

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, April 16, 1917.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, April 16, 1917, at 7:30 o'clock in regular session, President Michael J. Shea in the chair.

Present: The Hon. Michael J. Shea, President of the Common Council, and 8 members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor and Graham.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 5, 1917.

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

GENTLEMEN—I have approved and signed General Ordinance No. 31-1917, the same being an ordinance entitled,

“An ordinance authorizing the City Controller to make a temporary loan of One Hundred Thousand Dollars (\$100,000.00) in anticipation of current revenues, appropriating One Hundred and One Thousand Five Hundred Dollars (\$101,500.00) for payment of the same, 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., April 7, 1917.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Special Ordinance No. 4, 1917, the same being an ordinance entitled, “An ordinance changing the name of Marlowe Avenue from Dorman Street to Arsenal Avenue to New York Street, and changing the name of New York Street from Dorman Street to Arsenal Avenue to Marlowe Avenue.”

2. Appropriation Ordinance No. 7, 1917, the same being an ordinance entitled,

"An ordinance appropriating the sum of \$65.00 to the Department of Finance for the purpose of refunding the same to Charles S. Lewis."

3. Appropriation Ordinance No. 8, 1917, the same being an ordinance entitled,

"An ordinance appropriating Twenty-Three Hundred Dollars to pay for the publication of the municipal code, with appendix and index, and to provide for the sale and distribution thereof."

4. General Ordinance No. 16, 1917, the same being an ordinance entitled,

"An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Fortieth Street from the east property line of College Avenue to the west property line of Winthrop Avenue except crossing of Carrollton and Guilford Avenues by paving the roadway with wooden block, asphalt, bituminous concrete or brick, as provided for under Improvement Resolution No. 8768, adopted January 8, 1917."

5. General Ordinance No. 21, 1917, the same being an ordinance entitled,

"An ordinance amending the last clause of Section 548 of General Ordinance No. 12, 1917."

6. General Ordinance No. 23, 1917, the same being an ordinance entitled,

"An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Highland Avenue from north property line of Marlowe Avenue to south property line of Michigan Street running west except crossing of New York Street with wooden block, asphalt, bituminous concrete or brick, as provided for under Improvement Resolution No. 8816, adopted on the 2nd day of February, 1917."

7. General Ordinance No. 24, 1917, the same being an ordinance entitled,

"An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Adelaide Street from the north property line of Ohio Street to the south property line of New York Street by paving the roadway with wooden block, asphalt, bituminous concrete or brick, and curbing same, as provided for under Improvement Resolution No. 8794, adopted January 24, 1917."

8. General Ordinance No. 26, 1917, the same being an ordinance entitled,

"An ordinance concerning the compensation of teamsters employed by the City of Indianapolis, repealing all ordinances in conflict therewith, and fixing a time when the same shall take effect."

9. General Ordinance No. 27, 1917, the same being an ordinance entitled,

"An ordinance to amend Sub-division 35 under sub-head 'Vehicles' of Section 3 of General Ordinance No. 74, 1916, passed December 29, 1916, and approved December 30, 1916."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

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

GENTLEMEN—Owing to the fact that an organization has been formed in this City growing out of the meeting called last week in the Mayor's office

in the City Hall of prominent citizens of Indianapolis, to the end that vacant ground may be converted into garden plots for the use of families of the City that may become interested therein, which organization is in charge of a Committee of which Mr. Franklin Vonnegut is the Chairman, and is known as "The Patriotic Gardners' Association." And owing to the fact that the work of this organization will be of great benefit to many families of the City who are seriously affected by the high cost of food stuffs, its success will greatly relieve the City in caring for many persons that might otherwise be in need of aid during the coming winter.

The Attorney General of the State has rendered an opinion to the Governor to the effect that it is lawful for the Common Council to appropriate funds to aid in this movement.

At a meeting of the Mayors of the State of Indiana held last week at the State House, it was decided to institute a plan of vacant lot gardening throughout all cities of the State, and to appropriate funds from the City Treasury to aid in the matter.

I have therefore asked the City Controller to request the Common Council to appropriate the sum of Two Thousand Dollars (\$2 000 00) for the use of the Committee having charge of the "Patriotic Gardners' Association" in the City of Indianapolis, and I earnestly hope that this Ordinance appropriating this money will receive the immediate and favorable consideration of your Honorable Body, and that the Ordinance will be unanimously passed under a suspension of the rules.

Owing to the fact that the time for garden planting is now at hand it is extremely important that funds for this movement be available at once.

Owing to the trying conditions that will grow out of the fact that the country is in a state of war we should do everything in our power to relieve the hardships that are sure to follow and an appropriation of the sum requested will be only the performance of a patriotic duty which we owe to this community and the country at large.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT.

CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

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

GENTLEMEN—Some days ago Mr. George N. Murdock, Special Agent of the Department of Justice of the United States, called my attention to the fact that owing to there being no law of any kind whereby persons could be punished who manifest their disloyalty to their country by speaking in disrespectful or scandalous terms of the President of the United States or of the Army or Navy of our country, or who might attempt to interfere with those engaged in aiding the government in preparing for war, he found great difficulty in being able to deal with situations growing out of the acts of persons guilty of such disloyal conduct.

Mr. Murdock requested me to ask the Common Council of the City to pass an ordinance covering this situation. I, therefore, hand you herewith a form of ordinance prepared by the Legal Department of the City concerning this matter, and I, therefore, request your Honorable Body to

give consideration to this matter and I earnestly hope that this ordinance will receive the unanimous vote of the Common Council and that such ordinance will be passed immediately.

Yours very truly,

J. E. BELL,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller :

FINANCE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

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

GENTLEMEN—I enclose herewith a letter from the Mayor asking for an appropriation of \$2,000.00 to assist the Patriotic Gardners' Association in raising food stuffs in the City of Indianapolis during the food crisis of 1917. I recommend an ordinance appropriating \$2,000.000, which I submit, and I ask you to pass the same under suspension of rules as it is very important that planting begin as quickly as possible.

I also submit and recommend an ordinance appropriating \$300.00 to the Legal Department for Changes of Venue and a letter from Corporation Counsel explaining the same.

Resepctfully,
R. H. SULLIVAN,
City Controller.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

Mr. Reginald H. Sullivan, City Controller, Indianapolis, Indiana:

DEAR SIR—Owing to the conditions which will result from the country being in a state of war, the price of food stuffs will become a very serious one in this city within the next few months unless steps are taken to guard against the hardships that will grow out of this situation.

The high cost of living is presenting a serious problem to every wage earner.

A few days ago a Committee was called in the Mayor's office in the City Hall for the purpose of considering this matter, and a Committee was appointed which has formed an organization known as the "Patriotic Gardners' Association" which is endeavoring to organize the different localities in the City of Indianapolis, to the end that vacant lots may be cultivated for garden purposes, and as a part of this plan, an effort is being made to induce the heads of families to take an interest in the planting of gardens so that each family can provide its own vegetables from the garden-cultivated.

At a meeting of the Mayors of Indiana held last Wednesday, it was decided that this plan should be followed in every city in the State of Indiana.

The Attorney General has given an opinion to Governor Goodrich to the effect that it is lawful for the Common Council to appropriate money from the General Fund of the City for the support of this movement.

Owing to the fact that the time for garden planting is now at hand it is necessary that this work be put under way immediately and money must be provided with which to aid in defraying the expenses of this organization in order that the various garden plots can be plowed, and their cultivation started.

I, therefore, deem it proper that the Common Council which meets tonight should be asked to appropriate the sum of Two Thousand (\$2,000.00) Dollars to be expended upon the order of the Committee having charge of the work of the "Patriotic Gardners' Association" of which Committee Franklin Vonnegut is the Chairman.

I suggest that the appropriation of this sum be requested by you to be made to the Board of Public Works to be expended upon vouchers drawn by the order of said Committee having charge of the "Patriotic Gardners' Association," or the Chairman thereof.

I, therefore, ask that you send a communication to the Common Council recommending the appropriation of this sum.

Yours very truly,

J. E. BELL,
Mayor.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

Hon. Reginald H. Sullivan, City Controller, City Hall, City:

DEAR SIR—The change of venue fund of this department is now \$124.52. There are unpaid accounts of \$200.00 to Hord and Adams of Shelbyville, Ind., for assistance in litigation taken there on change of venue; and Otis E. Gully of Danville for \$50.00 for the same character of service. There will be probably \$300.00 more before the year is closed.

I would, therefore, be pleased to have you recommend an appropriation to this department for change of venue expense in the sum of \$300.00.

The appropriation to this fund for the present year was \$500.00 the expenditures have been as follows:

Hord & Adams—Professional services in case of City of Indianapolis v. Home Brewing Company, taken on change of venue to Shelby County	\$200.00
Wm. Riley—Three days' mileage to Franklin Ind., in case of James Smelser v. City, taken on change of venue to Johnson county---	5.00
Otis E. Gully—Attorney's fee on change of venue in case of Glenn v. Perrott, Board of Safety, et al. Taken on change of venue to Danville, Ind.	25.00
Paul G. Davis—Expenses of trip to Noblesville in case of Rick v. City, taken to Noblesville on change of venue	2.75
Walter Myers—Expenses to Shelbyville in case of Lizemby v. City, taken on change of venue to Shelby County.....	10.88

S. C. Kivett, Atty.—Professional services in case of Reibel v. City, taken on change of venue to the Morgan Circuit Court-----	25.00
Russell J. Ryan—Witness fees in case of Rick v. City, taken on change of venue to Noblesville. Bert Perrott, \$1.10; Chas. Brown, \$2.05; Mr. Zimmerman, \$1.10-----	4.25
Russell J. Ryan—Expenses to Noblesville in case of Rick v. City, taken on change of venue to Hamilton County-----	2.60
Shirts & Fertig—Professional services in re Jacob A. Rick v. City of Indianapolis, taken on change of venue to Noblesville-----	100.00
	<u>\$375.48</u>

Yours truly,

WM. A. PICKENS,
Corporation Counsel.

From the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 16, 1917.

To the Honorable Common Council, City of Indianapolis:

GENTLEMEN—I am directed to submit for your consideration and approval an ordinance approving a certain contract granting the Indianapolis Union Railway Company the right to lay and maintain two additional tracks across East Tenth Street; one additional track across East Thirteenth Street and one additional track across East Sixteenth Street.

This ordinance is submitted in triplicate, with accompanying blue-prints, showing in detail the location of the proposed additional tracks.

Very truly yours,

JOSEPH P. TURK,
Clerk, Board of Public Works.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE CITY CIVIL ENGINEER.

INDIANAPOLIS, IND., April 3, 1917.

Honorable Jos. E. Bell, Mayor City of Indianapolis:

DEAR SIR—I am submitting to you a draft of an ordinance for annexing territory between 12th Street and the abutting property of the Crawfordsville Road and between the present City Limits on the east and Tibbs Avenue on the west. This territory is being developed and will become a part of the 10th Street main sewer district.

Very truly yours,

B. J. T. JEUP,
City Civil Engineer.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Works:

INDIANAPOLIS, IND., April 16, 1917.

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. 2, 1917, entitled "An ordinance authorizing the sale of certain real estate belonging to the City of Indianapolis," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,
W. TODD YOUNG,
A. D. PORTER,
EDWARD P. BARRY,
EDWARD R. MILLER.

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

From the Committee on Public Safety:

INDIANAPOLIS, IND., April 16, 1917.

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. 55, 1916, entitled "An ordinance amending Part 16, Section 264, of the Building Code of the City of Indianapolis, known as General Ordinance No. 72, 1912," beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed:

Respectfully,

EDWARD P. BARRY,
A. D. PORTER,
EDWARD R. MILLER,
THOMAS C. LEE,
ED MCGUFF.

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

From the Committee on City's Welfare:

INDIANAPOLIS, IND., April 16, 1917.

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. 28, 1917, entitled "An ordinance relating to public vehicles, repealing all ordinances and parts of ordinances in conflict therewith, and providing when the same shall take effect," be leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

Respectfully submitted,

EDWARD R. MILLER,
ED. MCGUFF,
EDWARD P. BARRY,
JOHN F. CONNOR.

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

From the Committee on City's Welfare:

INDIANAPOLIS, IND., April 16, 1917.

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. 29, 1917, entitled "An ordinance fixing license fees to be charged for vehicles used on the streets, for carrying on certain businesses, for following certain occupations and for keeping certain animals, providing for a system of licenses to be issued by the Controller, repealing all ordinances in conflict herewith, and providing when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

Respectfully submitted,

EDWARD R. MILLER,
ED MCGUFF,
EDWARD P. BARRY,
JOHN F. CONNOR.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

Appropriation Ordinance No. 9, 1917. An ordinance appropriating the sum of Two Thousand (\$2,000.00) Dollars to the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis that the sum of Two Thousand (\$2,000.00) Dollars be and is hereby appropriated to the Department of Public Works to be expended upon vouchers of said department drawn upon vouchers of the Committee having charge of the "Patriotic Gardners' Association," or the Chairman of said Committee.

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

Which was read a first time.

Mr. Porter moved that the rules be suspended and Appropriation Ordinance No. 9, 1917, be placed upon its passage.

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

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

Mr. Porter called for Appropriation Ordinance No. 9, 1917, for second reading. It was read a second time.

Mr. Porter moved that Appropriation Ordinance No. 9, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 9, 1917, was read a third time and passed by the following vote :

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

By City Controller :

Appropriation Ordinance No. 10, 1916. An ordinance appropriating \$300.00 to the Department of Law for Change of Venue, 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 there be and hereby is appropriated the sum of Three Hundred (\$300.00) Dollars to the Department of Law for expenses of Changes of Venue.

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.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Lee (by request) :

General Ordinance No. 34, 1917. An ordinance providing for the regulation and installation of flues and chimneys to be used in connection with gas burning appliances in apartments, tenements and dwellings.

Flue Connections for Water Heaters, Etc.—Be it ordained by the Common Council of the City of Indianapolis, that all water heaters, portable grates, heaters, hot plates, stoves or ranges using gas for fuel which may be hereafter installed in any portion or part of any tenement, apartment or dwelling hereafter erected, constructed or remodeled within the corporate limits of the City of Indianapolis, shall be provided with and connected to a flue or chimney in one of the following prescribed manners, to-wit :

(a) All such water heaters, grates, heaters, stoves or ranges must be directly connected with metal, brick, concrete or terra cotta flues or chimneys by smoke pipes passing through flue or chimney thimbles of not less than three inches in internal diameter. Provided, however, that when this method is followed such metal, brick, concrete or terra cotta flues or chimneys shall be provided and equipped with a suitable and efficient ventilating device so constructed and installed as to prevent down draft and to remove the products of the combustion of the gas in such water heaters, grates, heaters, stoves or ranges from such portions or parts of such tenement, apartments or dwellings, or

(b) All such water heaters, grates, heaters, stoves or ranges must be provided with permanent hoods. Such hoods shall be directly connected with metal, brick, concrete or terra cotta flues by a smoke pipe passing through thimbles in such flues or chimneys which thimbles shall have an internal diameter of not less than three inches.

Gas Hot Plates—Gas hot plates must be provided with permanent hoods of an area of not less than the area of the top of such hot plate, and such permanent hoods shall be connected with metal, brick, concrete or terra cotta flues or chimneys by means of smoke pipes of not less than three inches internal diameter.

Size of Flues—All flues or chimneys used in connection with water heaters, grates, heaters, hot plates, stoves or ranges using gas for fuel, shall be of not less than twenty square inches in area and when constructed of metal shall be topped with a metal cap of sufficient size to exclude rain and snow.

Location of Flue Thimbles—All thimbles in metal, brick, concrete or terra cotta flues or chimneys used in connection with water heaters, portable grates, heaters, hot plates stoves or ranges, using gas for fuel shall be

located in such flues a distance of not less than twelve inches below the ceiling line and at least six feet above the floor line.

Penalty—Any Person, firm, corporation or agent who shall violate any provisions of this ordinance shall be subject upon conviction thereof to a fine of not less than \$10 or more than \$100 for each offense, or upon failure to pay may be imprisoned until such fine is paid not exceeding ninety days. The continued violation of any provisions herein shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

Repeal—All ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

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

By the Mayor:

General Ordinance No. 32, 1917. An ordinance relating to conduct of persons towards the government of the United States of America.

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

SECTION 1. It shall be unlawful for any person, in the presence or hearing of any other person, to do any act, make any sign or gesture, or say or write any word expressing disrespect or contempt for, defiance of, or disloyalty to, the government of the United States of America.

SECTION 2. It shall be unlawful for any person, in the presence or hearing of any other person, to do any act, make any sign or gesture, or speak or write any scurrilous, indecent, vile, or profane word or words concerning the President of the United States of America or, in time of war of the United States with any other country or government, any word or words expressing disrespect or contempt for, or defiance of, the President or the army or navy of the United States of America.

SECTION 3. It shall be unlawful for any person to publish or circulate, or transmit by mail or otherwise, or have in his possession for the purpose of publication, circulation, transmission by mail or otherwise, any written or printed matter, whether of words, signs, or pictures, in any form, that expresses disrespect or contempt for, defiance of, or disloyalty to the government of the United States of America.

SECTION 4. It shall be unlawful, while a state of war exists between the United States of America and any other country, nation or government, for any person to publish, circulate or transmit by mail or otherwise, or have in his possession for the purpose of publishing, circulating or transmitting by mail or otherwise, any written or printed matter, whether word, sign or picture, in any form that expresses disrespect or contempt for, or defiance of, the President of the United States of America.

SECTION 5. It shall be unlawful to incite, urge or advise strikes or disturbances by or among the workmen in any factory, shop or mill or other concern making any munition or munitions for the Government of the

United States of America or the allies of the United States or in any factory, shop or mill which in time of war has been offered to the service of the United States, or in any factory, shop or mill engaged in the manufacture of food or drug products, in time of war, or in any public utility or public service company, in time of war, where such strike or disturbance might tend to embarrass or interfere in any way with the carrying out of purposes of the United States, or in any way assist or encourage the enemies of the United States.

SECTION 6. Any person violating any of the provisions of this ordinance, upon conviction, shall be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment for a term not exceeding six months.

Which was read a first time.

Mr. Connor moved that the rules be suspended and General Ordinance No. 32, 1917, be placed upon its passage.

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

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

Mr. Connor called for General Ordinance No. 32, 1917, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 32, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 32, 1917, was read a third time.

Mr. Barry moved that the Council take a recess of five minutes to consider the ordinance.

The roll was called and the motion to take a recess carried by the following vote :

Ayes, 7, viz.: Messrs. Barry, McGuff, Miller, Porter, Lee, Connor and President Michael J. Shea.

Noes, 2, viz.: Messrs. Young and Graham.

At 8:35 o'clock P. M. President Shea called the Council to order, all members being present.

By Mr. Barry:

MR. PRESIDENT—I move that section 5 of General Ordinance No. 32, 1917, be amended by adding after the last line of said section, the following:

Provided, Nothing in this section shall be construed to abridge the right of men or women to strike to resist arbitrary reductions in wages, arbitrary lengthening of working hours or arbitrary changes in working conditions during the existence of the state of war.

EDWARD P. BARRY,

Mr. Barry moved the adoption of the amendment; seconded by Mr. Lee.

The roll was called and the motion to amend General Ordinance No. 32, 1917, was lost by the following vote:

Ayes, 2, viz.: Messrs. Barry and Lee.

Noes, 7, viz.: Messrs. Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

The roll was called and the President declared General Ordinance No. 32, 1917, passed by the following vote:

Ayes, 7, viz.: Messrs. Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, 2, viz.: Messrs. Barry and Lee.

Mr. Barry raised the point of order that the ordinance was not passed, as an ordinance could not be passed at the same meeting or on the same day in which it was introduced except by a unanimous vote in its favor.

The President decided Mr. Barry's point of order was not well taken and that the ordinance was passed.

Mr. Barry appealed from the decision of the Chair.

The President called Mr. Connor to the chair. Mr. Barry read from the Acts of 1905, page 245, Section 52, "No ordinance shall be passed on the same day, or at the same meeting, that it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members-elect of the Council," and therefore the ordinance, not having received the unanimous vote of all members present, was not passed.

Mr. Shea made no statement.

The decision of the chair was sustained by the following vote:

Ayes, 7, viz.: Messrs. Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, 2, viz.: Messrs. Barry and Lee.

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 33, 1917. An ordinance approving a certain contract granting The Indianapolis Union Railway Company the right to lay and maintain additional tracks across East Tenth Street and East Thirteenth Street and East Sixteenth Street on Belt Railroad, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the ____ day of _____, 1917, The Indianapolis Union Railway Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—The undersigned respectfully petitions your Honorable Board to permit the construction and maintenance of additional tracks on the Belt Railroad as follows:

One track crossing East Sixteenth Street, said track to be parallel with and thirteen feet, center to center, west of the most westerly of the three tracks of the Belt Railroad now crossing said street.

One track, crossing East Thirteenth Street, said track to be parallel with and thirteen feet, center to center, west of the most westerly of the three tracks of the Belt Railroad now crossing said street.

One track, crossing East Tenth Street, said track to be parallel with and thirteen feet, center to center, east of the most easterly of the two tracks of the Belt Railroad now crossing said street.

One track, crossing East Tenth Street, said track to be parallel with and thirteen feet, center to center, west of the most westerly of the two tracks of the Belt Railroad now crossing said street.

Now, THEREFORE, This agreement, made and entered into this ____ day of _____, 19__., by and between The Indianapolis Union Railway Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right of way for additional tracks of the Belt Railroad across East Tenth Street, East Thirteenth Street and East Sixteenth Street in the City of Indianapolis, which are more specifically described as follows: in the petition hereinabove.

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, 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 tracks shall be laid upon such grades as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said tracks 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 tracks intersect East Tenth Street, East Thirteenth Street and East Sixteenth Street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossings 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 tracks, 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 tracks 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 tracks 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 tracks 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 sidetracks across East Tenth Street, East Thirteenth Street and East Sixteenth 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 ---- day of -----, 19-----.

THE INDIANAPOLIS UNION RAILWAY COMPANY,

By-----*Superintendent.*

Party of the First Part.

Witness :

CITY OF INDIANAPOLIS.

By-----*President.*

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 and referred to the Committee on City's Welfare.

By Mr. Miller :

Special Ordinance No. 5, 1917. An ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary line of said City, 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 the boundary 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, in the center of Olin Avenue at the south line of the right of way of the Peoria and Eastern Railway, now owned, used and operated by the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence north along the center of Olin Avenue to a point one hundred seventy (170) feet south of the center of the Crawfordsville Road; thence east parallel to and one hundred seventy ((170) feet south of the center of the Crawfordsville Road to the center of Warman Avenue; thence south along the center of Warman Avenue to the center of the first alley south of the Crawfordsville Road as platted in Arthur V. Brown's Riverside Park Addition to the City of Indianapolis; thence east along the center of the first alley south of the Crawfordsville Road as platted, to the east line of Arthur V. Brown's Riverside Park Addition to the City of Indianapolis; thence north along said east line of said Addition to a point one hundred seventy (170) feet south of the center of the Crawfordsville Road; thence east parallel to and one hundred seventy (170) feet south of the center of the Crawfordsville Road to a point in the center of the first alley west of Bismark Avenue, extended north; thence north along the center of the first alley west of Bismark Avenue, extended north, to the center of the Crawfordsville Road; thence east along the center of the Crawfordsville Road to the east line of the first road west of White River, known as the Lafayette Road, the present corporation line of the City of Indianapolis; thence in a south-eastwardly direction along the east line of said Lafayette Road, following the present corporation line, to the east line of Bismark Avenue, extended north; thence south along said extended line and along the east line of Bismark Avenue to the north line of Clark and Mick's Haughville Park Addition, the present corporation line; thence west along the north line of said Addition, the present corporation line, to the west line of the first alley west of Tremont Avenue; thence south along the west line of the first alley west of Tremont Avenue, following the present corporation line, to a point in the center of Twelfth Street (formerly Clark Street), said point being 1,294 feet north of the center of Tenth Street; thence west with the center line of said Twelfth Street; extended in a straight line, following the present corporation line, to the center of Tibbs Avenue; thence south along the center of Tibbs Avenue, the present corporation line, to the center of Tenth Street; thence west along the center of Tenth Street, the present corporation line, to the south line of the right of way of the Peoria and Eastern Railway, now known as the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence in a northwestwardly direction along the south line of said right of way, following the present corporation line, to the center of Olin Avenue, the place of beginning.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indiana Daily Times, a daily newspaper of general circulation, printed and published in said City of Indianapolis.

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

ORDINANCES ON SECOND READING.

By Mr. Miller:

INDIANAPOLIS, IND., April 16, 1917.

MR. PRESIDENT—I move that General Ordinance No. 28 and 29, 1917, be stricken from the files.

EDWARD R. MILLER.

The roll was called and General Ordinance No. 28, 1917, and General Ordinance No. 29, 1917, were stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, 1, viz.: Mr Lee.

Mr. Barry moved that General Ordinance No. 17, 1917, be stricken from the files.

The roll was called and General Ordinance No. 17, 1917, was stricken from the files by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

Mr. Barry moved that General Ordinance No. 18, 1917, be stricken from the files.

The roll was called and General Ordinance No. 18, 1917, was stricken from the files by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

Mr. Barry moved that General Ordinance No. 55, 1916, be stricken from the files.

The roll was called and General Ordinance No. 55, 1916, was stricken from the files by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

Mr. Connor called for General Ordinance No. 2, 1917, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 2, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 2, 1917, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Connor, Graham and President Michael J. Shea.

On motion of Mr. Lee the Common Council, at 9:00 o'clock P. M., adjourned.

Michael J. Shea

President.

ATTEST:

Thomas P. Day

City Clerk.