

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, August 17, 1908

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 17, 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 17 members, viz.: Messrs. Brown, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilken, Wright and Henry.

Absent, 3, viz.: Messrs. Cottey, Hamlet and Hofmann,

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., August 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval the following ordinances:

General Ordinance No. 59, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, In-

diana, to improve Walcott street from the north property line of Washington street to the south property line of Michigan street, with asphalt roadway."

General Ordinance No. 60, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Boston street from the east curb line of Pennsylvania street to the west property line of Talbott avenue, with asphalt roadway and brick gutters."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

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

To the President and Members of the Common Council:

GENTLEMEN: I return herewith without my approval General Ordinance No. 66, 1908, the same being "An ordinance amending clause f of Section 5 of an ordinance entitled 'An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis,' approved May 16, 1907."

My reasons for withholding my approval of this ordinance have been set forth in other messages dealing with similar salary ordinances. The people of Indianapolis have the right to expect of us the utmost economy at all times, and especially in view of the existing conditions should we be slow to increase the fixed charges of the city government. I call your attention to the fact that this ordinance seeks to amend an ordinance which of itself increases salaries, and which has been on the ordinance books of the city but little over one year. In my opinion the increases provided for in this ordinance are not justified.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

Mr. Rhodes moved that General Ordinance No. 66, 1908, be passed over the veto of the Mayor.

The roll was called and General Ordinance No. 66, 1908, was passed over the veto of the Mayor by the following vote:

Ayes, 18, viz.: Messrs. Brown, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright, Henry and President William J Neukom.

Noes, none.

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

To the President and Members of the Common Council:

GENTLEMEN: I return herewith without my approval General Ordinance No. 63, 1908, the same being "An ordinance to amend the provision relative to Humane officers in clause f, Section 6 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,' approved May 16, 1907."

I cannot approve this ordinance because in my opinion the compensation fixed is out of proportion with the pay given to other employes of the police department. I can see no reason why the compensation of a patrolman detailed as a Humane officer should exceed that given to other patrolmen connected with such department. The work of a humane officer is not as onerous as that of a regular patrolman. Such humane officers are home every night, and their hours of duty are not so long as those of a regular patrolman, and hence I consider this increase not in line with the general salary list of the police department. My further reason for withholding my approval is the belief that under existing conditions this is no time to increase salaries.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

Mr. Rhodes moved that General Ordinance No. 63, 1908, be passed over the veto of the Mayor.

The roll was called and General Ordinance No. 63, 1908, was passed over the veto of the Mayor by the following vote:

Ayes, 18, viz.: Messrs. Brown, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

At 8 o'clock P. M. Mr. Hamlet entered the Council Chamber and took his seat.

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

To the President and Members of the Common Council:

GENTLEMEN: I return herewith without my approval General Ordinance No. 67, 1908, the same being "An ordinance regulating and licensing professional baseball parks, requiring a license fee and prescribing penalties."

In my opinion this ordinance fixes a license fee which is exorbitant and out of line with the license fees charged against other amusements. Baseball is the national game. It is the only private business which an entire community adopts as its own, and while I feel that a license might in reason be exacted, I still am of the opinion that the one provided for in this ordinance is excessive.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,

Mayor.

Mr. Donavon moved that General Ordinance No. 67, 1908, be passed over the veto of the Mayor.

The roll was called and General Ordinance No. 67, 1908, failed to pass over the veto of the Mayor, not receiving the necessary two-thirds vote.

Ayes, 13, viz.: Messrs. Hamlet, Wood, Davis, Rhodes, Bangs, Stickelman, Royse, Donavon, Sullivan, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 6, viz.: Messrs. Brown, Eppert, Smither, Uhl, Hartmann and Portteus.

At 8:10 o'clock P. M. Mr. Cottey entered the Council Chamber and took his seat.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., August 11, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I wish to call your attention to the importance of early action upon the ordinance introduced at the meeting of your honorable body on March 16, 1908, providing for the issuance of bonds to the amount of \$60,000, and the making of an appropriation of such sum for the purchase of necessary ground, and the construction of a contagious disease hospital for children in connection with the present city hospital buildings. An absolute necessity exists for this hospital. For the past six months or more the city has been compelled to place children stricken with contagious diseases in tents located on the hospital grounds, the small cottage which has been used for this purpose having proven inadequate. This ordinance was introduced early in the year, with the hope that immediate action would enable the Board of Public Works and the Department of Public Health and Charities to secure the construction of this hospital during the summer. The need of an institution of this kind is greater during the winter months, and the delay which has fol-

lowed the introduction of this ordinance now brings us face to face with a most serious proposition. Shall it be said that the people of Indianapolis, rich as they are in their corporate capacity, are not willing to appropriate the necessary funds with which to care for the babies of this community who must be looked after in a public institution either because of the financial inability of their parents to properly provide for them or because of the lack of necessary facilities for proper care in the homes. I, as an individual and an official, say no, to this proposition. It is a disgrace and a shame that this condition exists today, and each one of us should be ready and willing to do everything within our power to provide this absolutely necessary institution.

I wish in this connection to call your attention to the following communication which has been handed to me by Dr. Freeland, superintendent of the city hospital:

INDIANAPOLIS, IND., August 7, 1908.

Dr. Freeland, City Hospital, Indianapolis:

DEAR SIR: We are at the present time having an epidemic of scarlet fever at the Indianapolis Orphan Asylum, which began about April 1st. Today there are fifteen cases in our hospital. Can you relieve us by taking ten of these children? By so doing you will confer a great favor upon the managers of the institution.

Very respectfully yours,

MISS CARRIE THRALL,
Suprintendent.

It is with a feeling of humiliation that I am compelled to say to you that the superintendent of the hospital in answer to this letter was forced to say that the City of Indianapolis was unable to take these children and give them proper care and attention because of lack of facilities. I quote from Dr. Freeland's reply to the above letter:

"While I appreciate that they are greatly handicapped in undertaking to get rid of the infection, yet I feel that it would be an injustice to the sick children to remove them from their present quarters and undertake to care for them as we would have to do under our present facilities; consequently we are unable to offer any aid."

In the name of the children of Indianapolis, I urge upon your honorable body the immediate consideration of this ordinance. Even with this prompt action it will be an impossibility because of the delay since last March, for us to provide this hospital before the commencement of winter, but I appeal to you against further delay, and pledge to you that immediately upon the funds becoming available, steps shall be taken looking towards the construction of this building. I send this communication not through any desire to criticize any one, but it is to call your attention to the deplorable situation in which we find ourselves.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

President Neukom called Vice-President Hartmann to the chair to preside.

INDIANAPOLIS, IND., Aug. 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: We are told that it is little short of criminal, and the public is told through the newspaper that the council and its members are the criminals, because a new debt against the city of \$60,000.00 is not created for the purchase of more ground at the City Hospital and for the erection of three (not one) contagious disease pavilions. If there is no more of truth in the representations now made to the council to induce it to add this permanent debt to the city than there have been in former representations made by the Department of Public Health and Charities this body has no assurance that the amount now asked (\$60,000.00) will even approximately do this work, and I make this statement without intending to impute wilful misstatements of the truth to any member of the board but only failure to know the truth.

Notwithstanding it is now said to be a crime to delay one moment in creating this indebtedness the Department of Public Health and Charities has received and expended, or holds for specific expenditure, the sum of \$171,500.00 in extraordinary appropriations for the City Hospital and the same necessity has existed during all the time this sum was being expended for a contagious disease pavilion that now exists therefor, because the city has not had one at any time during the time the department has been expending this money. If the present statements are literally true the department has been, to put it mildly, ill-advised in expending sums of money far in excess of the needs for a contagious disease pavillion for other purposes not nearly so essential as the contagious disease pavillions.

Some of the items going to make up this sum of \$171,500.00 are as follows:

For a laundry the sum of \$15,000.00.

For new heating system in the old building \$8,000.00.

For a stable the sum of \$3,600.00.

For repairs to make fire-proof the old building \$6,000.00.

Not one dollar of the last mentioned sum has been spent because it is now admitted to be insufficient.

Was it more necessary to build a \$15,000.00 laundry than to build a contagious disease pavilion? If not why was the laundry built before the other was provided for? Was there a greater need for a new heating plant in the old building than for the contagious disease pavillion? We are now told, and perhaps truthfully, that the contagious disease pavilion is the *greatest* need of the city. Was the \$3,600.00 stable a greater necessity than the contagious disease hospital? If not why was the stable built while the contagious disease patients were unprovided for?

If the present statements made to induce the contracting of this additional \$60,000.00 of indebtedness are true the necessities were such that they should have been taken care of before one dollar of the \$171,500 already expended in extraordinary appropriations was expended for any other purpose whatsoever. The present department has erected an excellent service building in which the doctors, internes, etc., are handsomely housed, have provided an excellent kitchen; have built and are about ready to put in operation a first-class laundry; have built a good power house at an expenditure of about \$28,000.00 or \$30,000.00, which is not yet complete and for which we will soon receive a request for an additional appropriation to provide another boiler; have built or have secured an appropriation to build an ideal stable to house the horses, and all of these expenditures have been made with full knowledge by the department of Public Health and Charities, but not with full knowledge by the members of this body, of the necessities for a contagious disease pavilion, or pavillions.

The figures and amounts herein given only include sums that have been actually expended, or appropriated for expenditure, in the face of present representations of greater needs for other purposes and do not include sums for other purposes which this department desired and requested be appropriated for other specific purposes, chief among which I might mention the \$4,000.00 which this department requested be appropriated for the purpose of building an iron fence around the City Hospital grounds. It is reasonable to presume the department deemed this iron fence of greater necessity than a contagious disease pavilion or pavilions for the children, because they requested and persistently urged upon this body, or your Finance Committee, an appropriation of that sum for that purpose long before the introduction of the present ordinance for a contagious disease pavilion, or pavilions.

Of the necessity for some provision for contagious disease patients I take it there can be no question. Of the advisability of passing the present bond ordinance and appropriating the proceeds thereof without question I, and other members of the Finance Committee who have given the subject some consideration, believe there are decided doubts. And this brings up the matter of appropriations heretofore made for the City Hospital, and the representations upon which such appropriations were made, if not appropriations for some other departments of the city government, and the representations upon which such other appropriations were made.

The first extraordinary appropriation asked for the City Hospital was in a bond ordinance for \$100,000.00, introduced on April 2, 1906, and passed on May 7, 1906. At the time this ordinance was pending it was represented to the Finance Committee by the Mayor and the then Department of Public Health and Charities that this amount was needed, and that this amount was sufficient to put the hospital in *first-class* condition. These representations were accepted as true and upon the strength of them the ordinance was favorably reported upon by your committee and was passed by this body, practically without discussion.

After this money had been all expended, on October 21, 1907, another request for an additional \$100,000.00 was received from the Department of Public Health and Charities and we then learned, for the first time, that the \$100,000.00 previously appropriated not only had not put the City Hospital into first-class condition, but that it had not even completed the service building, to be occupied by doctors and employes (and not patients) and the additional sum of \$18,500.00 was appropriated for that purpose in furnishing, plumbing, etc. After several conferences with the Department of Public Health and Charities your committee agreed to report favorably upon expenditures amounting to \$51,000.00 instead of \$100,000.00, and this was agreeable to the department. Such report was made and an amended ordinance appropriating the sum of \$51,000.00 was passed on December 16, 1907. By the time the council again met (which was a special meeting on December 31) it was discovered that this ordinance was irregular because it had not been properly recommended by the proper department of the city government and the ordinance was not signed by the Mayor. At that special meeting on December 31, 1907, an ordinance of like purport which had been properly recommended in accordance with the provisions of the law was passed under a suspension of the rules without a dissenting vote.

Included in the items going to make up this appropriation of \$51,000.00 was one for \$6,000.00 for the purpose of making fire-proof the old building at the City Hospital, which sum of \$6,000 was the entire amount asked for by the department for the purpose. While this ordinance was pending this item was made use of by some members of the Board of Health to severely criticise, through the public press, the members of the Finance Committee for holding up the appropriation of \$100,000.00 then

asked for. The words "criminal neglect" were then, as now, freely used and it was intimated that only a protecting Providence and God's mercy were intervening to save from a horrible death by fire every patient housed in the old building. In the course of time the \$6,000.00 item of the appropriation being used as a club in an effort to secure \$100,000.00 was made as a part of the \$51,000.00. Since it has been made not one cent of it has been expended and during all the present year there has existed the same danger of a horrible loss of life by fire that existed when the department was pretending to be in such mortal dread of fire for the purpose of securing the appropriation of \$100,000.00 for other purposes. The reason none of the \$6,000.00 has been expended is said to be that it has now been ascertained that it will require \$12,000.00 for this purpose instead of \$6,000.00. That being just double the amount asked for is about a fair average of the nearness of estimates made by this department of the probable cost of extraordinary improvements desired. It was the proportion exactly in the first instance when we were told that \$100,000 was to put the hospital in *first-class* shape and were afterwards asked to appropriate another \$100,000.00, and now another \$60,000.00. Further than that it is now admitted by at least one person connected with the Department of Public Health and Charities that it will require something like a half million dollars more than has already been expended to put the City Hospital in *first-class* condition.

There now exists no greater necessity for the contagious disease pavilion or pavilions than has always existed which can be immediately cared for. That is to say, the present outbreak of scarlet fever in the orphans' home cannot be taken care of by reason of any action now taken. And the failure to be prepared to take care of the present outbreak is directly chargeable to the Department of Public Health and Charities and not to this body or any member thereof, nor any committee thereof, because, had this department heretofore, while it was expending money for laundry houses and stables, and building fine ones, have shown to this body the necessity for such contagious disease buildings they would, no doubt, have long ago been provided for, and the children now suffering from scarlet fever could have been comfortably housed in these buildings.

Whenever the department will satisfy your committee that the whole amount asked for is needed for the purpose of a contagious disease pavilion and present some evidence that it knows that the whole amount asked for is needed, and will also present some evidence that the amount asked for will be sufficient for the purpose and not merely one-half of the amount that will be required, I believe there will be no trouble in securing not only a favorable report, but favorable action by this body.

However, speaking solely for myself, I say that until it does present such evidence, I will never vote for the appropriation of \$60, much less a bond issue of \$60,000.00. I frankly admit that I do not know what such a building should cost. But Mr. Adolph Scherrer, who was the architect for the new service building and in whom the Department of Public Health and Charities have in the past reposed implicit confidence, probably does know, and Mr. Scherrer gave the department an estimate that three contagious disease pavilions, or cottages, made fire-proof, should cost \$27,000.00, and this estimate was accepted and was included in the estimate of the board in a communication sent by Dr. Buehler to the City Controller on October 21, 1907, and set forth in the proceedings of this body of the same date. Why is the estimate for the same purpose now put at \$15,000.00? That is the notion of the \$60,000.00 asked for that is now desired for the same thing that the department itself as recently as last October only asked \$27,000.00 for, and the lower estimate was that of one of the oldest and best architects of the city, and one who has the reputation of being high in his estimates. Who made the estimate

that it will now take \$45,000.00 for the same purpose? I do not know, and ask if any member of this body knows.

If this department will produce evidence that \$100,000 is absolutely necessary to provide the means for caring for contagious disease patients, speaking for myself, I say I will vote for the appropriation of that amount. And while it is not incumbent upon me, or any other member of this body, to suggest the manner of transacting business in any department of the city government, it does seem to me that a business-like way to ascertain what is actually needed for this purpose is to receive bids for the work and ask for sufficient appropriation to cover the amount of the bids. This is not a new or novel proposition, and is not original with myself, for the plan has heretofore been followed by the Department of Public Works, and has proven satisfactory when it was followed.

Respectfully submitted,

HARRY E. ROYSE.

W. O. BANGS.

JOHN L. DONAVON.

FAY WRIGHT.

Mr. Royse moved that the communication be incorporated in the minutes of the meeting.

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

The roll was called and the motion of Mr. Royse was carried by the following vote:

Ayes, 15, viz.: Messrs. Cottey, Hamlet, Davis, Eppert, Smither, Rhodes, Bangs, Stickelman, Royse, Donavon, Sullivan, Hilkenc, Wright, Henry and President William J. Neukom.

Noes, 4, viz.: Messrs. Brown, Uhl, Portteus and President pro tem. Charles L. Hartmann.

REPORTS FROM CITY OFFICERS.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to your honorable body, for consideration and action thereon, the at-

tached ordinance being an ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 3d day of August, 1908, between the City of Indianapolis, by and through its Board of Public Works, and Union Traction Company of Indiana, and Indiana Union Traction Company, whereby said companies are authorized to run and operate certain of their cars in said city along certain streets therein described.

Respectfully yours,
 BOARD OF PUBLIC WORKS,
 F. J. Noll, Jr.,
Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to your honorable body, for consideration and action, the enclosed ordinances, authorizing and empowering the Board of Public Works to proceed with the following described public improvements:

Improvement Resolution No. 5639, for the improvement of Parker avenue from north property line Tenth street to south property line Nowland avenue, with asphalt roadway and brick gutters.

Improvement Resolution No. 5654, for the improvement of Washington street (north side) from east curb line Arlington avenue to east corporation line of city, with cement walks.

Respectfully yours,
 BOARD OF PUBLIC WORKS,
 F. J. Noll, Jr.,
Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to your honorable body, for consideration and action thereon, the attached ordinance authorizing and empowering the Board of Public Works to proceed with the improvement of the first alley east of Pennsylvania street, from north property line first alley north of Sixteenth street to south property line Twenty-second street, with brick roadway.

Respectfully yours,
 BOARD OF PUBLIC WORKS,
 F. J. Noll, Jr.,
Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 27, entitled "An ordinance providing for the appropriation of the sum of \$1,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

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

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

From the Committee on Finance:

INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 29, entitled "An ordinance providing for the appropriation of the sum of \$10,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

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

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinances, to which was referred Special Ordinance No. 8, 1908, entitled "An ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary of said city, and fixing a time when the same shall take effect," begs leave to report that it has had same under consideration and recommends that said ordinance do not pass.

Respectfully submitted,

E. J. STICKELMAN.
JAS. F. SULLIVAN.

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

From the Committee on Permanent Improvements:

INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Permanent Improvements, to whom was referred General Ordinance No. 70, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Union street from south property line McCarty street to north property line Palmer street, with asphalt roadway and brick gutters." have had same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.
J. H. HAMLET.
JAS. F. SULLIVAN.
JOHN F. WOOD.
FRED W. EPPERT.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 71—1908: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 3d day of August, 1908, between the City of Indianapolis, by and through its Board of Public Works, and Union Traction Com-

pany of Indiana and Indiana Union Traction Company, whereby said companies are authorized to run and operate certain of their cars in said city along certain streets therein described.

WHEREAS, Heretofore, to-wit: On the 3d day of August, 1908, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with Union Traction Company of Indiana and Indiana Union Traction Company, namely:

THIS AGREEMENT, Made and entered into this 3d day of August, 1908, by and between the City of Indianapolis, hereinafter called the *city*, by and through its Board of Public Works, party of the first part, and Union Traction Company of Indiana and Indiana Union Traction Company, hereinafter called the *companies*, parties of the second part, *Witnesseth*; That

WHEREAS, By agreement by and between said City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Northern Traction Company dated August 4, 1902, and ratified, confirmed and approved by ordinance duly passed by the Common Council of said city on the 14th day of August, 1902, authority, power and permission were granted to said Indianapolis Northern Traction Company, subject to certain conditions prescribed and expressed in said agreement, to operate and run its cars upon and over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, in certain described streets and avenues in said city, including College avenue north of Massachusetts avenue; and

WHEREAS, Said Union Traction Company of Indiana is successor by consolidation to said Indianapolis Northern Traction Company, and said Indiana Union Traction Company, as lessee, operates the lines and cars of said Union Traction Company of Indiana; and

WHEREAS, Said city desires that a part of the cars of the companies now operated over College avenue be operated over other streets, which the Companies are willing to do when properly authorized;

Now, therefore, Said Board of Public Works of said city, in consideration of the several agreements of the companies, parties of the second part, hereinafter stipulated and set forth, does hereby, subject to the ratification and approval of the Common Council of said city, authorize, empower and permit said Union Traction Company of Indiana and said Indiana Union Traction Company, subject to the terms and conditions hereinafter prescribed and expressed, as well as those prescribed and expressed in said agreement dated August 4, 1902, to operate and run their cars hereinafter designated upon and over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company now or hereafter laid and in use in the following streets and avenues of said city.

Thirty-fourth street from a connection between the lines of the parties of the second part and those of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company at College avenue and Thirty-fourth street (authority to make such connection by curved tracks being hereby given) to Central avenue, Central avenue from Thirty-fourth street to Fort Wayne avenue, Fort Wayne avenue from Central avenue to Alabama street, Alabama street from Fort Wayne avenue to Massachusetts avenue, where the route shall connect with that now in use by the companies; also from Massachusetts avenue upon and over Alabama street, Fort Wayne avenue, Central avenue and Thirty-fourth street by the same route to the place of beginning.

The above grant is upon the following express conditions:

I. The only cars which shall be operated by the parties of the second part over the route described in this contract are cars operated only between the City of Indianapolis and the town of Broad Ripple, including

Broad Ripple Park, and from and after the making of said connection at Thirty-fourth street and College avenue (which shall be made at the earliest date practicable) all such cars shall be operated over said route, and none other, between Thirty-fourth street and Massachusetts avenue. Provided, however, that in case of obstruction preventing the use of the said described route, or on special occasions requiring unusual car service, or other emergency, the route now in use over College and Massachusetts avenues may be temporarily used, subject to approval of the Board of Public Works.

2. The grant made hereby shall not enlarge, diminish, or otherwise affect in any way the grants made by said agreement dated August 4, 1902, except as the use of the route hereinbefore described, in addition to those described in said agreement, is hereby granted.

In Witness Whereof, Said parties have hereunto set their hands and seals the day and year first hereinabove stated.

Executed in triplicate.

CITY OF INDIANAPOLIS,
By JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

C. A. BOOKWALTER,
Mayor.

UNION TRACTION COMPANY OF INDIANA,
By ELLIS C. CARPENTER,
Vice-President.

[Seal]

Attest:

WM H. FORCE, JR.,
Secretary.

INDIANA UNION TRACTION COMPANY,
By ARTHUR W. BRADY,
President.

[Seal]

Attest:

WM H. FORCE, JR.,
Secretary.

AND, WHEREAS, Said contract and agreement has been submitted by said Board of Public Works of said 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, Indiana, That the foregoing contract and agreement made and entered into on the 3d day of August, 1908, by and between the City of Indianapolis, by and through its Board of Public Works, and Union Traction Company of Indiana and Indiana Union Traction Company be, and the same is hereby in all things ratified, confirmed and approved, and said Union Traction Company of Indiana and Indiana Union Traction Company are hereby granted all rights, privileges and franchises as in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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 Contracts and Franchises.

By Board of Public Works:

General Ordinance No. 72—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Parker avenue from north property line Tenth street to south property line Nowland avenue, with asphalt roadway and brick gutters.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 8th day of July, 1908, adopt Improvement Resolution No. 5639, 1908, for the improvement of Parker avenue from the north property line of Tenth street to the south property line of Nowland avenue, with asphalt roadway and brick gutters, and

WHEREAS, The said Board of Public Works did at the same time fix the 24th day of July, 1908, at 10 o'clock A. M. as a date to hear all persons interested, or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 9th day of July, 1908, and the 16th day of July, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 24th day of July, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 3d day of August, 1908, a written remonstrance was filed with the Board against the said improvement of Parker avenue, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 5th day of August, 1908, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

WHEREAS, On the 5th day of August, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Parker avenue from the north property line of Tenth street to the south property line of Nowland avenue, with asphalt roadway and brick gutters, in accordance with Improvement Resolution No. 5639, 1908, adopted by the Board of Public Works on the 8th day of July, 1908.

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 Property and Improvement.

By Board of Public Works:

General Ordinance No. 73—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Washington street (north side) from east curb

line Arlington avenue to east corporation line of city, with cement walks.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of July, 1908, adopt Improvement Resolution No. 5654, 1908, for the improvement of Washington street (north side), from the east curb line of Arlington avenue, to the east corporation line of city, with cement walks, and

WHEREAS, The said Board of Public Works did at the same time fix the 27th day of July, 1908, at 10 o'clock A. M. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 11th day of July, 1908, and the 18th day of July, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded by law; and

WHEREAS, On the 27th day of July, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 30th day of July, 1908, a written remonstrance was filed with the Board against the said improvement of Washington street (north side), and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 5th day of August, 1908, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

WHEREAS, On the 5th day of August, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Washington street (north side) from east curb line of Arlington avenue to east corporation line of city, with cement walks, in accordance with Improvement Resolution No. 5654, 1908, adopted by the Board of Public Works on the 10th day of July, 1908.

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

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

By Board of Public Works:

General Ordinance No. 74—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Pennsylvania street, from north property line first alley north of Sixteenth street to south property line Twenty-second street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 22d day of July, 1908, adopt Improvement Resolution No. 5678, 1908, for the improvement of first alley east of Pennsylvania

street from north property line of the first alley north of Sixteenth street to south property line of Twenty-second street, with brick roadway, and

WHEREAS, The said Board of Public Works did at the same time fix the 7th day of August, 1908, at 10 o'clock A. M. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 23d day of July, 1908, and the 30th day of July, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 7th day of August, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 7th day of August, 1908, a written remonstrance was filed with the Board against the said improvement of alley east of Pennsylvania street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 17th day of August, 1908, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

WHEREAS, On the 17th day of August, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve the first alley east of Pennsylvania street from the north property line of the first alley north of Sixteenth street to the south property line of Twenty-second street, with brick roadway, in accordance with Improvement Resolution No. 5678, 1908, adopted by the Board of Public Works on the 22d day of July, 1908.

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 Permanent Improvements.

ORDINANCES ON SECOND READING.

Mr. Uhl called for General Ordinance No. 27, 1908, for second reading. It was read a second time.

By Mr. Rhodes:

INDIANAPOLIS, IND., August 17, 1908.

Motion to amend General Ordinance No. 27, 1908, by striking out from the title the words "appropriating the proceeds of the sale of said bonds."

Also by striking out all of Section 7—after the words “tenor and effect,” being the words: “and the proceeds derived from any sale or sales of bonds as herein authorized shall, 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.”

Mr. Royse called for the “ayes” and “noes.”

The roll was called and the amendment of Mr. Rhodes was lost by the following vote:

Ayes, 6, viz.: Messrs. Brown, Eppert, Smither, Rhodes, Uhl and President pro tem Charles L. Hartmann.

Noes, 13, viz.: Messrs. Cottey, Hamlet, Davis, Bangs, Stickelman, Portteus, Royse, Donavon, Sullivan, Hilken, Wright, Henry and President William J. Neukom.

Mr. Eppert moved that the Finance Committee be instructed to bring in a report on General Ordinance No. 27, 1908, at the next regular meeting.

Mr. Royse moved to lay the motion of Mr. Eppert on the table. Carried.

Mr. Uhl moved that General Ordinance No. 27, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 27, 1908, was read a third time and failed to pass by the following vote:

Ayes, 6, viz.: Messrs. Brown, Cottey, Smither, Rhodes, Portteus and President pro tem Charles L. Hartmann.

Noes, 13, viz.: Messrs. Hamlet, Davis, Eppert, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hilken, Wright, Henry and Neukom.

By Mr. Uhl:

INDIANAPOLIS, IND., August 17, 1908.

To the President and Members of the Common Council:

I hereby serve notice, that having voted with the majority on General Ordinance No. 27, that I will move for a reconsideration of vote cast on said general ordinance at the next regular meeting.

Mr. Royse called for Appropriation Ordinance No. 27, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 27, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 27, 1908, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cottey, Hamlet, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright, Henry, Neukom and President pro tem Charles L. Hartmann.

Noes, none.

Mr. Rhodes called attention to the members having left the Council Chamber without being excused; that it was a violation of the rules of the Council.

Mr. Royse moved that the remarks of Mr. Rhodes concerning absent members be printed. Carried.

Mr. Royse called for Appropriation Ordinance No. 29, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 29, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 29, 1908, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cottey, Hamlet, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hilken, Wright, Henry, Neukom and President pro tem Charles L. Hartmann.

Noes, none.

Mr. Rhodes called for General Ordinance No. 70, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 70, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 70, 1908, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cottey, Hamlet, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hilken, Wright, Henry, Neukom and President pro tem Charles L. Hartmann.

Noes, none.

Mr. Stickelman called for Special Ordinance No. 8, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that Special Ordinance No. 8, 1908, be stricken from the files. Carried.

August 17, 1908.]

CITY OF INDIANAPOLIS, IND.

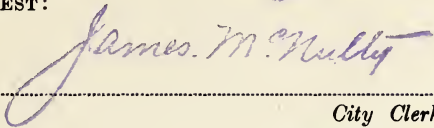
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On motion of Mr. Bangs, the Common Council at 9:20 o'clock P. M., adjourned.



President.

ATTEST:



City Clerk.

