

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, November 16, 1903.

The Common Council of the City of Indianapolis met in the Council Chamber Monday evening, November 16, 1903. at 7:45 o'clock in regular session, Vice-President W. A. Rhodes in the chair.

The roll was called.

Present, 14 members, viz.: Cottey, Crall, Davis, Fishback, Gasper, Hofmann, Linus, Murray, Shea, Storm, Sullivan, Uhl, Wolsifer, Wright.

Absent, 7, viz.: Cooper, Eppert, Krause, Moriarity, Shea, Wahl, President J. H. Billingsley.

Messrs. Moriarity, Shea and Eppert entered the Council meeting later and took their seats.

On motion of Mr. Crall the reading of the Journal was dispensed with.

## COMMUNICATIONS FROM CITY OFFICERS.

From the Mayor:

## EXECUTIVE DEPARTMENT,

City of Indianapolis.

November 16, 1903.

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

Gentlemen: I have signed and approved the following ordinances:

General Ordinance No. 62—1903: "An ordinance changing the name of a portion of Chambers street, and fixing the time when same shall take effect."

Appropriation Ordinance No. 18—1903: "An ordinance appropriating the sum of \$6,925.00 to the Department of Public Works of the City of Indianapolis, Ind., for Engineer's Salaries from October 1 to December 31, 1903, to meet a deficiency."

General Ordinance No. 64—1903: "An ordinance for the transfer of money heretofore appropriated to and for the use of the Department of Public Works from the 'bridges' fund to the funds for 'Repairing Permanently Improved Streets,' 'Brightwood Water Works,' and 'Blank Books, Printing and Stationery,' and fixing the time when the same shall take effect."

General Ordinance No. 65—1903: "An ordinance ratifying, confirming and approving a certain contract made and entered into on the 26th day of October, 1903, between the City of Indianapolis by and through its Board of Public Works, and the Indiana Union Traction Company."

Respectfully yours,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

INDIANAPOLIS, November 14, 1903.

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

Gentlemen: I have called you together to present the necessity of an additional appropriation for Miscellaneous Expenses of City Offices, the details of which are set forth in the letter to me from the City Comptroller. I concur in his recommendation of an additional appropriation of \$3,000.00, and submit an ordinance for that purpose herewith.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

INDIANAPOLIS, November 11, 1903.

Hon. John W. Holtzman, Mayor:

I request you to call a special meeting of the Common Council for Saturday evening of this week (November 14), for presentation of an ordinance to replenish the appropriation for Miscellaneous Expenses of City Officers. This fund covers expenses, not otherwise provided for, of the various offices, including the printing for the Common Council.

The appropriation for this purpose was \$3,000.00, and there remained unexpended on October 15, 1903, \$154.26. There have been presented to me the following bills, payable out of said appropriation:

<i>Central Telephone Co.</i>	
Mayor's office, June 1, 1902, to October 31, 1903, @ \$7 per mo. ....	\$119.00
Mayor's office, tolls .....	1.30
City Clerk's office, July 1, 1902, to December 31, 1903.....	126.00
Comptroller's office, December 1, 1902, to December 31, 1903.....	89.68
<i>Levey Bros.—</i>	
Mayor's office, stationery, etc., August 4, 1902, September 8, 1903, October 2, 1903 .....	18.00
Police Court, stationery, etc., October 1 and 9, 1903.....	11.00
Clerk's office, stationery, etc., October 18, 1902, to August 24, 1903..	158.35
Clerk's office, Council printing, July 7 to October 21, 1903.....	300.94
<i>Sentinel Printing Co.—</i>	
Council, Redistricting Ordinance .....	735.00
<i>Journal Printing Co.—</i>	
Council, Redistricting Ordinance .....	735.00
<i>Ed Lowry.—</i>	
Mayors' office, stationery, October 1, 1903.....	15.25
Total .....	\$2,310.52

Some of these bills ought to be paid, but of course it is impossible to do so without an additional appropriation; and without a special Council Meeting it will be impossible to get an appropriation ordinance through

before next month. In addition to the bills presented and the necessary expenses for the remainder of the year, the payment for printing the annual reports for 1902, which have not yet been printed, will have to be paid out of this appropriation. The reports for 1901 cost \$866.50, and this was paid out of the 1903 appropriation, which may account in part for the present condition of the appropriation. I have no means of knowing what other old bills may be presented; but, under the circumstances, would recommend an appropriation of \$3,000.00.

Very respectfully,

J. P. DUNN,  
City Comptroller.

Which was read and referred to the Finance Committee.

REPORTS FROM CITY OFFICERS.

From the City Comptroller:

INDIANAPOLIS, November 14, 1903.

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

Gentlemen: I recommend an additional appropriation to the Department of Finance of \$3,000 for Miscellaneous Expenses of City Officers, for the reasons set forth in my communication to the Mayor, which he has submitted to you.

Respectfully,

J. P. DUNN,  
City Comptroller.

Which was read and referred to the Finance Committee.

INDIANAPOLIS, November 16, 1903.

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

Gentlemen: I submit herewith request of the Board of Safety for the transfer of \$300 from the "Electrical Department" appropriation for the Station House to the "Incidental Expenses" appropriation. I recommend that the transfer be made, and inclose ordinance for that purpose.

Respectfully submitted,

J. P. DUNN,  
City Comptroller.

Which was read and referred to the Finance Committee.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, November 9, 1903.

To the President and Members of the Common Council:

Gentlemen: I am directed by the Board of Public Works to transmit to you for your consideration and action a certain contract entered into this 9th day of November, 1903, with the Indianapolis Union Railway Company

and the City of Indianapolis, by and through its Board of Public Works, giving said railway company the right to lay additional main and side tracks across Keystone avenue.

Respectfully yours,

W. R. WILLIAMS,  
Clerk Board of Public Works.

Which was read and referred to the Committee on Railroads.  
From the Board of Public Safety:

INDIANAPOLIS, November 5, 1903.

Mr. Jacob P. Dunn, City Comptroller:

Dear Sir: The Board of Public Safety, at its meeting to-day, directed me to respectfully request you to recommend to the Common Council the transfer to the Incidental Fund Station House Accounts, three hundred dollars (\$300.00), that can be spared from the Electrical Department Fund.

The balance in the Incidental Fund at present is only \$72.40, and it is imperative that means be provided to purchase various supplies for the next two months, as all supplies not classified come from this fund, such as horseshoeing, harness and repairs, printing and stationery, sawdust, hauling ashes, laundry and all other supplies.

Respectfully,

E. C. McLAUGHLIN,  
Secretary.

Which was read and referred to the Committee on Finance.

## REPORTS FROM STANDING COMMITTEES.

### FINANCE COMMITTEE.

By Mr. Gasper:

INDIANAPOLIS, November 16, 1903.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Finance, to which was referred General Ordinance No. 66, 1903, have had same under consideration, and would respectfully recommend that same-do pass.

J. L. GASPER,  
W. A. RHODES,  
J. H. CRALL,  
FRANK S. FISHBACK,  
M. J. SHEA,  
Finance Committee.

Mr. Gasper moved that report be concurred in. Carried.

### INTRODUCTION OF APPROPRIATION ORDINANCES.

By Mr. Gasper for Board of Public Safety:

Appropriation Ordinance No. 19—1903: "An ordinance appropriating the sum of Three Thousand Dollars (\$3,000.00) to and for the use of the

Department of Finance of the City of Indianapolis, and fixing the time when the same shall take effect."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, that there is hereby appropriated from any moneys in the general fund not otherwise appropriated to and for the use of the Department of Finance, the sum of Three Thousand Dollars (\$3,000.00), for Miscellaneous Expense of City Offices.

Section 2. This ordinance shall take effect, and be in force from and after its passage.

Which was read and referred to the Committee on Finance.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Moriarity :

General Ordinance No. 69—1903: "An ordinance empowering the Mayor to employ attorneys at law to revise and codify all existing city ordinances."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the City Attorney of said city, Henry Warrum, be and he is hereby directed, authorized and empowered to employ, at the expense of said city, two attorneys at law, both of whom shall not belong to the same political party, to make a complete revision and codification of all the ordinances of said city which are now in force and which are not inconsistent with the terms and provisions of the act of the Legislature of Indiana for the incorporation of cities having more than one hundred thousand inhabitants, approved March 6, 1891.

Said revision and codification shall be made to the approval of the said City Attorney, Henry Warrum, and shall contain said charter and such other laws as are alone especially applicable to cities of this State having one hundred thousand inhabitants. The amount of compensation to be paid said attorneys shall not exceed the sum of twenty-five hundred dollars, to be paid out of the appropriation heretofore made, and it shall be their duty to supervise the printing thereof, read the usual proofs and prepare marginal notes and an index therefor, if the City Council shall order the said ordinances and laws printed. The City Comptroller may advance said attorneys out of their allowances such sums as they may actually expend in the preparation of said codification, said advancements not to be made until after January 1, 1904.

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

Which was read and referred to the Committee on Ordinances.

By Mr. Gasper for Board of Public Safety :

General Ordinance No. 70—1903: "An ordinance for the transfer of money heretofore appropriated to and for the use of the Department of Public Safety for the "Electrical Department" of the Station House to "Incidental Expenses" for the same, and fixing a time when the same shall take effect."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Ind., that from the fund heretofore appropriated to and for the use of the Department of Public Safety for "Electrical Department" of the Station House there be and hereby is transferred the sum of three hundred

dollars (\$300) to the fund for "Incidental Expenses" for the Station House.

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

Which was read and referred to the Committee on Finance.

By Mr. Gasper :

General Ordinance No. 71—1903: "An ordinance regulating processions and parades in the city of Indianapolis, and fixing the time when same shall take effect."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That before any parade or procession shall be given or had on the streets of the city of Indianapolis, the person or persons having such procession or giving such parade shall, at least — hours before the same starts, notify the Superintendent of Police of his or their intention to give such parade or procession, and advise him of the route of travel and the line of march to be taken.

Section 2. No parade or procession whose line of march crosses a street railway track or tracks, shall obstruct or block the street car traffic thereon for a period of time longer than five minutes; but after such traffic has been blocked for a period of five minutes, such procession or parade shall stop and make way for the passage of the street cars which have accumulated at such point of blockade during said period of five minutes. After the passage of such blockaded cars, it shall be lawful for such parade or procession to continue for another period of five minutes before they shall again give way to the passage of cars accumulated at such point during said period of blockade.

Section 3. The provisions of this ordinance shall not apply to funeral parades or processions.

Section 4. Any person or persons in charge or control of any parade or procession who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding \$20.00, together with the costs of prosecution.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall take effect and be in force from and after its passage, and publication one day each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation printed and published in the city of Indianapolis, Marion county, Indiana.

Which was read and referred to Committee on Public Safety and Comfort.

By Board of Public Works :

General Ordinance No. 72—1903: "An ordinance approving a certain contract granting the Indianapolis Union Railway the right to lay and maintain an additional first main, second main and one sidetrack or switch across Keystone avenue in the city of Indianapolis, Indiana."

Whereas, heretofore, to-wit: on the second day of November, 1903, the Indianapolis Union Railway Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

## PETITION.

INDIANAPOLIS, Indiana, November 2, 1903.

To the Board of Public Works of the City of Indianapolis:

Gentlemen: The undersigned, the Indianapolis Union Railway Company, respectfully petitions your honorable Board, asking permission to construct and maintain an additional first main (westbound) and second main (eastbound) track and one sidetrack on the northwest side of, parallel with, and fifty-two, thirty-nine and twenty-six feet distant, respectively, from its present first main track on its right-of-way across Keystone avenue in the City of Indianapolis. All as shown by the drawing attached hereto, filed herewith, and for greater certainty marked "Exhibit A."

Your privileges and authority herein requested shall be granted, upon such terms and conditions as may hereafter be agreed upon by contract.

Respectfully submitted,  
THE INDIANAPOLIS UNION RAILWAY CO.,

By A. A. Zion, Supt.

Now, therefore, This agreement, made and entered into this — day of ———, 1903, 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 an additional first main and second main tracks and one sidetrack across Keystone avenue in the city of Indianapolis, which is more specifically described in the petition of the said first party, hereto attached and made a part of this contract, hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said tracks upon 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 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 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 Keystone 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 such crossing or to be thereon, except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said tracks; and upon its 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 itself 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 it or said city.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract; provided, however, that the same may be terminated without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

Said party of the second part, by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters therewith connected and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional first main and second main track and one sidetrack on the northwest side of, parallel with, and fifty-two, thirty-nine and twenty-six feet distant, respectively, from its present first main track on its right of way across Keystone 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 November, 1903.

THE INDIANAPOLIS UNION RAILWAY COMPANY,

By James McCrea, President,  
Party of the First Part.

Witness:

J. L. MASON.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE,  
Board of Public Works.  
Party of the Second Part.

Approved:

BAKER & DANIELS, Attorneys I. U. Ry. Co.

And, *Whereas*, Said contract has been submitted by said 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 said contract above set forth be and the same is hereby in all things confirmed and approved.



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

Approved:

BAKER & DANIELS, Attorneys I. U. Ry. Co.

Which was read and referred to Committee on Railroads.

ORDINANCES ON SECOND READING.

Mr. Gasper called for G. O., No. 66, 1903, for second reading. Ordinance was read a second time.

On motion of Mr. Gasper, G. O. No. 66, 1903, was read a third time, ordered engrossed, and placed upon its passage. It was read a third time and passed by the following vote:

Ayes, 17, viz.: Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hoffmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolf-siffer, Wright.

Noes, none.

On motion of Mr. Crall, the Common Council, at 8:10 o'clock, adjourned.

*J. H. Billingsley*  
.....  
President.

ATTEST:

*W. M. Fogarty*  
.....  
City Clerk.