council:

GENTLEMEN—The minority of the Committee on Public Property recommend that G. O. No. 11 be not passed, believing it to be illegal.

CHAS. KOEHRING.

Mr. Colter moved that the majority report be adopted.

Which motion prevailed.

Mr. Drew, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred :

G. O. No. 15, 1894. An ordinance prescribing general regulations for the public markets of the City of Indianapolis, Indiana, prescribing and defining the general powers, functions and duties of the City Market Masters and concerning matters connected with the city markets; repealing certain ordinances, and repealing all ordinances and parts of ordinances in conflict therewith; providing penalties for violations thereof; providing for publication and fixing the time when the same shall take effect.

Made the following report :

INDIANAPOLIS, IND, March 5, 1894.

Mr. President:

Your Committee on Sewers, Streets and Alleys, to which was referred G. O. No. 15, 1894, hereby report on the same and recommend that it be amended as follows :

We recommend that Section 3 of said ordinance under the paragraph and title "curbstone stands," be amended by striking out the word "six" in line five of said paragraph, and inserting in lieu thereof the word "eight," and that the words "and tropical fruits" be inserted after the word "fish" in line eight of said paragraph headed "curbstone stands" in Section 3, all being on page three of said ordinance.

That Section 5 be amended by striking out the word "including," in lines two and three thereof, and inserting in lieu thereof the word "except," and by striking out the words "and to see that order is maintained during all meetings in said Tomlinson Hall," in lines five and six of said Section 5; that the word "building" in line nine of said Section 5 be struck out and the word "buildings" be inserted in lieu thereof, and that after the word "space" in said line nine, the words "except such as may be appointed for Tomlinson Hall," be inserted.

That Section 14 be amended by striking out all of said section after the word "company" in the third line of said section, and the words "except with the written consent of the Board of Public Safety," inserted in lieu of the part so struck out.

When amended as above, we recommend that said ordinance be passed.

LUCIUS W. DREW.

GEO. W. SHAFFER.

WM. HENNESSY.

Committee.

Which was read and concurred in.

Mr. Young moved that App. O. No. 2, 1894, be called from committee.

Which motion prevailed.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Mr. Rauh:

G. O. No. 21, 1894. An ordinance authorizing the issue and sale of three hundred refunding bonds of one thousand dollars each of the City of Indianapolis, in order to raise money to take up certain bonds bearing date July 1, 1874, known as "Series C," which will become due twenty years after said 1st day of July, 1874, aggregating three hundred thousand dollars; prescribing the time and manner of advertising the sale of said refunding bonds, and of the receipt of the bids for the same, together with the mode and terms of sale; also appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds, and providing the time and manner of payment of said outstanding bonds; and providing for the refunding of the indebtedness of said City of Indianapolis represented by said bonds known as "Series C," and matters connected therewith, and fixing the time when the same shall be in force and take effect.

WHEREAS, Certain bonds of the City of Indianapolis, Indiana, bearing date July 1, 1874, known as "Series C," amounting in the aggregate to the sum of three hundred thousand dollars, drawing $7\frac{3}{10}$ per cent. interest, will become due twenty years after July 1, 1874; and,

WHEREAS, There are not now and there will not be sufficient funds in the treasury of said city with which to pay said bonds at maturity; and,

WHEREAS, It is necessary to refund said indebtedness; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Marion County, State of Indiana, That the head of the Department of Finance of said city be and is hereby authorized and directed to refund certain of the indebtedness of the City of Indianapolis, amounting to the sum of three hundred thousand dollars, which indebtedness is represented by certain outstanding bonds of said city, bearing date July 1, 1874, known as "Series C," which will become due twenty years after July 1, 1874.

SEC. 2. That the head of the Department of Finance is hereby directed and authorized for the purpose of refunding the said indebtedness of three hundred thousand dollars (\$300,000) to prepare and sell three hundred new bonds of the City of Indianapolis, Marion County, Indiana, of one thousand dollars each, which bonds shall bear date June 30, 1894; shall be designated "Indianapolis Refunding (Series C, 1874) Bonds of 1894"; shall bear interest at the rate of 4 per cent. per annum, which interest shall be payable semi-annually on the 30th day of December and the 30th day of June of each year, and said installments of interest shall be evidenced

by interest coupons attached to said bonds. Said bonds and interest coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Company, of the City, County and State of New York. Said bonds shall run for thirty years from said 30th day of June, 1894, and shall be signed by the Mayor and City Comptroller and attested by the City Clerk, who shall affix the seal of said city to each of said bonds. Said interest coupons shall bear the lithographed *fac-simile* of the signatures of the Mayor and Comptroller. Said bonds shall be prepared by the head of the Department of Finance in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein, respectively.

It shall be the duty of the head of the Department of Finance at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose, all of said bonds so issued and negotiated.

In said register shall be entered in serial number all the bonds so issued and negotiated, beginning with No. 1; and there shall also be given the date of their issuance, their amounts, date of maturity, rate of interest, and the time and place where said interest shall be payable.

Said bonds shall be substantially in the following form, all blanks for numbers and date to be properly filled before issue thereof:

UNITED STATES OF AMERICA.

No. CITY OF INDIANAPOLIS. \$1,000.
State of Indiana. Marion County.

INDIANAPOLIS REFUNDING (SERIES C, 1874) BOND OF 1894. 30 YEARS.

Thirty years after date, the City of Indianapolis, in Marion County, and State of Indiana, promises to pay to the bearer, at the banking house of Winslow, Lanier & Company, of the City, County and State of New York, for value received, one thousand dollars in lawful money of the United States of America, with interest thereon at the rate of 4 per cent. per annum, payable semi-annually on the thirtieth days of December and June of each year, at said banking house of Winslow, Lanier & Company, in the City of New York, and State of New York, upon the presentation of the proper coupon hereto attached.

This bond and interest coupons attached are negotiable and payable at the said banking house of Winslow, Lanier & Company, in the City and State of New York; and said bond is one of a series of three hundred of like amount, date and tenor, bearing date June 30th, 1894, authorized and issued in accordance with an ordinance duly and legally passed by the Common Council of said City of Indianapolis, on the — day of March, 1894, and approved by the Mayor of said city on the — day of March, 1894, pursuant to and in accordance with 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.

The faith and credit of the said City of Indianapolis is irrevocably pledged to the payment of the principal and interest of this bond as herein stipulated.

In witness whereof, the Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Comptroller, attested by the City Clerk, and the seal of said city to be affixed thereto by said Clerk, this 30th day of June, 1894.

.....
Mayor.

Attest :

.....
City Clerk.

[SEAL]

.....
City Comptroller.

SEC. 3. That the head of the Department of Finance shall, after the passage of this ordinance, advertise for bids or proposals for the sale of said bonds. Such advertisement shall be made once each week for two consecutive weeks in *The Sun*, a daily newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, State of Indiana, and also in the *Commercial and Financial Chronicle*, a weekly newspaper of general circulation, printed and published in the City, County and State of New York, and the Comptroller may insert such advertisements in such other papers and publications as he may deem advisable. Such advertisements shall describe said bonds with such minuteness and particularity as the City Comptroller shall see fit; it shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds; the date of opening the bids or proposals therefor; the right of the City Comptroller to reject any or all bids, and the amount of deposit the bidder will be required to make, and the time and place he shall receive and pay for the bonds awarded.

SEC. 4. Each and every bid or proposal shall be presented to the City Comptroller sealed, and shall be accompanied with a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of Sterling R. Holt, City Treasurer, for a sum of money which shall equal 5 per cent. of the face or par value of the bonds bid for or proposed to be purchased. The City Comptroller shall continue to receive all bids or proposals therefor at the office of the City Comptroller until 12 o'clock M. on the first day of May, 1894, at which time and place and between said hour and 2 o'clock P. M. of said day he shall open said bids or proposals. The City Comptroller shall award said bonds, or, if he shall see fit, a part or any number thereof, to the highest and best bidder therefor; but said City Comptroller shall have the full right to reject any and all bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or any less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder, and a part to another. These provisions shall apply in case of re-offering and re-advertisement of said bonds as hereinafter provided.

SEC. 5. In case the City Comptroller shall reject all bids submitted, or if he shall award only a part of the said bonds he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix both the date and the time for receiving and opening bids or proposals, and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time in like manner to re-advertise said bonds for sale, and until all said refunding bonds are sold and said outstanding indebtedness fully refunded.

SEC. 6. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the Comptroller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Comptroller shall award the whole or any part of the bonds upon any bid or proposal he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If for any reason said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to proceed to re-advertise said bonds for sale at once, but shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof when collected shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to said city. In case any successful bidder shall fail to complete the purchase of the bonds so awarded, and to pay for the same, within the time and manner herein required, or which may be prescribed by the City Comptroller as herein provided, the proceeds of said certified check thereby so deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase,

and shall be taken and deemed as a payment to the city of such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or at the option of the City Comptroller at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds. The purchaser or purchasers of said bonds, or any part of them, shall take up the same and pay the purchase price therefor at the banking house of Winslow, Lanier & Company, New York City, on the 30th day of June, 1894, or upon such other date as shall be fixed by the advertisements herein provided for, but the date for taking up and paying for said bonds so fixed may be extended at the option of the Comptroller for a period of ten days following said date, and the purchaser shall take up and pay for said bonds at any time upon the request of the Comptroller within said ten days, and concurrently with such payment or payments, the proceeds from the sale of such refunding bonds shall be and is hereby appropriated to the Finance Department of the City of Indianapolis, Indiana, and shall be applied to the payment of said outstanding bonds for the refunding of which said new bonds are hereunder to be issued and sold, the outstanding bonds so to be refunded and paid to equal in number and amount the new refunding bonds so sold; and the proceeds of said certified check so collected, is also hereby appropriated to said Finance Department, to be repaid to the purchaser of said bonds if the Comptroller shall not exercise the option to apply the same on the purchase price of said bonds; and the City Comptroller is hereby authorized to draw all proper and necessary warrants, and to do whatever act may be necessary to carry out the provisions hereof, and the City Treasurer is also authorized to pay said outstanding bonds to be refunded from the proceeds of the sale of said new refunding bonds upon such warrants from the City Comptroller, and to do and perform such other acts as may be necessary that he should do in the premises to aid the carrying into effect the provisions thereof.

SEC. 7. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

ORDINANCES ON SECOND READING.

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

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.

On motion of Mr. Drew, G. O. No. 19, 1894, was ordered engrossed, read third time, and passed by the following vote:

AYES 17—viz: Messrs. Allen, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS 2—viz: Messrs. Colter and O'Brien.

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

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.

On motion of Mr. Rauh App. O. No. 2, 1894, was ordered engrossed, read third time, and passed by the following vote:

AYES 18—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAY 1—viz: Mr. O'Brien.

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

G. O. No. 11, 1894. An ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, and matters connected therewith, and fixing the time for the taking effect thereof.

Mr. Colter moved that G. O. 11, 1894, be engrossed.

Which motion was lost by the following vote:

AYES 7—viz: Messrs. Colter, Costello, Hennessy, O'Brien, Rauh, Ryan and Schmid.

NAYS 12—viz: Messrs. Allen, Drew, Kaiser, Koehring, Krauss, Magel, Puryear, Shaffer, Stein, Stott, Young and President Cooper.

Mr. Young moved that G. O. No. 11, 1894, be referred back to Special Committee on Public Property, with instructions to consult with City Attorney as to its legality.

Which motion prevailed.

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

G. O. No. 15, 1894. An ordinance prescribing general regulations for the public markets of the City of Indianapolis, Indiana, prescribing and defining the general powers, functions and duties of the City Market Masters and concerning matters connected with the city markets; repealing certain ordinances, and repealing all ordinances and parts of ordinances in conflict therewith; providing penalties for violations thereof; providing for publication and fixing the time when the same shall take effect.

Mr. Drew moved that the amendments to G. O. No. 15, 1894, as recommended by committee be adopted.

Which motion prevailed.

Mr. Shaffer moved that G. O. No. 15, 1894, be engrossed as amended.

Which motion prevailed.

G. O. No. 15, 1894, was then read the third time, and passed by the following vote :

AYES 12—viz: Messrs. Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Rauh, Ryan, Schmid, Shaffer, Stott and Young.

NAYS 7—viz: Messrs. Allen, Colter, Costello, O'Brien, Puryear, Stein and President Cooper.

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

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.

On motion of Mr. Young, G. O. No. 20, 1894, was ordered engrossed, read third time, and passed by the following vote :

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

MISCELLANEOUS BUSINESS.

Mr. Costello (by request) presented the following petition, which was signed by twenty real estate owners :

INDIANAPOLIS, IND., February 26, 1894.

To the Common Council of the City of Indianapolis :

GENTLEMEN—The undersigned, owners of real estate fronting on Washington street, between Mississippi and West streets, and on Missouri street, between Maryland and Market streets, respectfully petition for the passage of an ordinance providing for removal of express-wagon stand from said part of Missouri street, for the reason that said stand at said point has become and is a public nuisance and is damaging to the value of your petitioners' said property and to the health of persons residing in the vicinity. [Signed by twenty real estate owners.]

Which was read and referred to Committee on Sewers, Streets and Alleys.

On motion of Mr. Colter, the Common Council, at 9 o'clock P. M., adjourned.

W. F. Cooper

 President.

ATTEST :

Lee Nixon

 City Clerk.