

REGULAR MEETING

The Common Council of the city of Indianapolis, met in the Council Chamber, Monday evening, August 7, 1922, at 7:30 o'clock in regular session, President Theodore J. Bernd in the chair.

Present: The Hon. Theodore J. Bernd, President of the Common Council, and six members, viz.: Messrs. Bramblett, Buchanan, King, Ray, Thompson and Wise.

Absent: Messrs. Clauer and Claycombe.

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

COMMUNICATION FROM THE MAYOR.

July 26, 1922.

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

Gentlemen—I have this day, approved, signed and delivered to John W. Rodehamel, City Clerk, General Ordinance No. 35-1922, an ordinance creating the position of Assistant Clerk in the Department of Public Work and fixing the salary for the same, increasing the salary of the Record Clerk in the Department of Public Works, and providing for the payment of the salary of said Assistant Clerk out of the funds already appropriated for the payment of the salary of the funds already appropriated for the payment of the salary of the Bookkeeper, in the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 49, 1922, an ordinance ordering the Board of Works of the City of Indianapolis, Indiana, to improve the first alley north of Eleventh Street from East property line of Scioto Street to West property line of Pennsylvanai Street under and by virtue of Improvement Resolution No. 10207 of the Board of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 50, 1922, an ordinance prohibiting the throwing scattering, depositing or leaving broken glass, tacks or other articles injurious to automobile tires or other vehicles, in or upon any public streets, alley or other public places within the City of Indianapolis, fixing a time when the same shall take effect and providing a penalty for the violation thereof.

General Ordinance No. 65, 1922, an ordinance authorizing the sale of certain articles of personal property owned by the City of

Indianapolis for the use and benefit of the Sanitary District of Indianapolis and now in the possession and control of said Sanitary District and the Board of Sanitary Commissioners thereof.

General Ordinance No. 67, 1922, an ordinance authorizing the sale of certain property of the City of Indianapolis, by and through its Board of Park Commissioners, and declaring a time when the same shall take effect.

General Ordinance No. 70, 1922, an ordinance ratifying, confirming and approving a certain contract made and entered into on the 12th day of July 1922, by the City of Indianapolis, by and through its Board of Public Works, and the Martin Truck Company of Indianapolis, Indiana, whereby said City is authorized to purchase from said Martin Truck Company two (2) Model 14X Stewart Trucks Twenty-five hundred (2500) pounds maximum capacity, and one (1) Model 15 Stewart Truck, three thousand (3,000) pounds maximum capacity, for the total amount of Four Thousand, Eight Hundred and Twenty-five (\$4,825.00) Dollars, specifying the fund out of which the same shall be paid, and declaring the time when the same shall take effect.

Special Ordinance No. 15, 1922, an ordinance annexing certain territory to the City of Indianapolis, Indiana, defining a part of the boundry line to said city and fixing a time when the same shall take effect.

Appropriation Ordinance No. 23, 1922, an ordinance appropriating the sum of Two Thousand Two Hundred Twenty-nine and Forty-eight Hundredths (\$2,229.48) Dollars to, and for the use of, the Department of Finance to the fund known as "Street Intersections," and declaring a time when the same shall take effect.

Appropriation Ordinance No. 24, 1922, an ordinance making an appropriation of Thirty-one (\$31.00) Dollars, to the Department of Finance, for the purpose of refunding to Ralph Wilson, the sum of Thirty-one (\$31.00) Dollars, paid twice for Billiard and Pool Table License to operate three (3) pool tables, at No. 1706 Hoyt Avenue, in the City of Indianapolis, Indiana, until and including December 31, 1922.

Appropriation Ordinance No. 27, 1922, an ordinance appropriating the sum of Two Hundred (\$200.00) Dollars to and for the use of the Finance Department to a fund to be known as "Expense of Boxing Commission," and declaring a time when the same shall take effect.

Very truly yours,
S. L. SHANK,
Mayor.

July 31, 1922.

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

Gentlemen—I return herewith without my signature, General Ordinance No. 66, 1922, an ordinance providing for the working hours of the members of the Police Force, and also am enclosing the opinion of the Assistant City Attorney, Mr. Bailey, as to the legality of it. You will note that according to the enclosed opinion of Mr. Bailey the Common Council is not, under the law, clothed with the

power and authority to fix the working hours of the members of the Police Force. It is due to this opinion that I am returning the accompanying ordinance without my signature.

I am for the eight-hours, provided for in the ordinance, and am not against it; and the Board of Safety is going to put the men on an eight-hour basis just as soon as it is practicable and possible.

Very truly yours,

S. L. SHANK,
Mayor.

July 26, 1922.

Honorable Samuel Lewis Shank,
Mayor,

City of Indianapolis.

Dear Sir—In reply to your request for an Opinion in re "Power Common Council to fix by ordinance, the working hours of the members of the Police Force," I beg leave to advise you, that in Burns R. S., 1914, Section 8655, wherein the general powers of the Common Council is specifically fixed, the Common Council is empowered to fix the salaries for compensation for various officers and employees of the city, but no provision is made for the fixing of working hours.

The Act 1389, page 143 of the Legislature of State of Indiana, fixing eight (8) hours as a legal day's work for all classes of mechanics, workmen and laborers, does not apply to members of the police force.

Act 1921, at page 89 by the General Assembly of the State of Indiana, applies only to cities of the second-class, with a population of not less than eighty-six (86,000) thousand and not more than one hundred (100,00) thousand.

It is my opinion that our Common Council is not, under the law, clothed with the power and authority to fix the working hours of the members of the police force.

Respectfully submitted,

WM. T. BAILEY,
Assistant City Attorney.

By Mr. Ray:

August 7, 1922.

Mr President—I move that General Ordinance No. 66, 1922, be passed over the disapproval of the Mayor.

OTTO RAY.

The roll was called and General Ordinance No. 66, 1922, was passed over the disapproval of the Mayor, by the following vote:

Ayes, 7, viz.: Messrs. Bramblett, Buchanan, King, Ray, Thompson, Wise and President Theodore J. Bernd.

REPORTS FROM CITY OFFICERS.

From the City Controller:

August 7, 1922.

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

Gentlemen—I hand you herewith General Ordinance No. 74, 1922, asking for the transfer of Five Hundred (\$500.00) Dollars from the Patriotic Gardener's Association Fund and re-appropriating the same to the City Hall Furniture and Fixtures fund, in the Department of Public Works, of the City of Indianapolis, Indiana.

I herewith submit the above mentioned ordinance and respectfully recommend its passage.

Respectfully yours,
JOS. L. HOGUE,
City Controller.

August 7, 1922.

Mr. Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—I am handing you herewith for transmission to the Common Council General Ordinance No. 74, 1922, transferring the sum of Five Hundred (\$500.00) Dollars from the Patriotic Gardener's Association and re-appropriating the same to the City Hall Furniture and Fixtures fund in the Department of Public Works.

Very truly yours,
GEO. HUTSELL,
Clerk, Board of Public Works.

August 7, 1922.

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

Gentlemen—

I hand you herewith a communication from the Board of Public Works, asking for the passage of the attached ordinance transferring and re-appropriating the sum of Five Hundred Dollars (\$500.00) from the Brick and Block Department Material and Supplies Fund to the City Civil Engineer's Office Maintenance Fund, under the Board of Public Works.

I respectfully recommend the passage of this ordinance.

Very truly yours,
JOS. L. HOGUE,
City Controller.

August 7, 1922.

Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, the attached ordinance transferring and re-appropriating the sum of Five Hundred Dollars (\$500.00) from the Brick and Block Depart-

ment Material and Supplies Fund to the City Civil Engineer's Office Maintenance Fund, under the Board of Public Works.

Yours very truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

August 7, 1922.

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

Gentlemen—I hand you herewith a communication from the Board of Public Works asking for the passage of the attached ordinance transferring and re-appropriating the sum of Two Thousand Five Hundred Dollars (\$2,500.00) from the Brick and Block Department Material and Supplies fund to the Brick and Block Department Salaries and Wages Fund, under the Board of Public Works.

I respectfully recommend the passage of this ordinance.

Yours very truly,
JOS. L. HOGUE,
City Controller.

August 7, 1922.

Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, the attached ordinance transferring and re-appropriating the sum of Two Thousand Five Hundred Dollars (\$2,500.00) from the Brick and Block Department Material and Supplies Fund to the Brick and Block Department Salaries and Wages Fund, under the Board of Public Works.

Yours very truly,
GEO. O. HUTSELL,
Clerk.

August 7, 1922.

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

Gentlemen—I hand you herewith a communication from the Board of Public Works, asking for the passage of the attached ordinance transferring and re-appropriating the sum of Six Thousand Dollars (\$6,000.00) from the Asphalt Street Repair Department Salaries and Wages Fund to the Asphalt Plant Department Salaries and Wages Fund, under the Board of Public Works.

I respectfully recommend the passage of this ordinance.

Yours very truly,
JOS. L. HOGUE,
City Controller.

August 7, 1922.

Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, the attached ordinance transferring and re-appropriating the sum of Six Thousand Dollars (\$6,000.00) from the Asphalt Street Repair Department Salaries and Wages Fund to the Asphalt Plant Department Salaries and Wages Fund, under the Board of Public Works.

Yours very truly,
GEO. O. HUTSELL,
Clerk.

From the Board of Public Works:

July 26, 1922.

Mr. John W. Rhodehamel,
City Clerk,
City of Indianapolis.

Dear Sir—I am herewith submitting for transmission to the Common Council for passage of an ordinance, a switch contract granting J. S. Holliday Realty Company, the right to make and maintain a switch or side track from north property line of Maryland Street across Maryland Street in to its property at the southeast corner of Maryland and Missouri Streets.

Yours very truly,
GEO. HUTSELL,
Clerk, Board of Public Works.

July 21, 1922.

To the Board of Public Works:

Gentlemen—With return of the attached switch contracts and petition of the J. S. Holliday Realty Company for the right to lay and maintain a side track from the north line of Maryland Street across Maryland Street from the old Chicago Division tracks of the Big Four R. R., would recommend that same be granted and contract sent to the Council for their approval.

Yours truly,
J. L. ELLIOTT,
City Civil Engineer.

From the Board of Public Safety:

August 7, 1922.

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

Gentlemen—Please find attached hereto copies of an Ordinance, creating and authorizing certain positions in the Department of Buildings under the Department of Public Safety of the City of In-

dianapolis, fixing the salaries thereof and declaring a time when the same shall take effect, which ordinance the Board request you to pass at your next meeting.

Yours very truly,
Board of Public Safety,
OSCAR O. WISE,
Executive Secretary.

August 7, 1922.

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

Gentlemen—The Board of Public Safety, requests the passage of the Ordinance hereto attached which is an Ordinance amending section 278 of General Ordinance No. 12, 1917, pertaining to fees for Building Permits.

Yours very truly,
Board of Public Safety,
OSCAR O. WISE,
Executive Secretary.

August 7, 1922.

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

Gentlemen—The Board of Public Safety, requests the passage of the Ordinance hereto attached fixing the salaries of Chief Assistant Commissioner of buildings and The Clerk to Building Commissioner In The Department of Buildings under the Department of Public Safety.

Very truly yours,
Board of Public Safety,
OSCAR O. WISE,
Executive Secretary.

From the Board of Park Commissioners:

July 25, 1922.

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

Gentlemen—The Board of Park Commissioners upon the recommendation of the City Engineer approved the attached petition of the John H. Larison Company for permission to construct a switch across the White River Boulevard north of the present Belt R. R. tracks and we are forwarding same to your Honorable Body for its approval.

Very truly yours,
Board of Park Commissioners,
R. WALTER JARVIS,
Superintendent.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Works:

August 7, 1922.

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

Gentlemen—We, your Committee on Public Works to whom was referred General Ordinance No. 71, 1922, entitled An Ordinance approving a certain contract granting Vonnegut Hardware Company the right to lay and maintain a side track or switch from the South side of Washington Street, 272 feet South in Missouri Street and across Pearl Street, according to blue print attached, in the City of Indianapolis, Indiana, beg leave to report that we have said ordinance under consideration, and recommend that the same be passed.

JOHN E. KING,
I. L. BRAMBLETT,
BEN H. THOMPSON,
H. W. BUCHANAN,

From the Committee on Public Safety:

August 7, 1922.

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

Gentlemen—We, your Committee on Public Safety to whom was referred General Ordinance No. 38, 1922, entitled An Ordinance regulating and defining wholesale Junk Dealers, providing a license, providing certain penalties and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
JOHN E. KING,
H. W. BUCHANAN,
I. L. BRAMBLETT,

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

GENERAL ORDINANCE NO. 74, 1922.

AN ORDINANCE, transferring the sum of Five Hundred (\$500.00) Dollars, from the Patriotic Gardener's Association fund and re-appropriating the same to the City Hall Furniture and Fixtures fund, in the Department of Public Works, of the City of Indianapolis, Indiana, 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. That the sum of Five Hundred (\$500.00) Dollars be and the same is hereby transferred from the Patriotic Gardener's

Association fund of the Department of Public Works, and that the same be and is hereby re-appropriated and transferred to the City Hall Furniture and Fixture fund, of the Department of Public Works.

Section 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.

By the City Controller:

GENERAL ORDINANCE NO. 75, 1922.

AN ORDINANCE transferring and re-appropriating certain funds under the Department of Public Works, 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. That there be and is hereby transferred from the "Brick and Block Department Material and Supplies Fund" under the Department of Public Works, the sum of Five Hundred (\$500.00) Dollars and that the same be and is hereby re-appropriated to the "City Civil Engineer's Office Maintenance Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and re-appropriation herein made, 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.

By the City Controller:

GENERAL ORDINANCE NO. 76, 1922.

AN ORDINANCE transferring and re-appropriating certain funds under the Department of Public Works, 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. That there be and is hereby transferred from the "Brick and Block Department Material and Supplies Fund" under the Department of Public Works, the Sum of Two Thousand Five Hundred (\$2,500.00) Dollars, and that same be and is hereby re-appropriated to the "Brick and Block Department Salaries and Wages Fund" of the Board of Public Works.

Section 2. THATWHEREAS, an emergency exists for the transfer and re-appropriation herein made, 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.

By the City Controller:

GENERAL ORDINANCE NO. 77, 1922.

AN ORDINANCE transferring and re-appropriating certain funds under the Department of Public Works, 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. That there be and is hereby transferred from the "Asphalt Street Repair Department Salaries and Wages Fund" under the Department of Public Works, the sum of Six Thousand (\$6,000) Dollars and that the same be and is hereby re-appropriated to the "Asphalt Plant Department Salaries and Wages Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and re-appropriation herein made, 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.

By the Board of Public Works:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 78, 1922.

AN ORDINANCE approving a certain contract granting J. S. Holliday Realty Co. the right to lay and maintain a sidetrack or switch from the north property line of Maryland Street across Maryland Street into its property at the south-east corner of Maryland & Missouri Streets, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 10th day of July, 1922, J. S. Holliday Realty Co. filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

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

Gentlemen—We respectfully request permission to construct a sidetrack into our property at the southeast corner of Maryland and Missouri Sts., as per the attached blue print.

NOW, THEREFORE, this agreement made and entered into this 10th day of July, 1922, by and between J. S. Holliday Realty Co., 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 north property line of Maryland St. across Maryland St. into its property at the southeast corner of Missouri and Maryland Sts., in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point on the north line of West Maryland Street, where said Street intersects the branch line of the C. C. C. & St. L., (formerly main line Chicago Division), thence south across West Maryland Street, a distance of one hundred and twenty (120) feet to the north property line of the property of the said party of the first part; the center of said sidetrack where it intersects the north property line of the property owned by the party of the first part being ten (10) feet east of the center of the right of way of the C. C. C. & St. L.'s main track. See blue print attached hereto marked Exhibit "A," 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 tracts.

(3) The crossing where said track intersects West Maryland 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 judgement, with costs, that may on that account be rendered against the said party of 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 West Maryland Street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty, marked "Exhibit A." Permission to lay said sidetrack is given on condition that the party of the first part shall construct said sidetrack within one year from date, and in case said sidetrack is not constructed within one year from date, permit for permission to construct said sidetrack shall be null and void.

IN WITNESS WHEREOF, We have hereunto set our hands this 10th day of July, 1922.

Witness:

J. S. HOLIDAY REALTY CO.

By T. R. BAKER, Sec.-Treasurer.

President, Party of the First Part.

CITY OF INDIANAPOLIS,

By C. E. COFFIN,

President,

M. J. SPENCER,

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 Public Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 79, 1922.

AN ORDINANCE creating and authorizing certain positions in the department of Building under the Department of Public Safety of the City of Indianapolis. Fixing the salaries thereof 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. That there be and is hereby created and authorized the position of Plan Reading Clerk to the Commissioner of Buildings in the Department of Buildings under the Department of Public Safety.

Section 2. That the salary of said Plan Reading Clerk is hereby fixed at the rate of Twenty-Four Hundred (\$2400) per year.

Section 3. That there be and is hereby created and authorized the position of assistant clerk to the Commissioner of Building in the Department of Buildings under the Department of Public Safety.

Section 4. That the salary of said assistant Clerk to the Commissioner of Buildings is hereby fixed at the rate of Fifteen Hundred (\$1500) Dollars.

Section 5. This ordinance shall be in full force and effect on and after January 1, 1923.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 80, 1922.

AN ORDINANCE, amending section 278 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 1. That, section 278 of General Ordinance No. 12, 1917, be and the same is hereby amended to read as follows: Section 278. Fee for Permits. (a) For new buildings hollow sidewalk, additions to old buildings, the permit fee shall be two (2) cents for every one-hundred (100) cubic feet of contents of such new building, hollow sidewalk or additions to old buildings. The cubic contents is to be measured to include every part of the building, hollow sidewalk or addition, from the bottom of the foundation to one-half ($\frac{1}{2}$) of the highest part of the roof or covering; provided, however, that no permit fee shall be less than two (2) dollars. (b) Moving buildings or tanks on the street from one location to another

location, the permit fee shall be five (5) dollars. (c) Permits for interior alterations, water tanks, platforms, staging, boilers, stack, furnace or elevator to which the one-hundred (100) cubic feet rate above mentioned cannot be properly applied and the cost of which shall exceed twenty-five (\$25.00) dollars, shall cost one (\$1.00) dollar for every thousand (\$1,000.00) dollars of the cost of such interior alteration, water tanks, platform, staging, boilers, stack, furnace or elevator; provided, however, that no permit fee shall be less than one (\$1.00) dollar. (d) The fee for permits shall be paid to the City Controller on application issued and approved by the Commissioner of Buildings.

Sec. 2. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same 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 the Board of Public Safety:

GENERAL ORDINANCE NO. 81, 1922.

AN ORDINANCE, fixing the salaries of certain positions in the Department of Buildings under the Department of Public Safety of the City of Indianapolis, 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. That the salary of the Chief Assistant Commissioner of Buildings under the Department of Public Safety, be, and is hereby fixed at the rate of Twenty-four Hundred (\$2,400.00) Dollars per year.

Sec. 2. That the salary of the Clerk to Commissioner of Buildings be, and is hereby fixed at the rate of Two Thousand (\$2,000.00) Dollars per year.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This ordinance shall be in full force and effect on and after January 1, 1923.

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

By Mr. Bernd:

GENERAL ORDINANCE NO. 82, 1922.

AN ORDINANCE, providing for a license fee to be paid to the City Controller, of the City of Indianapolis, on motor vehicles,

used for the purpose of carrying passengers for pay, into and out of the City of Indianapolis, fixing the amount of said License Fee, fixing the term and the time for the payment thereof, providing a penalty for the violation thereof, 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. That no person, firm, association or corporation shall operate or maintain a motor vehicle in or upon any of the streets of the City of Indianapolis, carrying passengers for pay to or from any point or destination outside of the City of Indianapolis, without first having secured a license from the City Controller, on each vehicle used.

Sec. 2. For maintaining or operating each motor vehicle used for the purpose mentioned in Section 1, with a carrying capacity of ten persons or less, Twenty-five (\$25.00) Dollars per year, with a carrying capacity of from ten persons to thirty-five persons, Fifty (\$50.00) Dollars per year, and with a carrying capacity of thirty-five persons or more, Sixty (\$60.00) Dollars per year.

Sec. 3. Each of said license fees stipulated in the preceding Section shall be paid at the rate per year thereof after the taking effect of this ordinance up to the 1st day of January, 1923, and said License Fee shall be paid upon the 1st day of January, 1923, and each year thereafter.

Sec. 4. Any person, firm, association or corporation who shall fail to comply with any of the above provisions of this ordinance, shall upon conviction, be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars.

Sec. 5. 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 Public Safety.

By the Board of Park Commissioners:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 83, 1922.

AN ORDINANCE, approving a certain contract, granting John H. Larison Company the right to lay and maintain a sidetrack or switch from the east line of White River Boulevard Driveway, across said White River Boulevard Driveway to the west line of said White River Boulevard Driveway, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 29th day of June, 1922, John H. Larison Company, by William S. Bennett, filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

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

Gentlemen—John H. Larison Company, by William S. Bennett, desires permission to lay a railroad switch track across White River Boulevard Driveway at a point near the Beveridge Paper Company track from the east line of the White River Boulevard Driveway to the west line thereof.

NOW, THEREFORE, this agreement made and entered into this 29th day of June, 1922, by and between John H. Larison Company, 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 east line of the White River Boulevard Driveway to the west line thereof, in the City of Indianapolis, which is more specifically described as follows: Part of the north half of the southwest quarter of section 34, township 16, north range 3 east, described as follows:

Beginning on the west line of said southwest quarter at a point 1,010 feet north of the southwest corner of said section, and running north with said west line thereof 886 feet to the south line of Boulevard, thence south 88 degrees and 4' east 57.4 feet, thence south 74 degrees east 1,849.7 feet, thence south curving to the right on a curve the radius of which is 425.39 feet for a distance of 509 feet, thence west 2,136.7 feet to the point of beginning, containing 28.46 acres more or less.

Center line of said sidetrack to be approximately 155 feet north of center line of present main line track of the Indianapolis Union Railway Company at the east line of the White River Boulevard Driveway and approximately 215 feet north of center line of present main line track of the Indianapolis Union Railway Company at the west line of said White River Boulevard Driveway all as shown on blue prints attached hereto, 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 White River Boulevard Driveway 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 thereby 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 anyway 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 side track or switch across White River Boulevard Driveway 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 null and void unless switch is constructed on or before one (1) year from date of Approval by Common Council.

IN WITNESS WHEREOF, we have hereunto set our hands this 29th day of June, 1922.

Witness:

JOHN H. LARISON COMPANY,
By C. J. SCHUB,
Sec'y, Party of the First Part.
CITY OF INDIANAPOLIS,
By
Board of Public Works,
Party of the Second Part.

WITNESS:

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 Public Safety.

ORDINANCES ON SECOND READING.

Mr. Thompson called for General Ordinance No. 38, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 38, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 38, 1922, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bramblett, Buchanan, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. King called for General Ordinance No. 71, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 71, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 71, 1922, was read a third time and passed by the following vote:

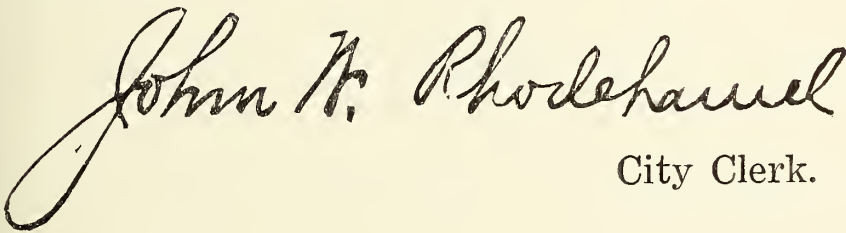
Ayes, 7, viz.: Messrs. Bramblett, Buchanan, King, Ray, Thompson, Wise and President Theodore J. Bernd.

On motion of Mr. King, the Common Council, at 8:45 o'clock p. m., adjourned.



President.

Attest:



City Clerk.