

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, December 15, 1919.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 15, 1919, at 7:30 o'clock in regular session, President Wm. B. Peake in the chair.

Present: The Hon. Wm. B. Peake, President of the Common Council, and eight (8) members, viz.: Messrs. Kirsch, Willson, Miller, Schmidt, Furniss, Pettijohn, Brown and Carnefix.

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

COMMUNICATIONS FROM THE MAYOR.

December 3, 1919.

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

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinances No. 117 and No. 123.

Yours very truly,

CHARLES W. JEWETT.

December 6, 1919.

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

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinance No. 115 and General Ordinance No. 122.

Yours very truly,

CHARLES W. JEWETT.

December 2, 1919.

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

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinance No. 114.

Yours very truly,

CHARLES W. JEWETT.

REPORTS FROM CITY OFFICERS.

From City Controller:

December 15, 1919.

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

Gentlemen: I hand you herewith an ordinance, appropriating the sum of One Hundred Eighty-eight Dollars and Twenty-eight Cents to the Finance Department, to the Fund known as the Mayor's Office Force Salaries.

This appropriation was made necessary by the passage of previous ordinances raising the salaries of the Mayor's Secretary and Messenger, as this is the last Council meeting this year and these salaries are due January 1st, we would kindly ask you to suspend the rules and pass this ordinance to-night.

I submit you also herewith, an ordinance calling for above amount and recommend its passage.

Yours very truly.

ROBERT H. BRYSON.

City Controller.

From the Board of Public Works:

December 5, 1919.

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

Gentlemen: I am transmitting for your consideration an ordinance approving a contract between the Board of Public Works and the Indian Refining Company, Inc., dated November 21, 1919, and approved by the Mayor on December 4th, 1919.

This contract is for the purpose of providing for the asphaltic road oil necessary for the use of the City for the year 1920.

Yours truly,

W. F. CLEARY,

Clerk, Board of Public Works.

December 15, 1919.

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

Gentlemen: I am submitting for your consideration, at the direction of the Board of Public Works, an ordinance approving a certain contract entered into by the City through the Board of Works, and approved by the Mayor, under date of December 15, 1919, with the Indianapolis Telephone Company and the Central Union Telephone Company, which contract is set out in full in the ordinance.

Yours truly,

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

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 42, 1919, entitled An Ordinance appropriating Five Hundred Dollars (\$500.00) to the Telephone Fund of the Department of Public Safety, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

LOUIS W. CARNEFIX,
G. G. SCHMIDT,
O. B. PETTIJOHN,
RUSSELL WILLSON,
S. A. FURNISS.

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

From the Committee on Finance:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 43, 1919, entitled An Ordinance appro-

priating Seven Thousand Dollars (\$7,000.00) to the Fire Force pay roll of the Department of Public Safety, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recomuend that the same be passed.

LOUIS W. CARNEFIX,
G. G. SCHMIDT,
O. B. PETTIJOHN,
RUSSELL WILLSON,
S. A. FURNISS.

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

From the Committee on Finance:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Finance, to whom was referred General Ordinance No. 124, 1919, entitled An Ordinance amending section 3, subdivision b. of Section 5, and subdivision e. of Section 6, of General Ordinance No. 76, 1919, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be amended as follows:

Section 3. By adding the words "Each Assistant Building Inspector, Eighteen Hundred Dollars per year."

Section 4. By striking out the words "its passage" and inserting in lieu thereof the words "January First, Nineteen Hundred and Twenty."

LOUIS W. CARNEFIX,
G. G. SCHMIDT,
O. B. PETTIJOHN,
RUSSELL WILLSON,
S. A. FURNISS.

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

From the Committee on Public Safety:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Public Safety, to whom was referred General Ordinance No. 81, 1919, entitled, An Ordinance to amend clause 1 of section 5 of "An ordinance regulating vehicle traffic, providing for the rate of speed of street cars, establishing certain rules and regulations for vehicles, street cars and the operators thereof, and pedestrians, providing certain penalties for the violation thereof, and declaring a time when the same shall take effect," known as the "Traffic Ordinance," beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

S. A. FURNISS,
J. P. BROWN,
LOUIS W. CARNEFIX,
J. E. MILLER,
LEE J. KIRSCH.

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

From the Committee on Public Safety:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Public Safety, to whom was referred General Ordinance No. 120, 1919, entitled An Ordinance concerning Fire Prevention, providing certain regulations, creating the Division of Fire Prevention in the Fire Department under the Department of Public Safety, creating the office of Chief of the Division of Fire Prevention, defining the duties thereof, transferring and reappropriating certain appropriations for the year 1920, providing certain penalties and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be amended by inserting at the beginning of the third line of section seven the word "lighting", and as amended be passed

LOUIS W. CARNEFIX,
J. E. MILLER,
LEE J. KIRSCH,
J. P. BROWN,
S. A. FURNISS.

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

From the Committee on Public Safety:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Public Safety, to whom was referred General Ordinance No. 121, 1919, entitled An Ordinance amending sections 296, 540, 542, 556 and 557 of General Ordinance Number 12, 1917, repealing section 348 of General Ordinance Number 12, 1917, repealing General Ordinance No. 23, 1918, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LOUIS W. CARNEFIX,

J. E. MILLER,

LEE J. KIRSCH,

J. P. BROWN,

S. A. FURNISS.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 44, 1919.

An Ordinance appropriating the sum of One Hundred and Eighty-eight (\$188.28) Dollars and Twenty-eight Cents to the Finance Department to the fund known as the Mayor's Office Force Salaries and fixing a time when the same shall take effect.

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

Section 1. That there be and is hereby appropriated the sum of One Hundred Eighty-eight (\$188.28) Dollars and Twenty-eight Cents to the Department of Finance, to a fund known as the Mayor's Office Force Salaries, for the purpose of carrying out the provisions of ordinances heretofore passed raising the salaries of the Mayor's Secretary and Messenger.

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

Which was read a first time.

Mr. Carnefix moved that the rules be suspended and Appropriation Ordinance No. 44, 1919, 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. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Willson called for Appropriation Ordinance No. 44, 1919, for second reading. It was read a second time.

Mr. Willson moved that Appropriation Ordinance No. 44, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 44, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

General Ordinance No. 125, 1919.

An Ordinance ratifying, confirming and approving a certain contract made and entered into on the 21st day of November, 1919, by and between the Indian Refining Company, Incorporated, party of the first part,

and the City of Indianapolis, by and through its Board of Public Works, party of the second part, whereby said city is authorized to purchase from said Indian Refining Company its requirements for asphaltic road oil for the year 1920, estimated at 700,000 to 800,000 gallons, at a price of four cents (4c) per gallon, and designating the fund heretofore appropriated out of which the purchase price of said oil should be paid, and fixing a time when the same shall take effect.

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

Section 1. Whereas, heretofore to-wit on the 21st day of November, 1919, the City of Indianapolis, by and through its Board of Public Works, entered into a certain contract with the Indian Refining Company for the purchase of certain asphaltic road oil for the use of the City of Indianapolis for the year 1920, which contract is in the words and figures following, to-wit:

MEMORANDUM OF SALES CONTRACT.

Indian Refining Company (Incorporated), hereinafter called "Seller", agrees to sell and deliver, and City of Indianapolis, hereinafter called "Buyer", agrees to purchase and take the following petroleum products in the following monthly periods, at the following prices:

January, 1920, to December, 1920, requirements estimated at 700,000 to 800,000 gallons; grade, 45-50% asphaltic contents Road Oil, as per sample and specifications of City of Indianapolis; price, 4c per gallon.

Price: F. O. B. Lawrenceville, Ills., exclusive of inspection charges. Buyer agrees to pay inspection charges. Freight charges collect Price guaranteed against seller's decline.

Terms: 30 days from date of invoice. No discount to be allowed.

Deliveries: Seller's tank cars at Lawrenceville Ill.

Consignment: Consignment will be to Buyer's plant at Indianapolis, Indiana.

Shipments: Shipments to be made upon written shipping instructions of Buyer. Shipping instructions for each month shall be in Seller's hands on or before the 25th day of the preceding month.

If Buyer fails to give shipping instructions for the quantity above stated for any month, Buyer cannot thereafter order the balance for that month, and Seller shall be under no obligation to deliver at any future time any quantity not directed to be shipped in its proper month as herein provided, but Buyer shall be responsible to Seller for all damages arising from Buyer's failure to take said quantities in the specified periods. Should the buyer give instructions to ship in any month, more than that month's quantity as above stated, seller may deliver the excess quantity at its option, but the excess amount so delivered, shall be ap-

plied to reduce the last deliveries that may be required under the contract, but without altering the quantities deliverable in the intervening months.

Buyer agrees to receive shipments and unload same with reasonable promptness, and return empty tank cars, as per instructions from Seller, forty-eight hours being deemed reasonable time for receiving and unloading and releasing tank cars. Buyer agrees to pay Seller five dollars per day rental, after expiration of said forty-eight hours. If Buyer neglects to receive and unload any shipment within seventy-two hours after same is ready for delivery by railroad company to Buyer, Seller may cancel orders then unfilled for an equivalent quantity, or reduce the deliveries due in any month or months to the same extent. The rental charge herein provided shall be in addition to any demurrage charge made by the carrier.

No claim of Buyer on account of the shortage or quality of goods, or for any other cause shall be allowed unless Seller is given notice in writing or by telegram by Buyer on receipt of shipment, and authority to unload is given to Buyer by Seller; outages of 25 gallons or under on tank car shipments will not be considered.

Fire, flood, strikes, differences with workmen, accident to plant or machinery, failure of the usual sources of supplies or materials, orders of fuel administrators, or action of any state or the United States, or any of its departments interfering with delivery, or other cause beyond the control of either party, shall be sufficient excuse for any delays in making or receiving shipments traceable to such cause, provided, however, that either party shall notify the other with reasonable promptness as to the existence of such cause.

If Buyer fails to fulfill the terms of payments, or any other terms of this contract, or of any other contract of Buyer with Seller, or if Buyer's financial responsibility shall become impaired in the judgment of the Seller, Seller may, without prejudice to other lawful remedy, defer shipment until payment be made, or terms of contract be complied with, or may demand cash payments, or may cancel this contract, but by doing so does not relinquish any of its legal rights.

If any tax or other charge is imposed by any governmental authority, after the execution of this contract, and before its complete fulfillment, upon any of the goods herein described, or the production, sale, or delivery thereof, the amount of such tax or charge shall be added to the price on all deliveries thereafter made.

All contracts are subject to the approval of an executive officer or home office sales manager of Seller, and cannot be altered unless in writing, signed by Buyer and by such officer of Seller. It is agreed that this written contract contains all the terms of the agreement between

the parties and that any oral or written conditions, understandings, additional to or at variance with the foregoing are hereby waived and released.

INDIAN REFINING COMPANY,

By J. B. Erwin, Mgr.

Approved by: Home Office Sales Mgr.

Approved as to Credit:

By-----

BOARD OF PUBLIC WORKS,

Geo. Lemaux, Mark Miller, Thomas A. Riley.

Dated Nov. 21, 1919.

Salesman.

Approved this 4th day of December, 1919.

CHARLES W. JEWETT, Mayor.

Sec. 2. That the foregoing contract and agreement made and entered into on the 21st day of November, 1919, and approved by the Mayor on the 4th of December, 1919, between the City of Indianapolis, by and through its Board of Public Works, and said Indian Refining Company, Incorporated, be and the same is in all things ratified, confirmed and approved in accordance with the terms, provisions and conditions thereof.

Sec. 3. That the amount that may accrue and become due under said contract to the Indian Refining Company, Incorporated, shall be paid out of the fund of Fifty-five Thousand Four Hundred Forty Dollars (\$55,440.00), heretofore appropriated by Appropriation Ordinance No. 28, 1919, appropriated for the Sprinkling Department, Equipment and Supplies Fund for the year 1920, to the Department of Public Works.

Sec. 4. This ordinance shall be in full force and effect from and after its passage.

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

By the Board of Public Works:

General Ordinance No. 126, 1919.

An Ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 15th day of December, 1919, by and between the City of Indianapolis by and through its Board of Public Works and Mayor, and the Indianapolis Telephone Company and the Central Union Telephone Company, whereby said city consents

to the sale by said Indianapolis Telephone Company of its physical telephone property to said Central Union Telephone Company, and by which said Indianapolis Telephone Company surrenders the franchise which it now holds from the City of Indianapolis which was granted on the 6th day of July, 1908, to the New Telephone Company and the Indianapolis Telephone Company; and by which said city accepts said surrender all as provided in said contract, and in which contract it is agreed that said physical telephone property so purchased from said Indianapolis Telephone Company shall be added to and become a part of its present telephone system which it now maintains under its franchise with the City of Indianapolis, and providing that the Central Union Telephone Company shall pay to the City of Indianapolis the sum of Six Thousand Dollars (\$6,000) a year, from January 1, 1920, to July 1, 1938, in consideration of the execution of said contract, all subject to the conditions contained in said contract; and providing for the taking effect of the same.

Whereas, heretofore to-wit on the 15th day of December, 1919, the City of Indianapolis, by and through its Board of Public Works and Mayor, entered into the following contract and agreement with the Indianapolis Telephone Company and the Central Union Telephone Company, namely:

This Agreement made and entered into this 15th day of December, 1919, by and between the City of Indianapolis, Marion County, in the State of Indiana, herein called the City, by and through its Board of Public Works, party of the first part, and the Indianapolis Telephone Company, a corporation organized under the laws of the State of Indiana, hereinafter called the party of the second part, and the Central Union Telephone Company, a corporation organized under the laws of the State of Illinois and duly authorized and admitted to transact business in the State of Indiana, hereinafter called the party of the third part, witnesseth:

That Whereas, the New Telephone Company and the Indianapolis Telephone Company entered into a certain written franchise contract with said City of Indianapolis on the 6th day of July, 1908, in which said companies were given a franchise for the period of thirty (30) years from the first day of July, 1908, to erect, construct and maintain a telephone system in the streets and alleys of said city, which franchise contract was approved by the Common Council of the City of Indianapolis by an ordinance duly passed and approved March 2nd, 1909, which ordinance and franchise contract is contained as sections 3287 to 3319, both inclusive, in the Municipal Code of the City of Indianapolis published in 1917, and

Whereas, said New Telephone Company and said Indianapolis Telephone Company were heretofore, and after the execution of said fran-

chise contract, duly and lawfully consolidated and merged into one consolidated company under the laws of the State of Indiana, under the name of the Indianapolis Telephone Company, party of the second part herein, and

Whereas, said Central Union Telephone Company, party of the third part herein, entered into a certain written franchise contract with said City of Indianapolis, on the 20th day of July, 1896, for the erection, construction and maintenance of a telephone system in the streets and alleys of said City of Indianapolis, which franchise contract was duly approved by the Common Council of said City, by an ordinance duly passed, which was approved August 24th, 1896, which ordinance and franchise contract is contained as Section 3129 to 3138, both inclusive, in the Municipal Code of the City of Indianapolis, published in 1917, which franchise contract is still in full force and effect, and,

Whereas, said Indianapolis Telephone Company, party of the second part, has heretofore agreed to sell its physical telephone property in the City of Indianapolis and other property and stocks owned by it to the Central Union Telephone Company, party of the third part, on certain terms and conditions agreed upon by and between said companies, which sale and prechase of said telephone property has been submitted to the Public Service Commission of the State of Indiana for its approval, and has been approved by the order of said Public Service Commission of the State of Indiana, duly made, subject to certain terms and conditions contained in said order, and

Whereas, said Indianapolis Telephone Company, party of the second part herein, desires to cease its operations in the City of Indianapolis under its said franchise contract herein referred to, and,

Whereas, said Central Union Telephone Company, party of the third part, desires to add to its present telephone property and system now owned and maintained by it under its said franchise contract with the City of Indianapolis, all of the physical telephone property so purchased from said Indianapolis Telephone Company, party of the second part, in the City of Indianapolis, and maintain and operate its present system and the property purchased as one single system under its present franchise contract with said City, the same as if originally constructed by said Central Union Telephone Company, party of the third part, under its said franchise contract with said city, and

Whereas, the principal consideration for the granting of said franchise contract to said New Telephone Company, and to said Indianapolis Telephone Company, which franchise contract is now held by the Indianapolis Telephone Company, party of the second part herein, as stated in said franchise contract, was to secure the continuance of competitive telephone rates to the citizens of said city, and

Whereas, at the time of the execution of said franchise contract in 1908, there was no regulatory body in the State of Indiana with power under the law to fix and regulate rates for service by public utilities, and

Whereas, the Legislature of the State of Indiana by an act entitled, "An Act concerning public utilities, creating a public service commission, abolishing the railroad commission of Indiana, conferring the powers of the railroad commission on the public service commission, approved March 4th, 1913, conferred upon said Public Service Commission full power and authority to determine and regulate rates of public utilities as provided in said act, including rates for telephone service rendered by the Central Union Telephone Company under its said franchise contract with the City of Indianapolis, and for that reason the necessity for the competitive telephone rates which existed when said franchise contract of the Indianapolis Telephone Company was executed on the 6th day of July, 1908, no longer exists, and

Whereas, the subject matter of said franchise contract of the Indianapolis Telephone Company of July 6th, 1908, is now involved in litigation between the parties hereto in the Marion Circuit Court and it is desired by all the parties hereto to settle and compromise said litigation,

Now Therefore, it is hereby agreed by and between the parties hereto as follows:

First: That the Indianapolis Telephone Company, party of the second part herein, hereby surrenders to the City of Indianapolis all of its rights under its said franchise contract, subject only to said sale of its physical telephone property, erected and constructed under said franchise contract to said Central Union Telephone Company, party of the third part herein, and the right of said Central Union Telephone Company as herein provided, to maintain and operate said purchased property as a part of its system, which surrender of said franchise contract is hereby accepted by the City of Indianapolis, and in consideration of the agreement herein made by the Central Union Telephone Company to make to said City the cash payments herein provided for, said city hereby releases said Indianapolis Telephone Company, party of the second part herein, from all payments under its said franchise contract due on and after January 1st, 1920, and from all other obligations under said franchise contract, except such as have already accrued, if any, before the taking effect of this contract.

Second: The Central Union Telephone Company, party of the third part, in consideration of the execution of this contract by said City and of its consent to the purchase by said Central Union Telephone Company of the physical telephone property in said city from said Indianapolis Telephone Company, party of the second part, and to the right of said Central Union Telephone Company to add said telephone prop-

erty to its present telephone system, owned by it under its said franchise contract, said Central Union Telephone Company, party of the third part, hereby agrees to pay to the said City of Indianapolis the sum of six thousand dollars (\$6,000) per annum, one-half of which, to-wit, \$3,000, shall be paid on the first day of January and July of each year. The first of said payments to be made on the first day of January, 1920, which is to be an advance payment for the following six months, and there shall be paid the sum of \$3,000 semi-annually, as aforesaid thereafter until the first of July, 1938, said payments to cease on and with the payment on the first day of January, 1938, all such payments to be payable without any relief from valuation or appraisal laws, and to be a first lien on all the properties, moneys, demands and causes in action of said Central Union Telephone Company, which lien may be enforced by said City in any court of competent jurisdiction. In case the Central Union Telephone Company shall fail to pay any sum of money within thirty days after same becomes due as above provided, it is agreed that a penalty of fifty per centum on the whole amount then due shall be added to such amount as liquidated damages for a breach of this contract, which additional amount shall also be payable without relief from valuation or appraisal laws. If, in default of such payment as aforesaid, the said city shall bring suit to recover any such sum and enforce its said lien, it shall be entitled to recover, in addition to said principal sum and fifty per centum penalty thereon as liquidated damages, reasonable attorneys' fees for the institution and prosecution of such suit, all of which said party of the third part agrees to pay. It being distinctly understood and agreed that all payments agreed to be made by said Central Union Telephone Company under this agreement are in addition to the annual payment of \$6,000, which it is bound to make under its said franchise with the City of Indianapolis.

Third: It is agreed that said Central Union Telephone Company, party of the third part, shall have the right to add to its present telephone system which it now owns and maintains in the City of Indianapolis under its said franchise contract, all of said physical telephone property in the City of Indianapolis, which it has agreed to purchase from said Indianapolis Telephone Company, party of the second part, and that said party of the third part shall have the right to maintain and operate said telephone property so purchased as a part of its present telephone system, and it is agreed that said purchased property, when added to the present system of the party of the third part in the City of Indianapolis, shall in all things be governed and controlled by its said franchise contract and that the City of Indianapolis shall have the same rights as if said purchased property had been originally constructed by said Central Union Telephone Company under its said franchise contract.

Fourth: It is further agreed that the Public Service Commission of Indiana, subject to all rights which any utility corporation doing business in the State of Indiana may have under the law, now has jurisdiction of, and full power and authority under law, to fix, determine and regulate the rate or rates for all telephone service which may be rendered by said Central Union Telephone Company, party of the third part herein, under its said franchise contract with the City of Indianapolis, including any service that it may render, in whole or in part, with said telephone properties so purchased by it from said Indianapolis Telephone Company.

Fifth: Said Central Union Telephone Company, party of the third part, hereby expressly agrees and binds itself to give to said City of Indianapolis the right to the exclusive use of the top cross arms on all poles within the City of Indianapolis, which it purchases from said Indianapolis Telephone Company for Police and Fire Alarm purposes, and that said Central Union Telephone Company shall provide one duct in each and all of the conduits laid under ground, which it may purchase from the Indianapolis Telephone Company, for the sole use of said City of Indianapolis for its Fire Alarm and Police Patrol system, it being agreed that the rights of said City to said top cross arms and said ducts, as to said telephone property so purchased by the Central Union Telephone Company, shall be the same as if such ducts and top cross arms had been originally constructed by said Central Union Telephone Company under its said franchise contract with said city.

Sixth: It is agreed that either of the said Telephone Companies shall have the right to withdraw this contract from further consideration and thereby prevent any rights or liability from accruing hereunder, by giving written notice to that effect to the Common Council of said City, delivered to City Clerk, at any time before the same shall have been ratified and approved by the Common Council of said City, and pending such ratification and approval by the Common Council, the right of either of said Telephone Companies to proceed as they may see fit in said litigation by appeal or otherwise, shall in no wise be affected hereby.

In Witness Whereof, we have hereunto set our hands and seals in triplicate, this 15th day of December, 1919.

CITY OF INDIANAPOLIS,

By Geo. Lemaux, Mark H. Miller, Thomas A.
Riley, Board of Public Works of said City.
And by Charles W. Jewett, Mayor.

INDIANAPOLIS TELEPHONE COMPANY,

By William Fortune, President.
Attest: Foster Furth, Secretary.

CENTRAL UNION TELEPHONE COMPANY,

By Edgar S. Bloom, President.
Attest: C. L. McNaughton, Secretary.

And Whereas said Contract and Agreement has been submitted by the Board of Public Works and Mayor of the City of Indianapolis to the Common Council of said City for its action thereon, therefore:

Section 1. *Be it Ordained by the Common Council of the City of Indianapolis*, That the foregoing contract made and entered into on the 15th day of December, 1919, by the City of Indianapolis, by and through its Board of Public Works and Mayor, and the Indianapolis Telephone Company and the Central Union Telephone Company, be and the same is hereby in all things ratified, confirmed and approved, all in accordance with the terms, provisions and conditions thereof.

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

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

By Mr. Wilson:

General Ordinance No. 127, 1919.

An Ordinance governing children engaged in street trades in the City of Indianapolis, Indiana.

Section 1. No boy under 11 and no girl under 16 years of age shall at any time be engaged in any street trade as hereinafter defined in Section 6 of this ordinance within the territory bounded by the south side of North Street, west side of East Street, east side of West Street and the north side of South street, commonly known as the mile square, in the City of Indianapolis, State of Indiana.

Sec. 2. No boy between the ages of 11 and 16 years shall be engaged in any street trade, hereinafter defined in Section 6 of this ordinance, within the limits described in Section 1, unless a permit, as hereinafter provided in this section, has been issued to him by the Mayor of the City of Indianapolis, or by a person authorized by the Mayor in writing, upon the application of the parent, guardian, or other person having the custody of the child, desiring such permit, or in case such child has no parent, guardian or custodian, upon the application of his next friend, who must be an adult. Such permit shall be issued free of charge and shall state the date and place of birth of the child, the name and address of its parents, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and approximate weight, and any distinguishing facial marks of such child. It shall state that the child has presented at the time of application for such permit, a certificate issued by the Board of Education, showing the name of the school which he attends and that he has complied with all the

laws regarding school attendance and that he is of apparent normal development for a child of his age. It shall further state that the child has presented a duly attested certificate of birth, or in case such certificate cannot be secured a verified baptismal certificate, or in case such cannot be secured a record of age stated in the first school enrollment of such child. Possession of an employment certificate shall be sufficient evidence of age. The permit shall further state that the child named therein has personally appeared before the Mayor or person authorized by him. The permit thus issued shall be signed by the child to whom it is issued, in the presence of the Mayor or person authorized by him, and shall in like manner be signed by the parent, guardian, or other person making application for him. The permit above described shall be made in duplicate and a copy on such durable card as may be selected by the Mayor or person authorized by him, shall be issued to the child, and must be carried by him at all times while engaged in the occupation for which the permit is issued and must be exhibited upon the demand of any person authorized to enforce this ordinance.

Sec. 3. No boy under 12, or girl under 16 years of age shall engage in any street trade as hereinafter defined in Section 6 of this ordinance, before the hour of 5 o'clock in the morning or after the hour of 8 o'clock in the evening of any day, except in the selling of extra editions of the daily papers when items of great news importance demand such extra editions.

Sec. 4. The permit of any child who violates any of the provisions of this ordinance or any of the ordinances of the city of Indianapolis or any of the laws of the State of Indiana, may be revoked after a hearing by the Judge of the Juvenile Court upon application of any police officer, attendance officer, probation officer, or recognized representative of an accredited social welfare organization, and such child shall surrender the permit so revoked, upon the demand of any officer charged with the duty of enforcing the provisions of this ordinance.

Sec. 5. Any child who violates any of the provisions of this ordinance or who neglects to provide himself with a permit as herein required, shall be deemed delinquent and shall be liable to a fine not to exceed \$5.00 for each violation of this ordinance after the first offense.

Sec. 6. The term Street Trade shall be construed to mean any employment as bootblack, any business or occupation of distributing, soliciting, selling, displaying or offering for sale, any newspapers, magazines, periodicals, handbills, circulars, flowers, candy, chewing-gum, or any other goods or article of merchandise, in any street, alley, court, square, public market, pool-room, street car or railway or interurban station, except that the term shall not be construed to mean the delivery of newspapers, and periodicals, to subscribers at specified addresses or soliciting for such subscribers by carriers duly appointed by the newspapers, which

carriers, if under 11 years of age, shall secure and carry a special carrier permit, issued by the newspaper which he represents, the form of

Sec. 7. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Approved by the Committee, December 2, and to be signed by the following persons:

E. A. KAHN,
Chairman Educational Com.
Jewish Federation.
S. B. KAUFMAN,
Supt., Jewish Federation.
JOHN N. SCHMID,
Indianapolis News.
J. H. LEDERER,
Indiana Daily Times.
MR. PAYNE,
Indianapolis Star.
M. N. LOGAN, Y. M. C. A.
HON. FRANK J. LAHR,
Judge, Juvenile Court
CLARA BURNSIDE,
Sergeant, Police Department.
GLEN F. KLINE,
Supt. Boys' Club Association.
MRS. OLIVE EDWARDS,
Settlement Council.
W. A. HACKER,
Attendance Dept. Public School.
E. C. FOSTER,
Sec. Charity Organization.
PAUL L. KIRBY,
General Secretary, Children's
Aid Association.

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

By Mr. Willson:

General Ordinance No. 128, 1919.

An Ordinance amending General Ordinance No. 8 for the year 1918, and fixing a time when the same shall take effect.

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

Section 1. That Section 2 of General Ordinance No. 8 of the City of Indianapolis for the year 1918, be and the same is hereby amended to read as follows:

Sec. 2. Notice to Chief of Police: It shall be unlawful for any tradesman, merchant, vendor or person, their agents, servants or employees, to sell, barter, lease or give possession of any weapon specified in the foregoing section to any resident of the City of Indianapolis, without before so doing giving written notice to the Chief of Police of said city of such transaction so contemplated. Such notice shall contain the name and address of the person so intending to dispose of the same, the name and address of the person to whom the weapon is to be transferred, and an accurate description of the weapon involved, and said notice shall contain as a part thereof a statement signed by at least two (2) resident freeholders that the person desiring to receive any such weapon is a person of good reputation in this community for peace and of good moral character. Provided, that no person named herein shall sell any weapon specified in Section 1 hereof to any nonresident of the city of Indianapolis unless and until said non-resident shall have filed with such prospective seller an affidavit stating that such prospective purchaser is not a resident of the city of Indianapolis, and in addition stating his true name and address.

Sec. 2. That Section 3 of General Ordinance No. 8 of the City of Indianapolis for the year 1918, be and the same is hereby amended to read as follows:

Sec. 3. Permit to be Issued. When. Corporation Counsel to Provide Forms.—It shall hereafter be unlawful for any resident of the City of Indianapolis to buy or in any manner obtain possession of any weapon specified in the foregoing sections until there has been a compliance with the next preceding section of this ordinance, until he has filed his affidavit with the Chief of Police, stating specifically his reasons for obtaining such weapon, together with its description in full and until said Chief of Police shall have issued to such person a written permit to buy or obtain possession of such weapon. Upon compliance with the foregoing the Chief of Police shall issue such permit, which permit shall be nontransferable. It shall be the duty of the Corporation Counsel to provide forms for all statements, affidavits, licenses and permits in this ordinance required.

Sec. 3. That Section 5 of General Ordinance No. 8 of the City of Indianapolis for the year 1918, be and the same is hereby amended to read as follows:

Sec. 5. Those Possessing Weapons to Report. Permit.—Within two weeks after the publication of this ordinance every resident of the City of Indianapolis who owns or possesses any weapon described in Section 1 hereof, except peace officers and except those having an established place of business in said city for their sale, shall report the same to the Chief of Police and each such owner or possessor shall state specifically his name and address, the name and address of the owner, a full description of such weapon and his specific reasons for owning or possessing the same. Provided, that peace officers shall report the possession or ownership of any such weapon owned by them upon ceasing to be such peace officers. The Chief of Police shall thereupon issue a written permit to such person to retain such weapon, except in such cases wherein such affidavit is false or untrue, and in such cases in which, in the opinion of the Chief of Police, it would be unsafe and contrary to peace and good order to issue the same. When such permit is refused, the Chief of Police shall safely keep such weapon on behalf of such owner or possessor until such owner or possessor can show that it will not be contrary to peace and good order for him to have possession of such weapon.

Sec. 4. That Section 7 of General Ordinance No. 8 of the City of Indianapolis for the year 1918, be and the same is hereby amended to read as follows:

Sec. 7. Definitions, Licenses, Fee.—Every person so procuring a permit as required in the preceding sections for the possession and retention of any such weapon as described in Section one (1) hereof, shall forthwith apply for and procure a license for such possession and retention from the City Controller in the manner and form and under the same rules and regulations as now provided for the procuring of license for bicycles under the laws and ordinances of the city, and shall pay a fee of \$1 to said City Controller for such license. Provided, that peace officers shall not be required to obtain a license or pay a fee therefor.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

By Mr. Willson:

General Ordinance No. 129, 1919.

An Ordinance amending Section 525 of General Ordinance No. 12, 1917, and declaring a time when the same shall take effect.

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

Section 1. That Section 525 of General Ordinance No. 12, 1917, be and the same is hereby amended to read as follows:

"Sec. 525. Portable Furnaces. The top of every portable furnace, not set in brick, shall be kept at least one (1) foot below the beams of ceiling, with at least two (2) inches of sand over the top of the furnace, with the exception of pipeless furnaces so constructed that a cold air channel shall completely encircle the hot air pipe, said cold air channel to circulate the air between the wood joists and hot air channel and to be not less than four (4) inches in width at the closest point between the cold and hot air pipes. The warm air chamber of the heater shall be properly insulated by an air channel or other suitable material to prevent the stoppage of a positive circulation of cool air through said channel, this insulation to run within at least eighteen (18) inches from the register. Said cold air channel and cold air part of register at floor line or eighteen (18) inches below shall feel cool enough at all times to bear the naked hand against same and at the most severe test the casing of said heater at floor line or eighteen (18) inches below shall not be hot enough to start the wood charring."

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

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

By Mr. Willson:

General Ordinance No. 130, 1919.

An Ordinance prohibiting smoking on street cars in the City of Indianapolis, providing penalties for the violation thereof and fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for any person while upon any passenger street or interurban car, within the City of Indianapolis, to smoke, or have in his possession any lighted pipe, cigar or cigarette.

Sec. 2. Any person violating the provisions of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof, for the first offense may be fined in any sum not exceeding five dollars; for the second offense in any sum not exceeding \$25.00; for any subsequent offense may be fined in any sum not exceeding \$25.00 to which may be added imprisonment in the county jail not to exceed ten days.

Sec. 3. This ordinance shall be in effect from and after its passage and publication once each week for two consecutive weeks in a newspaper in general circulation published in the City of Indianapolis,

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

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Mr. Alexander Taggart, President of the Board of Public Safety, addressed the Council and explained General Ordinance No. 119, 1919.

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 125, 1919, be withdrawn from the Public Works Committee and placed upon its passage.

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

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Carnefix called for General Ordinance No. 125, 1919, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 125, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 125, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Kirsch, Brown, Carnefix, Furniss, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

ORDINANCES ON SECOND READING.

Mr. Carnefix called for Appropriation Ordinance No. 42, 1919, for second reading. It was read a second time.

Mr. Carnefix moved that Appropriation Ordinance No. 42, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 42, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Carnefix called for Appropriation Ordinance No. 43, 1919, for second reading. It was read a second time.

Mr. Carnefix moved that Appropriation Ordinance No. 43, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 43, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Carnefix called for General Ordinance No. 124, 1919, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 124, 1919, be amended as recommended by the Committee. Carried.

Mr. Carnefix moved that General Ordinance No. 124, 1919, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 124, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Furniss called for General Ordinance No. 81, 1919, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 81, 1919, be stricken from the files.

The roll was called and General Ordinance No. 81, 1919, was stricken from the files by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Furniss called for General Ordinance No. 120, 1919, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 120, 1919, be amended as recommended by the Committee. Carried.

Mr. Furniss moved that General Ordinance No. 120, 1919, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 120, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

Mr. Furniss called for General Ordinance No. 121, 1919, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 121, 1919, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 121, 1919, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

By unanimous consent the Council referred back to "Reports of Standing Committees."

From the Committee on Finance:

Indianapolis, Ind., December 15, 1919.

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

Gentlemen: We, your Committee on Finance, to whom was referred General Ordinance No. 112, 1919, beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

RUSSELL WILLSON,
L. CARNEFIX,
O. B. PETTIJOHN,
G. G. SCHMIDT,
S. A. FURNISS.

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

Mr. Willson called for General Ordinance No. 112, 1919, for second reading. It was read a second time.

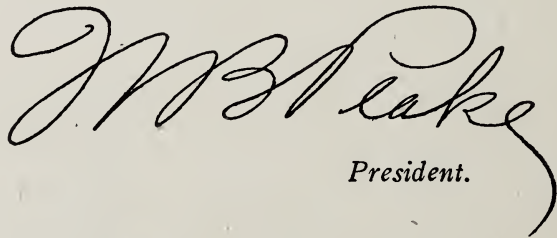
Mr. Willson moved that General Ordinance No. 112, 1919, be stricken from the files.

The roll was called and General Ordinance No. 112, 1919, was stricken from the files by the following vote:

Ayes, 9, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Pettijohn, Schmidt, Willson and President Wm. B. Peake.

On motion of Mr. Willson, the chairman of the City's Welfare Committee was instructed to hold a public hearing on General Ordinance No. 126, 1919, during the present week and the City Clerk was instructed to invite the Chamber of Commerce, Board of Trade, Merchants' Association, East and West Washington Street Merchants' Association, patrons of the Telephone Companies and the general public, to have representatives at this public hearing.

On motion of Mr. Carnefix the Common Council at 10:05 o'clock p. m., adjourned.



W. B. Peake

President.

Attest:



City Clerk.