

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, July 16, 1923, at 7:30 o'clock in regular session, President John E. King in the chair.

Present: The Hon. John E. King, President of the Common Council, and eight members, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Wise and Thompson.

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

COMMUNICATIONS FROM THE MAYOR

July 16, 1923

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

Gentlemen—I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 54, 1923, an ordinance amending Section Eighteen (18) of General Ordinance No. 114, 1922, and providing a time when the same shall take effect.

GENERAL ORDINANCE NO. 56, 1923, an ordinance transferring the sum of Twenty-five Hundred Ninety-five (\$2,595.00) dollars from the Street and Alley Improvement Assessment Fund under the City Civil Engineer in the Department of Public Works and re-appropriating the same to a fund herein created and known as The Repairs on Sherman Drive Main Drain from Pleasant Run to Stanton Street Fund, in the Department of Public Works for the purpose of paying the Indiana Gunite Construction Company according to the terms of their contract, and declaring a time when the same shall take effect.

GENERAL ORDINANCE NO. 57, 1923, an ordinance ratifying, confirming and approving a certain contract made and entered into on the 21st day of May, 1923, by the City of Indianapolis, by and through its Board of Public Works, with the approval of the Mayor and the International Motor Company, whereby said City is authorized to purchase from said International Motor Company one (1) six and one-half (6½) ton Mack Model AC Chassis, equipped with South Bend "Studebaker Model" Flusher, for the sum of Eight Thousand Nine Hundred Ninety-eight Dollars and Twenty-eight cents (\$8,998.28,) and declaring a time when the same shall take effect.

GENERAL ORDINANCE NO. 66, 1923, an ordinance authorizing the City of Indianapolis to make a temporary Loan or Loans, for the use of the Board of Health, of the City of Indianapolis, Indiana, in anticipation of its current revenues and payable out of

the current revenues of said Board of Health for the year 1923, authorizing the rate of interest to be charged therefor, providing for legal notice and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 68, 1923, an ordinance requiring vehicles used for the purpose of selling coal, charcoal, coke, wood or ice within the City of Indianapolis to maintain thereon a certain sign, providing a penalty for the violation thereof and declaring a time when the same shall take effect.

GENERAL ORDINANCE NO. 69, 1923, an ordinance amending General Ordinance No. 37, 1923, an ordinance regulating vehicle traffic, providing for the rate of speed of street cars, establishing certain rules and regulations for vehicles, street cars, and operators thereof, pedestrians, providing certain penalties for the violation thereof, repealing any and all ordinances in conflict therewith, provided however, that none of the provisions of this ordinance shall effect any pending cause of action or rights of action, either civil or penal, and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 21, 1923, an ordinance appropriating the sum of Five Hundred (\$500.00) dollars for salaries and supplies for the "Board of Electrical Examiners" in the Building Department under the Board of Public Safety.

APPROPRIATION ORDINANCE NO. 27, 1923, an ordinance appropriating the sum of Two Hundred Thirty Four and 95/100 (\$234.95) dollars, from any unexpended fund, to the Department of Finance for the purpose of paying to Margaret A. Brown, Clerk, Broad Ripple, One Hundred (\$100.00) dollars for recording Barrett Law Bonds up to the time of annexation of Broad Ripple to the City of Indianapolis, Ten (\$10.00) dollars to A. S. Simmons for a Fire Run made on September 2, 1922, and One Hundred Twenty-four and 95/100 (\$124.95) dollars to Wm. A. Reinkin, for Sidewalk inspection made the month of October 1922. These are the last of the unpaid bills of the Town of Broad Ripple, which were unpaid at the time of the annexation.

APPROPRIATION ORDINANCE NO. 31, 1923, an ordinance appropriating the sum of Three Thousand (\$3,000.00) dollars, out of any unappropriated fund of the City of Indianapolis, to the fund in the Department of Law, known and designated as "Attorney's fees and Expense incidental to public utility cases, Special Fund," and declaring a time when the same shall take effect.

SPECIAL ORDINANCE NO. 13, 1923, an ordinance annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundry of said City, an fixing a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

July 6, 1923

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

Gentlemen—I return herewith without my approval GENERAL ORDINANCE NO. 77, 1923, an ordinance fixing the compensation of certain officers and employes of the City of Indianapolis and declaring a time when the same shall take effect.

The wages of these employes should have been raised last February and not after half the year is past. The general trend of business and wages is down all over the country.

As to that Section of the Ordinance which provides for a decrease in the number of janitors employed in the City Hall, I do not see how the City Hall can be kept clean if the present force is reduced in number. It is the opinion of the Custodian of the building that the Hall cannot be kept clean with a force of only six janitors as is proposed in the ordinance.

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

By Mr. Bernd:

I move that General Ordinance No. 77, 1923 be repassed over the Mayor's veto.

THEO. J. BERND.

The roll was called and General Ordinance No. 77, 1923, was passed over the disapproval of the Mayor by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

REPORTS FROM CITY OFFICERS

From the City Controller:

July 16, 1923

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

Gentlemen—Attached is an appropriation ordinance for \$6,500.00 to the Park District Bond Fund for Sinking Fund purposes, to enable said Park Department to pay the interest on its bonds, which fall due July 1st, 1923. Otherwise the Park Department will have no way of paying said interest and the credit of the City will be materially impaired.

I respectfully submit this ordinance and ask that same be approved and passed at this meeting of the Council under suspension of rules.

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

July 9, 1923

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

Gentlemen—I hand you herewith a communication from the Board of Park Commissioners and a copy of the Resolution of said

Board, presented through their attorney, asking for the passage of an ordinance, (a copy of which is attached,) authorizing the appropriation of Sixty-five Hundred (\$6,500.00) dollars to the "Park District Bond Fund," for Sinking Fund purposes, to enable said Board to pay the interest on their bonds, due July 1, 1923.

I also hand you copy of an opinion from Lawrence F. Orr, Chairman of the Board of Public Accountants, holding that said Council is authorized to make such an appropriation.

I respectfully recommend the passage of this Appropriation Ordinance.

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

July 26, 1923

Mr. Jos. L. Hogue,
 City Controller,
 City Hall.

Dear Mr. Hogue—In reply to your inquiry of June 25, relative to the payment of certain bonds and coupons from the general fund of the civil city heretofore issued by the park board.

All public parks are primarily the property of the city but the management and control is by a separate body vested with certain duties and powers.

Section 7, Acts 1919, p 646 among other things, provides; "A tax of nine cents on each one hundred dollars of taxable property***, shall be levied annually."

This section further provides that the "Common Council of such city may borrow money for the use of such department."

It is reasonable to suppose that when the legislature made provision for the civil city to borrow money for the use of the park department they did not intend to compel the City to borrow money when there was a cash balance available for that purpose, but the authority to borrow money was an additional means by which the city might aid the park department.

It is clear to this department that a city of the first class may pay to the park department of such city any sum that the Common Council does by proper ordinance deem necessary.

Yours very truly,
LAWRENCE ORR,
 State Examiner.

July 9, 1923

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

Gentlemen—Attached to this letter you will find a Resolution unaminously passed by the Board of Park Commissioners of the Department of Public Parks of the City of Indianapolis requesting an appropriation of Six Thousand Five Hundred (\$6,500.00) dollars from your Honorable body to the "Park District Bond Fund," for Sinking Fund purposes, to enable said Park Department to pay the interest on its bonds, which interest falls due July 1, 1923. Otherwise the Park Department will have no way of paying said interest and the credit of the city will be materially impaired.

I therefore hand you an ordinance covering this matter and ask that the same be approved and passed at the next meeting of the Council under suspension of the rules.

Respectfully submitted,
 NEWTON J. McGUIRE,
 Attorney for Department of Public Parks.

WHEREAS the levy of the "Park District Bond Fund" for Sinking Fund purposes, of the Department of Public Parks, of the City of Indianapolis, Indiana, was fixed in the 1922 budget at seven mills (\$.007) notwithstanding the fact that the Board of Park Commissioners asked for one and one-half (1½ct.) cent levy, and,

WHEREAS said levy of seven mills (\$.007) is insufficient to even take care of the interest on Bonds, falling due on July 1, 1923, (there being no principal falling due on that date) and,

WHEREAS, the Department of Public Parks will be lacking in funds to pay that said interest on account of such insufficient levy, as shown by the following statement of the Auditor of said department to-wit:

PARK DISTRICT BOND AND SINKING FUND STATEMENT

Interest on Bonds due July 1, 1923.....	\$32,949.97	
Balance in Sinking Fund—June 12, 1923.....	18,751.26	
Approximate amount to be received as final June settlement of taxes	\$7,000.00	\$25,751.26

Deficit July 1, 1923..... \$ 7,198.71

NOW THEREFORE, be it Resolved, that we respectfully ask the Common Council of the City of Indianapolis for an appropriation to the "Park District Bond Fund" for Sinking Fund purposes of the Department of Public Parks, for Seven Thousand Five Hundred (\$7,500.00) dollars to enable said department to pay the interest on its bonds promptly as the same falls due on July 1, 1923, and we hereby request our Attorney to prepare an ordinance and submit the same to said Council for passage.

ADOPTED, this 16th day of June, 1923.

CHARLES A. BOOKWALTER,
 FRED CLINE,
 A. M. MAGUIRE,
 SARAH E. SHANK.

Board of Park Commissioners of the City of Indianapolis.

July 16, 1923

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

Gentlemen—Attached you will find copies of General Ordinance No. 78, 1923, authorizing the City Controller to make a temporary loan, or loans of Three Hundred Thousand (\$300,000.00) dollars in anticipation of current revenues appropriating the sum of Three Hundred Six Thousand (\$306,000.00) dollars for the payment of same.

I submit the above mentioned ordinance and recommend its passage.

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

July 16, 1923

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

Gentlemen—I hand you herewith copies of General Ordinance No. 79, 1923, transferring the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund in the Department of Finance to the Blank Books, Printing and Incidentals Fund in the Department of Finance and also transferring the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund in the Department of Finance to the Miscellaneous Expense of City Offices Fund in the Department of Finance.

I submit the above mentioned ordinance and recommend its passage.

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

July 16, 1923

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

Gentlemen—I enclose you letter from the Board of Public Safety asking for the passage of an ordinance transferring Twenty-seven Hundred Eighty-five (\$2,785.00) dollars from the "New Motorcycle Fund" in the Department of Public Safety to the fund for "Bicycles and Autos for Bicycle Squad" in the same department.

I enclose you an ordinance covering the same and recommend its passage.

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

July 16, 1923

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

Dear Sir—The Board of Public Safety requests you to recommend to the Common Council the passage of an ordinance for the transfer of Twenty-seven Hundred Eighty-five (\$2,785.00) dollars from the "New Motorcycle Fund" of the Department of Public Safety to the "Bicycles and Autos for Bicycle Squad" in the same department.

This transfer is deemed necessary in order to purchase new autos for the Motor Squad.

Trusting that you will give this matter favorable consideration and recommend to the Common Council the passage of the same.

Yours truly,
OSCAR O. WISE,

Executive Secretary of the Board of Public Safety.

From the Board of Public Works:

July 13, 1923

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

Dear Sir—I am submitting herewith for transmission to the

Common Council, a contract between the Board of Public Works and the INDIANA SMELTING & REFINING COMPANY, for the right to lay and maintain a switch from the L. E. & W. R. R. to petitioner's property across East Sixteenth Street.

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

July 14, 1923

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

Gentlemen—I am directed by the Board of Public Works of the City of Indianapolis, Indiana, to transmit to you for passage, an ordinance prohibiting the excavating of newly paved streets within a period of five (5) years, except when a Special Emergency Permit is issued by the Board of Public Works.

This ordinance has been recommended by the City Civil Engineer and has been approved by the Board of Public Works.

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

REPORTS FROM STANDING COMMITTEES

From the Committee on Finance:

Indianapolis, Ind., July 16, 1923

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. 25, 1923, entitled "Rental of Fire Tower," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
L. D. CLAYCOMBE,

Indianapolis, Ind., July 16, 1923

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. 26, 1923, entitled "Fire Insurance on Public Buildings," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
I. L. BRAMBLETT,
L. D. CLAYCOMBE,
WALTER W. WISE,

Indianapolis, Ind., July 16, 1923

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. 33, 1923, entitled "An Ordinance

appropriating the sum of Sixty Eight Hundred (\$6,800.00) dollars out of any unappropriated funds of the general fund to the salary fund in the Department of Buildings under the Department of Public Safety 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,
I. L. BRAMBLETT,
L. D. CLAYCOMBE,
THEO. J. BERND,
WALTER W. WISE,

Indianapolis, Ind., July 16, 1923

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. 72, 1923, entitled "An Ordinance Transferring the Sum of Twenty-five Hundred to Another Fund," beg leave to report we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON
I. L. BRAMBLETT,
L. D. CLAYCOMBE,
THEO. J. BERND,
WALTER W. WISE,

From the Committee on Public Safety:

Indianapolis, Ind., July 16, 1923

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. 71, 1923, entitled "An Ordinance creating certain positions in the Building Department under the Department of Public Safety, affixing the salaries and defining the qualifications thereof; repealing all Ordinances and parts of Ordinances in conflict therewith and fixing 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 as amended.

WALTER W. WISE,
THEO. J. BERND,
I. L. BRAMBLETT,
W. E. CLAUER,
L. D. CLAYCOMBE,

Indianapolis, Ind., July 16, 1923

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. 74, 1923, entitled "An Ordinance amending 'Sub-section' I, of Section 4 of General Ordinance No. 37, 1923, the same being known as the Traffic Ordinance of 1923, by adding to said Sub-section I, the following: "There shall be no parking of vehicles on Northwestern Avenue from Fifteenth Street to

a point south of Twenty-first Street, where the Railroad tracks now cross Northwestern Avenue,' 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.

WALTER W. WISE,
W. E. CLAUER.
THEO. J. BERND,
I. L. BRAMBLETT,
L. D. CLAYCOMBE,

Indianapolis, Ind., July 16, 1923

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. 73, 1923, entitled "An Ordinance creating and authorizing in the Traffic Department of the Police Department under the Department of Public Safety of the City of Indianapolis, a division to be known as 'The Division of Accident Prevention,' 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.

WALTER W. WISE,
W. E. CLAUER.
THEO. J. BERND,
I. L. BRAMBLETT,
L. D. CLAYCOMBE,

Mr. Bramblett moved that the reports of the committees be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 34, 1923

AN ORDINANCE appropriating the sum of Sixty-five Hundred (\$6,500.00) dollars, to the "Park District Bond Fund," for Sinking Fund purposes, 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 appropriated the sum of Sixty-five Hundred (\$6,500.00) dollars to the "Park District Bond Fund," for Sinking Fund purposes, of the Department of Public Parks, to enable said department to pay the interest falling due on the bonds on July 1, 1923, and prevent the credit of the city from being materially injured or impaired.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller:

GENERAL ORDINANCE NO 78, 1923

AN ORDINANCE authorizing the City Controller to make a temporary loan or loans of Three Hundred Thousand (\$300,000.00) dollars in anticipation of current revenues appropriating the sum of Three Hundred Six Thousand (\$306,000.00) dollars for the payment of same, and fixing 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 City Controller be and is hereby authorized and employed to negotiate a temporary loan or loans in anticipation of the current revenues of said City actually levied and in course of collection for the fiscal year of 1923 not exceeding a total sum of Three Hundred Thousand (\$300,000.00) dollars for a period not exceeding four months at a rate of interest not exceeding six (6%) per cent per annum. The City Controller is further authorized and empowered to negotiate such loan, or loans, in such amounts at such time as the City Controller may deem necessary, provided that no part of such loan, or loans, shall be made to extend beyond the period herein before mentioned. After the publication of the notice of the determination herein made to issue bonds or other evidence of indebtedness for such temporary loan, or loans, and as provided in this ordinance, said loan shall be let to the lowest bidder at competitive bidding on the annual rate of interest under conditions prescribed in notice of the same, which shall be published for at least one day in at least one daily paper of said City. The Mayor and City Controller are hereby authorized and directed to execute the proper obligations of the City of Indianapolis for the amount so borrowed, and to the payment of such obligations, the faith of the City is hereby irrevocably pledged.

Section 2. The Mayor, City Controller and Corporation Counsel are hereby authorized and directed to publish notice of the determination herein made to issue the bonds or other evidence of indebtedness for such temporary loan, or loans as required by law.

Section 3. That there be and is hereby appropriated out of the current revenue for the fiscal year 1923, to the Department of Finance, the sum of Three Hundred Six Thousand (\$306,000.00) dollars and the same is hereby pledged for the purpose of the payment of said loan, or loans at such times as the same shall become due.

Section 4. 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. 79, 1923

AN ORDINANCE transferring the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund under the Department of Finance and transferring and re-appropriating said Five Thousand (\$5,000.00) dollars of said fund "Interest and Exchange" in the Department of Finance to the Blank Books Printing and Incidentals Fund in the Department of Finance. Transferring the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund under the Department of Finance and transferring and re-appropriating said Five Thousand (\$5,000.00) dollars of said fund "Interest and Exchange" in the Department of Finance to the Miscellaneous Expense of City Officers in the Department of Finance, 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 the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund under the Department of Finance to the Blank Books Printing and Incidentals Fund in the Department of Finance, and that there be transferred the sum of Five Thousand (\$5,000.00) dollars from the Interest and Exchange Fund in the Department of Finance to the Miscellaneous Expense of City Office Fund in the Department of Finance.

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. 80, 1923

AN ORDINANCE transferring the sum of Twenty-seven Hundred and Eighty-five (\$2,785.00) dollars from the "New Motorcycle Fund" of the Department of Public Safety and transferring and re-appropriating the same to the fund in the Department of Public Safety, known as the "Bicycles and Autos for Bicycle Squad," 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 the sum of Twenty-seven Hundred and Eighty-five (\$2,785.00) dollars from the "New Motorcycle Fund" of the Department of Public Safety, and that the same be and is hereby transferred and re-appropriated to the "Bicycles and Autos for Bicycle Squad" fund in the Department of Public Safety.

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 Board of Public Works:

GENERAL ORDINANCE NO. 81, 1923

AN ORDINANCE prohibiting the digging, excavating or cutting into any newly paved street within a period of five (5) years after the acceptance of the improvement, unless an emergency permit secured, setting out the method of obtaining such permit, prescribing 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. No person, firm or corporation shall hereafter dig, excavate or cut into any newly paved street within the City of Indianapolis within a period of five (5) years after the said improvement has been accepted by the Board of Public Works without first having obtained a Special Emergency Permit as herein provided.

Section 2. No permit shall be issued to any person, firm or corporation for the digging, excavating or cutting into any such new street for a period of five (5) years after the same has been accepted by the Board of Public Works, except when the Board of Public Works shall consider an emergency to exist, and then said Board of Public Works may issue a Special Emergency Permit after a verified petition for the same has been duly filed with said Board of Public Works.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof be fined in any sum, not exceeding One Hundred (\$100.00) dollars.

Section 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 Public Works.

By the Board of Public Works:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 82, 1923

AN ORDINANCE approving a certain contract granting the Indiana Smelting & Refining Corporation the right to lay and maintain a sidetrack or switch from L. E. & W. R. R. to petitioner's property across East Sixteenth Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the — day of July, 1923, Indiana Smelting & Refining Corporation, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works,
City of Indianapolis.

Gentlemen—Our business, that of smelting and refining metals, and manufacturing solder, babbitt, etc., is a new industry for In-

dianapolis, founded here by us about four years ago. We supply most of the leading factories and jobbers of this city with some of their basic needs, which they could otherwise not secure from any point closer than Cincinnati, Ohio.

Since our business is increasing steadily and being desirous of enlarging, which will be made possible by a private switch, which will enable us to handle materials on a basis to compete with out-of-town concerns; we beg to petition for a permit to install switch leading into our ground. With this facility we will increase our working force and become an even better and bigger asset to the city. We draw our labor from our local neighborhood, which is settled mostly by colored inhabitants.

Our location being so-called factory district and being lined with private switches from about 11th street for mile north of our place, we feel that there will be no neighborhood locality objections of any kind.

With all the above in view and knowing that we are all striving for a greater Indianapolis and the continuance of needful progressive enterprises, we trust that you see your way clear to act on this matter favorably without avoidable delay.

NOW THEREFORE, this agreement made and entered into this — day of 1921, by and between Indiana Smelting & Refining 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 a sidetrack or switch from the Lake Erie & Western Railroad Company, in the City of Indianapolis, which is more specifically described as follows:

Starting at a point approximately sixty feet south of 16th street, on the Lake Erie & Western Railroad Company's right of way, leading north across 16th street into the ground of the Indiana Smelting & Refining Corporation. The outer margin of this private switch will extend only 18 feet to the east of the present Lake Erie & Western tracks on the south side of 16th street. Same will cross the street at a $6\frac{1}{2}^{\circ}$ angle and on the north side of the street the outer margin will extend 25 feet east of the present permanent track; leading into the ground diagonally as shown in attached blue print, 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, (east 16th 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 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 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 existance, 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 violation 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 provision 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 East 16th 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 become null and void unless sidetrack of switch is built within one year from date.

IN WITNESS WHEREOF, we have hereunto set our hands this — day of July, 1923.

INDIANA SMELTING & REFINING CORPORATION,
MAX ROBBINS,
H. ZIEGLER.

Party of the Frst Part.

Witness:

CITY OF INDIANAPOLIS,
CHARLES E. COFFIN,
President.
W. H. FREEMAN,
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.

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

Section 1. 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 and referred to the Committee on Public Works.

INTRODUCTION OF MISCELLANEOUS BUSINESS

By Mr. Buchanan:

July 16, 1923

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

Gentlemen—Feeling that it is a disgrace upon the fair name of the City of Indianapolis to permit conditions to go on as they now exist for the care of our insane as well as some who are held pending an inquest and are released after the same as not being of unsound mind.

Therefore be it resolved that we, the members of this Council authorize the President to appoint a committee of three members to investigate the advisability of trying to co-operate with the State of Indiana insofar as having a psychopathic ward established in or near the Central Insane Hospital, the expense of which to be borne by the City of Indianapolis.

Be it further resolved that this committee on account of the emergency now existing be instructed to report at the first possible opportunity.

HEYDON W. BUCHANAN.

Which was adopted.

President King appointed Messrs. Buchanan, Thompson and Wise as a committee to investigate this matter.

ORDINANCES ON SECOND READING

Mr. Thompson called for Appropriation Ordinance No. 25, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 25, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 25, 1923, was read a third time and passed by the following vote:

Ayes 6, viz.: Messrs. Buchanan, Clauer, Claycombe, Ray, Thompson and President John E. King.

Noes, 3, viz.: Messrs. Bernd, Bramblett and Wise.

Mr. Thompson called for Appropriation Ordinance No. 26, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 26, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 26, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Thompson called for Appropriation Ordinance No. 33, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 33, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 33, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Thompson called for General Ordinance No. 72, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 72, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 72, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Wise called for General Ordinance No. 71, 1923, for second reading. It was read a second time.

By Mr. Wise:

Indianapolis, Ind., July 16, 1923

Mr. President—I move that General Ordinance No. 71, 1923 be amended by striking out the figures \$2,100.00 from line nine of Section One and inserting in lieu thereof the figures \$2,000.00.

WALTER W. WISE,
Councilman.

Carried.

Mr. Wise moved that General Ordinance No. 71, 1923, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 71, 1923, was read a third time and passed by the following vote:

Ayes. 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Wise called for General Ordinance No. 73, 1923, for second reading. It was read a second time.

Mr. Wise moved that General Ordinance No. 73, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 73, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

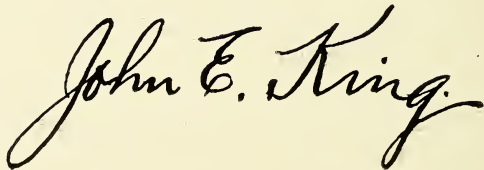
Mr. Wise called for General Ordinance No. 74, 1923, for second reading. It was read a second time.

Mr. Wise moved that General Ordinance No. 74, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 74, 1923, was read a third time and passed by the following vote:

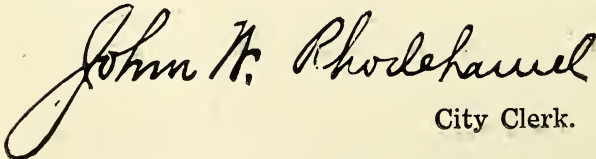
Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

On motion of Mr. Wise, the Common Council, at 9:25 o'clock p. m., adjourned.



Attest:

President.



City Clerk.