

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, June 21, 1915.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 21, 1915, at 7:30 o'clock in regular session, President Thomas C. Lee in the chair.

Present: The Hon. Thomas C. Lee, President of the Common Council, and 7 members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor and Graham.

Absent: Mr. Shea.

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

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 8, 1915.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. General Ordinance No. 18, 1915, the same being an ordinance entitled "An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve New York street from E. P. L. of Randolph street to W. P. L. of Jefferson avenue with wooden block, asphalt, bituminous concrete or brick and curb, under Improvement Resolution No. 7888, adopted April 14, 1915."

2. Appropriation Ordinance No. 12, 1915, the same being an ordinance entitled "An ordinance appropriating to the Department of Public Works \$2,500.00 for lowering bridges, and \$2,747.18 for Twenty-fourth street sewer assessment, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 8, 1915.

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

GENTLEMEN—I have approved and signed General Ordinance No. 25, 1915, the same being an ordinance entitled "An ordinance amending Section 4 and subdivision I of Section 10 of an ordinance entitled 'An ordinance for the regulation of street traffic in the City of Indianapolis, Indiana,' being General Ordinance No. 30, 1914."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 9, 1915.

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

GENTLEMEN—I have approved and signed General Ordinance No. 19, 1914, the same being an ordinance entitled "An ordinance prohibiting the use of blinding or dazzling headlights on street cars, automobiles or vehicles on the public streets, unless shaded."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 11, 1915.

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

GENTLEMEN—I have approved and signed General Ordinance No. 24, 1915, the same being an ordinance entitled "An ordinance amending General Ordinance No. 51, 1909, entitled 'An ordinance regulating the digging of trenches and the making of other forms of excavations in the streets, alleys, sidewalks and public places of the City of Indianapolis, Indiana, regulating the issue of permits and the making of deposits therefor,' providing a penalty for the violation of said ordinance and fixing a time when the same shall take effect."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 18, 1915.

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

GENTLEMEN—I have approved and signed General Ordinance No. 20, 1915, the same being an ordinance entitled "An ordinance authorizing the Board of Public Safety of the City of Indianapolis, Indiana, to appoint additional officers and men to the police force of the city, fixing the pay thereof, and appropriating to the Department of Public Safety additional funds for the remainder of the year 1915."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
*Mayor.*

REPORTS FROM CITY OFFICERS.

From City Controller:

FINANCE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—I submit herewith letter from the Board of Public Safety requesting an addition of thirty men to the Fire Force, and an additional appropriation of \$15,511.60 to the Fire Force pay roll, to provide for the new men. I recommend the appropriation and inclose an ordinance providing for it.

Respectfully submitted,  
J. P. DUNN,  
*City Controller.*

DEPARTMENT OF PUBLIC SAFETY,  
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., June 16, 1915.

*Jacob P. Dunn, City Controller, City Hall, City:*

DEAR SIR—This Board desires you to address a letter to the Common Council asking for thirty (30) additional men for the Fire Force, also an additional appropriation of fifteen thousand five hundred eleven and 60-100 dollars (\$15,511.60) for the salaries fund of the Fire Force, to take care of salaries of these men from August 1 to December 31, 1915.

We also ask that the substitute list of firemen be raised from twenty-four to thirty.

As you no doubt know, two new fire stations are at present under con-

struction, and the former fire station at 28 East Maryland street is to be reopened and equipped with apparatus.

To carry out these plans will necessitate the appointment of thirty (30) additional men.

Attached you will find itemized list of the men required as requested by Fire Chief J. Harry Johnson.

Yours very truly,

ALBERT GALL,  
ANDREW H. WAHL,  
ROBERT METZGER,

*Board of Public Safety.*

OFFICE OF THE FIRE DEPARTMENT,  
INDIANAPOLIS, IND.

Three captains, promoted from lieutenants, which will mean an increase of \$0.15 per day each, or a total for the three for five months of .....	\$68.40
Five lieutenants, promoted from first class firemen, which will mean an increase of \$0.35 per day each, or a total for the five for five months of .....	266.00
Ten chauffeurs, promoted from first class firemen, which will mean an increase of \$0.35 per day each, or a total for the ten for five months of .....	532.00
One engineer, promoted from first class fireman, which will mean an increase of \$0.35 per day, or a total for five months of .....	53.20
Thirty second class firemen, promoted from substitutes, which will mean a salary of \$2.75 per day each, or a total for the thirty for five months of .....	12,540.00
Grand total .....	\$13,459.60
Salary to cover increase which will be needed in the substitute list—increase of six men at \$2.25 per day, or a total for the six for five months of .....	2,052.00
Grand total .....	\$15,511.60

NOTE—The force of this department will be increased only thirty men, as the other officers above mentioned will be promoted from the ranks, and the thirty new men will simply take the places of the substitutes who will be advanced to fill vacancies.

From City Controller:

FINANCE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—Since I recommended to you the issue of \$54,000 of Flood Prevention Bonds and \$200,000 of Track Elevation Bonds, my attention has been called to representations by the Indianapolis News of danger of ex-

ceeding the city debt limit. In order to avoid any misunderstanding as to this matter, I would inform you that our present debt margin is \$948,177.50, and that it will be increased \$200,000 this month by the payment of Refunding Bonds of 1894 to that amount; so that after the proposed issues there will remain a margin of \$408,177.50.

The News is fully aware of these facts. It has advocated both flood prevention and track elevation, knowing, as everybody else does, that the city would have to issue bonds to pay for them. It is fully aware of the great importance of these undertakings and the practically unanimous public sentiment for them. It does not dare to oppose either of them, but resorts to this cowardly method of seeking to obstruct the work. I know of nothing in the English language that would properly characterize such action. A Miami Indian would call it *tca-ka-la-ki*.

Respectfully submitted,

J. P. DUNN,

*City Controller.*

From City Controller :

FINANCE DEPARTMENT,

CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—I submit herewith letter from the Board of Health, asking an appropriation of \$1,557.68 for reimbursement for weed cutting in 1914, and also for \$2,842.23 reverted from the City Hospital building fund on January 1, 1915. As these amounts are fairly due to the Health Fund, I recommend the appropriations, and inclose ordinance providing for the same.

Respectfully submitted,

J. P. DUNN,

*City Controller.*

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,

CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 17, 1915.

*Mr. J. P. Dunn, City Controller, City:*

DEAR SIR—Acting under instructions from the Board of Health, I desire to ask that you submit to the City Council a bill for an ordinance appropriating \$1,557.68 to reimburse the Board of Health for money spent in the cutting of weeds during the summer of 1914.

The expense of cutting the weeds was assessed against the property owner and paid in as taxes. This money has now gone into the general fund and the Board of Health is minus \$1,557.68.

We would also call your attention to the need of money for placing a rail and guard around the roof garden on the new wings at the City Hospital, for, as it now stands, there is danger of patients either crawling under the railing or falling over the top of it.

Would you kindly recommend to the Council a bill for an ordinance re-appropriating the sum of \$2,842.23 to the Board of Works, which was for-

merly in the building fund of that department and has now reverted to the general fund, as there was at the first of the year no outstanding accounts against this fund?

Very respectfully yours,  
H. G. MORGAN.

From City Controller:

FINANCE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—I submit herewith letter from the Department of Law, asking an appropriation of \$3,500 for judgments, compromises and costs. I recommend the appropriation, and inclose ordinance providing for the same.

Respectfully submitted,  
J. P. DUNN,  
*City Controller.*

DEPARTMENT OF LAW,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

*Hon. Jacob P. Dunn, City Controller, City Hall, City:*

DEAR SIR—I enclose you a letter from Mr. Paul G. Davis, Assistant City Attorney, with reference to the compromise of all the suits now pending against the city because of the ejection of the marketers from the market house during the Shank administration.

In this letter Mr. Davis reports that he has a proposition for a compromise of all the suits by the payment by the city of the sum of \$3,500, which is less than the amount this department secured in the compromise of other market house cases; in this way enabling the city to clean up all the market house litigation turned over to us by the former administration. I approve such a compromise.

This compromise proposition was secured at noon Saturday, and there has therefore been no opportunity to submit it to the Council at an earlier date. This department cannot make a binding contract until an appropriation is made for that purpose.

The time for filing the record to appeal the Noblesville case, where there is a judgment of \$2,500 against the city, will expire on the 24th inst. It is therefore important that this department should have an appropriation so as to close this matter before the time for appeal has expired, and save a considerable amount in costs.

I dislike to ask the Council to pass an ordinance under a suspension of the rules, but in this particular case it is necessary that this should be done, or that a special meeting of the Council should be called to pass the ordinance not later than the 22d of this present month, so as to give time to perfect the appeal of the Noblesville case if compromise should not be closed.

I therefore desire that you prepare an ordinance appropriating to this department the sum of \$3,500 for judgments, compromises and costs. The costs in the case will come later, and this sum will be used merely for the payment of the principal of the compromise.

Yours truly,

WILLIAM A. PICKENS,  
*Corporation Counsel.*

DEPARTMENT OF LAW,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 21, 1915.

*Hon. William A. Pickens, City:*

DEAR SIR—William T. Cook and Andrew V. Reehm secured a judgment in the Hamilton Circuit Court against the City of Indianapolis, William E. Davis, Jesse E. Sisloff and William L. Resoner last June for \$2,500 in a suit to recover damages sustained by them by reason of their wrongful ejection from the city market in 1912. This case is being appealed to the appellate court, and our time for perfecting a vacation appeal expires June 24, 1915.

Five other butchers sued the above-named defendants for damages because of the alleged wrongful ejections from the market, and these cases were all venued to the Shelby Circuit Court; one of them—the case of Frank L. Overman—has been tried, with the result that a judgment of \$600 is standing against the individual defendants.

Judge Blair sustained the demurrer to the complaint of the city in this case, and announced at the time that he would sustain the demurrers of the city to the complaints of the other four plaintiffs, namely, Charles F. Cook, Amos C. Gibson, Herman Merklin and Joseph Fischer.

The Overman case is being appealed to the appellate court by the individual judgment debtors, and the plaintiff will assign cross-errors in the appellate court in an endeavor to establish liability of the city in this case.

Reehm and Cook, the plaintiffs in the Noblesville case, were never allowed to return to their stand on the market, and their property was never given back to them. For this reason the damages in the case at Noblesville were necessarily larger than in the case at Shelbyville. In my judgment, if the remaining cases at Shelbyville are tried, they will result in a verdict of about \$500 for each plaintiff. This would make the total amount of judgments over \$6,000. Judge Hord, who assisted in the trial of the case at Shelbyville, is of the opinion that it cannot be reversed. You are familiar with my views as to the Noblesville judgment.

At noon Saturday, the 19th inst., I secured a proposition in writing, signed by each of the above-named marketers, to the effect that they will settle their judgments and claims against all of the defendants for \$3,500. This proposition has been approved by Mr. M. M. Bachelder, the attorney for the marketers, and in my judgment is a fair settlement of the cases. This proposed settlement would include a dismissal of a suit pending against the city by Frank L. Overman, whereby he is attempting to permanently enjoin the city from ousting him from the market, and the city would accept the money—something over \$100—which he has tendered to the clerk of the court in payment of his last year's rent.

As you know, at the commencement of this administration the market was in a chaotic condition, and we were confronted with a great many law suits by the marketers, resulting from dissatisfaction over the refrigeration

system and the charges for rent. Many suits were pending in our Superior Court here and in the Circuit Court of Hamilton County. All of this litigation was compromised with the exception of the damage suits referred to in this letter, with the result that the city was paid by these different marketers more than \$4,000. This means that this department has paid more money to Mr. Dunn, the Controller, out of the settlements of the different cases growing out of the market disturbance than it is now proposed to pay to the marketers in settlement of their claims for damages.

In my judgment, there would be a better feeling existing on the market with the settlement of these damage suits, and I really believe that the best interests of all concerned call for their amicable adjustment.

You should bear in mind that our time has already elapsed in the Noblesville case in which to perfect a term time appeal—due to the fact that Messrs. Kane and Kane of Noblesville did not get the record in the case down to me until about seventy-five days after the appeal bond had been filed—and that our time for perfecting the vacation appeal will expire this week. If this settlement is to be consummated, it is therefore absolutely necessary that the Council appropriate the necessary funds to-night.

Respectfully submitted,

PAUL G. DAVIS.

From the Board of Public Works :

DEPARTMENT OF PUBLIC WORKS,

OFFICE OF THE BOARD.

INDIANAPOLIS, IND., June 21, 1915.

*The Hon. Common Council, City:*

GENTLEMEN—We herewith submit to you for your consideration and action thereon an ordinance approving a certain contract between the Cabinet Makers Union and the Board of Public Works, wherein the Cabinet Makers Union is granted permission to lay and maintain a sidetrack switch across Pine street and Ohio street.

Respectfully submitted,

JOSEPH P. TURK,

*Clerk, Board of Public Works.*

#### REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance :

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 28, 1915, entitled "An ordinance authorizing the sale of five hundred and forty (540) bonds of one thousand dollars



(\$1,000) each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used in the flood prevention and work thereunto appertaining, and providing for the time and manner of advertising, sale of bonds and the receipt of bids for the same, together with the mode and terms of sale, levying a tax for the payment of said bonds and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,  
FRANK GRAHAM,  
W. T. YOUNG,  
EDWARD MCGUFF.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 29, 1915, entitled "An ordinance authorizing the sale of two hundred (200) bonds of one thousand dollars (\$1,000) each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used in the elevation of railroad tracks and work thereunto appertaining, and providing for the time and manner of advertising, sale of bonds and the receipt of bids for the same, together with the mode and terms of sale, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,  
EDWARD MCGUFF,  
FRANK GRAHAM,  
W. T. YOUNG.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 13, 1915, entitled "An ordinance appropriating \$1,950 to the Department of Public Works for the purchase of automobiles for the City Engineering Department," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,  
 JOHN F. CONNOR,  
 EDWARD MCGUFF,  
 FRANK GRAHAM.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 14, 1915, entitled "An ordinance appropriating \$3,000 to the Department of Law for the payment of judgments, compromises and costs," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,  
 JOHN F. CONNOR,  
 FRANK GRAHAM,  
 W. T. YOUNG,  
 EDWARD MCGUFF.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred

General Ordinance No. 21, 1915, entitled "An ordinance authorizing the employment of lawyers to examine titles of lands taken by the city for flood prevention, and appropriating money to pay for their services," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,  
EDWARD MCGUFF,  
FRANK GRAHAM,

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Public Works, to whom was referred General Ordinance No. 31, 1915, entitled "An ordinance ratifying, confirming and approving a certain contract or franchise made and entered into on the second day of June, 1915, by and between the City of Indianapolis, by and through its Mayor, its Board of Public Safety, and Howe S. Landers, receiver of the surviving partnership of Bretney & Geisendorff," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

EDWARD MCGUFF,  
W. T. YOUNG,  
EDWARD R. MILLER,  
JOHN F. CONNOR,  
EDWARD P. BARRY,

Mr. McGuff moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Safety:

INDIANAPOLIS, IND., June 21, 1915.

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

GENTLEMEN—We, your Committee on Public Safety, to whom was referred General Ordinance No. 11, 1915, entitled "An ordinance for the

regulation of public hacks in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from file.

Respectfully submitted,

FRANK GRAHAM,  
JOHN F. CONNOR,  
EDWARD MCGUFF,  
EDWARD P. BARRY,  
A. D. PORTER,

Mr. Graham moved that the report of the Committee be concurred in. Carried.

#### INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

Appropriation Ordinance No. 15, 1915. An ordinance appropriating \$1,557.68 for reimbursement for weed cutting, and \$2,842.23 for City Hospital building fund, to the Department of Public Health and Charities, 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 there is hereby appropriated to the Department of Public Health and Charities, from the general fund of the City, the sum of \$1,557.68 for reimbursement for weed cutting, and the sum of \$2,842.23 for City Hospital building fund.

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

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

By City Controller :

Appropriation Ordinance No. 16, 1915. An ordinance appropriating \$3,500 to the Department of Law for judgments, compromises and costs to the Department of Law, 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 there is hereby appropriated to the Department of Law from the general fund of the city the sum of \$3,500 for judgments, compromises and costs.

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

Which was read a first time.

Mr. Connor moved that the rules be suspended and Appropriation Ordinance No. 16, 1915, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Connor called for Appropriation Ordinance No. 16, 1915, for second reading. It was read a second time.

Mr. Connor moved that Appropriation Ordinance No. 16, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 16, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By City Controller:

General Ordinance No. 33, 1915. An ordinance appropriating \$15,511.60 to the Department of Public Safety for Fire Force pay roll, for men at new fire stations, and fixing a time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Department of Public Safety is authorized to employ thirty additional men for the Fire Force, to man the new stations, and to increase the number of substitutes to thirty; and that the sum of

\$15,511.60 is hereby appropriated to said department for Fire Force pay roll, to cover such additional expense for the remainder of the current year.

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

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

By Mr. Young:

General Ordinance No. 34, 1915. An ordinance concerning firemen and substitute firemen in the City of Indianapolis, repealing all ordinances in conflict herewith, declaring an emergency 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 all firemen and substitute firemen who work twenty-one hours or over per day shall receive one full day of twenty-four hours off in five, with full pay, and that all firemen who work less than twenty-one hours per day shall receive one full day of twenty-four hours off in each thirty days, with full pay, and that all firemen shall receive fifteen days' vacation annually, with full pay, and that they shall receive full pay during such time that they are disabled by sickness or injury, when proof of such sickness or injury has been certified to by the Police Surgeon of the City of Indianapolis.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after the first day of January, 1916.

W. T. YOUNG.

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

By the Board of Public Works:

General Ordinance No. 35, 1915. An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Meridian street, from S. P. L. of Sixteenth street to S. P. L. of Twenty-fifth street, with wooden block, asphalt, bituminous concrete or brick roadway and curb, under Improvement Resolution No. 7916, adopted May 12, 1915.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 12th day of May, 1915, adopt Improvement Resolution No. 7916 for the improvement of Meridian street, from S. P. L. of Six-

teenth street to the S. P. L. of Twenty-fifth street, with wooden block, asphalt, bituminous concrete or brick roadway and curb; and

WHEREAS, The said Board of Public Works did at the same time fix June 2, 1915, at 10:00 o'clock a. m., as the time to hear all persons interested or whose property is affected by said improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 14th day of May, 1915, and on the 21st day of May, 1915, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 2d day of June, 1915, the Board having met in regular session postponed said hearing until June 4, 1915; and

WHEREAS, On the 4th day of June, 1915, the Board having met in regular session took final action on said improvement resolution, modifying same to provide for resurfacing on old foundation; and

WHEREAS, The said Board of Public Works on the 11th day of June, 1915, received a written remonstrance of a majority of the resident property owners against the said improvement; and

WHEREAS, The said Board of Public Works has submitted to the Common Council, for their consideration and action thereon, an ordinance ordering the Board of Public Works of the City of Indianapolis to proceed with the improvement of said street under said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of the City of Indianapolis be and are hereby ordered to improve Meridian street, from S. P. L. of Sixteenth street to S. P. L. of Twenty-fifth street, with wooden block, asphalt, bituminous concrete or brick and curb, under Improvement Resolution No. 7916, adopted by the Board of Public Works May 12, 1915, as modified June 4, 1915.

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 the Board of Public Works :

General Ordinance No. 36, 1915. An ordinance ordering the Board of Public Works of the City of Indianapolis to improve New Jersey street, from N. P. L. of Thirty-second street to S. P. L. of Thirty-third street, with wooden block, asphalt, bituminous concrete or brick, under Improvement Resolution No. 7949, adopted May 24, 1915.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 24th day of May, 1915, adopt Improvement Resolution No. 7949 for the improvement of New Jersey street, from N. P. L. of Thirty-second street to S. P. L. of Thirty-third street, with wooden block, asphalt, bituminous concrete or brick pavement; and

WHEREAS, The said Board of Public Works did at the same time fix June 16, 1915, at 10:00 o'clock a. m., as the time to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 26th day of May, 1915, and the 2d day of June, 1915, in the Indiana Daily Times, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 16th day of June, 1915, the Board, having met in regular session, took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 16th day of June, 1915, a written remonstrance of a majority of the resident property owners was filed with the Board of Public Works against said improvement; and

WHEREAS, The said Board of Public Works has submitted to the Common Council, for its consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of the City of Indianapolis be and is hereby ordered to improve New Jersey street, from N. P. L. of Thirty-second street to S. P. L. of Thirty-third street, with wooden block, asphalt, bituminous concrete or brick pavement, under Improvement Resolution No. 7949, adopted by the Board of Public Works May 24, 1915.

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 the Board of Public Works:

#### SWITCH CONTRACT.

General Ordinance No. 37, 1915. An ordinance approving a certain contract granting the Cabinet Makers Union the right to lay and maintain a sidetrack or switch across Pine street and Ohio street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit, on the 21st day of June, 1915, Cabinet Makers Union 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—Whereas, owing to the changes visible, such as track elevation, Pogue's Run drain, and in order to better our switching facilities, we find it absolutely necessary and respectfully petition your honorable Board for the right and privilege of reinstalling our switch to the above said property, all as hereinafter specified and described.



We furthermore agree to bear all expense of elevating this switch as soon as the main tracks across Pine street and Ohio street are elevated, or to remove said tracks, all without any expense to the city.

CABINET MAKERS UNION,

CHARLES A. ALBRECHT,

*President.*

NOW, THEREFORE, This agreement, made and entered into this 21st day of June, 1915, by and between Cabinet Makers Union, 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 across Pine street and Ohio street, in the City of Indianapolis, which is more specifically described as follows:

Proposed location of a railroad switch across Pine street and Ohio street, more particularly described as follows:

PINE STREET CROSSING.

Beginning at a point in the intersection of the center line of said switch and the east line of Pine street, said point being forty-six (46) feet north of the north line of Ohio street; thence in a southwesterly direction on a curve across Pine street to a point in the west line of Pine street, said point being six (6) feet north of the north line of Ohio street.

OHIO STREET CROSSING.

Beginning at a point in the intersection of the center line of said switch and the north line of Ohio street, said point being six (6) feet north of the west line of Pine street; thence in a southwesterly direction on a curve across Ohio street to a point in the south line of Ohio street, said point being fifty-two (52) feet west of the west line of Pine street.

Hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it 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 Pine and Ohio 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 the 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 expenses and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds itself to hold said party of the second party 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.

(8) The party of the first part agrees that whenever the main and side tracks across said Pine street and Ohio street are elevated under resolution of the Board of Public Works or by contract entered into between the City and railroad company or companies, that it will either remove said switch track on order of said Board of Public Works, or elevate said track to conform to the elevation of the main tracks. Should the party of the first part elect to elevate said track, then all expense of elevating said switch track across Pine street and Ohio street, including the cost of the construction of abutment, girders, bridge superstructures, embankments, retaining walls, and all other work incidental thereto, shall be borne by said first party, it being understood that no part of said expense shall be borne by said city.

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 side track or switch across Pine street and Ohio 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 21st day of June, 1915.

CABINET MAKERS UNION,  
CHARLES A. ALBRECHT,  
*President.*  
Party of the First Part.

[SEAL.]

CITY OF INDIANAPOLIS,  
By HUBERT S. RILEY,  
GEORGE B. GASTON.  
*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.

Mr. Miller moved that the rules be suspended and General Ordinance No. 37, 1915, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote :

Ayes, 8, viz. : Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Miller called for General Ordinance No. 37, 1915, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 37, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 37, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

By Mr. Graham:

Resolution No. 4, 1915. A resolution relating to the adoption of a design for a flag, to be known as "The Flag of the City of Indianapolis."

#### OFFER.

THAT WHEREAS, Harry B. Dynes, of the city of Indianapolis, Indiana, has made and procured a design for a flag designed as follows:

First—Nine stripes, alternating red and white, representing the nine City Councilmen.

Second—Four large white stars in blue field, representing City Clerk, City Police Judge, City Controller and School Board.

Third—A blue field, in which are set four small white stars, representing the Board of Public Works, Board of Safety, Board of Health and Park Board; also in the blue field four diagonals, representing Kentucky avenue, Massachusetts avenue, Indiana avenue and Virginia avenue, running to a circle, representing Monument Place; in center of circle is placed large white star, representing the Mayor, and inside of large star is corporate seal of City of Indianapolis, in gold; and

WHEREAS, The said Harry B. Dynes has offered as a donation said design to the City of Indianapolis, Indiana, to be known and adopted by the City of Indianapolis as the "Flag of the City of Indianapolis;" now, therefore, be it

#### ACCEPTANCE.

RESOLVED, by the Common Council of the City of Indianapolis, That the City of Indianapolis hereby accepts said design as "The Flag of the City of Indianapolis;" and said resolution be in effect on and after passage.

FRANK GRAHAM.

Which was read a first time.

Mr. Graham moved that the rules be suspended and Resolution No. 4, 1915, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Graham moved that Resolution No. 4, 1915, be adopted.

The roll was called and Resolution No. 4, 1915, was adopted by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

#### ORDINANCES ON SECOND READING.

Mr. Connor called for General Ordinance No. 21, 1915, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 21, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 21, 1915, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Barry, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

No, 1, viz.: Mr. Young.

Mr. Connor called for General Ordinance No. 28, 1915, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 28, 1915, be ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 28, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Connor called for General Ordinance No. 29, 1915, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 29, 1915, be ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 29, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Connor called for Appropriation Ordinance No. 13, 1915, for second reading. It was read a second time.

Mr. Connor moved that Appropriation Ordinance No. 13, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1915, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Barry, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

No, 1, viz.: Mr. Young.

Mr. McGuff called for General Ordinance No. 31, 1915, for second reading. It was read a second time.

Mr. McGuff moved that General Ordinance No. 31, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 31, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Connor called for Appropriation Ordinance No. 14, 1915, for second reading. It was read a second time.

Mr. Connor moved that Appropriation Ordinance No. 14, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 14, 1915, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Thomas C. Lee.

Noes, none.

Mr. Graham moved that General Ordinance No. 11, 1915, be stricken from the files.

The roll was called and General Ordinance No. 11, 1915, was stricken from the files by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Porter, Connor, Graham and President Thomas C. Lee.

No, 1, viz.: Mr. Miller.

On motion of Mr. Porter, the Common Council, at 9:10 o'clock  
P. M., adjourned.

*Thomas C. Lee*  
.....  
President.

ATTEST:

*Thomas A. Riley*  
.....  
City Clerk

