

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
November 7, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 7, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 10 members, viz.: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Higgins, Little, McGrew, Scanlon and Von Spreckelsen.

Absent—10, viz.: Messrs. Clark, Crall, Harston, Knight, Madden, Merrick, Moffett, Rauch, Shaffer and Smith.

The Clerk proceeded to read the Journal, whereupon Councilman Bernauer 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., October 7, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances:

App. O. No. 8, 1898. An ordinance appropriating the sum of five thousand dollars (\$5,000) for the use of the Department of Public Works, and fixing a time when the same shall take effect.

App. O. No. 9, 1898. An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive

departments thereof, for the fiscal year beginning January 1, 1899, and ending December 31, 1899, and fixing a time when the same shall take effect.

G. O. No. 60, 1898. An ordinance ordering and directing the levy of an annual tax, and fixing the rate of levy and taxation for the City of Indianapolis for the year 1898.

Respectfully submitted,

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., October 17, 1898.)

To the President and Members of the Common Council:

Gentlemen—I am directed by the Board of Public Works to transmit, for your action, a contract made and entered into between the Board of Public Works and the Peoria & Eastern Railway Company, granting said company the right and privilege to lay and maintain a switch or side-track across West Washington street, under certain terms and conditions named in said contract.

Very respectfully,

C. H. SPENCER,
Clerk Board of Public Works.

Which was read and referred to Committee on Railroads.

Communication from Board of Public Safety:

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF BOARD OF COMMISSIONERS.
INDIANAPOLIS, IND., November 2, 1898.)

Mr. E. M. Johnson, City Comptroller:

Dear Sir—The Board of Public Safety, at a meeting held this day, adopted a resolution requesting you to recommend to the Common Council the transfer of \$912.66 from various Fire Force funds to the Fire Force Pay-Roll fund, as follows:

From the Repairs to Apparatus fund	\$250.00
From the New Horse fund	275.00
From the Harness and Repairs fund	100.00
From the New Hose fund	52.66
From the Miscellaneous fund	235.00

\$912.66

The Board passed an order on May 27th requiring every member of the Fire Department to lay off a day a week, without pay, and it is now considered advisable that this order be rescinded. The transfer of the

funds asked will place sufficient money in the Pay-Roll fund to make it possible for the Board to pass an order, to go into effect November 29th, revoking its former action.

Yours very truly,

EDWARD H. DAVIS,
Secretary.

Approved and recommended November 7, 1898.

E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Finance.

Communication from Board of Public Safety:

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF BOARD OF COMMISSIONERS,
INDIANAPOLIS, IND., October 5, 1898. }

Mr. E. M. Johnson, City Comptroller:

Dear Sir—The Board of Public Safety desires to call your attention to the condition of three of the principal funds of this department—the Horse Feed fund of the Fire Force, which has a balance remaining of only 27 cents; the Incidental fund of the Station House, which has a balance remaining of only \$1.29; and the Gas fund of the East Market, which is completely exhausted.

In order that these funds may be replenished so as to meet such expenditures for the balance of the year as are properly payable out of them, the Board respectfully requests you to recommend to the Common Council the transfer to them of such sums as it is thought can be spared from other funds of this department, as follows:

For the Horse Feed fund of the Fire Force, transfer from the New Apparatus fund of the Fire Force the sum of \$288.15; from the Fuel Gas fund of the Fire Force the sum of \$425.00; and from the Hose fund of the Fire Force the sum of \$175.00, making a total of \$888.15.

For the Incidental Expense fund of the Station House, transfer from the fund for new horses at the Station House the sum of \$289.00, and from the Wagon Repair fund of the Station House the sum of \$528.10, making a total of \$817.10.

For the Gas fund of the East Market, transfer from the fund for new horses for the Fire Force the sum of \$300; from the Repairs to Apparatus fund of the Fire Force the sum of \$400; and from the Soda and Acids fund of the Fire Force the sum of \$100, making a total of \$800.

Yours truly,

EDWARD H. DAVIS,
Secretary.

Approved October 17, 1898.

E. M. JOHNSON,
City Comptroller.

Which was read 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. 65, 1898. An ordinance approving a certain contract granting the Peoria & Eastern Railway Company the right to lay and maintain a certain railway track across West Washington street, in the City of Indianapolis, under stipulated terms and conditions.

Whereas, heretofore, to-wit: on October 17, 1898, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with the Peoria & Eastern Railway Company, which contract is as follows:

Whereas, heretofore, to-wit: on the 5th day of September, 1898, the Peoria & Eastern Railway Company filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

INDIANAPOLIS, IND., September 5, 1898.

Board of Public Works, City of Indianapolis:

Gentlemen—The Peoria & Eastern Railway Company herewith petition your Honorable Body and ask for permission to change one track now crossing Washington street near Decatur street in the following manner:

The track marked "A" being a lead track running over the north side of Washington street is to be removed and the track marked "B" running straight across Washington street is to be substituted therefor.

This change does away with some switching in the street and causes the removal of one frog and one switch from the street and substitutes a straight track therefor.

The plat showing the changes as above petitioned for is filed herewith.

Yours truly,

PEORIA & EASTERN RAILWAY COMPANY,

By J. A. BARNARD,

General Manager.

Now, therefore, this agreement made and entered into this 17th day of October, by and between the Peoria & Eastern Railway Company, party of the first part, and the City of Indianapolis, County of Marion, State of Indiana, 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 the right of way across Washington street near Decatur street in the City of Indianapolis to lay and maintain a railroad track as per petition and plat herewith filed 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 granting of the privileges and authority herein given, it will lay, construct and maintain said railway track upon the terms and conditions hereinafter set forth, viz:

1st. Said track 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.

2d. Said track shall be laid on such grade as shall be established by said Board and shall be put down under its supervision and to its satisfaction and approval. Said tracks shall be raised or lowered to conform to the grade of any street or alley intersecting said tracks, which may, from time to time, be hereafter established, whenever so ordered in writing by said Board.

3d. The party of the first part hereby agrees and binds itself to plank and keep in proper repair, to the satisfaction of the party of the second part, the tracks herein provided to be laid and maintained, at the points where the same shall cross all public streets and alleys, and shall, at all times, be free from defects or obstructions of any kind. No car or cars shall be permitted to obstruct such street or alley crossings or to be thereon except for such time as may be absolutely necessary in moving them back and forth, but they shall, at no time, be stopped or detained thereon, in such a manner as to obstruct public travel.

4th. In case the said tracks 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 the same, and 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 the said party of the first part and for which expense and cost the said party of the first part shall be liable.

5th. The said party of the first part hereby agrees and binds itself to hold the said party of the second part harmless from any and all claims for damages growing out of the existence, maintenance or use of said tracks, and to pay any judgment, with costs, that may be, on that account, rendered against the party of the second part.

6th. It is herein expressly understood and agreed that this consent and permission is granted to said first party only in consideration of its removing, at the time said track across Washington street marked "B" on the plat herewith, is constructed, the track marked "A," and, in case of its failure to so remove said track marked "A," the said party of the second part reserves the right to order the use of any or all of the tracks herein referred to discontinued and removed.

7th. Any violation of any provision of this instrument by said party of the first part, or by anyone for it, or at its instance or permission, shall operate as an absolute forfeiture of all the provisions and authority granted or given by this contract, provided, however, the same may be terminated at the pleasure of said Board without cause.

8th. Said track shall be located as follows: Beginning at a point in the north line of Washington street, the said point being sixty-six (66) feet east of the east line of Decatur street; thence in a southeasterly direction to a point in the south line of Washington street, the said point being one hundred and eighty (180) feet east of the east line of Decatur street.

The said party of the second part, by virtue 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, hereby gives, grants and duly vests the said party of the first part the right to lay and maintain the track as prayed for in the petition,

and as shown by the plat attached, marked "Exhibit A," which petition and plat are made a part of this contract.

In witness whereof, we have hereunto set our hands this 17th day of October, 1898.

PEORIA & EASTERN RAILWAY COMPANY,
By J. A. BARNARD,
General Manager.

CITY OF INDIANAPOLIS,
By M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

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. Costello:

G. O. No. 66, 1898. An ordinance authorizing the transfer of twenty-five hundred and five dollars and twenty-five cents (\$2,505.25) from funds other than those to which this sum was originally appropriated.

Whereas, By App. O. No. 17, 1897, certain sums of money were appropriated to the Department of Public Safety of the City of Indianapolis, Indiana, for New Apparatus fund, Fuel, Gas and Coal fund, and Purchase of Hose fund of the Fire Force accounts; New Horses fund and Wagon Repair fund of the Station House accounts; New Horses fund, Repairs to Apparatus fund, and Soda and Acids fund of the Fire Force accounts; and it appearing that of the New Apparatus fund two hundred and eighty-eight dollars and fifteen cents (\$288.15) will not be needed for the purposes for which it was appropriated; and of the Fuel, Gas and Coal fund, four hundred and twenty-five dollars (\$425.00) will not be needed for the purposes for which it was appropriated; and of the Purchase of Hose fund one hundred and seventy-five dollars (\$175.00) will not be needed for the purposes for which it was appropriated; and of the Purchase of New Horses for the Station House fund two hundred and eighty-nine dollars (\$289.00) will not be needed for the purposes for which it was appropriated; and of the Wagon Repair fund for the Station House five hundred and twenty-eight dollars and ten cents (\$528.10) will not be needed for the purposes for which it was appropriated; and of the New Horses fund for the Fire Force three hundred dollars (\$300.00) will not be needed for the purposes for which it was appropriated; and of the Repairs to Apparatus fund for the Fire Force four hundred dollars (\$400.00) will not be needed for the purposes for

which it was appropriated; and of the Soda and Acids fund for the Fire Force, one hundred dollars (\$100.00) will not be needed for the purposes for which it was appropriated; and,

Whereas, It appears that the Department of Public Safety require said sum for funds hereinafter named; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be and he is hereby authorized and directed, out of moneys heretofore appropriated for the use of the Department of Public Safety, to transfer and charge the following sums to the following funds of said Department of Public Safety, to-wit:

From the New Apparatus fund to the Horse Feed fund, Fire Force . . .	\$288.15
From the Fuel, Gas and Coal fund to the Horse Feed fund, Fire Force . .	425.00
From the Hose fund to the Horse Feed fund, Fire Force	175.00

Total	\$388.15
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From the New Horses fund to the Incidental Expense fund, Station House	\$289.00
From the Wagon Repair fund to the Incidental Expense fund, Station House	528.10

Total	\$817.10
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From the New Horses fund, Fire Force, to the Gas fund, East Market . .	\$300.00
From the Repairs to Apparatus fund, Fire Force, to the Gas fund, East Market	400.00
From the Soda and Acids fund, Fire Force, to the Gas fund, East Market .	100.00

Total	\$800.00
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Sec. 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By Mr. Costello:

G. O. No. 67, 1898. An ordinance authorizing the transfer of certain sums to other funds than those for which they were originally appropriated, and fixing the time when the same shall take effect.

Whereas, In App. O. No. 17, 1897, certain sums were appropriated, available to the Department of Public Safety, and designated as follows: Fire Force Repairs to Apparatus fund, Fire Force New Horse fund, Fire Force Harness and Repairs fund, Fire Force New Hose fund, and the Fire Force Miscellaneous fund; and,

Whereas, Certain amounts in said funds will not be needed by said Department for the specific use appropriated; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the City Comptroller be and is hereby authorized and directed to make a transfer of funds as follows:

Two hundred and fifty dollars (\$250.00) from the Fire Force Repairs to Apparatus fund to the Fire Force Pay-Roll fund.

Two hundred and seventy-five dollars (\$275.00) from the Fire Force account for the purchase of new horses to the Fire Force Pay-Roll account.

One hundred dollars (\$100.00) from the Fire Force Harness and Repairs account to the Fire Force Pay-Roll account.

Fifty-two dollars and sixty-six cents (\$52.66) from the Fire Force account for the purchase of new hose to the Fire Force Pay-Roll account.

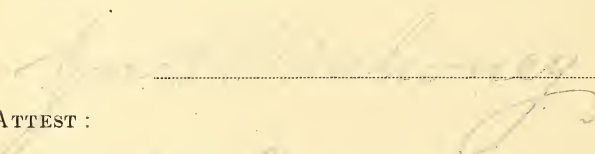
Two hundred and thirty-five dollars (\$235.00) from the Fire Force Miscellaneous account to the Fire Force Pay-Roll account.


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.

On motion of Mr. Colter, the Common Council, at 8:15 o'clock P. M., adjourned.

ATTEST :


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President.


City Clerk.