

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
May 15, 1899. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 15, 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, Colter, Costello, Crall, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent—2, viz.: Messrs. Clark and Harston.

The Clerk proceeded to read the Journal, whereupon Councilman Rauch 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., May 9, 1899. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinance:

G. O. No. 11, 1899. An ordinance approving a certain contract, granting M. O'Connor & Company the right to lay and maintain a switch or side-track across Missouri street, in the City of Indianapolis, Indiana.

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., May 15, 1889. }

To the President and Members of the Common Council:

Gentlemen—We send you herewith, for your consideration and action, an ordinance ratifying and approving a contract this day made by this Board with the Adams Brick Company, granting said Company the right and privilege to lay and maintain one switch or side-track across the first alley west of Yandes 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. Colter, on behalf of the Committee on Contracts and Franchises, to which was referred:

G. O. No. 78, 1898. An ordinance declaring the emission into the open air of dense smoke, containing soot or other deleterious substances, from the smoke stacks, chimneys or flues of any building or structure within the City of Indianapolis, to be a nuisance, and prohibiting the same, providing penalties for the violation thereof, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., May 12, 1899.

Mr. President:

We, your Committee on Contracts and Franchises, have had under consideration G. O. No. 78, 1898, and recommend that the same do pass.

GEO. R. COLTER.
 JOHN H. SCANLON.
 ALBERT E. RAUCH.
 JAS. H. COSTELLO.
 GEO. W. SHAPFER.
 JOHN A. VON SPRECKELSEN.

Which was read and concurred in.

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

App.O.No. 11, 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., May 15, 1899.

Mr. President:

Your Committee on Finance, to which was referred App. O. No. 11, 1899, having considered the same, do recommend its passage.

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

Which was read and concurred in.

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

G. O. No. 17, 1899. An ordinance regulating the use of lawns, providing a penalty for the violation thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., May 15, 1899.

Mr. President:

We, your Committee on Sewers, Streets and Alleys, have had G. O. No. 17, 1899, under consideration, and recommend the same do pass.

JOHN M. HIGGINS.
 JOHN A. VON SPRECKELSEN.
 E. D. MOFFETT.
 JOHN H. SCANLON.

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. 18, 1899. An ordinance approving a certain contract, granting Adams Brick Company the right to lay and maintain a switch or side-track across the first alley west of Yandes street, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on May 15, 1899, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with Adams Brick Company, of the County of Marion, State of Indiana, which contract is as follows:

Whereas, heretofore, to-wit, on May 15, 1899, the Adams Brick Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., May 15, 1899.

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

Gentlemen—The undersigned, Adams Brick Company, respectfully petition your honorable body, asking permission to construct and maintain, one switch or side-track across the first alley west of Yandes street, the center line of said switch or side-track being 479 feet south of the south line of Twenty-second street, all as shown by the drawings herewith submitted, attached hereto, filed herewith, and for greater certainty marked "Exhibit B."

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,

ADAMS BRICK COMPANY,

By J. C. Adams, Pres't.

Now therefore, This agreement, made and entered into this May 15, 1899, by and between the Adams Brick Company, 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 side-track over and across the first alley west of Yandes 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 side-track 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 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 west of Yandes 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, 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 cost of having the same done. And the party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal; in removing said side-track 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 side-track or switch, from property line to property line, of the first alley west of Yandes 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 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 the 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 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 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 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 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 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, 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 west of Yandes street, in the City of Indianapolis, as follows: Beginning at a point in the intersection of the east line of the first alley west of Yandes street with the center line of the proposed side-track, the said point being four hundred and seventy-nine (479) feet south of the south line of Twenty-second street; thence in a northwesterly direction with the center line of said side-track to a point in the west line of the first alley west of Yandes street, the said point being four hundred and seventy-three feet south of the south line of Twenty-second street. 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 B."

In witness whereof, we have hereunto set our hands this May 15, 1899.

ADAMS BRICK COMPANY,

By J. C. Adams, Pres't.

Party of First Part.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,

W. SCOTT MOORE,

T. J. MONTGOMERY,

Board of Public Works.

Party of 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. Shaffer:

G. O. No. 19, 1899. An ordinance to amend section one of an ordinance entitled, "An ordinance to prohibit the owners, 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." Passed by the Common Council April 3, 1899, being known and designated as General Ordinance No. 15, 1899, also to amend the title of said ordinance 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 the title of an ordinance entitled, "An ordinance to prohibit the owners, 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," be amended so as to read as follows: An ordinance to prohibit the owners, agents, servants, or employes of express wagons used for carrying freight within said city, from soliciting business at other places than therein provided and providing a penalty for the violation thereof.

Sec. 2. That section one of said ordinance be amended so as to read as follows: 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 used for carrying freight 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: Provided, that if any owner of any such express wagon have an office in any place, such owner or his agents, or servants, may solicit business within the building and premises where such office is located except the Union Station building and train sheds connected therewith in said City of Indianapolis, Indiana.

Sec. 3. 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 newspaper of general circulation, printed and published in said city.

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

By Mr. Little:

G. O. No. 20, 1899. An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company, to station a flagman at the crossing of Minnesota street, providing a penalty for the violation thereof, 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 Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company, be and the same is hereby required to station a flagman at the intersection of Minnesota street and the tracks of said Company, the said point being at the crossing of said Minnesota street and the tracks of what was formerly known as the Jeffersonville, Madison & Indianapolis Railroad Company. If said Company shall fail or refuse to station such flagman at said crossing, it shall, upon conviction, be fined in the sum of twenty-five dollars (\$25), and each day's continuance of such refusal 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.

Mr. Higgins moved that G. O. No. 20, 1899, be referred to Committee on Sewers, Streets and Alleys.

Mr. Knight moved as a substitute for Mr. Higgins' motion, that G. O. No. 20, 1889, be referred to Committee on Railroads.

Which motion prevailed.

By Mr. Little:

G. O. No. 21, 1899. An ordinance authorizing the erection of a portico or vestibule at and in front of the public entrance to the St. Charles Hotel, on McCrea street, in the City of Indianapolis, upon conditions herein named.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the lessee and proprietor of the St. Charles Hotel, a hotel in said city, situate at 225 and 227 on McCrea street, be and is hereby authorized and permitted to erect and maintain a permanent portico or vestibule at and in front of the principal public entrance to said hotel on McCrea street; Provided, That no part of the said structure shall extend beyond the outer edge of the sidewalk in front of such entrance; that the overhead portions thereof shall not be closer to the surface of the sidewalk at any point than ten feet, the posts or pillars supporting the same shall not reduce the space left open for travel to less than nine feet, and that the said structure shall not interfere with travel, nor obstruct the street or sidewalk to a greater extent than the porticos or vestibules of like character now maintained in front of the Grand and Denison Hotels in said city; Provided, further, That before such structure shall be commenced, built or maintained, detailed drawings and plans and specifications thereof shall be submitted to and

approved by the Building Inspector of said city, and that after such approval a building permit shall be issued as provided by the ordinance regulating such permits.

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 Public Safety and Comfort.

By Mr. Knight (by request):

G. O. No. 22, 1899. An ordinance authorizing the sale of certain real estate belonging to the City of Indianapolis, and fixing the time when the same shall take effect.

Whereas, The City of Indianapolis did heretofore purchase certain real estate hereinafter described, to be used for park purposes in said city; and

Whereas, The said real estate is no longer needed by the said City of Indianapolis for park purposes, or for any other purpose, and it is for the best interests of said city that said real estate should be sold; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Park Commissioners of said city be and is hereby authorized to sell, alienate and convey the following described real estate belonging to said city, located in Marion county, Indiana, to-wit:

Part of the northwest quarter ($\frac{1}{4}$) of section thirty-four (34), township sixteen (16) north, range three (3) east, more particularly described as follows: Beginning at a point nine hundred and ninety (990) feet west of the center line of Schurman avenue, and eight hundred and sixty (860) feet south of the south line of Eighteenth street, and running thence west two hundred and fifty-two and three tenths (252.3) feet, more or less, to a point; thence south five hundred and seventy-five (575) feet to the north line of the Crawfordsville road; thence in a southeastwardly direction along the said Crawfordsville road two hundred and fifty-four (254) feet, more or less; thence north six hundred and five (605) feet, more or less, to the place of beginning, containing three and thirty-three hundredths (3.33) acres; and to execute to the purchaser thereof a good and sufficient deed, conveying all the right, title and interest of said city in and to said real estate; Provided, That the said real estate shall not be sold for a less sum than the purchase price thereof when acquired by said city.

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 Public Property and Improvements.

ORDINANCES ON SECOND READING.

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. 11, 1899. An ordinance appropriating the sum of two thou-

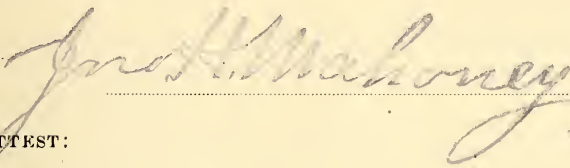
sand dollars (\$2,000) for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

And was passed by the following vote:

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

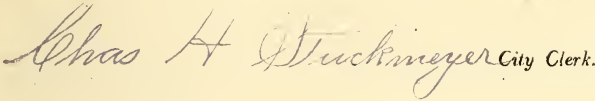
NAYS—None.

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



President.

ATTEST:



City Clerk.