

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 20, 1899. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 20, 1899, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 18 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent—2, viz.: Messrs. Higgins and Knight.

The Clerk proceeded to read the Journal, whereupon Councilman Madden 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 16, 1899. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances and resolution:

G. O. No. 3, 1899. An ordinance concerning vapor lights, and ratifying, confirming and approving a certain agreement made and entered into on the 13th day of January, 1899, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Light Company.

✓ G. O. No. 4, 1899. An ordinance approving a certain contract granting E. A. Caylor and Harvey Coonse the right to lay and maintain a switch or side-track across the first alley south of Moore avenue.

✓ G. O. No. 5, 1899. An ordinance authorizing the sale of certain real estate belonging to the City of Indianapolis (part of White River Park).

✓ G. O. No. 6, 1899. An ordinance fixing the salaries of the engineers employed at the Brightwood Waterworks in the City of Indianapolis, and declaring an emergency.

Resolution No. 7, 1899. A resolution extending thanks of the city to Senators David Turpie and Charles W. Fairbanks and Representative Jesse Overstreet for securing passage by Congress of bill providing for the erection of a new federal building.

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., March 20, 1899. }

To the President and Members of the Common Council:

Gentlemen—We send you herewith, for your consideration and action, an ordinance granting Bartholomew D. Brooks the right and privilege to lay and maintain one switch or side-track across the first alley north of Sample street.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

Which was read and referred to Committee on Contracts and Franchises.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Costello, on behalf of the Committee on Finance, to which was referred:

G. O. No. 12, 1899. An ordinance transferring funds heretofore appropriated to the Department of Public Works for park purposes to and for the use of the Department of Public Parks, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., March 20, 1899.

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 12, 1899, after consideration of the same, do recommend its passage.

JAS. H. COSTELLO.
EDWARD E. BERNAUER.
E. D. MOFFETT.
JAS. W. MCGREW.
W. F. SMITH.
RICHARD MERRICK.
ROBERT M. MADDEN.
J. R. ALLEN.

Which was read and concurred in.

Mr. Costello, on behalf of the Committee on Finance, to which was referred:

App. O. No. 6, 1899. 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.

Made the following report:

INDIANAPOLIS, IND., March 20, 1899.

Mr. President:

Your Finance Committee, to whom was referred App. O. No. 6, 1899, have duly considered the same, and recommend its passage.

JAS. H. COSTELLO.
EDWARD E. BERNAUER.
E. D. MOFFETT.
JAS. W. MCGREW.
W. F. SMITH.
RICHARD MERRICK.
ROBERT M. MADDEN.
J. R. ALLEN.

Which was read and concurred in.

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

G. O. No. 10, 1899. An ordinance to amend section four (4) of an ordinance entitled "An ordinance regulating pawnbrokers and second-hand dealers, providing a penalty for the violation thereof, repealing conflicting ordinances, and fixing the time when the same shall take effect," passed by the Common Council December 21, 1896, being known and designated as General Ordinance No. 47, 1896; also to amend the title of said ordinance, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., March 20, 1899.

Mr. President:

We, your Committee on Public Safety and Comfort, have considered G. O. No. 10, 1899, and recommend that the same do pass.

ALBERT E. RAUCH.
T. A. BOWSER.
W. F. SMITH.
E. D. MOFFETT.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Board of Public Works:

G. O. No. 13, 1899. An ordinance approving a certain contract, granting Bartholomew D. Brooks the right to lay and maintain a switch or side-track across the first alley north of Sample street, in the City of Indianapolis, Indiana.

Whereas, Heretofore, to-wit, on March 20, 1899, the Board of Public Works of the City of Indianapolis made and entered into a certain contract with Bartholomew D. Brooks, of the County of Marion, State of Indiana, which contract is as follows:

Whereas, To-wit, on March 20, 1899, Bartholomew D. Brooks filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., March 20, 1899.

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

The undersigned, Bartholomew D. Brooks, respectfully petitions your honorable body, asking permission to construct and maintain one switch or side-track across the first alley north of Sample street, the center line of which is one hundred forty (140) feet east of and parallel to the east line of Harding street, all as shown by the drawings herewith submitted, attached hereto, filed herewith, and for a 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,

BARTHOLOMEW D. BROOKS.

Now, therefore, This agreement, made and entered into this 20th day of March, 1899, by and between Bartholomew D. Brooks, of Marion County, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, of Marion County, State of Indiana, 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 side-track over and across the first

alley north of Sample street, in the City of Indianapolis, as more specifically described in the petition of the said first party, heretofore attached and made a part of this contract, hereby covenants and agrees and fully binds himself, his 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 switch or side-track upon the terms and conditions hereinafter set forth, viz.:

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 and control 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 its satisfaction and approval. Said side-track 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 side-track or switch intersects the first alley north of Sample street shall, at all times, be kept improved and in repair and free from defects or obstructions 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, but 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 side-track or switch, and upon its failure so to do upon such notification, in writing, of ten days, to promptly pay the costs 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 said Board of said city, in removing said side-track or switch, or in causing the same to be done, shall in no wise be or become a trespasser.

5. The party of the first part hereby agrees to properly plank said side-track or switch, from property line to property line, of the first alley north of Sample street, to the entire satisfaction of the second party, and in case the said side-track 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 said party of the first part to promptly repair or remove the same, and failing in which, after 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 or cost 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 side-track 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 anyone for it or at its instance or permission, shall operate as an immediate and absolute forfeiture of all the privileges and authority granted or given 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 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 here-

inbefore 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 side-track across the first alley north of Sample street, as for the purpose prayed in its petition, which is set forth in the preamble hereto, and as shown by the drawings attached and made a part hereof and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this March 20, 1899.

BARTHOLOMEW D. BROOKS.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,

W. SCOTT MOORE,

T. J. MONTGOMERY,

Board of Public Works.

Party of the Second Part.

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 Contracts and Franchises.

By Mr. Costello (by request):

G. O. No. 14, 1899. An ordinance to disannex certain territory from the City of Indianapolis, and declaring an emergency.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the following-described tract of land be disannexed from said city, to-wit:

Beginning at a point at the intersection of Thirtieth and School streets, thence running east along the center of said Thirtieth street to the intersection of said Thirtieth street with the highway known as the Pendleton pike; thence in a southwesterly direction along the center of said Pendleton pike to a point where said Pendleton pike would intersect School street, if produced; thence north along the center of said School street to the place of beginning.

Sec. 2. Whereas, an emergency exists for the immediate taking effect of this ordinance, it shall be in full force and effect from and after its passage.

With the following petition:

To the Members of the Common Council:

The undersigned, a majority of the owners of the following-described tract of land within said city, respectfully pray that the corporate limits of said city be so changed and modified as to exclude said tract from the limit and jurisdiction of said city, to-wit:

Beginning at a point at the intersection of Thirtieth and School streets, thence running east along the center of said Thirtieth street to the intersection of said Thirtieth street with the highway known as the Pendleton pike; thence in a southwesterly direction along the center of said

Pendleton pike to a point where said Pendleton pike would intersect School street, if produced; thence north along the center of said School street to the place of beginning.

LORENZ SCHMIDT.
 M. L. HARE.
 JAMES B. BLACK.
 PETER KEALING.
 BROWN-KETCHAM IRON WORKS,
 W. H. Brown, Pres't.
 B. F. GRESH.
 EMILY GRESH.
 JNO. W. RAY.
 BAKER, HORD & HENDRICKS,
 By Albert Baker.

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

By Mr. Mahoney:

G. O. No. 15, 1899. An ordinance to prohibit the owners, agents, servants or employes of express wagons or other vehicles used for carrying freight or passengers within said city, from soliciting business at other places than therein provided, and providing a penalty for the violation thereof.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any owner, agent, servant or employe of any express wagon or other public vehicle used for carrying freight or passengers for hire within said city, to solicit business at any place except as herein provided, not to exceed a distance of ten (10) feet parallel with the rear or front part of any said wagon or vehicle in charge of any owner, agent, servant or employe, and not to exceed the width of said wagon at any place where said vehicles are allowed to stand in said city.

Sec. 2. Any person, agent or employe violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding five dollars (\$5).

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

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

MISCELLANEOUS BUSINESS.

Mr. Crall offered the following resolution:

Resolution No. 8, 1899--

Whereas, The attention of the Common Council of the City of Indianapolis has been called to the fact that the crecopia moth is rapidly increasing in this city; and

Whereas, It is known that the caterpillars of this moth are most destructive tree pests, and by dropping their excrement on the sidewalks are a great nuisance; and

Whereas, It is now an easy matter to avoid having this pest by destroying their cocoons, which before the leaves appear can easily be seen; therefore, be it

Resolved, by the Common Council of Indianapolis, That the citizens of said city ought to unite in an effort to exterminate this pest, and that they are requested to immediately see that all cocoons of the crecopia moth found upon his or her premises are destroyed.

Which was read, and on motion of Mr. Bernauer, referred to Committee on Elections.

ORDINANCES ON SECOND READING.

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

G. O. No. 10, 1899. An ordinance to amend section four (4) of an ordinance entitled "An ordinance regulating pawnbrokers and second-hand dealers, providing a penalty for the violation thereof, repealing conflicting ordinances, and fixing the time when the same shall take effect." passed by the Common Council December 21, 1896, being known and designated as General Ordinance No. 47, 1896; also to amend the title of said ordinance, and fixing the time when the same shall take effect.

On motion of Mr. Bernauer, G. O. No. 10, 1899, was then ordered engrossed, read a third time, and passed by the following vote:

AYES 19—viz: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

Mr. Higgins, absent at roll-call, now arrived.

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

App. O. No. 6, 1899. 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.

And was passed by the following vote:

AYES 20—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

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

G. O. No. 12, 1899. An ordinance transferring funds heretofore appropriated to the Department of Public Works for park purposes to and for the use of the Department of Public Parks, and fixing the time when the same shall take effect.


And was passed by the following vote:

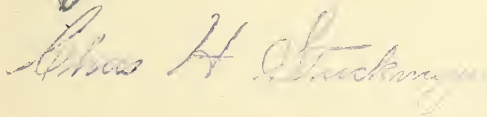
AYES 20—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

On motion of Mr. Shaffer, the Common Council, at 8:20 o'clock P. M., adjourned.

ATTEST:


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President.


City Clerk.