

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

September 19, 1919.

The Common Council of the City of Indianapolis met in the Council Chamber, September 19, 1919, at 2:00 o'clock p. m., in special session, President Pro Tem. Russell Willson in the chair, pursuant to the following call:

September 18, 1919.

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

Gentlemen: You are hereby notified that there will be a Special Meeting of the Common Council held in the Council Chambers on Friday, September 19th, 1919, at 2 o'clock p. m., for the purpose of receiving communications from the Mayor or City Controller, and for the consideration and final action by the Council on General Ordinance No. 88, 1919; and for the further purpose of introducing, considering and the passage of an ordinance ratifying a certain contract made by the Board of Public Works providing for the laying of a side-track and switch across Cook Street immediately north of Louisiana Street; and for the purpose of the introduction and consideration of an ordinance authorizing the City Controller to make a temporary loan of Two Hundred Thousand Dollars (\$200,000) for the Department of Public Sanitation in anticipation of the sale of bonds by said Department, and payable out of the proceeds of same, and fixing a time when same shall take effect.

Yours very truly,

CHARLES W. JEWETT, Mayor.

I, George O. Hutsell, Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of meeting, pursuant to the rules.

GEO. O. HUTSELL, City Clerk.

Which was read. The Clerk called the roll.

Present: The Hon. Russell Willson, President Pro Tem. of the Common Council, and five (5) members, viz.: Messrs. Kirsch, Schmidt, Furniss, Miller and Brown.

Absent, 3 members, viz.: Messrs. Carnefix, Pettijohn and President William B. Peake.

COMMUNICATIONS FROM THE MAYOR.

September 19, 1919.

To the President and Members of the Common Council of the City of Indianapolis, Indiana.

Gentlemen: I submit herewith an ordinance authorizing the City Controller to make a temporary loan in the sum of Two Hundred Thousand Dollars (\$200,000.00) for the Department of Public Sanitation, in anticipation of the funds to be derived from the sale of bonds by said department, and ask that you give the matter immediate attention for the reason that the construction work under the Board of Sanitary Commissioners is now in progress and they will need the funds before the loan can be procured after the next regular meeting of the Council.

Yours very truly,

CHARLES W. JEWETT, Mayor.

ROBT. H. BRYSON, City Controller.

REPORTS FROM CITY OFFICERS.

September 19, 1919.

Mr. George O. Hutsell, City Clerk, City.

Dear Sir: I am submitting herewith, for transmission to the Common Council, switch contract granting permission to the G. & J. Tire Company to lay and maintain a side track and switch across Cook Street, just north of Louisiana Street.

Yours truly,

W. F. CLEARY,

Clerk, Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Safety:

Indianapolis, Ind., September 19, 1919.

To the President and Members of the Common Council of the City of Indianapolis, Indiana.

Gentlemen: We, your Committee on Public Safety, to whom was referred General Ordinance No. 88, 1919, entitled An ordinance prohibiting watching, besetting or picketing certain places and premises where persons are employed, assembling, meeting or congregating for such

purpose, compelling or coercing certain persons from working or seeking to work, and the uttering of certain derogatory, opprobrious or indecent epithets, gestures or language or threats of violence in connection therewith, providing a penalty for the violation thereof and declaring 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 amended to read as follows:

General Ordinance No. 88, 1919.

An Ordinance prohibiting watching, besetting or picketing certain places and premises where persons are employed; prohibiting watching, besetting or picketing any place to prevent persons from entering same; prohibiting assembling, meeting or congregating for such purposes; prohibiting the compelling, coercing and preventing of certain persons from working or seeking to work and the uttering of derogatory, opprobrious or indecent epithets, gestures or language or threats of violence in connection therewith; providing a penalty for the violation thereof and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Ind.:

Section 1. Whoever shall watch, beset or picket the premises of another where any person is employed, or any approach thereto, or any place or approach thereto where such employe lodges or resides, for the purpose of inducing any such employe, by compulsion, threats, coercion, intimidation or by any act of violence or by putting such employe in fear, to quit his or her employment or to refrain from seeking or freely entering into employment shall, upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding sixty (60) days.

Sec. 2. Whoever shall watch, beset or picket the premises of another or any approach thereto for the purpose of inducing others to refrain from entering such premises or from patronizing, transacting business with or negotiating with the owner or occupant of such premises shall, upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding sixty (60) days.

Sec. 3. Whoever, in association or agreement with one or more persons, shall assemble, congregate or meet together in the vicinity of any premises where other persons are employed or upon the streets, approaches or places adjacent thereto, for the purpose of inducing any such employe, by compulsion, threats, coercion, intimidation or by any act of violence or by putting such employe in fear, to quit his or her employment therein or to refrain from seeking or freely entering into

employment therein, shall, upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) to which may be added imprisonment not exceeding sixty (60) days.

Sec. 4. Whoever, in association or agreement with one or more persons shall assemble, congregate or meet together in the vicinity of the premises of another or upon the streets, approaches or places adjacent thereto for the purpose of inducing others to refrain from entering such premises or from patronizing, transacting business with or negotiating with the owner or occupant of such premises shall, upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) to which may be added imprisonment not exceeding sixty (60) days.

Sec. 5. Whoever, for the purpose of compelling, coercing or inducing any person to quit his or her employment or to refrain from seeking or freely entering into employment shall utter to or within the hearing of such person or persons any derogatory or opprobrious or indecent epithets or language or gestures or threats of violence, shall, upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) to which may be added imprisonment not exceeding sixty (60) days.

Sec. 6. Whereas an emergency exists for the immediate taking effect of this ordinance the same shall be in full force and effect from and after its passage and publication as required by law.

and as so amended that it be passed.

S. A. FURNISS,
J. E. MILLER,
J. P. BROWN.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No, 89, 1919.

An Ordinance approving a certain contract granting G. & J. Tire Co. of Indiana, the right to lay and maintain a sidetrack or switch across Cook Street immediately north of Louisiana Street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 19th day of September, 1919, G. & J. Tire Company of Indiana, 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 hereby respectfully petitions for authority to lay a sidetrack and switch across Cook St., just north of Louisiana St., the center line of such sidetrack and switch to be located six feet and six inches north of the north line of Louisiana St., and to connect with the tracks and switches of the C. C. C. & St. L. Ry. Co. and the petitioner now located north of the proposed sidetrack and switch.

G. & J. TIRE CO, OF INDIANA.

By W. B. Harding, President.

Now, therefore, This agreement, made and entered into this 19th day of September, 1919, by and between G. & J. Tire Company of Indiana, 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 Cook Street immediately north of Louisiana Street in the City of Indianapolis, which is more specifically described as follows: The center line of said track will cross the West line of Cook Street 6 feet and 6 inches North of the Northwest corner of Louisiana and Cook Streets, running thence East thirty feet across Cook Street to the East line thereof, 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-----
-----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 release all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of

the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across Cook Street immediately north of Louisiana Street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." Unless said sidetrack or switch is constructed within one year from the date hereof, this contract shall be null and void.

In Witness Whereof, We have hereunto set our hands this 19th day of September, 1919.

G. & J. TIRE CO. OF INDIANA,
By W. B. Harding, President, Party of the First Part.
CITY OF INDIANAPOLIS,

By George Lemaux, President; Mark H. Miller, Thomas A. Riley,
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 be in full force and effect from and after its passage.

Which was read a first time.

Mr. Brown moved that the rules be suspended and General Ordinance No. 89, 1919, be placed upon its passage.

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

Ayes, 6, viz.: Messrs. Brown, Furniss, Kirsch, Miller, Schmidt and President Pro Tem. Willson.

Mr. Brown called for General Ordinance No. 89, 1919, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 89, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 89, 1919, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Brown, Furniss, Kirsch, Miller, Schmidt and President Pro Tem. Willson.

By City Controller:

General Ordinance No. 90, 1919.

An Ordinance, Authorizing the City Controller to make a temporary loan of Two Hundred Thousand Dollars (\$200,000) for the Department of Public Sanitation in anticipation of a sale of bonds by said department, and payable out of the proceeds of the same, and fixing a time when the same shall take effect.

Whereas, on July 7, 1919, the State Board of Tax Commissioners of Indiana considered the petition of the Sanitary District of Indianapolis to issue bonds or other evidence of indebtedness in the sum of Four Hundred Thousand Dollars (\$400,000.00), for the purpose of raising money to pay for the partial construction of a sewage disposal plant for said Sanitary District as authorized by law, and

Whereas, on said date said Board of Tax Commissioners duly entered its order in reference to said petition authorizing and approving the issuance of bonds of said Sanitary District to the amount of Four Hundred Thousand Dollars (\$400,000.00) at any time after October 1, 1919, and that said Sanitary District was further authorized, immediately to issue certificates of indebtedness in any sum or sums not exceeding in the aggregate Two Hundred Thousand Dollars (\$200,000.00) which said certificates should bear interest at a rate not exceeding six per cent. (6%) per annum, with the option of redemption at any time from and after October 1, 1919, and

Whereas, it is impractical at this time or in the near future to issue bonds of said Sanitary District, and

Whereas, said Department of Public Sanitation will require within the next five months the sum of Two Hundred Thousand Dollars (\$200,000.00) to carry on the work of construction of the sewage disposal plant, now therefore,

Be it Ordained by the Common Council of the City of Indianapolis, Ind.:

Section 1. That the City Controller is hereby authorized and empowered to negotiate a temporary loan for the use of the Department of Public Sanitation in anticipation of a sale of bonds of said department. Said loan shall not exceed the sum of Two Hundred Thousand

Dollars (\$200,000.00) and shall be for a period not to exceed five months, with the privilege of payment of the same at any time after sixty (60) days, and at a rate of interest not exceeding six per cent. (6%) per annum, and payable from the funds of said department derived from the sale of bonds. The City Controller is further hereby authorized and empowered to negotiate such loan in such amounts and at such times as said Board of Sanitary Commissioners shall request, provided, however, that no part of said loan shall be made to extend beyond the period of five months from the passage of this ordinance. Said loan or loans shall be made on competitive bidding after one publication in a daily newspaper of the City of Indianapolis, the bidding to be on the rate of interest to be paid, and the loan to be made from the lowest and best bidder. The Mayor and City Controller are hereby authorized and directed to execute proper obligations of said city for the payment of the amount or amounts so borrowed, and said obligations shall be countersigned by the President of the Board of Sanitary Commissioners; and for the payment of which of the said obligations the faith of the city is hereby irrevocably pledged.

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

Which was read a first time.

Mr. Brown moved that the rules be suspended and General Ordinance No. 90 be placed upon its passage.

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

Ayes, 6, viz.: Messrs. Brown, Furniss, Kirsch, Miller, Schmidt and President Pro Tem. Willson.

Mr. Brown called for General Ordinance No. 90, 1919, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 90, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 90, 1919, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Brown, Furniss, Kirsch, Miller, Schmidt and President Pro Tem. Willson.

ORDINANCES ON SECOND READING.

Mr. Schmidt called for General Ordinance No. 88, 1919, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 88, 1919, be amended as recommended by the committee. Carried.

Mr. Schmidt moved that General Ordinance No. 88 be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 88, 1919, was read a third time and passed by the following vote:

Ayes, 5, viz.: Messrs. Brown, Miller, Furniss, Schmidt and Willson.

Noes, 1, viz.: Mr. Kirsch.

On motion of Mr. Furniss the Common Council at 3:00 o'clock p. m. adjourned.


Russell Willson
President Pro Tem.

Attest:



City Clerk.