

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, March 1, 1920.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening March 1, 1920, at 7:30 o'clock in regular session, President G. G. Schmidt in the chair.

Present: The Hon. G. G. Schmidt, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and Pettijohn.

Absent: Mr. Willson.

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

## COMMUNICATIONS FROM THE MAYOR.

February 23, 1920.

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

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

Special Ordinance No. 7.

Special Ordinance No. 8.

General Ordinance No. 10.

Appropriation Ordinance No. 3.

Yours very truly,

CHARLES W. JEWETT.

*Mayor.*

February 25, 1920.

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

Gentlemen: I am returning herewith General Ordinance No. 20 without my signature, for the reason that the law on Expenditures and Estimates, Burns Statutes No. 3, Section 8686, last five lines of paragraph, reads as follows:

"If at any time after the passage of such ordinance an emergency should arise for further appropriations for the use of any Department, on the representation of such department, as hereinbefore provided, or for other purposes during the year, such additional appropriations may be made on the recommendation of the controller, by a two-thirds vote of the council."

I fully appreciate the necessity for an appropriation of this kind, therefore, I am enclosing herewith letter from Mr. Robert H. Bryson, City Controller, with Appropriation Ordinance attached, recommending same for its passage.

Yours very truly,

CHARLES W. JEWETT,

*Mayor.*

REPORTS FROM CITY OFFICERS.

From City Controller:

February 25, 1920.

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

Gentlemen: I herewith submit, for your consideration, an ordinance appropriating the sum of Five Hundred (\$500.00) Dollars, to the Department of Finance, for a fund to defray the expenses of investigations of the Common Council, and would recommend its passage.

Yours very truly,

ROBT. H. BRYSON,

*City Controller.*

February 25, 1920.

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

Gentlemen: I am handing you herewith, an ordinance asking for the appropriation of Fifty (\$50.00) Dollars to the Department of Finance for the purpose of re-imbursing Mr. Smith's Theatre, for license taken out August 28, 1919.

This ordinance is made necessary on account of an overcharge made for the above mentioned theatre, for license obtained in this office August 28, 1919, said license being numbered No. 315, for which a charge of One Hundred and One (\$101.00) Dollars was made, when the charge should have been Fifty-one (\$51.00) Dollars, on account of the year being half gone. They are therefore entitled to a refund of Fifty (\$50.00) Dollars as asked for in this ordinance.

I recommend the passage of this ordinance.

Yours very truly,

ROBT. H. BRYSON,

*City Controller.*

March 1, 1920.

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

Gentlemen: I hand you herewith, a communication from the Board of Public Works, asking for the appropriation of Seventeen Hundred Fifty (\$1750.00) Dollars, to a fund to be known as "Repair to 10th Street Canal Bridge Fund."

I recommend the passage of the above ordinance.

Yours very truly,

R. H. BRYSON,  
*City Controller.*

March 1, 1920.

*Mr. Robert H. Bryson, City Controller, City.*

Dear Sir: I am submitting herewith, for your approval and transmission to the Common Council, an ordinance appropriating the sum of \$1750.00 to a fund to be known as the "Repair to 10th Street Canal Bridge Fund."

Yours very truly,

W. F. CLEARY,  
*Clerk, Board of Public Works.*

March 1, 1920.

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

Gentlemen: I hand you herewith, a communication from the Board of Public Works, asking for the transfer of the sum of Two Thousand (\$2,000.00) Dollars from the Map and Plat fund, to the Department of Public Works to the Fire Insurance fund. Also transferring the sum of One Hundred (\$125.00) Dollars from the Map and Plat fund of the Board of Public Works to the Fire Tower Rental fund.

I submit you also herewith, two ordinances calling for above transfers, and recommend their passage.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

February 25, 1920.

*Mr. Robert H. Bryson, City Controller, City.*

Dear Sir: I am enclosing herewith, for your approval and transmission to the Common Council, two ordinances—one transferring and reappropriating the sum of Two Thousand Dollars from the Maps and Plat Fund of the Department of Public Works to the Fire Insurance Fund, the other transferring and reappropriating the sum of One Hun-

dred Twenty-five Dollars from the Maps and Plat Fund of the Department of Public Works to the Fire Tower Rental Fund.

Yours very truly,

W. F. CLEARY,  
*Clerk, Board of Public Works.*

From the Board of Public Works:

February 24, 1920.

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

Dear Sir: I am enclosing herewith, for transmission to the Common Council, switch contract of Jesse C. Moore and Owen L. Miller for permission to construct a side track across West 17th Street along the right of way and just west of main track of the old Chicago Division of the C. C. C. & St. L. Ry.

Yours truly,

W. F. CLEARY,  
*Clerk, Board of Public Works.*

#### REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 4, 1920, entitled Appropriation Ordinance No. 4, 1920, an ordinance appropriating the sum of Fifty-two (\$52.00) Dollars to the Department of Finance, for the purpose of reimbursing Floyd Beitman for two theatre licenses obtained from the City Controller January 10 1920 at Twenty-six (\$26.00) Dollars each 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 passed.

O. B. PETTIJOHN,  
W. B. PEAKE,  
LEE J. KIRSCH,  
S. A. FURNISS.

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

From the Committee on Finance:

Indianapolis, Ind., March 1, 1920.

*To the President and Members of the Common Council of the City of  
Gentlemen:* We, your Committee on Finance, to whom was referred  
*Indianapolis, Indiana:*

Appropriation Ordinance No. 5, 1920, entitled Appropriation Ordinance No. 5, 1920, An Ordinance appropriating the sum of Sixty-four Dollars and Fifty Cents to the Department of Finance for the purpose of paying same to Walter M. Carpenter, for reporting proceedings of Committee on "City's Welfare" in the matter of telephone merger, as per resolution of Common Council No. 2, 1920, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. B. PETTIJOHN,  
W. B. PEAKE,  
LEE J. KIRSCH,  
S. A. FURNISS.

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

From the Committee on Finance:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on Finance, to whom was referred General Ordinance No. 22, 1920, entitled General Ordinance No. 22, 1920, An Ordinance authorizing the City Controller to make a temporary loan of Two Hundred Fifty Thousand (\$250,000.00) Dollars, in anticipation of current revenues, appropriating the sum of Two Hundred Fifty-four Thousand, Three Hundred Seventy-five (\$254,375.00) Dollars for payment of same, 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.

O. B. PETTIJOHN,  
W. B. PEAKE,  
LEE J. KIRSCH,  
S. A. FURNISS.

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

From the Committee on Finance:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on Finance, to whom was referred General Ordinance No. 16, 1920, entitled An Ordinance amending clauses (b) and (f) of Section 6 of General Ordinance No. 76, 1919, beg leave to report that we have had said ordinance under consideration, and recommend that the same do not pass.

O. B. PETTIJOHN,  
W. B. PEAKE,  
LEE J. KIRSCH,  
S. A. FURNISS.

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

From the Committee on Public Works:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on Public Works, to whom was referred General Ordinance No. 24, 1920, entitled: "Switch Contract—General Ordinance No. 24, 1920, An Ordinance approving a certain contract granting the Union Soap Co. the right to lay and maintain a sidetrack or switch from the west-bound main track of the Cleveland, Chicago, Cincinnati and St. Louis Railroad Co. across Columbia Ave. north of the said west-bound main, according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration, and recommend that the same be amended to read as follows:

#### SWITCH CONTRACT.

General Ordinance No. 24 1920.

An Ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch from the west-bound main track of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Co. across Columbia Ave. north of the said west-bound main according to blue print attached in the City of Indianapolis Indiana.

Whereas Heretofore to-wit on the 9th day of February 1920 Union Soap Co. filed his 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: Permission is hereby requested of your Honorable Board to lay and maintain a switch track across Columbia Avenue at the in-

tersection of said Columbia Avenue and the west-bound track of the Cleveland, Cincinnati, Chicago and St. Louis Railway Co.

And agrees, if permission is granted, to have said switch built within one year from date of receiving permission; otherwise this contract is void.

Now Therefore This agreement made and entered into this 9th day of February, 1920, by and between Union Soap Co. 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 a switch from the Cleveland, Cincinnati, Chicago and St. Louis Railway Co., in the City of Indianapolis, which is more specifically described as follows:

Said switch starting at a point ninety (90) feet east of the east property line of Columbia Avenue and crossing said east property line of Columbia Avenue at a point eight (8) feet north of the center of the west-bound main track of the Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and crossing the west property line of Columbia Avenue at a point thirteen (13) feet north of the center of the said west-bound main track and extending onto the property of the Union Soap Co. to a point one hundred (100) feet west of said west property line of Columbia Avenue, as shown on blue print attached hereto, 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 to 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 a grade as shall be established by said Board, and shall be put 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, wherever 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 tracks intersect Columbia Avenue, 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 said 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 to do so, upon said 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 said 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 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 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 all such claims.

7. Any violation of any of the provisions of this instrument by said party of the first part, or by anyone 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 6th, 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 Columbia Avenue 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 9th day of February, 1920.



UNION SOAP COMPANY,

Wm. W. Williams,

Witness: Geo. W. Williams.

Party of the First Part.

CITY OF INDIANAPOLIS,

By Geo. 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, and as so amended the same do pass.

LEE J. KIRSCH,

L. W. CARNEFIX,

WM. B. PEAKE,

J. P. BROWN,

O. B. PETTIJOHN.

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

From the Committee on Public Safety:

*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. 119, 1919, entitled, "An Ordinance creating the Electrical Department under the Department of Public Safety, creating certain offices and employments thereunder, defining the duties and fixing the salaries thereof, abolishing the Gamewell Divisions under the Police and Fire Departments, and offices and employments thereunder, transferring the property of such Gamewell system to such Electrical Department 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 by striking out all of the words and figures of Section 5 thereof and substituting in lieu thereof the following words and figures, to-wit:

"Sec. 5. This ordinance shall be in full force and effect from and after the first day of May, 1920," and be further amended by striking out figures \$3000 and inserting \$3000 in lieu thereof, in line seven of Section 1, and by striking out the figures \$1700 immediately following

the words "Cable Splicer," and inserting the figures \$1750 in lieu thereof, and as so amended recommend that the same be passed.

S. A. FURNISS,  
RUSSELL WILLSON,  
J. P. BROWN,  
J. E. MILLER,  
W. B. PEAKE.

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

From the Committee on Public Parks:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on Public Parks, to whom was referred General Ordinance No. 25, 1920, entitled General Ordinance No. 25, 1920, An Ordinance changing the names of certain streets and parts of streets in the City of Indianapolis 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.

S. A. FURNISS,  
O. B. PETTIJOHN,  
J. E. MILLER,  
W. B. PEAKE.

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

From the Committee on City's Welfare:

Indianapolis, Ind., March 1, 1920.

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

Gentlemen: We, your Committee on City's Welfare, to whom was referred General Ordinance No. 18, 1920, entitled An Ordinance prohibiting persons under the age of fifteen years from remaining on the streets, alleys or public places in the City of Indianapolis, at night, after the hour of 9 o'clock p. m., prescribing certain penalties, 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. 18, 1920.

An Ordinance prohibiting girls under the age of fifteen years and boys under the age of fourteen years, from remaining on the streets,

alleys or public places of the City of Indianapolis at night, after the hour of nine o'clock p. m., prescribing certain penalties, and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. It is hereby made unlawful for any girl under fifteen years of age, or any boy under the age of fourteen years, to be or remain in or upon any of the streets, alleys or public places in the City of Indianapolis at night after the hour of nine o'clock p. m., unless such person is accompanied by a parent, guardian or other person having the legal custody of such minor person, or is in the performance of an errand or duty directed by such parent, guardian or other person having the legal custody of such minor person, or whose employment makes it necessary to be upon said streets, alleys or public places during the night time after said specified hour.

Sec. 2. This ordinance shall not be construed so as to repeal an ordinance entitled "An ordinance governing children engaged in street trades in the City of Indianapolis" the same being General Ordinance No. 127, 1919, but said General Ordinance No. 127, 1919, shall remain in full force and effect.

Sec. 3. Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding Twenty-five Dollars (\$25.00).

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.  
And as so amended the same do pass.

LOUIS W. CARNEFIX,  
LEE J. KIRSCH,  
W. B. PEAKE,  
O. B. PETTIJOHN,  
J. P. BROWN.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

Appropriation Ordinance No. 6, 1920.

An Ordinance, appropriating the sum of Five Hundred Dollars (\$500.00) to the Department of Finance for the purpose of defraying the expenses of certain investigations by the Common Council, and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be and is hereby appropriated the sum of Five Hundred Dollars (\$500.00) to the Department of Finance for the purpose of paying the expenses that have been or may be incurred by the Common Council in investigations authorized by law, made by the Common Council or by and through any committee of the Common Council.

Sec. 2. No payment shall be made out of said fund unless the item of expense is approved by resolution of the Common Council, which resolutions shall be the authority for the Controller drawing such warrant or warrants to the person entitled thereto.

Sec. 3. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Peake moved that the rules be suspended and Appropriation Ordinance No. 6, 1920, 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. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Peake called for Appropriation Ordinance No. 6, 1920, for second reading. It was read a second time.

Mr. Peake moved that Appropriation Ordinance No. 6, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 6, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

By the City Controller:

Appropriation Ordinance No. 7, 1920.

An Ordinance appropriating the sum of Fifty (\$50.00) Dollars to the Department of Finance, for the purpose of reimbursing Mr. Smith's Theatre for license taken out August 28th, 1919.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be and is hereby appropriated, to the Department of Finance, the sum of Fifty (\$50.00) Dollars for the purpose of reimbursing Mr. Smith's Theatre for license obtained August 28th, 1919.

Sec. 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 the City Controller :

Appropriation Ordinance No. 8, 1920.

An Ordinance appropriating the sum of Seventeen Hundred and Fifty Dollars (\$1750) to a fund to be known as the "Repair to Tenth Street Canal Bridge Fund," under the Department of Public Works, and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be and is hereby appropriated the sum of Seventeen Hundred and Fifty Dollars (\$1750) to a fund to be known as the "Repair to Tenth Street Canal Bridge Fund," under the Department of Public Works, for the purpose of removing the existing west abutment of the bridge over the canal and rebuilding the same.

Sec. 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.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller :

General Ordinance No. 26, 1920.

An Ordinance transferring and reappropriating the sum of Two Thousand Dollars (\$2,000) from the Maps and Plat Fund of the Department of Public Works to the Fire Insurance Fund of the Department of Public Works, and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the sum of Two Thousand Dollars (\$2,000) be and the same is hereby transferred from the Maps and Plat Fund of the Department of Public Works and that the same be transferred to and reappropriated to the Fire Insurance Fund of the Department of Public Works.

Sec. 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 the City Controller :

General Ordinance No. 27, 1920.

An Ordinance transferring and reappropriating the sum of One Hundred Twenty-five Dollars (\$125.00) from the Maps and Plat Fund of the Department of Public Works to the Fire Tower Rental Fund of the Department of Public Works, and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana :*

Section 1. That the sum of One Hundred Twenty-five Dollars (\$125.00) be and the same is hereby transferred from the Maps and Plat Fund of the Department of Public Works, and that the same be transferred and reappropriated to the Fire Tower Rental Fund of the Department of Public Works.

Sec. 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 the Board of Public Works :

#### SWITCH CONTRACT.

General Ordinance No. 28, 1920.

An ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, Jesse C. Moore and Owen L. Miller filed their petition before the Board of Public Works of the City of Indianapolis, Indiana, as follows :

#### PETITION

To the Board of Public Works, City of Indianapolis.

Gentlemen: We respectfully petition for the passage of a resolution providing for the construction of a side track across West Seventeenth Street, along the right of way and just west of main track of the old Chicago Division of the Cleveland, Chicago, Cincinnati and St. Louis Railway.

JESSE C. MOORE,  
OWEN L. MILLER.

Now, Therefore, This agreement, made and entered into this\_\_\_\_\_ day of 190\_\_\_\_, by and between Jesse C. Moore and Owen L. Miller, 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 from a point on the north line of West Seventeenth Street about fifteen feet west of the center of the main track of the old Chicago Division of the Cleveland, Chicago, Cincinnati and St. Louis Railway, thence southeastwardly across said street a distance of fifty-six feet to a point about thirty-five feet west of the intersection of the south line of said street with the center of the main track of said old Chicago Division; more particularly described, scheduled and shown in the drawing hereto attached, made a part hereof and marked Exhibit A.

We also agree to the following: This contract is void if the switch is not laid within one year from approval.

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 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, 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.

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 ----- 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 4th day of February, 1920.

JESSE C. MOORE,  
OWEN L. MILLER,

Party of the First Part.

CITY OF INDIANAPOLIS,

By Geo. Lemaux, President; 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 and referred to the Committee on Public Works.

By the Department of Law :

General Ordinance No. 29, 1920.

An Ordinance, repealing General Ordinance No. 15, 1920.

Section 1. *Be it Ordained by the Common Council of the City of Indianapolis, Indiana*, That General Ordinance No. 15, 1920, entitled, "An Ordinance providing for taxing, licensing and regulating transient merchants using local hotels and retail stores, fixing license fees and providing penalties for the violation thereof, providing for publication and fixing a time for its taking effect," be and the same is hereby repealed.

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

Which was read a first time.

Mr. Kirsch moved that the rules be suspended and General Ordinance No. 29, 1920, 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. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Kirsch called for General Ordinance No. 29, 1920, for second reading. It was read a second time.

Mr. Kirsch moved that General Ordinance No. 29, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 29, 1920, was read a third time and passed by the following vote :

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

By Mr. Peake (by request) :

General Ordinance No. 30, 1920.

An Ordinance to effect an established daylight savings for Indianapolis.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, that:* "The standard time of Indianapolis is that of the ninetieth meridian of longitude west from meridian, except that at two o'clock ante-meridian from the last Sunday in April of each year, the standard time throughout Indianapolis shall be advanced one hour, and at two o'clock ante-meridian of the last Sunday in September of each year such standard time shall, by the retarding of one hour, be returned to the mean astronomical time of the ninetieth meridian of longitude west from Greenwich, and all courts, public offices, legal and official proceedings shall be regulated thereby."

Sec. 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 City's Welfare.

By Mr. Peake :

General Ordinance No. 31, 1920.

An Ordinance amending parts of Section two, Subdivision (C) and parts of Section six, Subdivision (D) of General Ordinance No. 76, 1919, passed by the Common Council, October 20, 1919, and approved by the Mayor October 29, 1919, providing a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana, that* Section 2, subdivision (c) and parts of Section 6, subdivision (d) of General Ordinance No. 76, 1919, passed by the Common Council October 20, 1919, and approved by the Mayor October 29, 1919, providing a time when the same shall take effect, be, and the same is hereby amended to read as follows:

Section 1. The Bailiff of the City Court, who shall be a member of the Police Force—Sixteen Hundred and Sixty-five Dollars per year.

Sec. 2. Chief of Police—Four Thousand dollars per year.

Supervisor of Detectives—Twenty-five hundred twenty dollars per year.

Secretary to the Chief—Eighteen Hundred sixty-five dollars per year.

Each Captain—Twenty-three Hundred forty dollars per year.

Each Lieutenant—Twenty-two Hundred twenty dollars per year.

Each Sergeant—Twenty Hundred sixty-five dollars per year.

Each Detective—Twenty Hundred sixty-five dollars per year.

Each Patrolman—First year, Sixteen Hundred seventy-nine dollars per year.

Each Patrolman—After first year, Eighteen Hundred twenty-five dollars per year.

The City Prison Matron—Thirteen Hundred fourteen dollars per year.

Each Assistant Matron—Twelve Hundred ninety dollars per year.

Each Bicycle Policeman—Nineteen Hundred eighty-five dollars per yr.

Each Traffic Man—Nineteen Hundred eighty-five dollars per year.

Police Officer assigned to Board of Children's Guardians—Eight Hundred eighty-eight dollars per year.

Each Janitor at Police Station—Eighty dollars per month.

Each Wagonman and Chauffeur at Police Station—Nineteen Hundred eighty-five dollars per year.

Each Turnkey at Police Station—Nineteen Hundred eighty-five dollars per year.

Each Safety Zone Repair Man—Three dollars and twenty-five cents per day.

Each Painter Safety Zone—Three dollars and twenty-five cents per day.

Each Hostler—Nine hundred dollars per year.

Sec. 3. The City Controller is hereby authorized to pay the salaries and compensations herein provided out of such funds as may be appropriated therefor to the respective departments.

Sec. 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 5. This ordinance shall be in full force and effect on and after the first day of April 1920.

Which was read a first time and referred to the Committee on City's Welfare.

By Mr. Schmidt:

General Ordinance No. 32, 1920.

An Ordinance, concerning roof coverings and requiring the same of all buildings or structures, their construction, providing for certain tests, fixing penalties for the violation thereof and fixing the time when same shall take effect.

Section 1. *Be it Ordained by the Common Council of the City of Indianapolis, Indiana,* That all buildings and structures hereafter erected within the City of Indianapolis, except as hereinafter provided, shall have roof coverings of approved standard materials composed of brick, concrete, tile, slate, tin, asbestos, shingles, built-up roofing felt with gravel or slag surface, built-up asbestos roofing or other roofing which will stand the test under Class A or B under test specifications as pro-

vided in Section 10 of this ordinance; provided, however, that this section shall not apply to the following buildings:

(a) Dwellings.

(b) Frame buildings or structures.

(c) All buildings not exceeding two stories or 30 feet in height 2500 square feet in area, and not used as a factory, warehouse, or for mercantile purposes, provided that said building is not located within the territory known as the fire limits.

Sec. 2. The quality of roofing for all dwellings and other buildings exempted in Section 1 of this ordinance, may be therein specified for buildings not exempted, or if not, it shall be of grade not lower than Class C under the specifications of Section 10 of this ordinance.

Sec. 3. For the purpose of this ordinance, roofings are divided into three classes as follows:

Class A roofing must be so designed and constructed that it will withstand the Flame Exposure and Radiation Tests, provided for in Section 10 of this ordinance, at five and forty-mile air currents and the Burning Brand Test at five-mile air currents for at least sixty minutes, and the Burning Brand Test at forty-mile air currents for at least thirty minutes, without spread of fire from the area directly exposed and without sustained ignition of the roof deck, to be so designed and constructed that it will withstand all of the fire tests throughout their duration without glowing or flaming part being carried off by the air currents.

Class B roofings must be so designed and constructed that they will withstand the Flame Exposure and Radiation Tests provided for in Section 10 of this ordinance, at five and forty-mile air currents and the Burning Brand Test at five-mile air currents for at least thirty minutes and the Burning Brand Test at forty-mile air currents for at least fifteen minutes, without spread of fire in excess of one-half square foot per minute from the area directly exposed and without sustained ignition of the roof deck. To be so designed and constructed that they will withstand all of the fire tests throughout their duration without glowing or flaming parts being carried off by the air currents.

Class C roofings must be so designed and constructed that they will withstand all of the fire tests provided for in Section 10 of this ordinance, for at least five minutes without the spread of fire in excess of five square feet per minute from the area directly exposed, and without sustained ignition of the roof deck. To be so designed and constructed that they will withstand all of the fire tests throughout their duration without glowing or flaming parts of size being carried off by the air currents.

Sec. 4. A layer of deadening felt at least 1/16 inch thick shall be placed between metal roofing and the supporting woodwork.

Sec. 5. The wooden planking and sheathing shall not in any case be extended across the side or party walls.

Sec. 6. All counter flashings shall be of metal properly incorporated with the roofing material.

Sec. 7. The top and sides of dormer windows shall be protected the same as the roof, or with other material having equivalent fire resistive properties.

Sec. 8. No existing roof shall be repaired or renewed without permission or permit issued by Commissioner of Buildings. No existing wooden shingle roof if damaged more than fifty (50) per cent. in area shall be repaired with other than approved roofing, as required by this ordinance.

Sec. 9. The Commissioner of Buildings and Chief of Fire Prevention shall have power to condemn and have removed any wood shingle roof that is in such deteriorized condition as to be excessively inflammable.

Sec. 10. All roofing material hereafter used in the City of Indianapolis, within the requirements of this ordinance, must withstand the following tests for approval under the requirements of this ordinance.

(a) For the purpose of making tests a standard deck must be made according to the following specifications: 8 feet long by 7 feet wide made of kiln-dried white pine boards 8" wide and 7/8" in thickness, free from large or loose knots, sap wood or dry rot. Boards must be dressed on one side and two edges and laid across a 7 foot dimension of the deck with rough side up and spaced 1/4" and nailed to four 2x4 inch yellow pine battens on the under side of the deck. Two of the battens are located along the under side and two 21 inches from these edges. The surface of the deck to be made as true and even as possible.

(b) Samples of Roof Coverings: Tests samples in which are prepared roofing containing bituminous materials are used must be selected from stock between the thirtieth (30th) and sixtieth (60th) day after the roofing is manufactured. These samples must be stored for thirty days in freely circulating dry air at temperatures not less than 50 degrees nor more than 85 degrees Fahr. before they are tested.

(c) Flame Exposure Tests: Two standard tests are subjected to the standard flame exposure tests in which the upper surface of the roof covering under investigation is subjected to the direct application of a gas flame over an area of approximately 6 sq. ft. One sample is tested while being subjected to air currents having temperatures between 50 and 65 degrees F. and a velocity of approximately 5 miles per hour. The other sample is tested under the same conditions except that the air currents are approximately 40 miles per hour.

(d) Radiation Tests: The standard test samples are subjected to the standard radiation tests in which the upper surface of the roof covering under investigation is subjected to radiant heat from a steel

plate, 12 in. distant heated to a temperature of 1200 degrees Fahr. One sample is tested while being subjected to air currents having temperatures between 50 and 65 degrees Fahr, and a velocity of approximately 55 miles per hour. The other sample is tested under the same general conditions except that the air currents are approximately forty miles per hour.

(e) Burning Brand Tests: Samples are subjected to burning brand tests in which the upper surface of the roof covering under investigation is subjected to direct application of a glowing brand 36 inches square: one sample being tested while subjected to air currents having temperatures between 50 and 65 degrees Fahr, and a velocity of approximately 5 miles per hour, and the other sample tested under the same conditions except that the air currents are approximately 40 miles per hour. The glowing brand shall be made of at least ten strips of seasoned hard maple 2 inches square by 3 feet long formed into a frame or grid with a 1¼-inch space between strips. The complete grid shall be thoroughly ignited and burning before application to the roof sample, which later shall extend on the side at least 18 inches beyond the edge of the grid.

Sec. 11. It shall be unlawful for any person, firm or corporation to store, handle, or maintain any roof covering material in the City of Indianapolis, for the purpose of sale to place same on the roofs of any building or structure in the City of Indianapolis which does not comply with the requirements of this ordinance.

Sec. 12. Penalties: Any person firm or corporation who shall violate any provision of this ordinance shall upon conviction thereof be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred, (\$100.00) dollars for each offense, to which may be added imprisonment not exceeding ninety (90) days.

Sec. 13. This ordinance shall be in force and effect from and after its passage and publication as required by law.

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

By Mr. Schmidt:

Special Ordinance No. 9, 1920.

An Ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said City and fixing a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the boundry lines of the City of Indianapolis be and the same are hereby extended so as to include the following described

contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis in Marion County, Indiana, to-wit:

"Beginning at the present corporation line of the City of Indianapolis, Indiana, at a point two hundred (200) feet North of the South line of Forty-sixth (46th) Street and running thence West, parallel to, and two hundred (200) feet distant from said South line of Forty-sixth (46th) Street to a point two hundred (200) feet West of the East line of Sunset Avenue; thence South, parallel to, and two hundred (200) feet West of said East line of Sunset Avenue to a point one hundred seventy-five (175) feet South of the center line of Forty-fourth (44th) Street; thence East, parallel to, and one hundred seventy-five (175) feet South of said center line of Forty-fourth (44th) Street, to the center line of Boulevard Place, the present corporation line of the City of Indianapolis, Indiana; thence North on said Center line of Boulevard Place and said corporation line, to a point two hundred (200) feet North of the South line of Forty-sixth (46th) Street, the place of beginning," which said territory hereby annexed is more particularly described as follows, to-wit:

"Beginning at the present corporation line of the City of Indianapolis at a point 175 feet North of the Northwest corner of the n. e.  $\frac{1}{4}$  of the n. e.  $\frac{1}{4}$  of Sec. 14, Twp. 16 N. R. 3 E. and running thence west, parallel to, and 175 feet distant from the N. line of said Sec. 14, to a point 175 feet west of the west line of the N. E.  $\frac{1}{4}$  of said Sec. 14; thence South, parallel to, and 175 feet distant from said East  $\frac{1}{4}$  Sec. line to a point 175 feet south of the south line of the north  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$  of said Sec. 14; thence East, parallel to, and 175 feet distant from said  $\frac{1}{2}$  quarter Sec. line to the west line of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of said Sec. 14, the same being the present corporation line of the City of Indianapolis; thence north with said west line of said  $\frac{1}{4}$  Sec. to a point 175 feet North of the N. W. Corner of said N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of said Sec. 14, to the place of beginning."

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Commercial a daily newspaper of general circulation printed and published in said city of Indianapolis.

Which was read a first time.

Mr. Brown moved that the rules be suspended and Special Ordinance No. 9, 1920, 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. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Brown called for Special Ordinance No. 9, 1920, for second reading. It was read a second time.

Mr. Brown moved that Special Ordinance No. 9, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 9, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

#### ORDINANCES ON SECOND READING.

Mr. Furniss called for General Ordinance No. 119, 1919, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 119, 1920, be amended as recommended by the committee. Carried.

Mr. Furniss moved that General Ordinance No. 119, 1920, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 119, 1919, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Brown, Carnefix, Furniss, Müller, Peake and President G. G. Schmidt.

Noes, 2, viz.: Messrs. Kirsch and Pettijohn.

Mr. Furniss called for General Ordinance No. 25, 1920, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 25, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.



General Ordinance No. 25, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Peake called for General Ordinance No. 22, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 22, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 22, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Peake called for General Ordinance No. 16, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 16, 1920, be stricken from the files.

The roll was called and General Ordinance No. 16, 1920, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Peake called for Appropriation Ordinance No. 4, 1920, for second reading. It was read a second time.

Mr. Peake moved that Appropriation Ordinance No. 4, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 4, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Peake called for Appropriation Ordinance No. 5, 1920, for second reading. It was read a second time.

Mr. Peake moved that Appropriation Ordinance No. 5, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 5, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

Mr. Kirsch called for General Ordinance No. 24, 1920, for second reading. It was read a second time.

On motion of Mr. Furniss, the Clerk was instructed to refer General Ordinance No. 24, 1920, to the Board of Public Works, that the contract contained in same might be properly corrected.

Mr. Carnefix called for General Ordinance No. 18, 1920, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 18, 1920, be amended as recommended by the committee. Carried.

Mr. Carnefix moved that General Ordinance No. 18, 1920, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 18, 1920, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and President G. G. Schmidt.

On motion of Mr. Brown the Clerk was instructed to communicate with the Board of Public Safety in regard to having the Ordinance concerning the blocking of crossings by railroad trains properly enforced.

On motion of Mr. Brown the Common Council at 9:40 o'clock P. M. adjourned.

A handwritten signature in cursive script, appearing to read "G. Schmidt", followed by a horizontal line.

*President.*

Attest:

A handwritten signature in cursive script, appearing to read "J. W. Bell", followed by a horizontal line.

*City Clerk*