

## SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS,  
WEDNESDAY, OCTOBER 28, 1903.

The Common Council of the City of Indianapolis met in the Council Chamber, Wednesday evening, October 28, 1903, at 7:30 o'clock, in special session, pursuant to the following call:

EXECUTIVE DEPARTMENT,  
City of Indianapolis,  
Indianapolis, Ind., October 27, 1903.

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

Gentlemen—You are hereby notified that under and by virtue of the authority vested in me, as Mayor of the City of Indianapolis, Indiana, under Section 12 of the City Charter of said city, a special meeting of the Common Council of said city is hereby called, to meet at the hour of 7:30 p. m. on October 28, 1903, in the council chamber of said city, for the following purposes:

1. Receiving communications from the Mayor.
2. Reports and communications from city officers.
3. Reports from Finance Committee.
4. Introduction of appropriation ordinances.
5. Introduction of general and special ordinances.

Very truly yours,

JOHN W. HOLTZMAN,  
Mayor.

I, W. M. Fogarty, Clerk of the Common Council, do hereby certify that I have served above notice upon the President and each member of the Common Council prior to the time of meeting, pursuant to the rules.

W. M. FOGARTY,  
City Clerk.

Present, Honorable J. H. Billingsley and twenty members, viz.; Messrs. Cooper, Cottey, Crall, Eppert, Davis, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Uhl, Wahl, Wolsiffer and Wright.

Absent, 1, viz.: Mr. Sullivan.

## COMMUNICATION FROM THE MAYOR.

His Honor, the Mayor, presented the following communication:

## EXECUTIVE DEPARTMENT,

City of Indianapolis,

Indianapolis, Ind., October 28, 1903.

To the Honorable, the President, and the Members of the Common Council:

Gentlemen—I have called you together at the request of your President, who desired opportunity for introduction of an ordinance permitting the use of Central avenue by the Indiana Union Traction Company, and the City Comptroller, who desires to lay before you the condition of the City Civil Engineer's salaries appropriation, and to have ordinances introduced concerning the same, and also for the transfer of certain funds recommended by him at your last meeting. As these matters are of pressing importance, I bespeak for them your prompt attention.

Respectfully submitted,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

## REPORTS, ETC., FROM CITY OFFICERS.

## Communication from City Comptroller:

CITY OF INDIANAPOLIS,

Finance Department,

Indianapolis, Ind., October 28, 1903.

To the President and Members of the Common Council:

Gentlemen—I beg to call to your attention the fact that by payments made on October 1st, by my predecessor, Mr. Breunig, the fund for "Engineer's Salaries" of \$22,500, created by the General Appropriation Ordinance of 1902, was entirely exhausted, and furthermore the General Fund was drawn upon to the extent of \$2,302.47. The latter action was taken on the authority of an opinion of City Attorney Kern given October 2, 1899, to the effect that the City Comptroller is "authorized to pay the salary of all officers and employes of the city when the same is fixed by law or ordinance, without an appropriation therefor," supplemented by an opinion of City Attorney Joss of July 23, 1902, that an appropriation may be "implied" as well as expressed.

These opinions are presumably good law, but the practice under them has developed into an abuse that needs prompt correction. The appropriation for "Engineer's Salaries" is the only one of the kind that is made in block. In other city offices each officer is specified and his salary appropriated separately; hence the appropriation for any official's salary can be used for no other purpose, but in this case the appropriation intended to cover the salaries of the regular officials has been consumed for extra employes under the two opinions mentioned.

The Salary Ordinance of January 18, 1894, Section 2, makes the following provisions for this office:

City Civil Engineer.....	\$2,500 00
Three Assistant Engineers (\$1,200 each).....	3,600 00
Clerk .....	1,200 00
Transitman .....	1,200 00
One Draughtsman .....	840 00
One Draughtsman .....	600 00
Three Inspectors (\$720 each).....	2,160 00
Two Rodmen (\$720 each).....	1,440 00
Two Chairmen (\$600 each).....	1,200 00
Total .....	\$14,740 00
Or for nine months.....	11,055 00

The remainder of the appropriation of \$22,500 and the \$2,302.47 taken from the General Fund, in all \$13,747.47, has been expended in the past nine months for extra help of one kind and another, and the city is left for the last three months of the year without any appropriation to pay either the salaries of the regular officials or the extra help.

Of course, the regular salaries and the pay of the extra help can be paid out of the General Fund under the opinions mentioned, but I feel it my duty to put the facts before your honorable body and to express my conviction that steps should be taken to prevent a repetition of this condition, as well as to make provision for the last three months of this year. If this system can be followed, as to the "Engineer's Salaries" fund, I see no reason why the construction placed on the law would not apply equally to the "Police Pay-roll" fund, the "Fire Pay-roll" fund, or any other wage fund, and, if so, the various administration departments could put on extra men, exhaust the entire appropriation in a few months, and then call for payments for the rest of the year out of the General Fund. In other words, it defeats entirely the purpose of the charter to require a specific estimate from each department in advance, and opportunity to the Council to curb expenditures by fixing the appropriation in advance.

Manifestly the chief source of this abuse is the appropriation in block, and I therefore request specific appropriations for the remainder of the year, in accordance with the letter of the City Engineer hereto appended and the ordinance herewith submitted. I also request the passage of an ordinance amending specifications 10 under "Department of Public Works" in Section 1 of the General Appropriation Ordinance of October 21, 1903 (Appropriation Ordinance No. 17, 1903), to make the same specific, as above. An ordinance for that purpose is submitted herewith.

In regard to the amount set apart for extra inspectors and engineering and clerical help, I have no doubt that it is too small for the purpose, and would suggest that it be increased to \$12,760, in accordance with the statement of the City Engineer. However, if it should not be deemed proper to make this change, I would earnestly urge the separation of the appropriation as proposed, in order that everybody may understand exactly what is the will of the Council as to each item.

J. P. DUNN,  
City Comptroller.

OFFICE OF THE CITY CIVIL ENGINEER,

Indianapolis, Ind., October 28, 1903.

Hon. J. P. Dunn, City Comptroller:

Dear Sir—In reply to your inquiry, I beg to say that on October 21, 1903, when I assumed the office of City Civil Engineer, there were employed in this office, in addition to the regular force covered by the salary ordinance of 1894, two assistant engineers, at \$100 per month, one draughtsman at \$85, three clerks at \$60, and twenty-nine inspectors at \$60. Since then the extra force has been reduced by dropping eleven inspectors and one assistant engineer. The force retained will be needed for the remainder of this month, as there are now forty separate pieces of public work in progress, and the protection of public interests requires proper inspection and attention from the office.

On this basis the amount needed to provide for extra help for October, including, of course, the period from the 1st of the month, will be \$1,440. For November I estimate that \$1,200 will be needed, and for December \$600, making a total of \$3,240.

For next year I estimate the necessary extra inspection, engineering and clerical work at \$12,760, or \$5,000 in addition to the amount provided

by the ordinance of October 2, 1903, and if itemized, the appropriation should be divided as follows:

City Civil Engineer.....	\$2,500 00
Three Assistant Engineers at \$1,200 each.....	3,600 00
Chief Clerk .....	1,200 00
Transitman .....	1,200 00
One Draughtsman .....	840 00
One Draughtsman .....	600 00
Three Inspectors at \$720.....	2,160 00
Two Rodmen at \$720.....	1,440 00
Two Chainmen, at \$600.....	1,200 00
Extra inspection, engineering and clerical assistants.....	12,760 00
<b>Total .....</b>	<b>\$27,500 00</b>

The extra work has exceeded the appropriation for a number of years. This year the excess will be \$9,227.47. Last year it was \$6,699.11. Of course, the exact amount always depends on the amount of public work that is to be done, but with the increase of the city's area that has occurred by annexation, it is useless to expect the work to be properly done on the old appropriation basis of a total of \$22,500.

Very respectfully,

B. J. T. JEUP,  
City Civil Engineer.

Which was read and referred to Committee on Finance.

#### COMMUNICATION FROM OFFICIAL BOARDS.

##### Communication from Board of Public Works :

##### DEPARTMENT OF PUBLIC WORKS,

Office of the Board,

Indianapolis, Ind., October 28, 1903.

To the President and Members of the Common Council:

Gentlemen—I am directed by the Board of Public Works to transmit to you for your consideration an ordinance ratifying, confirming and approving a contract entered into October 26, 1903, between the City of Indianapolis, by and through its Board of Public Works, and the Indiana Union Traction Company.

Respectfully,

W. R. WILLIAMS,  
Clerk Board of Public Works.

Which was read.

#### INTRODUCTION OF APPROPRIATION ORDINANCES.

By Mr. Gasper.

App. O. No. 18, 1903. An ordinance appropriating the sum of \$6,925 to the Department of Public Works of the City of Indianapolis, Indiana, for "City Engineer's Salaries" from October 1 to December 31, 1903, to meet a deficiency.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of six thousand, nine hundred and twenty-five (\$6,925) dollars be and the same is hereby appropriated to the Department of Public Works of said city for the payment of salaries in the City Engineer's office for the period October 1 to December 31, 1903. to wit:

For City Civil Engineer's salary.....	\$625 00
For three Assistant Engineers (\$300 each).....	900 00
For Chief Clerk .....	300 00
For one Transitman .....	300 00
For one Draughtsman .....	210 00
For one Draughtsman .....	150 00
For three Inspectors (\$180 each).....	540 00
For two Rodmen (\$180 each).....	360 00
For two Chainmen (\$150 each).....	300 00
For extra inspectors, engineering and clerical help..	3,240 00
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Total .....	\$6,925 00

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works.

G. O. No. 63, 1903. An ordinance to amend Specification No. 10 of division "Department of Public Works," of Section 1 of an ordinance entitled "An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the city of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1904, and ending December 31, 1904, including all outstanding claims and obligations which become due and payable within said period, and fixing a time when the same shall take effect," the said ordinance being Appropriation Ordinance No. 17, 1903, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Specification No. 10, of division "Department of Public Works," of Section 1 of an ordinance entitled "An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the city of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1904, and ending December 31, 1904, including all outstanding claims and obligations which become due and payable within said period, and fixing a time when the same shall take effect," be and the same is hereby amended to read as follows:

10. For salaries in the City Civil Engineer's corps: For the City Engineer, \$2,500; for three Assistant Engineers at \$1,200 each, \$3,600; for Chief Clerk, \$1,200; for one Transitman, \$1,200; for one Draughtsman, \$840; for one Draughtsman, \$600; for three Inspectors at \$720 each.

\$2,160; for two Rodmen at \$720 each, \$1,440; for two Chainmen at \$600 each, \$1,200; for extra inspection, engineering and clerical assistance, \$7,760; or \$12,760.

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

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

By Mr. Gasper.

G. O. No. 64, 1903. An ordinance for the transfer of money heretofore appropriated to and for the use of the Department of Public Works from the "Bridges" fund to the funds for "Repairing Permanently Improved Streets," "Brightwood Water Works," and "Blank Books, Printing and Stationery," and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That from the fund heretofore appropriated to and for the use of the Department of Public Works for "Bridges" for the fiscal year ending December 31, 1903, there be and hereby is transferred the sum of \$4,750 to the following named funds of said Department, to wit: To the fund for "Repairing Permanently Improved Streets," \$3,000; to the fund for "Brightwood Water Works," \$1,250; to the fund for "Blank Books, Printing and Stationery," \$500.

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

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

By Board of Public Works.

G. O. No. 65, 1903. An ordinance ratifying, confirming and approving a certain contract made and entered into on the 26th day of October, 1903, between the City of Indianapolis, by and through its Board of Public Works, and the Indiana Union Traction Company.

Whereas, heretofore, to wit: on the 26th day of October, 1903, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indiana Union Traction Company, to wit:

This agreement, made and entered into this — day of October, 1903, by and between the City of Indianapolis, Marion County, Indiana, hereinafter called the City, party of the first part, and the Indiana Union Traction Company, hereinafter called the Company, a corporation of the State of Indiana, party of the second part, witnesseth, that

Whereas, Indiana Union Traction Company, as lessee of the Union Traction Company of Indiana, a corporation formed by the consolidation of the Union Traction Company of Indiana and the Indianapolis Northern Traction Company, has acquired the lines of streets and interurban rail-

road, franchises and other property of said lessor company, and is now engaged in operating the lines formerly owned by said constituent Union Traction Company of Indiana, and will engage in the operation of the lines now under construction by said Indianapolis Northern Traction Company as soon as constructed; and.

Whereas, Among the franchises so acquired by Petitioner are the franchises granted by contract between the City of Indianapolis, acting through its Board of Public Works, and said constituent Union Traction Company of Indiana, and the franchise granted by contract between said City, acting as aforesaid, and said Indianapolis Northern Traction Company, both of said contracts being dated August 4, 1902, and approved by the Common Council of said City by ordinance adopted the 14th day of August, 1902; and,

Whereas, Said contract between said City and said Indianapolis Northern Traction Company provides that said last named company may operate its cars over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company on Sunderland Avenue and College Avenue from Thirtieth Street to Massachusetts Avenue, on Massachusetts Avenue to Pennsylvania Street, and thence by a route described in said contract, to and from a terminal point therein designated, and,

Whereas, It is expected that the lines under construction by said Indianapolis Northern Traction Company will be constructed and ready for operation from the city of Tipton, by way of the city of Noblesville, and the intervening towns and villages, to Thirty-fourth Street, north of said city, by the first day of November, 1903, and,

Whereas, It will be impossible to construct said lines so under construction to the limits of said city, so as to make a connection with the lines of the Indianapolis Traction and Terminal Company on College Avenue, until the completion of the bridge now being constructed over Fall Creek, where crossed by College Avenue, the route of such lines so under construction from Thirty-fourth Street south being over said College Avenue and across said bridge; and,

Whereas, Said Indiana Union Traction Company has presented to the Board of Public Works of said City its petition, praying that it be granted the right to operate its cars temporarily over so much of the lines of the Indianapolis Traction and Terminal Company on Thirty-fourth Street and Central Avenue, Fort Wayne Avenue and Alabama Street, as lie within said City, pending the completion of said bridge, and that its acquisition by lease of said franchises be approved and confirmed, showing that said Indianapolis Traction and Terminal Company has executed a contract, permitting the use, subject to the consent duly given of said City, of its tracks by petitioner on Thirty-fourth Street and Central Avenue, Fort Wayne Avenue and Alabama Street,

Now, therefore, The said Board of Public Works of the City of Indianapolis, in consideration of the several agreements of the said Company, party of the second part, hereinafter stipulated and set forth, does hereby, subject to the ratification and approval of the Common Council of said City, authorize and empower the said Indiana Union Traction Company, subject to the conditions prescribed and expressed in said contract between said City and said Indianapolis Northern Traction Company, the acquirement by said Indiana Union Traction Company by lease of the franchises granted by said contracts being hereby approved and confirmed, temporarily to operate and run its cars upon and over the leased tracks of the Indianapolis Traction and Terminal Company on Thirty-fourth Street and on Central Avenue, Fort Wayne Avenue and Alabama Street, from Thirty-fourth Street to Massachusetts Avenue, pending the completion of the bridge now being constructed over Fall Creek, where crossed by College Avenue, the right so to run and operate

on said Thirty-fourth Street and said Central Avenue, Fort Wayne Avenue and Alabama Street tracks to continue until the completion of said bridge, but no longer, said Indiana Union Traction Company hereby agreeing to be bound by and perform all the terms and conditions of said contracts respectively.

In witness whereof, said parties have hereunto set their hands and seals this 26th day of October, 1903.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE,  
Board of Public Works of said City.

JOHN W. HOLTZMAN,  
Mayor.

INDIANA UNION TRACTION COMPANY,

By HORACE C. STILWELL,  
Vice-President.

Attest:

ARTHUR M. BRODY,  
Secretary.

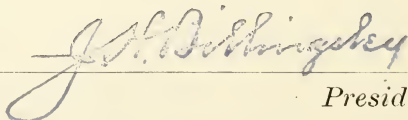
And, Whereas, Said contract has been submitted by said Board of Public Works of said City of Indianapolis to the Common Council of said City for its action thereon; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the foregoing contract, made and entered into on the 26th day of October, 1903, by the City of Indianapolis, by and through its Board of Public Works, and the Indiana Union Traction Company be, and the same is hereby in all things ratified, confirmed and approved, and said Indiana Union Traction Company is hereby granted all rights, privileges and franchises as in said contract set forth in accordance with the terms, conditions and provisions thereof.


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

Which was read the first time and referred to Committee on Contracts and Franchises.

On motion of Mr. Wahl, the Common Council, at 7:50 p. m., adjourned.

  
President.

ATTEST:

  
City Clerk.