

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, March 16, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 16, 1908, at 7:30 o'clock, in regular session, President William J. Neukom in the chair.

Present: The Hon. William J. Neukom, President of the Common Council, and 19 members, viz: Messrs. Brown, Cottey, Hamlet, Wood, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright and Henry.

Absent, 1, viz: Mr. Davis.

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

At this time the Council took up as a special order of business the consideration of the report of the Committee on Public Safety and Comfort on General Ordinance No. 10, 1908, which was deferred from the last regular meeting.

Mr. Eppert moved the Council go into a committee of the whole to consider the matter.

Mr. Sullivan moved to lay the motion of Mr. Eppert on the table.

Mr. Eppert called for the "ayes" and "noes."

The roll was called and the motion of Mr. Sullivan was lost by the following vote:

Ayes, 2, viz: Messrs. Wood and Royse.

Noes, 18, viz: Messrs. Brown, Cottey, Hamlet, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Fortteus, Donavon, Sullivan, Hofmann, Hilkeno, Wright, Henry and President William J. Neukom.

The motion of Mr. Eppert was then put and carried.

The Council went into a committee of the whole with President pro tem. Hartmann in the chair.

After deliberating on the question, Mr. Royse moved that the committee of the whole arise and report back to the Council. Carried.

Mr. Hartmann reported back to the Council that the committee of the whole recommended that the entire matter be laid over until the next regular meeting.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., March 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 15, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve St. Clair street from the east property line of Highland avenue to the C., C., C. & St. L. Ry. tracks with brick roadway and curbing."

Appropriation Ordinance No. 4, 1908, being "An ordinance appropriating the sum of \$250 to the Department of Finance for the codification of certain laws and ordinances, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 7, 1908, being "An ordinance appropriating the sum of \$3,600 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 8, 1908, being "An ordinance appropriating the sum of \$3,000 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 22, 1907, being "An ordinance appropriating the sum of \$2,514.93 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., March 6, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 6, 1908, the same being "An ordinance appropriating the sum of \$25,000 to and for the use of the Department of Public Works," such moneys so appropriated to be used for the purpose of purchasing and construction of a plant for the repair of asphalt streets, and for the purchase or leasing of ground, and the securing of the necessary rollers, wagons, tools, etc., to be used in connection with such plant.

The ordinance originally sent to your honorable body for this purpose provided an additional sum of \$40,000 to cover the expense of operation of such plant, all of such money being absolutely necessary. The amendment having been made reducing this sum of money will render such plant of no use whatever to the city, unless additional funds are supplied at once. The Board of Public Works cannot be expected to come to the Council each month with a new ordinance providing the funds for the expense of operation for such month. We must make contracts for asphalt and other material, and, as you well know, under the provisions of the Cities and Towns Act we cannot make such contracts until after the necessary funds have been appropriated. Under the most favorable circumstances not less than forty-five days will be required to complete such plant, while an equal length of time will be required to secure bids for the materials and tools needed.

There will be presented to your honorable body at this session an ordinance appropriating the \$40,000 stricken from the original ordinance. We must have prompt action on this ordinance if we are to expect to care for our streets. There should not be any delay. It is most important that repairs should commence at the earliest possible date. Delay means additional expense. I therefore most earnestly urge that prompt action be taken on such ordinance.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 6, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 41, 1907, being "An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 17th day of May, 1907, between the City of Indianapolis, by and through its Board of Public Works, and the Terre Haute, Indianapolis & Eastern Traction Company, whereby said company is authorized to run and operate its interurban cars into said city along certain streets, and to carry passengers, mail, express matter, baggage and freight on such cars, in and upon the streets of the city of Indianapolis, and fixing the time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,

Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 11, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval Appropriation Ordinance No. 5, 1908, being "An ordinance appropriating the sum of \$1,500 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Resolution No. 1, 1908.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,

Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 12, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 74, 1907, being "An ordinance amending Section 4 of an ordinance entitled, 'An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the city of Indianapolis, Indiana, and repealing all ordinances in conflict therewith,'" being General Ordinance No. 32, 1907, approved May 16, 1907.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,

Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: There will be submitted to your honorable body at this session an ordinance providing for the issuance of sixty bonds of \$1,000 each, the same to be known as "Indianapolis Contagious Disease Hospital Bonds, 1908," and as the name indicates, the proceeds to be used in the construction of three pavilions, either upon the present hospital grounds or upon other grounds in the neighborhood which may hereafter be purchased. The necessity for properly caring for contagious diseases needs no argument. At present we have no place to care for such diseases outside the five-room cottage located on the southwest corner of the present hospital grounds, except two tents which we have been compelled to erect within the past few days. Conceding the necessity for these buildings, I advance the proposition that the proper manner in which to meet the cost of their construction is through a bond issue. This work is of a permanent character. The benefits to be derived therefrom will be enjoyed by future generations as well as by the present residents of Indianapolis. The issuance of bonds divides the burden, and in my opinion is the only way in which the cost of this improvement should be provided for.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: There will be presented to your honorable body at this session two ordinances relating to the repair of permanently improved streets. One of these ordinances will call for the appropriation of \$40,000 to cover the cost of operation of the proposed municipal patching plant, in addition to the purchase of the necessary materials to do such work. The necessity for this appropriation is apparent. There has already been voted by your honorable body the sum of \$25,000 for the purchase of the repair plant, and the purchase or leasing of the necessary grounds on which to locate the same, and also for the purchase of the necessary apparatus and tools. After the passage of this ordinance the Board of Public Works entered into a contract with Hetherington & Berner for the construction of the plant, and have opened negotiations for the leasing of the necessary grounds. We have also taken steps to secure the required rollers, heaters and other tools and apparatus. The cost of these various items will absorb practically all the money now appropriated, and it follows as a natural sequence, that additional appropriations are necessary in order that we may operate.

The second ordinance above referred to, provides for the appropriation of the further sum of \$20,000 for the making of repairs to permanently improved streets. It will not be possible for us to place the municipal plant in proper condition for work within the next ninety days. The streets of Indianapolis, as a matter of economy, cannot be permitted

to go unpatched during this time. The expense of making necessary repairs, should the work be deferred until July, would be practically double the cost at this time. Even were this not true, good municipal house-keeping demands that the streets should be kept in good condition. It is the purpose of the Board of Public Works to at once advertise for proposals to do this repair work. Under present weather conditions work can be done to advantage, and I submit this ordinance with the hope that the same will receive immediate attention, thus enabling us to commence work not later than April 1st.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I respectfully call your attention to Appropriation Ordinance No. 22, 1907, appropriating \$2,514.93 for the payment of certain assessments made against park property for public improvements, which said ordinance was passed by your honorable body on March 2, 1908, and approved by the Mayor on March 3, 1908.

Said ordinance as introduced provided for the appropriation to be made to the Department of Public Parks, the ordinance was amended by your honorable body by substituting the Department of Public Works. The ordinance as it now stands, makes the appropriation to the Department of Public Works, which can be used in the payment of any assessments made against property under said department's control, but can not be used for the payment of the assessments made against park property.

I herewith submit a supplemental ordinance, and as some of these claims are of many months standing, I respectfully recommend that this supplemental ordinance be passed under a suspension of the rules.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 11, 1908.

Mr. George T. Breunig, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$2,514.93

to the Department of Public Works for the payment of assessments for street improvements of the Board of Public Works against park property, as follows :

For roadway of Twenty-fifth Street	\$ 44 62
For roadway of Capitol Avenue.....	84 68
For roadway of Shelby Street.....	1083 19
For sidewalks on Thirtieth Street	866 54
For roadway and curb on Oxford Street.....	435 90
Total.....	\$2514 83

Yours truly,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit affidavit of Mrs. Rosa Czinczall, widow and heir of Charles Czinczall, deceased, asking for a refunder of \$145.81, unearned portion of city liquor license No. 486, issued to him September 11, 1907.

I herewith submit an ordinance making the appropriation asked for, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

STATE OF INDIANA, }
COUNTY OF MARION, } ss.

George T. Breunig, City Controller, City:

The undersigned, Rosa Czinczall, upon her oath presents, that she is the widow of Charles Czinczall. That said Charles Czinczall had issued to him on the 11th day of September, 1907, a retail liquor license, No. 486, for the place of business situated at No. 1002 South West street in the city of Indianapolis.

That said Charles Czinczall died on the 10th day of February, 1908. That said place of business was not operated under said license after said day; that no administration is now pending, and affiant is his widow (lawful), and as such is entitled to a rebate of one hundred forty-five and eighty-hundredths dollars, on account of the license fee paid on account of said license.

Wherefore she prays that said sum aforesaid be paid as in manner and form prescribed by law.

ROSA CZINCZALL.

Subscribed and sworn to this 14th day of March, 1908.

O. R. WALD,
Notary Public.

My commission expires May 12, 1910.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith present a letter from the Department of Public Works, requesting me to recommend an appropriation of \$20,000.00, to be expended in the repair of asphalt streets.

I herewith submit an ordinance providing for the appropriation asked for, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 16, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$20,000 for the repair of asphalt streets under contracts to be let by the Board of Public Works.

Yours truly,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith present a communication from the Department of Public Works, requesting me to recommend an additional appropriation in the sum of \$40,000.00, to be added to the sum heretofore appropriated for the construction and maintenance of an asphalt plant.

I herewith submit an ordinance providing for the appropriation as requested, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 11, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the additional sum

of \$40,000 to the fund for the construction and maintenance of an asphalt repair plant.

Yours respectfully,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached switch ordinance, granting to the Marion County Construction Company the right to lay and maintain a side-track or switch from the main line of the Indianapolis Southern Railway Company across South West street.

Respectfully yours,

BOARD OF PUBLIC WORKS.
F. J. NOLL, JR.,
Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 24, 1908, being an ordinance regulating roller skating rinks, have had the same under consideration and would recommend that the same be amended by adding to the last line of Section 1, after the words 6 o'clock p. m., the words, "unless accompanied by one of their parents," and when said ordinance is so amended we would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.
CHAS. G. DAVIS.
THEO. PORTEUS.

Mr. Rhodes moved that the report of the committee be concurred in.

Mr. Eppert moved that further action be deferred until the next regular meeting.

Mr. Royse called for the "ayes" and "noes."

The roll was called and the motion of Mr. Eppert was lost by the following vote:

Ayes, 4, viz.: Messrs. Hamlet, Eppert, Smither and Uhl.

Noes, 15, viz: Messrs. Brown, Cottey, Wood, Rhodes, Bangs, Stickelman, Portteus, Royse, Donavon, Sulliyon, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

The motion of Mr. Rhodes was then put and carried.

From the Committee on Finance:

INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 10, 1908, entitled, "An ordinance providing for the appropriation of \$8,000 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
W. O. BANGS.
W. A. RHODES.
FAY WRIGHT.
JOHN L. DONAVON.
H. C. SMITHER.
BENJ. A. BROWN.

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

From the Committee on Finance:

INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 21, 1908, entitled "An ordinance supplemental to General Ordinance No. 116, 1907, entitled 'An ordinance for the transfer of certain public funds heretofore appropriated to the Department of Public Works,' approved January 6, 1908, and fixing a time when the

same shall take effect," begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
W. O. BANGS.
W. A. RHODES,
FAY WRIGHT.
JOHN L. DONAVON.
H. C. SMITHER.
BENJ. A. BROWN.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., March 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Ordinances, to whom was referred Special Ordinance No. 3, 1908, being "An ordinance providing a name for the alley running north from East Tenth street to Sixteenth street between Park avenue and Broadway," beg leave to report that we have had the same under consideration and would recommend that said ordinance do pass.

Respectfully submitted,

E. J. STICKELMAN.
OTTO HOFMANN.
JAS. F. SULLIVAN.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 11—1908: An ordinance appropriating the sum of \$145.81 to and for the use of the Department of Finance, and fixing a time when the same shall take effect

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one hundred forty-five dollars and eighty-one cents (\$145.81) be, and the same is hereby appropriated to and for the use of the Department of Finance to be used in the payment of the claim of Mrs. Rosa Czinczall, widow and heir of Charles Czinczall, deceased, being the amount due said widow for the unearned

portion of city liquor license, No. 486, issued to said Charles Czinczall on September 11, 1907. Such claim being made in accordance with the provisions of Section 8 of an act of the General Assembly of the State of Indiana, entitled, "An act to better regulate and restrict the sale of liquors," etc., approved March 11, 1895.

SEC. 2. This ordinance shall take effect and be in full force 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—1908: An ordinance providing for the appropriation of the sum of, \$20,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the sum of twenty thousand (\$20,000.00) dollars be, and the same is hereby, appropriated to and for the use of the Department of Public Works, to be used by said department, or so much thereof as may be necessary, for the repair of asphalt streets by contract.

SEC. 2. This ordinance shall take effect and be in force 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—1908: An ordinance providing for the appropriation of the sum of \$40,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and is hereby, appropriated the sum of forty thousand (\$40,000.00) dollars, to and for the use of the Department of Public Works, to be used by said department, or so much thereof as may be needed, for the construction and maintenance of an asphalt repair plant, to pay for equipments, materials and pay-rolls, and all other necessary expenses in connection with the repair of asphalt streets.

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

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

By City Controller:

Appropriation Ordinance No. 14—1908: An ordinance supplemental to Appropriation Ordinance No. 22, 1907, entitled, "An ordinance appropriating the sum of \$2,514.93, to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," approved March 3, 1908.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Department of Public Works be, and is hereby directed to use the moneys heretofore appropriated to said department under Appropriation Ordinance No. 22, 1907, approved by the Mayor on March 3, 1908, in the payment of the following claims for assessments made against park property for public improvements:

For roadway of Twenty-fifth Street.....	\$ 44 62
For roadway of Capitol Avenue.....	84 68
For roadway of Shelby Street	1,083 19
For sidewalks of Thirtieth Street	866 54
For roadway and curb on Oxford Street.....	435 90
Total.....	<u>\$2,514 93</u>

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

Mr. Royse moved that the rules be suspended and Appropriation Ordinance No. 14, 1908, be placed on passage.

Which motion was lost for want of a unanimous vote.

The ordinance was thereupon referred to the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 26—1908: An ordinance approving a certain contract granting The Marion County Construction Company the right to lay and maintain a sidetrack or switch from the main line of the Indianapolis Southern Railway Co. across South West street, according to blueprint attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 13th day of March, 1908, filed its petition before the Board of Public Works of the City of Indianapolis as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—The undersigned, The Marion County Construction Company, hereby petitions your honorable board for permission to lay a switch across South West street, the center line of which shall be 262.64 feet south of the south line of Arizona street where the same crosses South West street.

THE MARION COUNTY CONSTRUCTION CO.

By W. C. SMITH, *Secretary.*

Now, therefore, This agreement, made and entered into this 13th day of March, 1908, by and between The Marion County Construction 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 from the Indianapolis Southern railway to its plant in the City of Indianapolis, which is more specifically described as follows:

Beginning at the main line of the Indianapolis Southern Railway and crossing South West street at a point 262.64 feet south of the south line of Arizona street where the same crosses South West street,

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 track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in nowise 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 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 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 a sidetrack or switch across South West street, in the city of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 13th day of March, 1908.

THE MARION COUNTY CONSTRUCTION CO.

By W. C. SMITH, *Secretary*,
Party of the First Part.

Witness: JAMES A. MCKEE.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works,
Party of the Second Part.

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

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

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

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

By City Controller:

General Ordinance No. 27—1908: An ordinance authorizing the sale of sixty bonds of one thousand dollars (\$1,000.00) each, of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used in the purchase or condemnation of land, the construction thereon of a building suitable for a contagious disease hospital, and the proper equipment and furnishing of the same; providing for the time and manner of advertising sale of said bonds, and of the receipt of bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said bonds; and fixing a time when the same shall take effect.

WHEREAS, It is deemed necessary and proper and for the best interests of the City of Indianapolis and the inhabitants thereof, to purchase or condemn land and to construct thereon a building suitable for a contagious disease hospital and to fully equip and furnish the same, in and for the City of Indianapolis; and

WHEREAS, There are not now and will not be sufficient funds in the treasury of said city with which to meet the aforesaid expenditures for said contagious disease hospital, and it being necessary for the City of Indianapolis to borrow the sum of sixty thousand (\$60,000.00) dollars, and to issue and sell its bonds in that amount payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law; therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said city be and is hereby authorized for the purpose of procuring money to be used in the purchase or condemnation of land, the construction thereon of a building suitable for a contagious disease hospital, and the proper equipment and furnishing of the same, to prepare and sell sixty (60) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000.00) dollars each, which bonds shall bear date of....., 1908, and shall be numbered from one (1) to sixty (60) both inclusive; shall be designated "Contagious Disease Hospital Bonds of 1908;" shall bear interest at the rate of three and one-half (3½) per cent. per annum, which interest shall be payable semi-annually on the first day of January, and the first day of July, of each year, beginning with January first, 1909, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of January, 1909. Said bonds and interest coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Company, of the City of New York, State of New York. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith

and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds, to register in a book kept for that purpose, all of said bonds so issued and negotiated in serial number, beginning with number one (1), giving also the date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA.

CITY OF INDIANAPOLIS,

MARION COUNTY, STATE OF INDIANA.

CONTAGIOUS DISEASE HOSPITAL BONDS OF 1908.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on January 1st, 1938, at the banking house of Winslow, Lanier & Company, in the City of New York, State of New York, one thousand dollars, in lawful money of the United States of America, together with interest thereon at the rate of three and one-half (3½) per cent. per annum from date until paid, the first interest payable on the first day of January, 1909, and the interest thereafter payable semi-annually, on the first day of July and January respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of sixty bonds, of one thousand dollars each, numbered from one to sixty, both inclusive, of date of1908, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the City, on1908, and an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905.

It is hereby certified that all the conditions, acts, and things essential to the validity of this bond exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with, and that this bond is within every debt and other limit prescribed by the Constitution and the laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

In Witness Whereof, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this.....day of.....1908.

.....
Mayor.

Attest:
City Controller.

.....
City Clerk.

SEC. 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds

by at least one insertion each in the Indianapolis Sun and the Commercial Reporter, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisement shall describe said bonds with such minuteness and particularity as the City Controller shall see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder shall be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 3. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the city of Indianapolis, Indiana, payable to the order of Edward J. Robison, City Treasurer, for a sum of money which shall equal two and one-half (2½) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock noon on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and two o'clock p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part or any number thereof, to the highest and best bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of reoffering and readvertisement of said bonds hereinafter provided.

SEC. 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such readvertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue, from time to time, in like manner, to readvertise said bonds for sale until said bonds are sold.

SEC. 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any

successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders, shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect, or omission to do so shall be a breach of contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SEC. 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect; and the proceeds derived from any sale or sales of bonds as herein authorized, shall be and hereby are appropriated to the use of the Department of Public Works to be used for the purposes mentioned and described in Section 1 of this ordinance, and the City Controller is hereby authorized and directed to draw all proper and necessary warrants and to do whatever act may be necessary to carry out the provisions hereof.

SEC. 8. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By Mr. Royse:

Special Ordinance No. 4—1908: An ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary line of said city, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the boundary lines of the City of Indianapolis be, and the same are hereby extended so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of In-

dianapolis, in Marion County, Indiana: Beginning at a point on the present city limits at the intersection of State avenue and Walker avenue; thence southeast along the center line of Walker avenue to the center line of the first public road running east; thence east along the center line of said public road to the east line of Section 19, Township 15 north, Range 4 east; thence north along the east line of said Section 19 and along the east line of Section 18 (being the center line of Keystone avenue) to the center of the right-of-way of the Indianapolis Union Railway Co. (the Belt railroad); thence in a southwesterly direction along the center line of said Indianapolis Union Railway Company's right-of-way to the east line of the west half of Section 18, Township 15 north, Range 4 east; thence south along said line and along the center of State avenue (being the east line of the west half of Section 19, Township 15, Range 4 east) to the point on the center line of Walker avenue, the place of beginning.

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

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

By Mr. Royse:

Special Ordinance No. 5—1908: An ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary line of said city, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana: That the boundary lines of the City of Indianapolis be and the same are hereby extended so as to include the following described contiguous territory, all of which is hereby annexed to, and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana: Beginning at a point on the present boundary line of the city where the center line of Keystone avenue intersects with the center line of Pleasant run; thence in a northeasterly direction along the center line of Pleasant run to a point in the center line of the right of way of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence in a northwesterly direction along the center line of said right of way to a point in the center line of Trowbridge street (being the first street east of Keystone avenue); thence north along the center line of Trowbridge street to a point on the center line of the first alley south of English avenue; thence east along the center line of said first alley south of English avenue to a point in the center line of Canby street; thence north along the center line of Canby street to a point in the center line of English avenue; thence west along the center line of English avenue to a point in the center of Rural street produced, said point being on the present corporation line of the city; thence west along the center line of English avenue to a point in the center line of Keystone avenue, thence south along the center line of Keystone avenue to the center line of Pleasant run, the place of beginning.

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

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

MISCELLANEOUS BUSINESS.

INDIANAPOLIS, IND., March 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: At a meeting of the Governing Committee held last evening, attention was called to the letter written to the City Council by Mayor Bookwalter, concerning an ordinance providing for an appropriation of \$45,000.00 to the City Park Board for boulevard purposes, in order that said Board may provide immediate work for the unemployed of the city.

The plan was heartily endorsed by the Board of Trade Governing Committee and the Secretary was instructed to communicate with your honorable body and respectfully urge favorable action on such ordinance.

Very respectfully,

THE INDIANAPOLIS BOARD OF TRADE,

JACOB W. SMITH, Secretary.

ORDINANCES ON SECOND READING.

Mr. Rhodes called for General Ordinance No. 24, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 24, 1908, be amended as recommended by the committee. Carried.

Mr. Rhodes moved that General Ordinance No. 24, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 24, 1908, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Brown, Cottey, Wood, Smither, Rhodes, Bangs, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 3, viz.: Messrs. Hamlet, Eppert and Uhl.

Mr. Royse called for Appropriation Ordinance No. 10, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 10, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 10, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for General Ordinance No. 21, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 21, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 21, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Stickelman called for Special Ordinance No. 3, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that Special Ordinance No. 3, 1908, be ordered engrossed; read a third time and placed upon its passage. Carried.

Special Ordinance No. 3, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs, Brown, Cottey, Hamlet, Wood, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse moved that the Clerk be instructed to compile and have printed a book containing the Rules and the new Council Committees. Carried.

On motion of Mr. Royse, the Common Council at 9:20 o'clock P. M., adjourned.

W. J. Neukom

President.

ATTEST:

James M. Kelly

City Clerk.

