

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, June 20, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 20, 1921, at 7:30 o'clock in regular session, President Russell Willson in the chair.

Present: The Hon. Russell Willson, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and Schmidt.

Absent: Mr. Pettijohn.

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

## COMMUNICATIONS FROM THE MAYOR.

June 15th. 1921.

*To the President and Members of the Common Council, City of Indianapolis:*

Gentlemen—I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:—

General Ordinance No. 32—requiring taxicabs and other motor vehicles to be equipped with taximeters.

General Ordinance No. 36—transferring the sum of \$10,000.00 from the Fire Department horse-feed and stable fund to the Fire Department gas, oil and grease fund of the Department of Public Safety.

General Ordinance No. 38—ratifying a contract with the Industrial Board of Indiana by the Board of Public Works, providing for the establishment of a Free Employment Bureau in the City of Indianapolis.

Appropriation Ordinance No. 12—appropriating the sum of \$450 to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis.

Appropriation Ordinance No. 13—appropriating the sum of \$6,000.00 to the Department of Finance for the purpose of paying the expenses preparatory for and the expenses of the great public patriotic celebration to be held in Indianapolis on the 4th day of July, 1921, under the direction of the Marion County Council of the American Legion.

Appropriation Ordinance No. 15—appropriating the sum of \$2,500.00 to the Department of Public Safety for use by the Director of Fire Protection.

Resolution No. 5—that the compensation for the Board of Canvassers be \$500.00 each, and that the City Controller is instructed to pay the same out of moneys appropriated for election purposes.

Resolution No. 6—that the compensation of the appointive members of the Board of Primary Election Commissioners be \$500.00 each, and that the City Controller is instructed to pay the same out of the moneys appropriated for election purposes.

Resolution No. 7—that the Common Council extend a hearty invitation to the Women's Auxiliary of the American Legion to come to Indianapolis for this meeting.

Yours very truly,

CHARLES W. JEWETT,

*Mayor.*

Mr. Peake moved that General Ordinance No. 33, 1921, be passed over the veto of the Mayor.

The roll was called and the motion to pass General Ordinance No. 33, 1921, over the veto of the Mayor carried by the following vote:

Ayes, 6, viz.: Messrs. Brown, Carnefix, Kirsch, Peake, Schmidt and President Russell Willson.

Noes, 2, viz.: Messrs. Furniss and Miller.

#### REPORTS FROM CITY OFFICERS.

From the City Controller:

June 18, 1921.

*To the Hon. President and Members of the Common Council, Indianapolis, Indiana:*

Gentlemen—I hand you herewith communication from the Board of Public Safety asking for the passage of an ordinance appropriating the sum of \$150.25 to defray the expenses of the auctioneering and advertising of the city sale of fire apparatus, horses, etc., held Friday, May 13, 1921.

I submit you also herewith an ordinance covering same and recommend its passage.

Yours very truly,

R. H. BRYSON,

*City Controller.*

June 16, 1921.

*Robt. H. Bryson, City Controller, City:*

Dear Sir—The Board of Public Safety requests you to recommend to the Common Council the passage of an ordinance appropriating \$150.25 to defray the expenses of the auctioneers employed for disposal of certain fire apparatus, horses, etc.

Yours very truly,

BOARD OF PUBLIC SAFETY,

Geo. W. Williams, *Executive Secretary.*

From the Board of Public Works:

June 20, 1921.

*Mr. Geo. O. Hutsell, City Clerk, City of Indianapolis:*

Dear Sir—I am herewith submitting for transmission to the Common Council for the passage of an ordinance a switch contract granting Thos. A. Moynahan the right to lay and maintain a switch or sidetrack from the C. C. C. & St. L. R. R. at Pratt street and Senate avenue, crossing the first alley west of Senate avenue at a point immediately south of Pratt street.

Yours truly,

W. F. CLEARY.

*Clerk, Board of Public Works.*

June 15, 1921.

*Mr. Geo. O. Hutsell, City Clerk, City of Indianapolis:*

Dear Sir—I am herewith submitting for transmission to the Common Council a switch contract granting the National Paper Stock Co. the right to lay and maintain a sidetrack or switch across North and Walnut streets, for the passage of an ordinance.

Yours truly,

W. F. CLEARY.

*Clerk, Board of Public Works.*

June 20, 1921.

*Mr. Geo. O. Hutsell, City Clerk, City of Indianapolis:*

Dear Sir—I am submitting herewith a switch contract granting permission to Thos. A. Moynahan the right to lay and maintain a sidetrack or switch from the C. C. C. & St. L. R. R. at Pratt street to a warehouse at Pratt street and Senate avenue, crossing Pratt street for transmission to the Common Council for the passage of an ordinance.

Yours truly,

W. F. CLEARY.

*Clerk, Board of Public Works.*

## REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., June 20, 1921.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana :*

Gentlemen—We, your Committee on Finance to whom was referred Appropriation Ordinance No. 14, 1921, entitled An Ordinance appropriating the sum of \$3,085.20 to the Department of Finance for the Art Association of Indianapolis, beg leave that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER,  
J. P. BROWN,  
LEE J. KIRSCH.

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance :

Indianapolis, Ind., June 20, 1921.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana :*

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 40, 1921, entitled An Ordinance amending Subdivision "F" of section 2 of General Ordinance No. 9, 1921, as amended by section 2 of General Ordinance No. 23, 1921, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER,  
J. P. BROWN,  
LEE J. KIRSCH.

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Safety :

Indianapolis, Ind., June 20, 1921.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana :*

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 35, 1921, beg leave that we have had said ordinance under consideration, and recommend that the same be amended by striking out all of section 5 and inserting in lieu thereof the following words: Section 5. Nothing in this ordinance shall be construed to forbid bona fide buyers from inspecting the goods in charge of salesmen in sample-rooms in a hotel, nor in cases where the

clerk on duty has been notified of a visit and where the door of the bed-room is kept open during such inspection or visit, and as so amended the same be passed.

J. P. BROWN,  
*Chairman.*

Mr. Brown moved that the report of the Committee be concurred in. Carried.

From the Committee on Parks:

Indianapolis, Ind., June 20, 1921.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen—We, your Committee on Parks to whom was referred Special Ordinance No. 7, 1921, entitled An Ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary line of said City, beg leave that he have said ordinance under consideration, and recommend that the same be passed.

LEE J. KIRSCH,  
*Chairman,*

J. E. MILLER,  
J. P. BROWN,  
S. A. FURNISS,  
G. G. SCHMIDT.

Mr. Kirsch moved that the report of the Committee be concurred in. Carried.

From the Committee on City's Welfare.

Indianapolis, Ind., June 20, 1921.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen—We, your Committee on City's Welfare to whom was referred General Ordinance No. 44, 1921, entitled An Ordinance regulating the location and establishment of junk yards, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LOUIS W. CARNEFIX,  
M. B. PEAKE,  
J. P. BROWN,  
S. A. FURNISS.

Mr. Carnefix moved that the report of the Committee be concurred in. Carried.

From the Special Committee on Street Car Matters:

Indianapolis, Ind., June 13, 1921.

*Messrs. Gustav Schmidt, Chairman; Jesse Miller and Louis Carnefi,*  
*Sub-Committee of the Common Council;*

Gentlemen:

*RECOMMENDATION NO. 1.*

Your Committee selected for the purpose of relieving the traffic situation and more especially with reference to the routing of street railways, begs leave to report that after careful study of the situation it is unanimously of the opinion that the first relief should come from a re-routing of the Interstate Public Service Company and the Indianapolis and Cincinnati Traction Lines.

This has been determined upon after a realization of the congestion of the east bound traffic on Ohio street, and the east and west bound traffic on Maryland street combined with the horse-drawn vehicle traffic in the wholesale district.

Your Committee proposes that the two traction lines above mentioned be routed as follows:

From South street and Virginia avenue, inbound cars would use the following route: West on South street to Illinois street; north on Illinois street to Georgia street; west on Georgia street to Capitol avenue; north on Capitol avenue to the Terminal Station.

Outbound cars will follow the same route.

Freight traffic from Virginia avenue and South street: West on South street to Kentucky avenue; northeast on Kentucky avenue to Capitol avenue; north on Capitol avenue to the freight depots.

Outbound traffic will use the same route.

(Signed) D. H. BYNUM,

(Signed) J. P. TRETTON.

(Signed) D. E. MATTHEWS,

*Committee.*

Indianapolis, Ind., June 13, 1921.

*Messrs. Gustav Schmidt, Chairman; Jesse Miller and Louis Carnefi,*  
*Sub-Committee of the Common Council;*

Gentlemen:

*RECOMMENDATION NO. 2.*

Your Committee further recommends that to relieve the congestion on Massachusetts avenue between Delaware and Pennsylvania streets the freight and passenger traffic of the Indiana Union Traction Company be routed on Ohio street between Pennsylvania and Delaware streets; thence on Delaware street between Massachusetts avenue and Ohio street.

This recommendation is further made in view of the recommendation of the re-routing of the College avenue car line under No. 3.

Very truly yours,

(Signed) D. H. BYNUM,

(Signed) J. P. TRETTON,

(Signed) D. E. MATTHEWS,

*Committee.*

Indianapolis, Ind., June 13, 1921.

*Messrs. Gustav Schmidt, Chairman; Jesse Miller and Louis Carnefir,  
Sub-Committee of the Common Council:*

Gentlemen:

RECOMMENDATION NO. 4.

Your Committee further recommends the routing of the West Indianapolis cars as follows: West Indianapolis cars to follow their usual route to Illinois and Washington streets; turn south on Illinois street to Maryland street; west on Maryland street to Kentucky avenue, and follow their usual route in Kentucky avenue.

These cars have heretofore used Washington street from Illinois street to Meridian street; south on Meridian to Maryland street and then west on Maryland street to Kentucky avenue. With the change as we have suggested, it will give relief in Washington, Meridian and a part of Maryland streets.

You will please refer to Recommendation No. 3, in which it shows that there are now 67 east bound cars operating in Washington street between Illinois and Meridian streets and with the change as above suggested, it reduces this number to 53 cars.

Very truly yours,

(Signed) D. H. BYNUM,

(Signed) J. P. TRETTON,

(Signed) D. E. MATTHEWS,

*Committee.*

Mr. Schmidt moved that the recommendations be concurred in by the Common Council. Carried.

On motion of Mr. Schmidt the City Clerk was instructed to send a copy of the above report to the Board of Public Works and request that the recommendations made in same be put into effect Sunday morning, June 26, 1921.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

## APPROPRIATION ORDINANCE No. 16, 1921.

AN ORDINANCE appropriating the sum of one hundred fifty dollars and twenty-five cents (\$150.25) to 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*, That the sum of one hundred fifty dollars and twenty-five cents (\$150.25) be and the same is hereby appropriated to the Department of Public Safety, to a fund to be known as Public Sale Fund and to be expended for the purpose of paying for advertising and auctioneering of city sale held May 13, 1921.

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 Finance.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

## SWITCH CONTRACT

## GENERAL ORDINANCE No. 45, 1921.

AN ORDINANCE approving a certain contract granting National Paper Stock Company the right to lay and maintain a sidetrack or switch across North and Walnut streets, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on the 15th day of June, 1921, The National Paper Stock Company, a corporation, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION FOR AUTHORITY TO LAY AND MAINTAIN ADDITIONAL SIDETRACK.

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

Gentlemen—The National Paper Stock Company, an Indiana corporation, respectfully petitions the Board of Public Works of the City of Indianapolis, Indiana, for the right, privilege and authority to lay and maintain railroad sidetracks or switches cross and on certain parts of North and Walnut streets in said City which are shown by blue print attached hereto and made a part hereof and which are more particularly described as follows:

Beginning at a point on the south line of said North street forty-four (44) feet and six (6) inches west of the northwest corner of Lot sixteen (16) in the Indianapolis and Cincinnati Railroad Company's Subdivision of the east and northwest parts of Square nine (9) in the City of Indianapolis, Indiana; thence west along the south line of said North street a distance of nine (9) feet; thence in a northerly direction across said North street a distance of ninety (90) feet (more or less) to a point in



the north line of said North street which is eighty-seven (87) feet east of the southeast corner of Lot sixteen (16) in James Blake's Subdivision of a part of Outlot nine (9) in said City; thence east along the north line of said North street a distance of nine (9) feet; thence in a southerly direction across said North street a distance of ninety (90) feet (more or less) to the place of beginning.

Beginning at a point on the south line of said Walnut street thirty-nine (39) feet west of the northwest corner of Lot one (1) in James Blake's Subdivision of a part of Outlot nine (9) in the City of Indianapolis, Indiana; thence west along the south line of said Walnut street a distance of nine (9) feet; thence in a northwesterly direction across said Walnut street and across a part of the first alley west of Lot fifteen (15) in said James Blake's Subdivision of Outlot thirty-two (32) in said City of Indianapolis a distance of eighty-six (86) feet to a point on the west line of said alley; thence north along the west line of said alley a distance of twenty (20) feet to a point on the west line of said alley; thence in a southeasterly direction a distance of one hundred and six (106) feet to the place of beginning.

Said sidetracks or switches are desired in order to furnish adequate shipping facilities for the new warehouse building and plant which is being erected by the National Paper Stock Company on its property along the right of way of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company and between Michigan and North streets in said City, and the privilege of laying and maintaining said sidetracks is desired as a substitute and to take the place of a similar privilege to lay and maintain a sidetrack or switch to said property which was granted the National Paper Stock Company by General Ordinance No. 63 (adopted July 19, 1920, by the Common Council of said City). Said sidetrack authorized by said General Ordinance No. 63 will not be laid or maintained by the National Paper Stock Company for the reason that same will not furnish adequate switching facilities for the new and enlarged plant of the National Paper Stock Company on its said property.

Said National Paper Stock Company represents that it desires the privilege of laying and maintaining said sidetracks or switches across said North and Walnut streets for the sole purpose of properly and successfully conducting and carrying on its business at said new plant, and that it will lay said sidetracks or switches within one year from date of contract with said Board of Works relating thereto.

Respectfully submitted this 15th day of June, 1921.

NATIONAL PAPER STOCK COMPANY,

By HENRY L. BEVERIDGE, President.

Now, Therefore, This agreement made and entered into this 15th day of June, 1921, by and between The National Paper Stock Company, a corporation 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 sidetracks or switches from the main line track (Old Chicago Division) of the Cleveland, Cincinnati, Chicago & St. Louis Railroad Company to the property of the National Paper Stock Company situate between North and Michigan streets across and on certain parts of North and Walnut streets in the City of Indianapolis, more specifically described as follows:

Beginning at a point on the south line of said North street forty-four (44) feet and six (6) inches west of the northwest corner of Lot sixteen (16) in the Indianapolis and Cincinnati Railroad Company's Subdivision of the east and northwest parts of Square nine (9) in the City of Indianapolis, Indiana; thence west along the south line of said North street a distance of nine (9) feet; thence in a northerly direction across said North street a distance of ninety (90) feet (more or less) to a point in the north line of said North street which is eighty-seven (87) feet east of the southeast corner of Lot sixteen (16) in James Blake's Subdivision of a part of Outlot nine (9) in said City; thence east along the north line of said North street a distance of nine (9) feet; thence in a southerly direction across said North street a distance of ninety (90) feet (more or less) to the place of beginning.

Beginning at a point on the south line of said Walnut street thirty-nine (39) feet west of the northwest corner of Lot one (1) in James Blake's Subdivision of a part of Outlot nine (9) in the City of Indianapolis, Indiana; thence west along the south line of said Walnut street a distance of nine (9) feet; thence in a northwesterly direction across said Walnut street and across a part of the first alley west of Lot fifteen (15) in said James Blake's Subdivision of Outlot thirty-two (32) in said City of Indianapolis a distance of eighty-six (86) feet to a point on the west line of said alley; thence north along the west line of said alley a distance of twenty (20) feet to a point on the west line of said alley; thence in a southeasterly direction a distance of one hundred and six (106) feet to the place of beginning, 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 tracks upon the 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 tracks and switches 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 tracks 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 tracks intersect said North and Walnut streets 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 tracks, 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 tracks or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said tracks to the entire satisfaction of the second party, and in case said tracks shall 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 of the first part herein binds himself 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 tracks, 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 con-

cerning 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 additional sidetracks or switches across said North and Walnut streets, upon condition that same are laid and constructed within one year from the date hereof in the City of Indianapolis, all as shown by the blue print and drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereto set our hands this 15th day of June, 1921.

NATIONAL PAPER STOCK COMPANY,

Witness:

Samuel B. Sutphin, Secretary.

By Henry L. Beveridge, President.

Party of the First Part.

CITY OF INDIANAPOLIS,

By MARK H. MILLER, President.

I. W. LEMAUX,

R. A. SHIRLEY,

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.

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

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 45, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules failed to carry by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Noes, 1, viz.: Mr. Brown.

President Willson referred General Ordinance No. 45, 1921, to the Committee on Public Works.

By the Board of Public Works:

## SWITCH CONTRACT

## GENERAL ORDINANCE No. 46, 1921.

AN ORDINANCE approving a certain contract granting Thomas A. Moynahan the right to lay and maintain a sidetrack or switch from The C., C., C. & St. L. R. R. at Pratt Street to a warehouse at Pratt street and Senate avenue, crossing Pratt street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on the 20th day of June, 1921, Thomas A. Moynahan filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

## PETITION

*To Board of Public Works, City of Indianapolis:*

Gentlemen—I hereby respectfully petition the City of Indianapolis to grant the necessary permit for the construction of a switch by myself to serve warehouse and manufacturing plant now being constructed by myself and located at the Northeast Corner of Pratt street and first alley West of Senate avenue. Public Highway to be crossed hereinafter more specifically described.

Now, Therefore, This agreement made and entered into this 20th day of June, 1921, by and between Thomas A. Moynahan, 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 The C., C., C. & St. L. R. R. at Pratt street to a warehouse at Pratt street and first alley West of Senate avenue, crossing Pratt street, in the City of Indianapolis, which is more specifically described as follows: "Switch point being approximately one hundred and seventy feet (170) South of South line of Pratt street and crossing Pratt street East of the C., C., C. & St. L. R. R. regular Pratt street crossing, being more fully described by blue prints hereto attached. Proposed switch enters Pratt street from the South at a point approximately ten feet east of C., C., C. & St. L. R. R. East right of way line and is twenty feet east of the East right of way of the C., C., C. & St. L. R. R. at North property line of Pratt 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 Pratt 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 no wise 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 of the first part herein binds himself 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 sidetrack or switch across Pratt street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract shall be void if switch is not constructed within one year from date of approval by Common Council.

In Witness Whereof, We have hereunto set our hands this 20th day of June, 1921.

Witness: G. A. Everett.

THOMAS A. MOYNAHAN,

Party of the First Part.

CITY OF INDIANAPOLIS,

By MARK H. MILLER, President,

I. W. LEMAUX,

R. A. SHIRLEY,

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.

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

Which was read a first time.

Mr. Carnefix moved that the rules be suspended and General Ordinance No. 40, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Carnefix called for General Ordinance No. 46, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 46, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 46, 1921, was read a third time and passed by the following vote:

Ayes 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By the Board of Public Works:

#### SWITCH CONTRACT

#### GENERAL ORDINANCE No. 47, 1921.

AN ORDINANCE approving a certain contract granting Thomas A. Moynahan the right to lay and maintain a sidetrack or switch from The C., C., C. & St. L. R. R. at Pratt street to a warehouse at Pratt street and Senate avenue crossing the first alley West of Senate avenue at a point immediately south of Pratt street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on the 20th day of June, 1921, Thomas A. Moynahan 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 respectfully petition the City of Indianapolis to grant the necessary permits for the construction of a switch by myself to serve warehouse and manufacturing plant now being constructed by myself and located at the Northeast corner of Pratt street and first alley West of Senate avenue. Public highway to be crossed hereinafter more specifically described.

Now, Therefore, This agreement, made and entered into this 20th day of June, 1921, by and between Thomas A. Moynahan, 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 The C., C., C. & St. L. R. R. at Pratt street to a warehouse at Pratt street and first alley west of Senate avenue, across first alley West of Senate avenue in the City of Indianapolis, which is more specifically described as follows: "Switch point being approximately one hundred and seventy feet (170) South of south line of Pratt street and crossing the first alley west of



Senate avenue, being more fully described by blue print hereto attached. Proposed switch enters alley approximately fifty-seven feet South of Pratt street at the West line of first alley West of Senate avenue and continues North to Pratt street intersecting south line of Pratt street approximately ten feet (10) east of C., C. & St. L. R. R. east right of way line," 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 first alley west of Senate avenue, 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 no wise 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 of the first part herein binds himself 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, 1906, 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 sidetrack or switch across first alley West of Senate avenue, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract shall be void if switch is not constructed within one year from date of approval by Common Council.

In Witness Whereof, We have hereunto set our hands this 20th day of June, 1921.

Witness: G. A. Everett

THOMAS A. MOYNAHAN,

Party of the First Part.

CITY OF INDIANAPOLIS,

By MARK H. MILLER, President.

I. W. LEMAUX,

R. A. SHIRLEY,

BOARD OF PUBLIC WORKS,

Party of the Second Part.

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.

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

Which was read a first time.

Mr. Furniss moved that the rules be suspended and General Ordinance No. 47, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Furniss called for General Ordinance No. 37, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 47, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 47, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By Mr. Schmidt:

GENERAL ORDINANCE No. 48, 1921.

AN ORDINANCE amending Section 291 of General Ordinance No. 12, 1917, and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section One: That Section 291 of General Ordinance No. 12, 1917, be and the same is hereby amended to read as follows:

Section 291. (a) A building of the first class shall be constructed wholly of non-combustible materials with walls, floors and roof construction of masonry, concrete or of iron or steel frame work, filled between and around with masonry, concrete, terra cotta or other durable non-combustible and fire resisting materials. (b) All columns, girders, beams, struts and all structural members shall be protected with fire-proof materials, so put on and held in place as to effectually protect such members from the effect of fire, corrosion or abrasion. All exterior columns and all girders or other framing of structural steel supporting more than one (1) story of masonry, shall be protected by a thickness at any exterior point of at least eight (8) inches of fire-proof material. (c) All structural members of buildings of this class, which may be sub-

jected to unusual responsibility shall be especially protected and fireproofed in such a manner as to effectually protect such members and their loads from risk of accident by fire or otherwise. (d) All columns other than those above mentioned shall be protected by fireproofing not less than three (3) inches in thickness at any point. (e) Floor and roof beams and other framing shall be protected by fireproofing not less than two (2) inches in thickness. (f) In all buildings of the first class, wood may be used for the wearing surface of the floors and necessary sleepers for their attachment, also for window and door frames, sash, doors and finish around them, except in shafts or exposed positions where approved fire doors and windows are required by the Building Code and for hand rails for stairs but not for balustrades or newel posts. (g) There shall be no air spaces between the top of any floor construction and the floor boarding or behind any woodwork, but all such spaces shall be solidly filled with concrete or plaster or other fireproofing materials.

Section Two: Whereas, an emergency exists for the immediate taking effect of this ordinance. This ordinance shall take effect and be in full force from and after its passage, and publication as required by law.

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

By Mr. Schmidt:

GENERAL ORDINANCE No. 49, 1921.

AN ORDINANCE amending Section Two, of General Ordinance No. 109, 1919, entitled: "An ordinance amending Section One, amending sub paragraphs a, l, and p, of Section Five, and amending Sections Six and Fifteen of General Ordinance No. 37, 1919, and amending Section Five of said ordinance by adding two new paragraphs (q) and (r), and declaring a time when the same shall take effect," and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That Section Two of General Ordinance No. 109, 1919, be and the same is hereby amended to read as follows:

Section One. (1). All vehicles within such city outside the congested district shall be parked flat against the right-hand curb within six inches thereof, unless otherwise herein provided. On the south side of North street between Illinois street and Meridian street; on Meridian street and Capitol avenue, between New York and St. Clair street, vehicles shall be parked at the curb at an angle of 30 degrees, and with the right-hand front wheel of each vehicle in contact with the curb.

(p). On Market street from Pennsylvania street to Delaware street, in the center part thereof, vehicles may be parked, but such vehicles

shall be parked at an angle of 45 degrees. On Kentucky avenue from Washington street to Maryland street, vehicles may be parked in the center thereof, but such vehicles shall be parked at an angle of 45 degrees. Provided: That no vehicles other than taxicabs shall park between the hours of 8:00 o'clock a. m. and 6:30 p. m. on the portions of such streets reserved for the use of taxicabs as provided in Section Fifteen of this ordinance.

Section Two. 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 City's Welfare.

Mr. Furniss:

GENERAL ORDINANCE No. 50, 1921.

AN ORDINANCE, prohibiting the discharge or use of fireworks within the city of Indianapolis, Indiana, except in certain public places, repealing Ordinances in conflict therewith providing a penalty and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. It is hereby made unlawful for any person, firm, corporation or association to discharge, set off or have in their possession for such purpose, any fireworks of any kind whatsoever within the City of Indianapolis, Indiana, provided, however, that any person, firm or corporation desiring to discharge or set off any such fireworks in any park or other public place except public highways may do so on stated occasions by making application therefor in writing not less than twenty-four (24) hours before such occasion with the Board of Public Safety of the City of Indianapolis, Indiana.

Provided Further, That such person, firm or corporation shall have, prior to the time of making such application, received the written approval of the proper official having charge and control of such park or public place in which it is desired to discharge and set off such fireworks.

Sec. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed, except that this ordinance shall not be construed to repeal Sections 698, 699 and 700 of General Ordinance No. 12, 1917.

Sec. 3. Any person, firm or corporation violating any provisions of this ordinance shall, upon conviction, be fined in any sum not less than five dollars (\$5.00), nor more than two hundred dollars (\$200.00).

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

## ORDINANCES ON SECOND READING.

Mr. Brown called for General Ordinance No. 35, 1921, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 35, 1921, be amended as recommended by the Committee. Carried.

Mr. Brown moved that General Ordinance No. 35, 1921, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 35, 1921, was read a third time and failed to pass by the following vote:

Ayes, 2, viz.: Messrs. Brown and Furniss.

Noes, 6, viz.: Messrs. Carnefix, Kirsch, Miller, Peeake, Schmidt and President Willson.

Mr. Miller called for Appropriation Ordinance No. 14, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 14, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 14, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for General Ordinance No. 40, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 40, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 40, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Carnefix called for General Ordinance No. 44, 1921, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 44, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 44, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Kirsch called for Special Ordinance No. 7, 1921, for second reading. It was read a second time.

Mr. Kirsch moved that Special Ordinance No. 7, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 7, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

On motion of Mr. Kirsch, the Common Council at 9:40 o'clock P. M. adjourned.

*Russell Willson*

*President.*

Attest:

*Edith Bell*

*City Clerk.*