

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, May 18, 1914.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 18, 1914, at 7:30 o'clock, in regular session, President John F. Connor in the chair.

Present: The Hon. John F. Connor, President of the Common Council, and seven members, viz.: Messrs. Young, McGuff, Miller, Porter, Lee, Graham and Shea.

Absent: Mr. Barry.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 11, 1914.

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

GENTLEMEN—I have approved and signed General Ordinance No. 26, 1914, the same being an ordinance entitled, "An ordinance to amend Section 41 of the General Ordinance No. 72, 1912."

I return said ordinance herewith.

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

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 11, 1914.

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

GENTLEMEN—I return without my signature General Ordinance No. 21, 1914, the same being an ordinance entitled, “An ordinance for the regulation of street traffic in the City of Indianapolis, Indiana.”

I withhold my signature from this ordinance for the reason that it can not be enforced owing to the form in which it is drawn. The ordinance is invalid for the reason that there is no ordaining clause, which is a necessary part of any ordinance to give it force and effect.

The ordinance begins by going immediately into Article 1 without having been preceded by the usual form of “Be it ordained by the Common Council of the City of Indianapolis.”

The ordinance contains many splendid provisions and an ordinance of this character should be passed by the Common Council at the earliest possible time. However, many of the provisions contained in the present ordinance should be rewritten so as to make them definite and certain. As, for example, Sections 1 and 2 of Article 3 are mere recommendations or advice to pedestrians and do not define the duty of the pedestrians in any such manner as would permit of the enforcement of these provisions. Take, for example, Section 1 of Article 2 reads as follows:

“While pedestrians have the right to cross the street in safety, the streets are primarily intended for vehicles and they should therefore conform to any and all traffic regulations contributing to their own safety and by so doing will facilitate the moving of all traffic.”

The fact that this ordinance contains sub-divisions designated as Article 1 and Article 2, etc., with sub-sections under each article, will result in great confusion in the enforcement of the ordinance.

This ordinance seems to have been copied from the ordinance or traffic regulation of some other city, where the law is different from that which prevails in Indiana.

I, therefore, suggest that the ordinance be re-written, leaving out the sub-divisions designated as articles, and the different subjects indicated by sections numbered consecutively from the beginning to the end of the ordinance.

I regret my inability to approve this ordinance, as many of its provisions are greatly needed to facilitate the handling of traffic in this city.

Yours very truly,

J. E. BELL,
Mayor.

Mr. Porter moved that General Ordinance No. 21, 1914, be referred back to its author and that it be rewritten. Carried.

REPORTS FROM CITY OFFICERS.

From City Controller :

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 18, 1914.

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

GENTLEMEN—I submit herewith letter of the Board of Public Works requesting an appropriation of \$1,009.90 for Automobile Insurance. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully submitted,

J. P. DUNN,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 11, 1914.

Hon. J. P. Dunn, City Controller, City:

DEAR SIR—You are requested to recommend to the Common Council the passage of an ordinance appropriating \$1009.90 for fire, theft and liability insurance on the following automobiles :

- 4 Ford Runabouts ;
- 4 Buick Runabouts ;
- 2 Buick Trucks.
- 2 Kelly-Springfield Trucks.

Respectfully,
J. A. RINK,
JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works.

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 18, 1914.

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

GENTLEMEN—I submit herewith letter of the Board of Public Works requesting an appropriation of \$12,000 for a bridge over Pleasant Run at Minnesota Street. I recommend the appropriation, and inclose ordinance for that purpose.

Respectfully submitted,

J. P. DUNN,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 4, 1914.

Hon. J. P. Dunn, City Controller, Indianapolis, Ind.:

DEAR SIR—We respectfully request that you recommend to the Common Council the passage of an ordinance appropriating the sum of Twelve Thousand Dollars (\$12,000) for the construction of a bridge across Pleasant Run at Minnesota Street.

Yours truly,
J. A. RINK,
JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works.

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 18, 1914.

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

GENTLEMEN—I submit herewith letter of the Board of Public Works requesting an appropriation of \$500 for Automobile Maintenance. I recommend the appropriation, and inclose ordinance for that purpose.

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., April 15, 1914.

Hon. J. P. Dunn, City Controller, Indianapolis, Ind.:

DEAR SIR—You are respectfully requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$500 to the Automobile Maintenance Fund of the Department of Public Works, as we find it necessary to employ an additional man to take care of the automobiles.

Yours very truly,
J. A. RINK,
JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works.

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 18, 1914.

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

GENTLEMEN—I submit herewith letter from a committee of the G. A. R. asking the customary appropriation of \$225 for Memorial Day exercises. I recommend the appropriation and inclose ordinance for that purpose.

In order to be available, this ordinance should be passed at the present meeting, or at one called shortly.

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

INDIANAPOLIS, IND., May 18, 1914.

Hon. Jacob P. Dunn, Controller City of Indianapolis, City Hall, Indianapolis, Ind.:

DEAR SIR—We the undersigned, members of the Finance Committee of the General Memorial Committee of the G. A. R., having charge of the Memorial Day services in Indianapolis, respectfully ask yourself and the Council of the City of Indianapolis for an appropriation of two hundred and twenty-five dollars (\$225.00) for Memorial Day expenses, in accordance with the time-honored custom which has existed in this city continuously and unbroken since the year of 1895.

Sincerely yours,
ALBERT J. BALL,
N. M. TAYLOR,
J. R. FESLER,
NEWTON J. MCGUIRE,

Finance Committee of the General Memorial Committee.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 18, 1914.

The Common Council, City:

GENTLEMEN—We herewith submit to you for your consideration and action thereon a certain contract entered into May 15th, 1914, between the Ford Motor Company and the City of Indianapolis, wherein said Company is granted permission to lay and maintain a sidetrack across the first alley west of Oriental Street.

Yours very truly,
BOARD OF PUBLIC WORKS,
By F. J. NOLL, JR., *Clerk.*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 11, 1914.

To the Honorable Common Council, City:

GENTLEMEN—We herewith submit to you for your consideration and action thereon a certain contract entered into May 11, 1914, between the Board of Public Works and the Irvington Ice Company, wherein said Irv-

ington Ice Company is granted permission to lay a sidetrack across Ritter Avenue south of C. H. & D. Ry.

Yours truly,
 J. A. RINK,
 JAS. E. TROY,
 GEO. B. GASTON,
Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., May 18, 1914.

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 10, 1914, entitled "An ordinance appropriating \$559.00 to the Board of Public Works for the improvement of Twenty-fifth Street," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

Respectfully submitted,
 EDWARD P. BARRY,
 EDWARD R. MILLER,
 AUBREY D. PORTER,
 ED MCGUFF,
 THOMAS C. LEE.

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

From the Committee on Public Safety:

INDIANAPOLIS, IND., May 18, 1914.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN—We your Committee on Public Safety, to whom was referred General Ordinance No. 22, the same being an ordinance authorizing and regulating public markets, have had the same under consideration and recommend that the same be amended as per amendments herewith, and when the same has been so amended that it do pass.

Respectfully submitted,
 THOMAS C. LEE,
 W. TODD YOUNG,
 MICHAEL J. SHEA,
 EDWARD MCGUFF.

AMENDMENTS TO GENERAL ORDINANCE NO. 22.

An ordinance authorizing public markets and providing for their regulation and control.

SECTION 2. North side of Market Street to be included in the Market from Delaware to Alabama Streets. Washington Street between Delaware and Alabama Streets not to be used for market purposes.

SECTION 6. Appraisalment of stands shall be made not later than May 1 of each year.

SECTION 6. Payments shall be made June 1 and December 1.

Strike out "10%"—make it read "\$1.00."

Strike out "payment of \$1.00 to Controller for lease."

SECTION 7. The market year shall commence June 1.

SECTION 8. Standholders can not have more than two stands.

SECTION 9. Strike out "And shall not occupy the same for any ten (10) consecutive market days."

SECTION 11. Strike out whole section and insert the following: "The Board of Public Safety shall have the power to revoke any lease after giving the lessee a public hearing for the violation of a market ordinance. The lessee shall have fourteen (14) days' notice prior to said Board's hearing."

SECTION 23. The market days shall be Tuesday, Thursday and Saturday of each and every week. If any such day shall be a holiday, then the day preceding shall be a market day. The opening hour shall be 4 A. M. and the closing hour shall be 1 P. M. on Tuesday and Thursday during the months of June, July and August, and the Board of Safety shall designate the closing hour for Tuesday and Thursday for other months of the year; and on Saturday 10 o'clock P. M. from November 1 to April 1, and 11 P. M. from April 1 to November 1. It shall be unlawful for any marketer to make any sale before the opening or after the closing of market, or for any market master to knowingly permit any marketer to make any such sale.

SECTION 12, Clause 5. The Board shall prescribe the kind of furniture and fixtures to be used on the market and the kind of cases in which products must be kept on the market; provided, that it shall be unlawful for the Board to designate any type of furniture, fixtures or cases that will give the manufacturer of the same, or the agents or representatives of any manufacturer, a monopoly in the said market.

SECTION 12, Clause 9. Strike out the words "The end of the year 1914" at the end of the section and insert in lieu thereof, "May 31, 1915."

SECTION 12, Clauses 10 and 11. Strike out entire clause and the following clauses of Section 12 shall be renumbered so that they will be in numerical order.

SECTION 17. Strike out word "January" and insert "June."

SECTION 19½. Insert following:

"It shall be unlawful for any person to occupy any stand or space in either side of Market Street between Delaware and Alabama Streets, except actual and known farmers, gardeners and fruit raisers who shall be

the actual producers, each from his or her farm, garden, or orchard, of the products offered for sale. It shall be unlawful for any such person to sell other than at retail in the space thus set aside for farmers, gardeners and fruit raisers. Any person who shall violate any provision of this section shall be barred from renting and occupying a stand in the City Market for two (2) years."

SECTION 21. Strike out entire section.

SECTION 26. Strike out entire section.

SECTION 3. Be amended by inserting after the word "years" where it first appears in said section, by adding the words "at a salary of eighteen hundred dollars (\$1,800.00) per annum."

SECTION 3½. To be added:

The position of Assistant Market Master is hereby created and authorized, at a salary of twelve hundred dollars (1,200) per annum."

SECTION 4, Clause 1. To be amended by inserting after the word "order," where it appears at the end of the following paragraph:

"All janitors and laborers connected therewith shall be subject to his orders"—insert the following here as the amendment—"and shall be paid sixty dollars (\$60.00) per month for such service as janitors and laborers."

SECTION 4. Be amended by inserting therein Section 1½, to read as follows:

"SECTION 1½. All engineers at the Market House shall be paid a salary of seventy-five dollars (\$75.00) per month."

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

From the Committee on City's Welfare:

INDIANAPOLIS, IND., May 18, 1914.

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 Special Ordinance No. 3, 1914, entitled "An ordinance changing the name of the street running from Twenty-first Street north to Fall Creek, now known as Senate Avenue, to Boulevard Place," beg leave to report that we have had said ordinance under consideration and would recommend that same do pass.

W. T. YOUNG,
E. R. MILLER,
EDWARD MCGUFF,
A. D. PORTER,
MICHAEL J. SHEA.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

Appropriation Ordinance No. 11, 1914: An ordinance appropriating the sum of \$12,000 to the Department of Public Works, for a bridge over Pleasant Run, at Minnesota Street.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that there be and hereby is appropriated to the Department of Public Works the sum of \$12,000 for the erection of a bridge over Pleasant Run at Minnesota Street.

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

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

By City Controller :

Appropriation Ordinance No. 12, 1914: An ordinance appropriating \$500 to the Department of Public Works for Automobile Maintenance.

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 \$500 to the Department of Public Works for Automobile Maintenance.

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

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

By City Controller :

Appropriation Ordinance No. 13, 1914: An ordinance appropriating \$225 to the Department of Finance for Memorial Day expenses.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that there be and hereby is appropriated to the Department of Finance the sum of \$225 for Memorial Day expenses.

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

Mr. Porter moved that the rules be suspended and Appropriation Ordinance No. 13, 1914, 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. Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Porter called for Appropriation Ordinance No. 13, 1914, for second reading. It was read a second time.

Mr. Porter moved that Appropriation Ordinance No. 13, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1914, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

By City Controller:

Appropriation Ordinance No. 14, 1914: An ordinance appropriating \$1,009.90 to the Board of Public Works for Automobile Insurance.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that there be and is hereby appropriated to the Department of Public Works the sum of \$1,009.90 for Automobile Insurance.

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 the Board of Public Works :

SWITCH CONTRACT.

General Ordinance No. 28, 1914: An ordinance approving a certain contract granting Ford Motor Company the right to lay and maintain a sidetrack or switch across the first alley west of Oriental street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to wit: on the 15th day of May, 1914, Ford Motor 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—Whereas, in order to conduct the business of the Ford Motor Company at its proposed new plant on East Washington street, this city, it is absolutely necessary that adequate railroad facilities be had, we respectfully petition your honorable board for the right and privilege of installing a switch to the above property, all as hereinafter specified and described.

FORD MOTOR COMPANY.

By A. H. SMITH.

By S. H. JONES, Assistant Indianapolis Branch Manager.

NOW, THEREFORE, This agreement, made and entered into this 15th day of May, 1914, by and between Ford Motor 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 a sidetrack or switch across the first alley west of Oriental street, in the City of Indianapolis, which is more specifically described as follows :

Beginning at a point on the main line of the Pennsylvania Railroad Company, in Southeastern avenue, in the City of Indianapolis, at a point 140 feet east of the first alley west of Oriental street, and extending across property of the Ford Motor Company to a point on the east line of the first north and south alley west of Oriental street, and extending across said alley in a northwesterly direction to the site of the Ford Motor Company's Assembling Plant, 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 first alley west of Oriental 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 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 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 15th day of May, 1914.

FORD MOTOR COMPANY,
Party of the First Part.

By A. H. SMITH, *Indianapolis Branch Manager.*

Witness:

CITY OF INDIANAPOLIS,
By J. A. RINK,
President,

JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works,
Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 27, 1914: An ordinance approving a certain contract granting Irvington Ice Company the right to lay and maintain a sidetrack or switch across Ritter Avenue, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 4th day of May, 1914, the Irving-

ton Ice Company, a corporation, 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—The undersigned respectfully petitions for permission to lay and maintain a switch track across South Ritter Avenue south of the C. H. & D. Railway.
IRVINGTON ICE COMPANY,
By F. B. DAVENPORT, *Treas.*

NOW, THEREFORE, This agreement, made and entered into this 11th day of May, 1914, by and between Irvington Ice Company, a corporation, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from the passing track or siding of the C. H. & D. Ry. east of South Ritter Avenue to the property of said Ice Company at the southwest corner of South Ritter Avenue and the C. H. & D. Ry. in the City of Indianapolis, which is more specifically described as follows: Beginning at a point in the "passing" track of said C. H. & D. Ry. 225 feet east of the east line of Ritter Avenue, running thence west, on a curve a total distance of 430 feet into the property of the said Irvington Ice Company, said switch crossing South Ritter Avenue on the right of way of said C. H. & D. Ry. on a curve, at points on the line of said Ritter Avenue, 22 feet north of the south line of the right of way of said C. H. & D. Ry. on the east side of said Ritter Avenue and 7 feet north of the said south line of the right of way of said C. H. & D. Ry. on the west side of said Ritter Avenue, entering the property of said Irvington Ice Company at a point about 16 feet west of the west line of said Ritter Avenue, all as shown in the blue print hereto attached, 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 South Ritter 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, 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 the rails of said track and the space between all tracks at this crossing 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 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 11th day of May, 1914.

IRVINGTON ICE COMPANY,
By F. B. DAVENPORT, *Treas.*,
Party of the First Part.

Witness:

CITY OF INDIANAPOLIS,
By J. A. RINK,
President,
JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works,
Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of

Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By Mr. Porter :

General Ordinance No. 29, 1914: An ordinance fixing the salaries of Deputy Inspectors of Weights and Measures, repealing all conflicting ordinances, and fixing a time that same shall take effect.

(1). Be it ordained by the Common Council of the City of Indianapolis, that the salary of each Deputy Inspector of Weights and Measures of the City of Indianapolis shall be fixed at the sum of \$1,200 per year.

(2). The salaries and compensations specified in the foregoing section of this ordinance shall be paid out of the City Treasury out of the moneys appropriated for such purpose at the time and in the manner prescribed by law.

REPEAL. That all ordinances or parts of ordinances in conflict herewith are now hereby repealed.

That this ordinance shall take effect and be in full force and effect on and after its passage.

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

COMMUNICATION FROM J. J. ENGLEDRUM.

To the Honorable Mayor and Common Council of Indianapolis, Indiana:

GENTLEMEN—About three years ago I discovered that there was a law on the statute books of the state of Indiana to tax public utility franchises. In proof of the existence of such law, I will cite you Burns' Revised Statutes 1908, Vol. 3, Sections 10174, 10233 and 10234. Also see page 95 of the Indiana Assessment Laws; also 152 Ind. 474. After reading these sections, there will be no doubt in your mind as to the existence of the law taxing public utility franchises, passed March 6, 1891.

The remarkable thing is that after being interested and working to have this law enforced for the past three years I have found no place where it was in force, excepting in South Bend and Mishawaka, and there only for the years 1912 and 1913, and only two companies, viz.: the gas and electric light, were assessed for a mere fraction of their franchise value, presumably due to my own personal efforts locally, and not through any effort whatever on the part of the township and county assessors, auditor or board of review. Because of the non-enforcement of this law throughout the state, millions of dollars of franchise value has escaped taxation, which the citizens at large have been compelled to make good by increased taxation for them. For example, to show you gentlemen what the non-enforcement of this law means to a community, I will cite you one example, viz.: the Northern Indiana Gas and Electric Company, with headquarters at South Bend, Ind. This corporation has outstanding first mortgage bonds of over \$7,000,000. Its personal and real property was appraised for taxation in 1913 at less than \$290,000. The law being that the difference between the personal and real and the stock or bonded indebtedness represents the franchise value. If that had been done it would mean that South Bend would and should have appraised for taxation this gas company at approximately \$7,000,000. Figured at the levy rate, \$3.12 per \$100, would show the amount that the law intended the gas company should pay in South Bend per year on their franchise.

I am sure that if you make a thorough investigation that you will find a like situation in regard to the taxation of public utility franchises existing in your city. Gentlemen, an enforcement of this law, which is retroactive, simply means this: that you can put your city out of debt, or at least nearly so, and reduce the taxes each year for years to come from 25 to 30 per cent. annually. You will find, however, that it will be no small job to enforce this law, for my experience has been that almost without exception the officials whose duty it is to enforce this law have opposed and put obstacles in the way of carrying it into effect.

Hoping that you will take up this matter vigorously and carry it to a successful conclusion, not only with regard to one company, but to all who hold public utility franchises granted by your city. Bear in mind, gentlemen, that in the matter of taxing franchises the state tax board itself has nothing to do whatever, for the reason that franchises are granted by the city—begin and end there. The local or county board of review has final jurisdiction in the taxation of public utility franchises.

Kindly inform me what action you are taking in this matter.

Mishawaka, Indiana.

Respectfully,

J. J. ENGELDRUM.

No action was taken on the communication.

ORDINANCES ON SECOND READING.

Mr. Miller called for Appropriation Ordinance No. 10, 1914, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 10, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 10, 1914, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Lee called for General Ordinance No. 22, 1914, for second reading. It was read a second time.

Mr. Lee moved that General Ordinance No. 22, 1914, be amended as recommended by the Committee. Carried.

Mr. Lee moved that General Ordinance No. 22, 1914, be ordered engrossed; as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 22, 1914, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Young, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Noes, 1, viz.: Mr. Miller.

Mr. Young called for Special Ordinance No. 3, 1914, for second reading. It was read a second time.

Mr. Young moved that Special Ordinance No. 3, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 3, 1914, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Shea moved that the Council take a recess until Tuesday evening, May 19, 1914.

The motion was lost by the following vote:

Ayes, 2, viz.: Messrs. Miller and Shea.

Noes, 6, viz.: Messrs. Young, McGuff, Porter, Lee, Graham and President John F. Connor.

Mr. Shea raised the point of order that the Public Works Committee had not reported its action on the electric light contract.

Mr. McGuff moved to grant the Committee further time. Carried.

On motion of Mr. Porter, the Common Council, at 9:30 o'clock P. M., adjourned.

John F. Connor
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President.

ATTEST:

Thomas A. Riley
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City Clerk.

