

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, October 2, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, October 2, 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, Fishback, Gasper, Hofmann, Linus, Moriarity, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wright.

Absent, 4, viz.: Messrs. Crall, Krause, Murray, Wolsiffer.

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

From the Mayor:

INDIANAPOLIS, IND., September 26, 1905.

To the President and Members of the Common Council:

Gentlemen: I herewith return with my signature and approval Appropriation Ordinance No. 29, 1905; Appropriation Ordinance No. 28, 1905; Appropriation Ordinance No. 31, 1905; Appropriation Ordinance No. 32, 1905; Appropriation Ordinance No. 33, 1905; Appropriation Ordinance No. 34, 1905; Appropriation Ordinance No. 36, 1905; General Ordinance No. 73, 1905; General Ordinance No. 84, 1905.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

From the Mayor:

INDIANAPOLIS, IND., September 19, 1905.

To the President and Members of the Common Council:

I herewith return with my signature and approval General Ordinance No. 64, 1905; General Ordinance No. 63, 1905; General Ordinance No. 80, 1905.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

REPORTS FROM CITY OFFICERS.

From the City Controller :

INDIANAPOLIS, IND., October 2, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith request of the Department of Public Works for an appropriation of \$9,000.00 for opening and widening Jackson Place, from McCrea street to Meridian street. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., October 2, 1905.

City Controller:

You are hereby directed to recommend to the Common Council an appropriation of \$9,000.00 for the opening and widening of Jackson Place from McCrea street to Meridian street.

Respectfully,

M. A. DOWNING,
JACOB WOESSNER,
Board of Public Works.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., October 2, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith request of the Department of Public Works for the transfer of \$6,000.00 from "Sprinkling" to "Sweeping and Cleaning Improved Streets." I recommend the transfer and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 18, 1905.

Jacob P. Dunn, Esq., City Controller, City:

Dear Sir: You are hereby requested to recommend to the Common Council the transferring of \$6,000.00 from the Sprinkling Fund to the Sweeping and Cleaning Improved Streets Fund.

Respectfully,

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

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, IND., October 2, 1905.

To the President and Members of the Common Council:

Gentlemen: We herewith transmit to you a contract entered into by the City of Indianapolis, by and through its Board of Public Works and the T. B. Laycock Manufacturing Company, granting the said Company the right to lay and maintain a side-track across Gale and Twenty-first streets, in the City of Indianapolis, Indiana, for your ratification and approval.

Respectfully,

M. A. DOWNING,
JACOB WOESSNER,
Board of Public Works.

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Railroads:

INDIANAPOLIS, IND., October 2, 1905.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 70, have had same under consideration and recommend that it do pass.

FRED W. EPPERT,
ALBERT E. COTTEY,
OTTO HOFMANN.

Which was read.

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

When the Chair called for reports from the Committee on Sewers, Streets and Alleys, Mr. Moriarity moved that General Ordinance No. 32, 1905, be taken from the Committee on Sewers, Streets and Alleys and referred to the Committee on Public Morals.

The ayes and noes were called for.

The Clerk called the roll:

Ayes, 12, viz.: Messrs. Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Rhodes, Storm, Sullivan, Uhl, Wahl and President James H. Billingsley.

Noes, 5, viz.: Messrs. Cooper, Cottey, Fishback, Shea and Wright.

The Chair instructed the Chairman of the Committee on Sewers, Streets and Alleys to return General Ordinance No. 32, 1905, to the Clerk to be forwarded to the Chairman of the Committee on Public Morals.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 39—1905: An ordinance appropriating \$9,000.00 to the Department of Public Works for opening and widening Jackson Place.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated the sum of \$9,000.00 to the Department of Public Works, for opening and widening Jackson Place from McCreas street to Meridian street.

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.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 85—1905: An ordinance approving a certain contract granting The T. B. Laycock Mfg. Co. the right to lay and maintain a side-track or switch from the P. & E. Ry. across Gale street and Twenty-first street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 2d day of October, 1905, The T. B. Laycock Manufacturing Company filed its 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: The undersigned, respectfully petition your honorable Board for permission to lay a private switch, more particularly described as follows:

Beginning at a point in the intersection of the west line of Gale street with the center line of proposed railroad switch, the said point being twenty-one and one-half (21½) feet north of the north line of Twenty-first street; thence in a curve line in a southeasterly direction to a point in the east line of Gale street, the said point being fifteen (15) feet north of the north line of Twenty-first street, also

Beginning at a point in the intersection of the north line of Twenty-first street with the center line of proposed railroad switch the said point being fifty-three (53) feet east of the east line of Gale street; thence in a curve line in a southeasterly direction to a point in the south line of Twenty-first street, said point being one hundred and fifty-one (151) feet east of the east line of Gale street.

Signed,

THE T. B. LAYCOCK MFG. CO.,
Per T. B. Laycock, Secy.

Now, Therefore, This agreement, made and entered into this 2d day of October, 1905, by and between The T. B. Laycock Manufacturing 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 side-track or switch across Gale street and Twenty-first street, from the west line of Gale street, to Depot street, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in the intersection of the west line of Gale street with the center line of the proposed railroad switch the said point being twenty-one and one-half (21½) feet north of the north line of Twenty-first street; thence in a curve line in a southeasterly direction to a point in the east line of Gale street, the said point being fifteen (15) feet north of the north line of Twenty-first street, also

Beginning at a point in the intersection of the north line of Twenty-first street, with the center line of the proposed railroad switch, the said point being fifty-three (53) feet east of the east line of Gale street; thence in a curve line in a southeasterly direction to a point in the south line of Twenty-first street, the said point being one hundred and fifty-one (151) feet east of the east line of Gale 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 Gale street and Twenty-first 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, at the pleasure and written order of said Board, 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.

(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 without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

(8) The party of the first part binds itself to remove the present switch across Gale street and Twenty-first street.

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 the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters therewith connected, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across Gale street and Twenty-first street from the west line of Gale street to Depot street, 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 2d day of October, 1905.

THE T. B. LAYCOCK MFG. CO.,

By T. B. Laycock, Secy.,
Party of the first part.

Witness:

W. F. C. GOLT.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,
JACOB WOESSNER,
Board of Public Works.
Party of the second part.

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

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By the City Controller:

General Ordinance No. 86—1905: An ordinance for the transfer of funds heretofore appropriated to the Department of Public Works.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby transferred the sum of \$6,000.00 from "Sprinkling" to "Sweeping and Cleaning Improved Streets" in the funds heretofore appropriated to the Department of Public Works.

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. Storm:

General Ordinance No. 87—1905: An ordinance requiring the Lake Erie & Western Railway Company, The Chicago, Indianapolis & Louisville Railway Company, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, to station and maintain one flagman at the crossing of Market street in the City of Indianapolis, and the tracks of said Railway Companies, providing a penalty for its violation and fixing a time for its taking effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the Lake Erie & Western Railway Company, the Chicago, Indianapolis & Louisville Railway Company, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company are hereby required to station and maintain at their expense a flagman at the crossing of their tracks and East Market street in the City of Indianapolis, which flagman shall be on duty at such point at all times from six o'clock, P. M., to six o'clock, A. M., of each day, so as to give proper warning to persons crossing such tracks at that point, of the approach of engines, trains, or cars upon the tracks of said railroads.

Sec. 2. For a violation of said Section 1 of this ordinance, said railroad companies shall be fined in any sum not less than ten nor more than fifty dollars, and each day of failure to comply with such provision shall be deemed a separate offense.

Sec. 3. This ordinance shall be in force from and after publication once each week for two consecutive weeks in the Indianapolis Sentinel.

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

By Mr. Gasper:

General Ordinance No. 88—1905: An ordinance giving the name of Toronto street to the first alley north of Pratt street running west from Delaware street to Pennsylvania street.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the first alley north of Pratt street running west from Delaware street to Pennsylvania street in the City of Indianapolis, Indiana, be known hereafter by the name of Toronto street.

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

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

ORDINANCES ON SECOND READING.

Mr. Eppert called for General Ordinance No. 70, 1905, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 70, 1905, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 70, 1905, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wright and President James H. Billingsley.

Noes, 1, viz.: Mr. Storm.

ORDINANCES ON THIRD READING.

Mr. Gasper called for Appropriation Ordinance No. 38, 1905, for third reading. It was read a third time.

The Clerk called the roll:

Ayes, 11, viz.: Messrs. Cooper, Cottey, Fishback, Gasper, Linus, Rhodes, Shea, Sullivan, Uhl, Wahl and Wright.

Noes, 6, viz.: Messrs. Eppert, Davis, Hofmann, Moriarity, Storm and President James H. Billingsley.

Before the vote was announced, Mr. Cooper moved to adjourn, which motion lost.

The Clerk then announced the vote and the Chair declared Appropriation Ordinance No. 38, 1905, lost for lack of two-thirds vote.

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

J. H. Billingsley

 President.

ATTEST:

W. M. Fitzgerald

City Clerk.