

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, March 3, 1913.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 3, 1913, at 7:30 o'clock, in regular session, President Charles F. Copeland in the chair.

Present: The Hon. Charles F. Copeland, President of the Common Council, and 7 members, viz: Messrs. Johnson, McCarthy, Denny, Owen, Stilz, Blumberg and Troy.

Absent, 1, viz.: Mr. Rubens.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 1, 1913.

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

GENTLEMEN: I return herewith with my approval General Ordinance No. 16, 1913, same being an ordinance to divide the City of Indianapolis, Indiana, into one hundred and thirty-three (133) precincts, defining the boundaries thereof and fixing a time when the same shall take effect.

I have the honor to remain,

Very truly yours,

S. L. SHANK,
Mayor City of Indianapolis.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 3, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an appropriation of \$3,000.00 for payment of Rent for Fire Headquarters.

I submit herewith an ordinance providing for the amount of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., January 15, 1913.

Mr. Harry R. Wallace, City Controller, City of Indianapolis:

DEAR SIR: You are hereby respectfully requested to recommend to the Common Council the passage of an ordinance appropriating the sum of three thousand (\$3,000.00) dollars for payment of rent for Fire Headquarters.

Respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 3, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Health and Charities requesting me to recommend an appropriation of \$5,000.00 for the Pure Milk Fund, to be used by the Children's Aid Association.

I submit herewith an ordinance providing for \$2,000.00 of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 18, 1913.

Mr. Harry Wallace, City Controller, Indianapolis, Ind.:

DEAR SIR: I have been instructed by the Indianapolis City Board of Health to request you to recommend to the council an appropriation of \$5,000 for the pure milk fund to be used by the Children's Aid Association.

Yours respectfully,

H. G. MORGAN.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 3, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Health and Charities requesting me to recommend the transfer of \$1,375.00 from the City Dispensary fund to the City Hospital Stable Supplies.

I submit herewith an ordinance providing for the amount of the transfer requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 3, 1913.

Mr. Harry Wallace, City Controller, City:

DEAR SIR: I have been requested to ask you to recommend a transfer of \$1,375 from the City Dispensary fund to the City Hospital Stable Supplies, as the ambulance service has been transferred from the City Dispensary to the City Hospital.

Yours very truly,

H. G. MORGAN,
Per H. D.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 3, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an appropriation of \$2,500.00 for repair of old Fire Station No. 13, on Maryland Street between Pennsylvania Street and Meridian Street.

I submit herewith an ordinance providing for the amount of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 21, 1913.

Mr. Harry R. Wallace, City Controller, City of Indianapolis:

DEAR SIR: You are requested to recommend to the Common Council, the passage of an ordinance appropriating the sum of \$2,500.00 for repair of old Fire Station No. 13, on Maryland Street, between Pennsylvania Street and Meridian Street. The purpose of the Board is to place this building in suitable condition to be occupied by the new Fire Patrol and Salvage Corps.

Yours respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 28, 1913.

To the Honorable Common Council, City of Indianapolis:

GENTLEMEN: We herewith submit to you for your consideration and action thereon, ordinance ratifying, confirming and approving the contract executed on the 28th day of February, 1913, between the Evans Milling Company and the City of Indianapolis, by and through its Board of Public Works, wherein said Evans Milling Company is granted the right to lay and maintain two sidetracks or switches across West Calvelage Street, and a part of Bank Avenue or the LaFayette Road.

Yours respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 21, 1913.

To the Honorable Common Council, City of Indianapolis:

GENTLEMEN: We herewith submit to you for your consideration and action thereon, ordinance ratifying, confirming and approving the contract executed on the 21st day of February, 1913, between the Indianapolis Gas Company and the City of Indianapolis by and through

its Board of Public Works, wherein said Indianapolis Gas Company is granted the right to lay and maintain sidetrack or switch across Langsdale Avenue.

Yours respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

INTRODUCTION OF APPROPRIATION ORDINANCE.

By City Controller:

Appropriation Ordinance No. 2—1913: An ordinance appropriating the sum of \$3,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of three thousand (\$3,000.00) dollars be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be known as the fund for payment of rent for Fire Headquarters.

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

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

By City Controller:

Appropriation Ordinance No. 3—1913: An ordinance appropriating the sum of \$2,000.00 to and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of two thousand (\$2,000.00) dollars be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Health and Charities, the amount appropriated herein to be added to and form a part of the fund known as "Pure Milk."

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

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

By City Controller:

Appropriation Ordinance No. 4—1913: An ordinance appropriating the sum of \$2,500.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

__SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of twenty-five hundred (\$2,500.00) dollars be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be known as the fund for "Repair of Old Fire Station No. 13."

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By City Controller:

General Ordinance No. 17—1913: An ordinance providing for the transfer of \$1,375.00 from a certain fund to a certain fund in and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one thousand three hundred seventy-five (\$1,375.00) dollars be, and the same is hereby transferred from the City Dispensary fund to the City Hospital Stable Supplies fund.

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

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

By Board of Public Works:

General Ordinance No. 18—1913: An ordinance approving a certain contract granting The Indianapolis Gas Company the right to lay and maintain a sidetrack or switch across Langsdale Avenue according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 20th day of February, 1913, The

Indianapolis Gas Company 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: We herewith petition your honorable body for permission to construct a railroad switch across Langsdale Avenue, as described in detail below, for the purpose of obtaining railroad facilities on our property situated on the south side of Langsdale Avenue.

INDIANAPOLIS GAS COMPANY,

CARL H. GRAF, *Vice President.*

NOW, THEREFORE, This agreement, made and entered into this 21st day of February, 1913, by and between The Indianapolis Gas 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 their plant on the north side of Langsdale Avenue, to their property situated on the south side of Langsdale Avenue in the City of Indianapolis, which is more specifically described as follows: Said track to cross the northwest corner of Langsdale Avenue; Langsdale Avenue ending at the east right of way line of the C., C., C. & St. L. Ry. Co.'s old Chicago Division main track as now located and constructed. Center line of proposed said track to cross the said eastern right of way line and into Langsdale Avenue, 17.00 feet, measured from the intersection of the south boundary line of Langsdale Avenue with the eastern said right of way line in a northwesterly direction and along said eastern right of way line, crossing Langsdale Avenue in a northwestwardly direction for a distance of 33.00 feet; said center line of proposed said track intersecting the north boundary line of Langsdale Avenue 12.5 feet measured in an eastwardly direction along the said north boundary line of Langsdale Avenue from the intersection of said north boundary line with the said eastern right of way line of the C., C., C. & St. L. Ry. Co.

The attached print is hereby declared to be a principal part of this description, 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 Langsdale 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.

This grant to use such Street, as herein provided, shall in no way be an admission by the City of the existence of a franchise by said Company.

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 Langsdale Avenue in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 21st day of February, 1913.

THE INDIANAPOLIS GAS COMPANY,
CARL H. GRAF, *Vice President.*
Party of the First Part.

CITY OF INDIANAPOLIS,
By C. A. SCHRADER, *President,*
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
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 and referred to the Committee on Public Works.

By Board of Public Works:

General Ordinance No. 19—1913: An ordinance approving a certain contract granting Evans Milling Company the right to lay and maintain two sidetracks or switches from Indianapolis Union Railway Company, Belt Division, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 21st day of February, 1913, Evans Milling Company 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: We herewith request from you the privilege of laying two tracks across Cavelage Street, immediately west of Bank Avenue and the Lafayette Pike, as per blue prints herewith. We desire these connections to facilitate business on our tracks. Thanking you very kindly in advance for this permission, we remain.

Yours truly,

EVANS MILLING COMPANY.

NOW, THEREFORE, This agreement, made and entered into this 28th day of February, 1913, by and between Evans Milling 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 two sidetracks or switches from Indianapolis Union Railway Company, Belt Division, across West Cavelage Street, and part of Bank Avenue, or the Lafayette Road in the City of Indianapolis, which are more specifically described as follows: Beginning on the south line of West Cavelage Street, on the east side of and running thence northeastwardly parallel to the right of way of the Belt Division of the Indianapolis Union Railway Company to the north line of Cavelage Street, thence in a diagonal direction along the Lafayette Road or Bank Avenue to a point in the east line of said right of way about 200 feet north of Cavelage 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 said 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 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 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 two additional sidetracks or switches across Cavelage Street and along the Lafayette Road or Bank Avenue, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 28th day of February, 1913.

EVANS MILLING COMPANY,
By Edw. D. EVANS, *President*,
Party of the First Part.

Attest: E. C. BARRETT, *Secretary*.

CITY OF INDIANAPOLIS,
By C. A. SCHRADER, *President*,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
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 and referred to the Committee on Public Works.

By Mr. Owen:

Special Ordinance No. 1—1913: An ordinance to change the name of a certain street in the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of the street known as Downing Avenue, from Michigan Street to Tenth Street in the City of Indianapolis be and the same is hereby changed to Arnolda Avenue.

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 City's Welfare.

MISCELLANEOUS BUSINESS.

By Mr. McCarthy:

Resolution No. 3—1913.

WHEREAS, On the 2d day of March, 1909, the City of Indianapolis, Indiana, entered into a contract with the New Telephone Company and the Indianapolis Telephone Company in which said telephone companies should be authorized to construct a telephone plant and system in the said City of Indianapolis, and,

WHEREAS, Among other provisions of said contract was one requiring said telephone companies to spend \$500,000 within three years for the purchase of a new switchboard and make other improvements and to deposit with the City Controller, within thirty days from the time said agreement became effective, \$25,000 par value of the bonds of the New Long Distance Telephone Company upon the express condition that should said telephone companies fail to make the improvements above stated, then and in such case said bonds should be forfeited to the City of Indianapolis, and,

WHEREAS, Said telephone companies have failed to install said switchboard and complete the other improvements within the three years ending March 2, 1912, and were granted an extension of time by the Board of Public Works of this City, and,

WHEREAS, More than ten months have elapsed since the Board of Public Works granted an extension of time for the completion of said work and said telephone companies have not installed said switchboard and finished said improvements and are making no effort to do so,

Now, THEREFORE, Be it resolved by the Common Council of the City of Indianapolis, Indiana, that the said bonds in the amount of \$25,000.00 of the New Long Distance Telephone Company be declared forfeited to the City of Indianapolis for the failure to comply with the provisions of said contract by said telephone companies and that the Corporation Counsel be requested to enforce said forfeiture and to proceed to collect damages on the bond filed with said City of Indianapolis for the faithful performance of said contract by said telephone companies.

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

On motion of Mr. Owen, the Common Council, at 8:15 o'clock P. M., adjourned.

Charles F. Copeland
President.

ATTEST:

Edward A. Ramsey
City Clerk.