

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, August 16, 1909.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 16, 1909, at 7:30 o'clock, in regular session, Vice-President John H. Hamlet in the chair.

Present: The Hon. John H. Hamlet, Vice-President of the Common Council, and 10 members, viz: Messrs. Eppert, Neukom, Smither, Rhodes, Smith, Portteus, Royse, Hofmann, Hilkene and Wright.

Absent, 10, viz: Messrs. Brown, Cottey, Wood, Davis, Uhl, Hartmann, Donavon, Sullivan, Henry and President Edward J. Stickelman.

Mr. Eppert moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., August 12, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith, with my approval, the following ordinances:

Appropriation Ordinance No. 25, 1909. "An ordinance appropriating the sum of \$1,500 to and for the use of the Department of Public Health and Charities."

Appropriation Ordinance No. 26, 1909. "An ordinance appropriating the sum of \$600 to and for the use of the Department of Public Safety."

Appropriation Ordinance No. 28, 1909. "An ordinance appropriating the sum of \$25,000 to and for the use of the Department of Public Works."

Appropriation Ordinance No. 29, 1909. "An ordinance appropriating the sum of \$500 to and for the use of the Department of Public Health and Charities."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., August 16, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith hand you communication from the Department of Public Works submitting an ordinance providing for the formal acceptance of the Nathan Morris memorial fountain.

I recommend that said ordinance be passed.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., August 16, 1909.

George T. Breunig, City Controller, City:

DEAR SIR: We have been notified that the Nathan Morris monument has been erected, and is in every way in accordance with the agreement.

We herewith transmit to you an ordinance to be forwarded to the Common Council, formally accepting said fountain and binding the City of Indianapolis to the maintenance of same, and we hereby recommend its passage.

Respectfully yours,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., August 16, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Parks asking me to recommend an appropriation of \$11,000 for the General Park Fund. Being fully convinced that the Park Board is in need of assistance from the general revenues of the city I submit herewith an ordinance providing for the appropriation asked for, and recommend that it be passed at an early day.

Respectfully submitted,
GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC PARKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., August 9, 1909.

Mr. Geo. T. Breunig, City Controller, City:

DEAR SIR: The Indiana General Assembly of 1909 passed a law under which the Board of Park Commissioners of Indianapolis was given greater powers, and under which larger duties have devolved upon this department, as you are aware.

In reorganizing the department and extending its forces in preparation for the work to be undertaken under the new law, in making surveys for proposed extensions of the city's parkway system, etc., this department has been put to an expense which could not be anticipated when the budget for the year was made up by the Common Council last fall. It is estimated that this expense, in round figures, will be at least \$11,000 for the year, and it has acted especially as a drain on our resources at this time, since the department will not be in receipt of any considerable funds from ordinary sources until November 1, 1909. It is on this account that the Board of Park Commissioners respectfully requests that you recommend to the Common Council the appropriation of \$11,000 to the general fund of this department to reimburse it for the expenditure to which it has been put as herein set forth.

Very respectfully,

HENRY JAMESON,
FERD. L. MAYER,
JOHN J. APPEL,
C. E. COFFIN,
Board of Park Commissioners.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., August 16, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Safety requesting an additional appropriation of \$900

for use in the Police Department for repairs and maintenance of automobiles.

I herewith submit an ordinance providing for the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC SAFETY.
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., August 11, 1909.

George T. Breunig, City Controller, City:

DEAR SIR: At a meeting of this board, held this day, it was decided to request you to please ask the Common Council to appropriate the sum of nine hundred dollars (\$900) for the use of the Police Department in the fund known as "Automobiles Maintenance and Repairs."

The balance at the end of July was \$913.29 in this fund. We now find bills outstanding, chargeable to this fund for repairs and supplies, of about \$830. When the year's appropriations were asked for this fund was made at \$3,500, but was reduced \$1,000, hence the shortage now appears.

Respectfully yours,

BOARD OF PUBLIC SAFETY,
Lew W. Cooper,
President

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., August 16, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works asking me to recommend the appropriation of \$2,000 to help to defray the expense of opening Thirty-third street from Illinois street to Meridian street. I am advised that the opening of this street is for the accommodation of school children as well as the general public, and, therefore, recommend that the accompanying ordinance providing for the appropriation asked for be passed.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., August 13, 1909.

George T. Breunig, City Controller, City:

DEAR SIR: We respectfully request that you recommend to the Common Council the passage of an ordinance appropriating the sum of

\$2,000 to pay a portion of the expense of the opening of Thirty-third street from Illinois to Meridian streets.

Yours respectfully,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., August 16, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works asking me to request an additional appropriation of \$15,000 for the use of the asphalt plant.

I herewith submit an ordinance providing for the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., August 13, 1909.

George T. Breunig, City Controller, City:

DEAR SIR: We respectfully request that you recommend to the Common Council the passage of an ordinance appropriating the sum of \$15,000 to the fund for Street Repair and Asphalt Plant and Maintenance.

A large amount of repair work has been done this year, together with private work amounting to about \$7,000, which was paid into the treasury.

Yours respectfully,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., August 11, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached switch ordinance granting to Frank E. Janes the right to lay and maintain a side-track or switch across North street.

Respectfully yours,

F. J. NOLL, Jr.,
Clerk Board of Public Works.

INTRODUCTION OF APPROPRIATION ORDINANCES

By City Controller:

Appropriation Ordinance No. 34—1909: An ordinance appropriating \$11,000 to and for the use of the Department of Public Parks, 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 sum of eleven thousand (\$11,000) dollars be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Parks, the sum herein appropriated to be added to and form a part of the general fund of said department.

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 the Committee on Finance.

By City Controller:

Appropriation Ordinance No. 35—1909: An ordinance appropriating \$900 to and for the use of the Department of Public Safety, 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 sum of nine hundred (\$900) dollars be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Safety, the sum herein appropriated to be added to and form a part of the funds known as "Automobiles, Maintenance and Repairs" in the Police Department.

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 the Committee on Finance.

By City Controller:

Appropriation Ordinance No. 36—1909: An ordinance appropriating \$2,000 to and for the use of the Department of Public Works, 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 sum of two thousand (\$2,000) dollars be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, the sum herein appropriated (or so much thereof as may be necessary) to be used in assisting in defraying the expense of opening Thirty-third street from Illinois street to Meridian street.

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 the Committee on Finance.

By City Controller:

Appropriation Ordinance No. 37—1909: An ordinance appropriating \$15,000 to and for the use of the Department of Public Works, 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 sum of fifteen thousand (\$15,000) dollars be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, the sum herein appropriated to be added to and form a part of the appropriation heretofore made, "Street Repairing, Asphalt Plant Maintenance."

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 the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 34—1909: An ordinance approving a certain contract granting Frank E. Janes the right to lay and maintain a side-track or switch across North street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 11th day of August, 1909, Frank E. Janes filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: I hereby petition the Board of Public Works for per-

mission to lay and maintain a switch across North street, as shown on attached blue print.

NOW THEREFORE, This agreement, made and entered into this 11th day of August, 1909, by and between _____ of the City of Indianapolis, County of Marion, 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 the party of the first part, being desirous of securing a right of way for a sidetrack or switch from north of North street extending across said street between Bowman and Missouri streets and to the north line of Michigan street in the City of Indianapolis, which is more specifically described as follows: Beginning at a point on a switch now located and built across North street between Bowman and Missouri streets, 90 feet north of the north line of North street, and extending southwestwardly across North street, crossing the north curb line of said street 290 feet west of the west line of Senate avenue, and crossing the south curb line of North street 83 feet west of the west line of Bowman street; thence extending southwestwardly and south to the north line of Michigan street, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They 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 and 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 track 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, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects North 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, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost 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 in removing said track or causing the same to be done said Board shall in nowise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact 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 same, failing in which, after notification in writing of ten (10) 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 or the first part herein binds itself to hold 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 track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions 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 given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

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 municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across _____ in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 11th day of August, 1909.

FRANK E. JANES,
Party of the First Part.

CITY OF INDIANAPOLIS,
By JOSEPH T. ELLIOTT,
F. J. MACK,
Board of Public Works,
Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works 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 such contract above set forth be, and the same is hereby in all things confirmed and approved.

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 the Committee on Railroads.

By City Controller:

Special Ordinance No. 7—1909: An ordinance receiving the Nathan Morris Memorial Fountain as a gift to the City of Indianapolis, and agreeing to certain conditions and terms in connection therewith.

WHEREAS, A certain ornamental, bronze fountain, located at the junction

of Massachusetts avenue, Park avenue and Walnut street in the City of Indianapolis, and known as the Nathan Morris Memorial Fountain, has been offered as a gift to the city by written communication from Henry Wollman, Esquire, of New York City, which said communication is as follows, to-wit:

July 15, 1909.

"To the City of Indianapolis, Indiana:

"The Nathan Morris Memorial Fountain which has been erected at the junction of Massachusetts avenue, Park avenue and Walnut street, Indianapolis, having been completed I wish hereby, on behalf of myself and my associates, Messrs. Alexander New, of Kansas City, Mo.; Nathan Frank, of St. Louis, Mo.; Adam A. Kramer, of Cincinnati, O.; Charles L. Ackerman, of San Francisco, Cal.; Joseph M. Rothschild, of San Francisco, Cal.; Jacob Newman, of Chicago, Ill.; Godfrey Morse, of Boston, Mass.; M. A. Sacks, of Louisville, Ky.; D. A. Sacks, of Louisville, Ky.; Benjamin V. Becker, of Chicago, Ill.; James B. Curtis, of New York City; Philip W. Frey, of Evansville, Ind.; Louis Marshall, of New York City; S. O. Levinson, of Chicago, Ill.; Simon H. Stern, of New York City; and Louis Kramer, of Cincinnati, Ohio, to offer this fountain as a gift to the City of Indianapolis on condition that the city supply the water and light and do whatever is necessary to suitably maintain said fountain in perpetuity..

Very truly yours,

HENRY WOLLMAN."

AND WHEREAS, It is the desire of all the people of the city to receive and accept said fountain in honor of and as a memorial to Nathan Morris, who, during his lifetime, was one of the most respected and best beloved citizens of said city, and who gave his life as a sacrifice for the lives of others, and to receive said fountain upon the terms and conditions requested by the donors; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City of Indianapolis shall and does hereby accept said Nathan Morris Memorial Fountain as a gift to the City of Indianapolis, and does hereby agree that the city shall supply all necessary water and light for the use thereof, and at all times do whatever is necessary to suitably maintain said fountain in perpetuity.

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 the Committee on Judiciary.

By Mr. Hamlet:

Special Ordinance No. 8—1909: An ordinance to change the name of Boswell street to Ashland avenue.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the name of Boswell street, extending from Twenty-eighth street northeasterly to Bellefontaine street, be and the same is hereby changed to Ashland avenue.

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

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

By Mr. Hamlet (by request):

Special Ordinance No. 9—1909: An ordinance annexing certain territory to the City of Indianapolis, defining the boundaries thereof, providing for the publication 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, That the boundary of the City of Indianapolis be, and the same is hereby extended as hereinafter described to include the territory contained within said boundary line, and that the said territory included therein be, and the same is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, Indiana. The boundary of the territory so annexed being as follows, to-wit:

Beginning at the intersection of the center line of Fortieth (40th) street with the east property line of the Monon Railroad; thence north along said easterly line of the Monon Railroad to a point at the intersection of the center line of Fiftieth (50th) street extended in an easterly direction; thence west in and along the center line of Fiftieth (50th) street to a point two hundred and ninety-seven and five-tenths (297.5) feet east of the east line of Meridian street; thence south parallel with the east line of Meridian street to a uniform distance of two hundred and ninety-seven and five-tenths (297.5) feet east of said line to a point in the center line of Forty-second (42d) street; thence east in and along the center line of Forty-second (42d) street to a point in the center line of College avenue; thence south in and along the center line of College avenue to a point in the center line of Fortieth (40th) street; thence east in and along the center line of Fortieth (40th) street to the place of beginning.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in said city.

To the Mayor and Council of the City of Indianapolis:

We, the undersigned, hereby petition for the annexation of certain property to the City of Indianapolis as follows, and represent that we are owners of property within the said following described territory:

Beginning at the intersection of Fortieth street and Monon Railroad; thence north along the east line of the Monon Railroad to a point in the center of Fiftieth street; thence west along the center line of Fiftieth street to a point 300 feet east of Meridian street; thence south along a line parallel to and 300 feet east of Meridian street to the intersection of the north boundary line of the City of Indianapolis; thence in an easterly direction along said north boundary line to the place of beginning:

T. P. Overman, W. T. Peacock, John Schoen, H. B. McNeely, S.

H. Johnson, Chas. O. Nichols, Benj. F. Foltz, Geo. D. Tait, C. H. Randall, John G. Dunn, W. R. Adkinson, J. C. Riddle, E. R. Dovey, M. L. Mote, O. C. Campbell, E. A. Beamer, Frank P. Johnson, William Curtis Mabee, C. E. Myers, C. H. Cantwell, John Schwab, Chas. A. Rouse, C. L. Buschmann, Sam Griffin, Paul R. Jordan, B. W. Heaton, F. E. Wilson, Edward H. Leib.

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

MISCELLANEOUS BUSINESS.

By Mr. Hamlet:

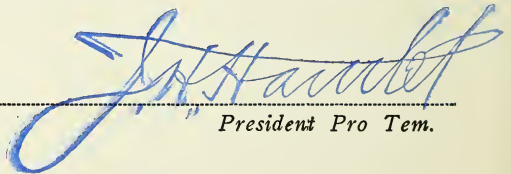
Resolution No. 3—1909:

WHEREAS, It is the duty of the Common Council of the City of Indianapolis, Indiana, to fix the compensation of the Board of Canvassers of the City of Indianapolis for canvassing the vote at the Primary Election held in said city on August 5, 1909, therefore, be it

Resolved, By the Common Council of the City of Indianapolis, Indiana, That the compensation for the Board of Canvassers, composed of John Weaver, Walter Tingle and James McNulty, for services rendered as a Canvassing Board at the City Primary Election held in Indianapolis, Indiana, August 5, 1909, be fixed at two hundred dollars (\$200) each, and that the City Controller be instructed to pay the same out of the moneys appropriated for election purposes.

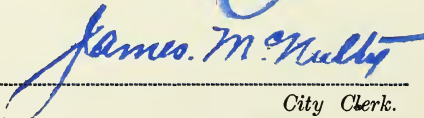
Which was read a first time and referred to the Committee on Finance.

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



President Pro Tem.

ATTEST:



City Clerk.

