

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, August 7, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, August 7, 1905, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 16 members, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright.

Absent, 4, viz.: Messrs. Crall, Fishback, Krause, Wahl.

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

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., July 20, 1905.

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

Gentlemen: I herewith return with my signature and approval General Ordinance No. 23, 1904; General Ordinance No. 53, 1905; General Ordinance No. 11, 1905; Appropriation Ordinance No. 25, 1905; Appropriation Ordinance No. 24, 1905.

Respectfully,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

INDIANAPOLIS, IND., July 21, 1905.

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

Gentlemen: I return herewith, without my approval, General Ordinances Nos. 20 and 21, 1905, for the reason that the same would interfere with and be detrimental to the business interests of the City of

Indianapolis, and that the license fee attempted to be fixed in General Ordinance No. 21 would, in my judgment, be prohibitive.

Respectfully submitted,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

REPORTS FROM CITY OFFICERS.

From the City Controller:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

I submit herewith letter from the Board of Health, requesting an appropriation of \$5,425.00 for the establishment and maintenance of a tuberculosis hospital. I recommend the appropriation and inclose ordinance for same.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 7, 1905.

Mr. Jacob P. Dunn, City Controller:

Dear Sir: At a recent meeting of the Board of Health it was decided to request you to submit a bill for an ordinance appropriating five thousand four hundred twenty-five dollars (\$5,425.00) to found, equip and maintain for the rest of the year 1905 an institution for the cure, relief and study of tuberculosis in this city.

Very respectfully,

T. VICTOR KEENE,
Secretary Board of Health.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Health requesting the following transfers in the appropriations of the City Dispensary:

"Telephones" to "Transportation".....	\$ 57.00
"Surgical Supplies" to "Transportation".....	100.00
"Dry Goods" to "Transportation".....	60.00

I recommend the transfers and inclose ordinance for same.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 4, 1905.

Mr. Jacob Dunn, City Controller:

Dear Sir: At a recent meeting of the Board of Health the Commis-

sioners decided that they request you to submit to the Honorable Common Council an ordinance making certain transfers in the funds of the City Dispensary as follows:

From Telephone fund of City Dispensary to Transportation fund City Dispensary.....	\$ 57.00
From Surgical Supplies fund of City Dispensary to Transportation fund of City Dispensary.....	100.00
From Dry Goods fund of City Dispensary to Transportation fund of City Dispensary.....	60.00
Total	\$217.00

The reason for making this request is doubtless well known to you. As you may remember a little over a year ago the custom of having internes at the City Dispensary travel on street car passes was discontinued and the fare of the interne was paid in all cases.

This action was taken because frequently an interne is called upon to attend cases of accidents by the Street Car Company and the question had been raised as to whether or not the testimony which an interne would give before the Coroner in this case would not be tempered somewhat by the fact that the interne was receiving this courtesy from the Company. The Board then decided that the best interests of the service demanded that the passes be discontinued.

This put an additional expense upon the City Dispensary and although a request for an increase in allowance for transportation was duly made; because of the fact that the reasons for the increase were not thoroughly understood, the increase was not allowed. We are now in a position where the Transportation fund appropriated has been entirely used, together with such other funds as Incidentals, etc., from which transportation could be taken, so that it is absolutely necessary that these transfers be made so as not to embarrass the work of the City Dispensary.

Very respectfully,

T. VICTOR KEENE,
Secretary Board of Health.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letters of the Department of Public Safety and Chief of the Fire Force, recommending the transfer of \$2,150 from the appropriation "Fire Force Pay Roll" to "Rebuilding Truck No. 2." I recommend the transfer, and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., July 25, 1905.

Board of Public Safety:

Gentlemen: I would recommend that twenty one hundred and fifty (\$2,150) dollars be transferred from the Fire Force Pay-Roll account, for the rebuilding of Aerial Truck No. 2, with the American LaFrance, Quick Raising Device.

Respectfully submitted,

C. E. COOTS,
Chief Fire Force.

Approved:

THOS. MADDEN, President.

INDIANAPOLIS, IND., July .., 1905.

Mr. J. P. Dunn, City Controller:

Dear Sir: Enclosed please find recommendation from Chief Coots requesting the Board of Public Safety to recommend the transfer of \$2,150.00 from Fire Force Pay-Roll Fund to equip and repair aerial truck No. 2.

The Board of Public Safety respectfully requests you to recommend to the Common Council the transfer of \$2,150.00 to defray the expense of rebuilding aerial truck No. 2 with the American LaFrance Quick Raising Device.

Respectfully,

E. C. McLAUGHLIN,
Secretary.

Which was read.

Mr. Fishback entered Council Chamber and took seat.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance Nos. 60 and 61, have had same under consideration and beg to submit the following report, to-wit:

This Committee is still of the opinion that the City is inviting a law suit by ratifying the contract, of which General Ordinance No. 61 is a part. However, the Board of Public Works are confident they are well fortified by sufficient bond and in view of the fact that the bid herewith submitted is lower than the prices now paid for this service, together with the opinion of the City Attorney, herewith attached, recommending its passage, we, your Committee, while in doubt as to the wisdom of this action, will for reasons above stated, recommend the passage of these ordinances.

Respectfully submitted,

J. H. CRALL,
J. L. GASPER,
FRED W. EPPERT,
CHAS. G. DAVIS,
JAMES D. MORIARITY.

Which was read.

Mr. Gasper moved that the report of the committee be concurred in. Carried.

From the Finance Committee:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 27, 1905, entitled,

"An ordinance appropriating fifteen hundred (\$1,500) dollars to the

Board of Public Works for the clearing of all obstructions under the bridges at Central avenue, Meridian street and Illinois street, in Fall Creek," would respectfully report that they have had same under consideration and recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.
W. A. RHODES.
LEW W. COOPER.
M. J. SHEA.
FRANK S. FISHBACK.

Which was read.

Mr. Gasper moved that the report of the committee be concurred in. Carried.

From the Finance Committee:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen; Your Finance Committee, to whom was referred Appropriation ordinance No. 26, entitled,

"An ordinance appropriating two thousand (\$2,000) dollars to the Board of Public Works to provide proper approaches at the ends of the new West Washington street bridge," would respectfully report that they have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.
W. A. RHODES.
LEW W. COOPER.
M. J. SHEA.
FRANK S. FISHBACK.

Which was read.

Mr. Gasper moved that the report of the committee be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 58, 1905, have had same under consideration and recommend its passage.

Respectfully submitted,

FRED W. EPPERT,
JAMES B. MURRAY,
ALBERT E. COTTEY,
OTTO HOFMANN,
JOHN WOLSIFFER.

Which was read.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 59, 1905, have had same under consideration and recommend its passage.

Respectfully submitted,

FRED W. EPPERT,
ALBERT E. COTTEY,
JAMES B. MURRAY,
OTTO HOFMANN,
JOHN WOLSIFFER.

Which was read.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 76, 1904, have had same under consideration for some time past and were at first disposed to report unfavorable, owing to objections raised; but the petitioners have succeeded in getting the written approval of all the immediate resident property owners; together with the approval under signature of their agents (Gregory & Appel) of some additional \$25,000 worth of property in this immediate neighborhood (as per documents all here attached) and under these circumstances and change of condition this committee now recommends the passage of this ordinance.

Respectfully submitted,

FRED W. EPPERT,
OTTO HOFMANN,
JAMES B. MURRAY,
ALBERT E. COTTEY,
JOHN WOLSIFFER.

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: We beg leave to say to your Honorable Council that we, as owners of real estate in the immediate vicinity of the intersection of Lewis and Fifteenth streets, and that after an examination of the premises, we are convinced that no material injury will be done to property values, and no material danger added to that crossing by laying of the proposed switch across Fifteenth street, on the east side, and so we respectfully ask that said switch petition be granted.

Respectfully submitted,

E. P. Kelley, 1535 Yandes st.; William Grant, 1553 Yandes; Clinton

Nunn, 1311 East 15th st.; Robt. Senour, 1503 Columbia; Mary Head, 1439 Yandes; H. Baptist, 1311 Yandes st.; H. L. Brown, 906 E. 15th; Eugene Pasquier, 1424 Bellefontaine, cor. 15th; Chas. D. Pearson, 1416 Cornell ave.; Jennie Cavender, 909 East 15th st.

INDIANAPOLIS, IND., August 7, 1905.

To the President and Members of the Common Council:

Gentlemen: We beg leave to say to your Honorable Council that we, as agents, represent and control the property owned by John H. and Ora Bloor, which property is valued at \$15,000 or over. Also the property of Edwin B. Holt et al., which property is valued at \$10,000 or over; all of which real estate is in the immediate vicinity of the intersection of Lewis and 15th sts., and that after an examination of the premises, we are convinced that no material injury will be done to property values, and no material danger added to that crossing by the laying of the proposed switch across 15th street, on the east side.

And, so far as our clients are concerned, we respectfully ask that said switch petition be granted.

Respectfully submitted,

GREGORY & APPEL, Agents.

Which was read.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

General Ordinance No. 62—1905: An ordinance appropriating five thousand four hundred and twenty-five (\$5,425) dollars to the use of the Department of Public Health and Charities for the treatment of tuberculosis.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That there shall be established in this city an institution for the cure, relief and study of tuberculosis. Said institution shall be a department of the Department of Public Health and Charities, and shall be under the general management of the Commissioners of said Department who shall appoint all persons employed in said institution.

Said institution shall be located at such place or places as the Commissioners of said Department shall determine.

The immediate management of the institution shall be by the Superintendent, who shall be appointed by the Commissioners. He shall be a doctor of medicine, well qualified, of good moral habits, not addicted to any drug habit, and temperate; and shall receive for his services a sum to be fixed by the Commissioners, subject to approval of Mayor, but not greater than twelve hundred dollars (\$1,200.00) per year. He may be discharged at any time by the Commissioners for insubordination, incompetency or failure to perform his duty; and said Commissioners file in writing with the City Clerk, reasons for such removal.

Said Commissioners shall have power to appoint any and all assistants necessary and to determine the amount of salary to be paid in each case. However in no case shall any assistant receive a greater salary than that paid the Superintendent, and nothing in this ordinance shall

be construed to give said Commissioners power to appoint more assistants than there has been money appropriated to pay.

Sec. 2. To found, equip and maintain said institution until January 1, 1906, five thousand four hundred and twenty-five dollars (\$5,425.00) is hereby appropriated.

Sec. 3. This ordinance shall be in 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. 63—1905: An ordinance for the transfer of certain funds of the Department of Public Safety.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and hereby is transferred from the appropriation "Fire Force Pay-Roll," heretofore made to the Department of Public Safety, and the same is hereby appropriated to "Rebuilding Aerial Truck No. 2," the sum of \$2,150.00.

Sec. 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 the City Controller:

General Ordinance No. 64—1905: An ordinance authorizing certain transfer of funds in the accounts of the City Dispensary.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the following transfers from the funds of the Department of Public Health and Charities in the accounts of the City Dispensary be made:

From Telephone fund of City Dispensary to Transportation fund of City Dispensary.....	\$ 57.00
From Surgical Supplies fund of City Dispensary to Transportation fund of City Dispensary.....	100.00
From Dry Goods fund of City Dispensary to Transportation fund of City Dispensary.....	60.00

Total\$217.00

Sec. 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 Mr. Shea:

General Ordinance No. 65—1905: An ordinance to regulate the selling of coal, coke and ice.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That any person, firm or corporation engaged in the sale or delivery of ice at wholesale or retail within the City of Indianapolis,

is hereby required to have each wagon or other conveyance used in the delivery of such ice, supplied with a scale or scales for the weighing of such ice. Such ice shall be weighed at the place of delivery, and no more shall be charged for or collected than for the actual weight of such ice; it is further provided that any purchaser of ice, may require the seller of such ice to weigh same on scales owned or provided by such purchaser, provided that such scales shall have been inspected and sealed by the Inspector of Scales, Weights and Measures within a year of the date of such delivery.

Sec. 2. It is hereby further ordained and provided that any person or persons, firm or corporation engaged in the sale or delivery of coal or coke within the City of Indianapolis shall sell such coal or coke by weight only and there shall be delivered to each purchaser of such coal or coke a delivery ticket giving the date, name and place of business of such person, firm or corporation, making such sale or sales, showing the number of pounds of coal or coke delivered at each delivery to such purchaser.

Sec. 3. It is further provided that any person purchasing coal or coke of any dealer may require such dealer to have such coal or coke weighed at any public scale owned by the said city or at any scales officially designated as a public scale by said city, and a delivery ticket as above provided in Section 2 of this ordinance shall be delivered to such purchaser showing the number of pounds of coal or coke, such weighing to be done without any charge whatever to such purchaser.

Sec. 4. Any person, firm or agent of any corporation violating any of the provisions of this ordinance shall be fined in any sum not less than one and not more than fifty dollars.

Sec. 5. This ordinance shall be in force and effect from and after its passage and publication one day each week for two successive weeks in the Indianapolis Sentinel, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

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

MISCELLANEOUS BUSINESS.

Under this head Mr. Cooper presented some remonstrances which were filed against the passage of General Ordinance No. 55, 1905.

The Clerk was instructed to forward the remonstrances to the Committee on Ordinances.

Mr. Gasper moved to refer back to the Introduction of General and Special Ordinances.

By Mr. Gasper:

General Ordinance No. 66—1905: An ordinance providing for the changing of the name of the first alley north of Tenth street from College avenue to Cornell avenue 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 alley known as the first alley north of Tenth street between College avenue and Cornell avenue, be and the same is hereby changed to Pomeroy street.

Sec. 2. This ordinance shall take effect and be in force from and after its passage and publication, once each week, for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Marion County, Indiana.

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

ORDINANCES ON SECOND READING.

Mr. Eppert called for General Ordinance No. 76, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 76, 1904, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 76, 1904, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cooper, Cottey, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, 1, viz.: Mr. Davis.

Mr. Eppert called for General Ordinance No. 58, 1905, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 58, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 58, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Eppert called for General Ordinance No. 59, 1905, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 59, 1905, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 59, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 26, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 26, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 26, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 27, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 27, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 27, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Gasper called for General Ordinance No. 60, 1905, for second reading. It was read a second time.

Mr. Eppert asked that the letter from the City Attorney relative to General Ordinance No. 60, 1905, be read.

The Clerk read the following:

INDIANAPOLIS, IND., August 4, 1905.

Mr. J. H. Crall, Chairman Franchise Committee, Common Council, City:

Dear Sir: I return you herewith the copy of the letter of John R. Bennett of New York City of January 14, 1905, to the Board of Public Works, which you handed me the other day with the request that I give you an opinion upon the matter of the two street lighting contracts now pending in the Council and in the hands of your committee.

This claim of a competing company that the Cleveland Street Lighting Company proposed to infringe certain patent rights was duly considered by the Board of Public Works and by this Department before these contracts were made. It is not uncommon for unsuccessful bidders to attempt to prevent the letting of a contract to a low bidder by the claim of patent infringements and by threats of injunctions and damage suits. The bidder making these claims was given ample opportunity after the award of the contract to enjoin the city from entering into such contract with the Cleveland Street Lighting Company. They were asked to bring such suit before the contract was signed if they desired to protect their alleged claims. They refused to do so, nor have I learned of any decree that they have obtained against the Cleveland Street Lighting Company elsewhere, although this company is doing business in a great many localities.

As I am advised, there is no claim of infringement in the one contract, and in the other, out of an abundance of precaution, the city has required the company to give a ten thousand dollar bond, with ample security, to defend any suits and pay any judgment for patent infringements. As the penal sum of this bond is very largely in excess of all the gross revenues to be derived by the company under this contract, and also in excess of what the complaining company proposed to charge for such service for one year, it seems plain that the city is not justified in undertaking to settle the controversy between these rival companies before award of the contract to the lowest bidder.

I am not prepared to say that the Cleveland Street Lighting Company may not, in some manner, infringe upon patent rights owned by some other person or company, I am not advised of any such infringement further than the claim of the unsuccessful bidder; but I am of the opinion that the city is amply protected in the premises and I take it that with such ample protection this city should not hesitate to avail itself of a low bid for such public service, especially when such a bid is made by a company which is furnishing similar service to other communities without molestation.

Yours very truly,

HENRY WARRUM,
City Attorney.

Mr. Gasper then moved that General Ordinance No. 60, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 60, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

August 7, 1905.]

CITY OF INDIANAPOLIS, IND.

765

Mr. Gasper called for General Ordinance No. 61, 1905, for second reading. It was read a second time.

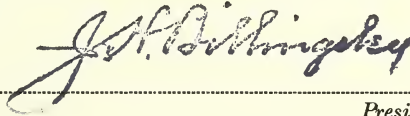
Mr. Gasper moved that General Ordinance No. 61, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 61, 1905, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

On motion of Mr. Cooper the Common Council, at 8:40 o'clock, p. m., adjourned.



President.

ATTEST:



City Clerk.



12