

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, December 7, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 7, 1908, at 7:30 o'clock, in regular session, Vice-President Charles L. Hartmann in the chair.

Present: The Hon. Charles L. Hartmann, Vice-President of the Common Council, and 18 members, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 2, viz.: Mr. Portteus and President Neukom.

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

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., November 24, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I return herewith with my approval General Ordinance No. 97, 1908, the same being "An ordinance authorizing the sale of eighty bonds of one thousand (\$1,000) dollars 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 taking up and refunding certain outstanding bonds bearing date of January 1, 1899, which will become due January 1, 1909, aggregating eighty thousand (\$80,000) dollars."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., November 17, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I return herewith with my approval General Ordinance No. 56, 1908, the same being "An ordinance approving a contract granting E. C. Atkins & Company the right to lay and maintain a side-track or switch over, on and across South Capitol avenue, and the first alley east of South Capitol avenue."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., November 17, 1908.

*To the President and Members of the Common Council:*

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

Appropriation Ordinance No. 28, 1908. "An ordinance providing for the appropriation of the sum of \$350.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 42, 1908. "An ordinance providing for the appropriation of the sum of \$1,330.14 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

General Ordinance No. 87, 1908. "An ordinance providing for the transfer of the sum of \$350.00 from a certain fund to a certain fund in and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

General Ordinance No. 89, 1908. "An ordinance providing for the transfer of the sum of \$25,000 to a certain fund from certain funds in and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

General Ordinance No. 90, 1908. "An ordinance authorizing and empowering the Board of Public Works to improve Pine street."

General Ordinance No. 91, 1908. "An ordinance authorizing and empowering the Board of Public Works to improve Muskingum street."

General Ordinance No. 92, 1908. "An ordinance authorizing and empowering the Board of Public Works to improve Alabama street."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., November 18, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I return herewith with my approval General Ordinance No. 96, 1908, the same being "An ordinance authorizing the sale of six hundred (600) bonds of one thousand (\$1,000) dollars 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 to construct a City Hall building containing offices for the several departments of the city government; providing for the time and manner of advertising sale of bonds, and of the receipt of bids for the same, together with the terms and mode of sale; appropriating the proceeds of the sale of said bonds; and fixing a time when the same shall take effect."

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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I submit herewith a communication from the Department of Public Safety requesting the following transfers in the Fire Force Accounts:

Four hundred dollars from the "Repairs to Buildings" fund to the "Horseshoeing" fund.

One hundred dollars from the "Repairs to Buildings" fund to the "Harness and Repairs" fund.

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

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC SAFETY.  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., December 3, 1908.

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

DEAR SIR: The Board of Public Safety, at a meeting held December 2, 1908, instructed me to request you to please ask the Common Council

to make the following transfers of funds in the Fire Force Accounts to meet the December bills.

Transfer \$400.00 from the "Repairs to Buildings" fund to the "Horse-shoeing" fund, the balance in the "Horseshoeing" fund on November 30th is \$1.18.

Transfer \$100.00 from the "Repairs to Buildings" fund to the "Harness and Repairs" fund, the balance in the "Harness and Repairs" fund on November 30th is \$1.71.

Respectfully yours,

JOHN B. WOOD,  
*Secretary.*

From City Controller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I herewith submit a communication from the Department of Public Health and Charities, requesting the transfer of \$100 from the appropriation heretofore made to the "Incidental" fund for use of the City Dispensary to the "Ambulance" fund.

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

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., December 2, 1908.

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

DEAR SIR: I have been instructed by the board to ask you to transfer \$100.00 from the "Incidental" fund to the "Ambulance" fund of the City Dispensary.

Very truly yours,

EUGENE BUEHLER,  
*Secretary Board of Health.*

From City Controller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I herewith submit a communication from the Department of Public Health and Charities asking for the transfer of the sum of \$200.00 from the "Tuberculosis" fund to the "Ambulance" fund in the City Dispensary.

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

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., December 7, 1908.

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

DEAR SIR: I have been instructed by the Board of Public Health to ask you to transfer two hundred (\$200.00) dollars from the "Tuberculosis" fund of the City Dispensary for the payment of an ambulance horse.

Very truly yours,  
EUGENE BUEHLER,  
*Secretary Board of Health.*

From City Controller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: I herewith submit a communication from the Department of Public Health and Charities requesting an additional appropriation in the sum of \$1,500 for the "Contagious Disease" fund.

After careful examination into this request, I am of the opinion that an additional appropriation is necessary, but that the sum of \$1,000 will be sufficient for the remainder of this year, and I, therefore, recommend that the accompanying ordinance providing for a \$1,000 appropriation be passed.

Respectfully submitted,  
GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., December 3, 1908.

*George T. Breunig, City Controiler, City:*

DEAR SIR: I have been instructed by the Board of Public Health to ask you to have an additional appropriation of \$1,500 added to the "Contagious Disease" fund to carry us to the end of the year.

Very truly yours,  
EUGENE BUEHLER,  
*Secretary Board of Health.*

STATEMENT OF CONTAGIOUS DISEASE FUND.

Balance in fund December 1st .....	\$1,734 15
Bills for allowance December 4th .....	1,381 74
Balance remaining .....	\$352 41



Amount of bills to be paid which are not due:

Twenty school inspectors for 12 days at \$3.00 per day.....	\$720 00
One inspector of contagious diseases for December .....	100 00
One nurse at Scarlet Fever Annex for December.....	30 00
Gas at Annex for December .....	6 00
Rent for November and December .....	100 00
Nurse at pest house for December .....	20 00
	\$976 00
This will leave a deficit of .....	\$623 69

There will be provision bills at the pest house and antitoxine bills which cannot be estimated. The bills listed above are actual bills.

I think it will require an appropriation of \$1,500 to run this fund to December 31, 1908.

C. A. CARTER,  
*Clerk Board of Health.*

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., December 5, 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 George I. Neptune, trustee of the estate of Richard Neptune, deceased, the right to lay and maintain a switch from the Indianapolis Southern Railway Company's track on McGill street to the west end of the south part of lot 1 in said McGill's subdivision of square 93.

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., December 7, 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 consideration and action thereon, the attached switch ordinance granting to the Marion Motor Car Company the right to lay and maintain a side-track or switch from the main line of the old Chicago division of the C., C., C. & St. L. Railway in LaFayette street.

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., December 7, 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 consideration and action thereon, the attached ordinance authorizing the Board of Public Works to proceed with the improvement of Missouri street from north property line South street to a point 201 feet north, with brick roadway and curbing, as provided for by Improvement Resolution No. 5815.

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., December 5, 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 consideration and action thereon, the enclosed ordinances authorizing and empowering the Board of Public Works to proceed with the following described public improvements:

Improvement Resolution No. 5796, for the improvement of the first alley east of Meridian street from north property line Raymond street to a point 226.80 feet north, with gravel roadway.

Improvement Resolution No. 5795, for the improvement of the third alley west of Virginia avenue from south property line Merrill to north property line Stevens streets, 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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 94, 1908, entitled "An ordinance providing for the transfer of the sum of \$200.00 from a certain fund to a certain fund, in and for the use of the Department of Public Safety, 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.  
 BENJ. A. BROWN.  
 W. O. BANGS.  
 JOHN L. DONAVON.  
 FAY WRIGHT.  
 H. C. SMITHER.  
 W. A. RHODES.

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

From the Committee on Finance:

INDIANAPOLIS, IND., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 98, 1908, entitled "An ordinance transferring the sum of \$1,500 from a certain fund to a certain fund, to and for the use of the Department of Finance, 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. A. RHODES.  
 W. O. BANGS.  
 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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 99, 1908, entitled "An ordinance providing for the transfer of \$100.00 from a certain fund to a certain fund, in 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. A. RHODES.  
W. O. BANGS.  
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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 40, 1908, entitled "An ordinance appropriating the sum of \$500.00 to and for the use of the Department of Finance, 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 not pass.

Respectfully submitted,

HARRY E. ROYSE.  
W. A. RHODES.  
W. O. BANGS.  
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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 43, 1908, entitled "An ordinance providing for the appropriation of the sum of \$5,000, 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. A. RHODES.  
W. O. BANGS.  
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., December 7, 1908.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 44, 1908, entitled "An ordinance appropriating the sum of \$120.00, to and for the use of the Department of Public Safety, 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. A. RHODES.  
W. O. BANGS.  
FAY WRIGHT.  
JOHN L. DONAVON.  
H. C. SMITHER.  
BENJ. A. BROWN.

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

#### INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 45—1908: An ordinance appropriating the sum of \$1,000 to and for the use of the Department of Public Health and Charities, 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 thousand (\$1,000) dollars be, and is hereby appropriated to the Department of Public Health and Charities, to be added to and form a part of the Contagious Disease fund.

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.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

**By City Controller:**

General Ordinance No. 103—1908: An ordinance providing for the transfer of the sum of \$200.00 from one fund to another fund, in and for the use of the Department of Public Health and Charities, 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 two hundred (\$200.00) dollars be, and is hereby transferred from the appropriation heretofore made for "Tuberculosis" to the "Ambulance" fund, for use in the City Dispensary, all being under the control of the Department of Public Health and Charities.

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:**

General Ordinance No. 104—1908: An ordinance providing for the transfer of a certain fund to a certain fund, in and for the use of the Department of Public Health and Charities, 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 (\$100.00) dollars, heretofore appropriated to the "Incidental" account for use in the City Dispensary be, and the same is hereby transferred to the "Ambulance" fund, all in and for the use of the Department of Public Health and Charities.

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:**

General Ordinance No. 105—1908: An ordinance providing for the transfer of certain funds to certain funds, in and for the use of the Department of Public Safety, 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 following sums be, and the same are here-

by transferred from certain appropriations heretofore made for the use of the fire force in and under the Department of Public Safety as follows:

The sum of four hundred (\$400.00) dollars from the "Repairs to Buildings" fund to the "Horseshoeing" fund.

The sum of one hundred (\$100.00) dollars from the "Repairs to Buildings" fund to the "Harness and Repairs" fund.

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 Board of Public Works:

General Ordinance No. 106—1908: An ordinance approving a certain contract granting to George I. Neptune, trustee of the estate of Richard Neptune, deceased, the right to lay and maintain a sidetrack or switch from Indianapolis Southern Railway Company's track on McGill street to the west end of the south part of lot 1 of McGill's subdivision of square 93, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 4th day of December, 1908, George I. Neptune, trustee of the estate of Richard Neptune, deceased, filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

#### PETITION.

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

GENTLEMEN: The undersigned respectfully shows that he is the owner of lot three (3) and all that part of lots one (1) and two (2) lying south of the Vandalia switch in McGill's subdivision of square ninety-three (93) in the City of Indianapolis. That on said ground is situated a brick building used by Reeves & Co. in the handling of threshers, engines and other heavy implements, for the handling of which railroad switching facilities are absolutely necessary. That by the elevation of the tracks in Louisiana street said Vandalia switch from the west was cut off, and by the construction of the approach to said elevation on Louisiana street, the Vandalia switch from the east was cut off, and thereby said property was left without any switching facilities.

That the undersigned has made an arrangement with the Indianapolis Southern Railway Company for the construction of a switch extending from the track of said company located upon McGill street across property controlled by said railroad company and extending toward the east to the west end of the property owned by the petitioner, and in the construction of said switch it will be necessary to cross a seven and one-half (7½) foot alley lying immediately in the rear of petitioner's property. That by the construction of the elevation upon Louisiana street the outlet of said alley to the north has been wholly cut off, so that the same is rendered valueless to the public, and no one will be at all injured by the construction of said switch across said alley.

Wherefore your petitioner prays the board to authorize the construction of a switch from the Indianapolis Southern Railway Company's track on



McGill street to the west end of the south part of lot one (1) in said McGill's subdivision of square ninety-three (93).

GEORGE I. NEPTUNE,

*Trustee of the estate of Richard Neptune, deceased.*

December 3, 1908.

NOW, THEREFORE, This agreement, made and entered into this 4th day of December, 1908, by and between George I. Neptune, trustee of the estate of Richard Neptune, deceased, 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 track of the Indianapolis Southern Railway Company on McGill street to the west end of the south side of lot 1, McGill's sub of square 93, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point on the center line of the main track of the Indianapolis Southern railroad 257 feet north of the north line of South street, curving thence to the right northeasterly from a tangent to main track, at this point with a radius of 186.5 feet for a distance of 78 feet. Continuing thence to the right with a radius of 155.55 feet to end of track at west end of south part of lot 1 McGill's sub of square 93, City of Indianapolis, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

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

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

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

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in 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 himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract; provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across McGill 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 4th day of December, 1908.

GEORGE I. NEPTUNE,  
*Trustee of the estate of Richard Neptune, deceased.*  
Party of the First Part.

Witness:

H. H. Hornbrook.

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 Board of Public Works:

General Ordinance No. 107—1908: An ordinance approving a certain contract granting the Marion Motor Car Company the right to lay and maintain a sidetrack or switch from the main line of the old Chicago division of the C., C., C. & St. L. Railway in LaFayette street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 7th day of December, 1908, The Marion Motor Car Company of the City of Indianapolis, Marion County, Indiana, has 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 Marion Motor Car Company respectfully petitions your honorable board for permission to construct a switch and sidetrack across Fifteenth street at the point of its intersection with LaFayette street, in said City of Indianapolis, so as to make your petitioner's plant accessible by rail to the Cleveland, Cincinnati, Chicago & St. Louis Railway, as located along LaFayette street in said city, which proposed switch and sidetrack is shown in detail on the blue print and drawing attached hereto, which is made a part hereof and marked Exhibit A. Said proposed switch and sidetrack being shown on said blue print in yellow and as having a total length of three hundred and fifteen feet.

Respectfully,

THE MARION MOTOR CAR COMPANY,  
By J. N. WILLYS, *President*.

NOW, THEREFORE, This agreement, made and entered into this 7th day of December, 1908, by and between The Marion Motor Car Company, a corporation of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

*Witnesseth*, That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from a point on the main line of the old Chicago division of the Cleveland, Cincinnati, Chicago & St. Louis Railway, as located along LaFayette street in said city, about sixty-seven feet and six inches north of the north line of Fifteenth street in the City of Indianapolis, which is more specifically described as follows: Beginning at a point on the main line of the old Chicago division of the Cleveland, Cincinnati, Chicago & St. Louis Railway, as it is located along LaFayette street in said city, about sixty-seven feet and six inches north of the north line of Fifteenth street; running thence south, veering slightly to the west, to a point about fifteen feet south of the south line of Fifteenth street; thence due south to a point three hundred and fifteen feet distant from the place of beginning. Said switch being located south of said Fifteenth street adjacent to the property of said The Marion Motor Car Company, and the said The Marion Motor Car Company 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 said Fifteenth street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done said Board shall in 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 or 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 an additional side-track or switch across said Fifteenth 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 7th day of December, 1908.

THE MARION MOTOR CAR COMPANY,  
By J. N. WILLYS, *President*.  
Party of the First Part.

[Seal.]

Attest:

ED. G. SOURBIER, *Secretary*.

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 Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 108—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Missouri street from north property line South street to a point 201 feet north, with brick roadway and curbing.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 11th day of November, 1908, adopt Improvement Resolution No. 5815, 1908, for the improvement of Missouri street from the north property line of South street to a point 201 feet north, with brick roadway and curbing; and

WHEREAS, The said Board of Public Works did at the same time fix the 27th day of November, 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 12th day of November, 1908, and the 19th day of November, 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 27th day of November, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 7th day of December, 1908, a written remonstrance of a majority of the resident property owners was filed with the Board against the said improvement; and

WHEREAS, On the 7th day of December, 1908, the said Board of Public Works, directed that an ordinance ordering said improvement be submitted to the Common Council for their consideration and action thereon; 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 are hereby ordered to improve Missouri street from the north property line of South street to a point 201 feet north, with brick roadway and curbing, in accordance with Improvement Resolution No. 5815, 1908, adopted by the Board of Public Works November 11, 1908, and confirmed November 27, 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.

By Board of Public Works:

General Ordinance No. 109—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the third alley west of Virginia avenue from south property line Merrill street to north property line Stevens street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 16th day of October, 1908, adopt Improvement Resolution No. 5795, 1908, for the improvement of the third alley west of Virginia avenue from the south property line of Merrill street to the north property line of Stevens street, with brick roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 2nd day of November, 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 17th day of October, 1908, and the 24th day of October, 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 2nd day of November, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 10th day of November, 1908, a written remonstrance of a majority of the resident property owners was filed with the Board against the said improvement; and

WHEREAS, On the 23rd day of November, 1908, the said Board of Public Works, directed that an ordinance ordering said improvement be submitted to the Common Council for their consideration and action thereon; 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 are hereby ordered to improve the third alley west of Virginia avenue from the south property line of Merrill street to the north property line of Stevens street, with brick roadway, in accordance with Improvement Resolution No. 5795, 1908, adopted by the Board of Public Works, October 16, 1908, and confirmed November 2, 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. 110—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Meridian street from the north property line of Raymond street to a point 226.80 feet north, with gravel roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 16th day of October, 1908, adopt Improvement Resolution No. 5796, 1908, for the improvement of the first alley east of Meridian street from the north property line of Raymond street to a point 226.80 feet north, with gravel roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 2nd day of November, 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 17th day of October, 1908, and the 24th day of October, 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 2nd day of November, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 12th day of November, 1908, a written remonstrance of a majority of the resident property owners was filed with the Board against the said improvement; and

WHEREAS, On the 18th day of November, 1908, the said Board of Public Works directed that an ordinance ordering said improvement be submitted to the Common Council for their consideration and action thereon; 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 are hereby ordered to improve the first alley east of Meridian street from the north property line of Raymond street to a point 226.80 feet north, with gravel roadway, in accordance with Improvement Resolution No. 5796, 1908, adopted by the Board of Public Works October 16, 1908, and confirmed November 2, 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 Sewers, Streets and Alleys.

By Mr. Hamlet:

Special Ordinance No. 10—1908: An ordinance changing the name of part of Twenty-ninth street in the City of Indianapolis, Indiana, 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 name of the certain part of Twenty-ninth street, in the City of Indianapolis, Indiana, extending from the west line

of Bellefontaine street to the east bank of Fall Creek be, and the same is hereby changed to Sutherland avenue.

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

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

#### MISCELLANEOUS BUSINESS.

By Mr Eppert:

Resolution No. 7—1908:

WHEREAS, No provision has been made by statute for indexing the Proceedings of the Common Council of the City of Indianapolis, and the same are practically worthless without an index; and

WHEREAS, A custom has been established by the Common Council of former administrations making an allowance to persons indexing the proceedings; and

WHEREAS, By reason of the present charter provisions which require the Common Council to elect its presiding officer and reorganize on the first Monday in January of each year, and the further fact that the accumulation of Council Proceedings during each year renders their use by the several executive departments and other public officers almost impossible without an index, and a public necessity exists for the same, it becomes necessary to have such proceedings indexed each year;

*Now Therefore*, Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said City of Indianapolis be, and hereby is authorized and directed to pay James McNulty, who is the present City Clerk, the sum of three hundred dollars (\$300.00) for preparing an index to the Journal of the Common Council Proceedings from January 1 to December 31, 1908, inclusive. And the City Controller is hereby authorized and directed to draw a proper warrant therefor, and charge the same to the appropriation to the Finance Department for miscellaneous expenses of city officers.

Mr. Royse moved that the rules be suspended and Resolution No. 7, 1908, be placed on passage. Carried.

Mr. Royse moved that Resolution No. 7, 1908, be adopted.

The roll was called and Resolution No. 7, 1908, was adopted by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

## ORDINANCES ON SECOND READING.

Mr. Royse called for Appropriation Ordinance No. 44, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 44, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 44, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 43, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 43, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 43, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for General Ordinance No. 98, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 98, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 98, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for General Ordinance No. 99, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 99, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 99, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for General Ordinance No. 94, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 94, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 94, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 40, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No 40, 1908, be stricken from the files.

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

The roll was called and Appropriation Ordinance No. 40, 1908, was stricken from the files by the following vote:

Ayes, 16, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Noes, 3, viz.: Messrs. Eppert, Uhl, and President Pro Tem Charles L. Hartmann.

On motion of Mr. Uhl, the Common Council at 8:25 o'clock P. M., adjourned.

*Charles L. Hartmann*  
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President Pro Tem.

ATTEST:

*James M. Hulbert*  
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City Clerk.

