

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

December 12, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, December 12, 1921, at 7:30 o'clock p. m., in special session, President Russell Willson in the chair, pursuant to the following call:

December 10, 1921.

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

Gentlemen: You are hereby notified that there will be a special meeting of the Common Council held in the Council Chamber on Monday, December 12, 1921, at 7:30 o'clock p. m., the purpose of such meeting being to receive communications from the Mayor or City Controller of said city and for the introduction and consideration of the following:

An ordinance transferring certain sums from fund to fund in the Department of Public Works.

An ordinance transferring certain sums from fund to fund in the Department of Public Safety.

An ordinance appropriating certain sums to the Department of Finance, to the Primary, Registration and Election Expense Fund.

An ordinance approving a switch contract made with the Talge Mahogany Company.

An ordinance fixing the salary of the Chemical Engineer.

An ordinance appropriating \$2,500.00 as a special fund under the Board of Public Works, known as Cash Guarantee Fund.

An ordinance appropriating \$5,000.00 to the Board of Public Works for payment of certain sewer appraisers appointed by the Circuit Court.

And for final disposition of the following ordinances, which were introduced in the year 1921:

General Ordinances Nos. 3, 7, 8, 15, 22, 41, 42, 49, 58, 62, 73 and 84; Special Ordinance No. 10.

Respectfully,

RUSSELL WILLSON, President.

I, George O. Hutsell, Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of meeting, pursuant to the rules.

GEORGE O. HUTSELL, City Clerk.

Which was read.

The Clerk called the roll.

Present: The Hon. Russell Willson, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and Schmidt.

Absent: Mr. Pettijohn.

#### REPORTS FROM CITY OFFICERS.

From the City Controller:

December 12, 1921.

To the Hon. President and Members of the Common Council, Indianapolis, Ind.

Gentlemen: I herewith submit for your approval ordinance appropriating \$2,500 to the credit of the Board of Public Works for a fund known as an Emergency Fund.

Some years ago this money was paid in to the General Fund of the city by the Citizens Gas Company, the Indianapolis Street Railway Company and the Indianapolis, Newcastle & Toledo Electric Railway Company. The contract provides that this shall be a separate fund, and I am therefore recommending that this ordinance be passed.

Yours very truly,

ROBT. H. BRYSON, City Controller.

December 12, 1921.

To the Hon. President and Members of the Common Council, Indianapolis, Ind.

Gentlemen: I herewith submit for your approval ordinance transferring certain sums of money from certain funds under the Department of Public Safety to certain funds under the control of the said Board, and recommend its passage.

Yours very truly,

ROBT. H. BRYSON, City Controller.

December 12, 1921.

To the Hon. President and Members of the Common Council, Indianapolis, Ind.

Gentlemen: I hand you herewith letter from the Board of Public Works asking for an appropriation of \$3,000 for the Special Board of Assessors Fund of the Department of Public Works.

This amount was allowed by the Judge of the Circuit Court for the appraisers of the Fifty-sixth Street and Westfield Road main drain.

I submit ordinance covering same, and recommend its passage.

Yours very truly,

ROBT. H. BRYSON, City Controller.

December 12, 1921.

Mr. Robt. H. Bryson,  
City Controller,  
City.

Dear Sir: I am submitting herewith for your approval and transmission to the Common Council, an ordinance appropriating \$3,000.00 to Special Board of Assessors Fund.

This amount was allowed by the Judge of Marion Circuit Court as payment for the Special Assessors appointed by him in the improvement known as the 56th & Westfield Road Main Sewer from Sunset to College.

Yours truly,

W. F. CLEARY,

WFC/S

Clerk, Board of Public Works.

December 12, 1921.

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

Gentlemen: I submit for your approval ordinance appropriating \$4,200 to the Department of Finance to the fund known as Primary Election, Registration and Election Fund.

This additional amount is necessary to pay the Election Commissioners \$1,500 each, the Board of Canvassers \$500 each, and the attorneys for the Election Commissioners \$500 each,—making a total of \$6,000. The balance in this fund is \$1,900, and I am asking for an appropriation of \$4,200 so that if any small unpaid bills are outstanding we will be able to pay the same without an additional appropriation.

I recommend the passage of this ordinance.

Yours very truly,

ROBT. H. BRYSON, City Controller.

December 12, 1921.

To the Hon. President and Members of the Common Council, Indianapolis, Ind.

Gentlemen: I hand you herewith letter from the Board of Public Works asking for transfer of certain sums under certain funds under their control to other funds under the department of said Board.

I recommend the passage of this ordinance.

Yours very truly,

ROBT. H. BRYSON, City Controller.

December 9, 1921.

Mr. R. H. Bryson, City Controller,  
City of Indianapolis.

Dear Sir: I am submitting herewith for transmission to the Common Council, an ordinance transferring and re-appropriating certain funds under the Department of Public Works:

\$971.25 from the Municipal Garage Material & Supplies Fund to the Sprinkling Dept. Road Oil Fund.

\$2,825.31 from the Municipal Garage Material & Supplies Fund to the Asphalt Plant Dept. Material & Supplies Fund.

\$650.00 from the Municipal Garage Material & Supplies Fund to the City Hall Maintenance Fund.

Yours truly,

W. F. CLEARY,

Clerk, Board of Public Works.

WFC:V

From the Board of Public Works:

December 9, 1921.

Mr. Geo. O. Hutsell,  
City Clerk,  
City of Indianapolis.

Dear Sir: I am submitting herewith for transmission to the Common Council, an ordinance specifying the amount of Chemical Engineer's salary to be made in accordance with the amount as provided in the annual budget for the year 1922.

This is not an increase in the Chemical Engineer's salary, as heretofore his salary was \$2,740.00 in the Department of the City Civil Engineer, and the Board of Sanitary Commissioners paid him \$200.00 per year for work done for that Department. Next year he will not do this work for the Sanitation Board, and at the time of the passage of the budget by the Committee of the Council, it was explained to them that provision was made for the combining of the

two salaries which would be no additional increase, and this was satisfactory to them.

Yours truly,

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

WFC:V

December 10, 1921.

Mr. Geo. O. Hatsell,  
City Clerk,  
City of Indianapolis.

Dear Sir: I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works and the Talge Mahogany Co., for the right to lay and maintain a sidetrack or switch from 360 ft. south of the south line of 13th St. to a point 580 ft. south.

Yours truly,

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

WFC:V

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 35, 1921.

AN ORDINANCE appropriating to the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) to the Fund known as an "Emergency Fund" provided for by Section 7, of the Franchise Contract entered into between the City of Indianapolis and the Indianapolis Street Railway Company, on the 6th day of April, 1899, as approved by General Ordinance No. 16, 1899, and appropriating to the Board of Public Works the sum of Five Hundred Dollars (\$500.00) as an "Emergency Fund," provided for by Section 16 of the Franchise Contract between the City of Indianapolis and the Citizens Gas Company entered into on the 25th day of August, 1905, as approved by General Ordinance No. 72, 1905, and appropriating to the credit of the Board of Public Works of the City of Indianapolis, the sum of One Thousand Dollars (\$1,000.00) as an "Emergency Fund" provided for by the provisions of Section 17, of the Franchise Contract entered into between the Indianapolis, Newcastle & Toledo Electric Railway Company, on the 15th day of March, 1905, and approved by General Ordinance No. 47, 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,*

Whereas, under and pursuant to provisions of Section 7, of the Franchise Contract entered into between the City of Indianapolis and the Indianapolis Street Railway Company on the 6th day of April, 1899, as approved by General Ordinance No. 16, 1899; said Company paid into said city treasury to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) to be designated as an "Emergency Fund" for repair of streets.

Whereas, said amount so deposited in the city treasury was paid into the General Fund as a miscellaneous receipt of the City, and has not been kept and maintained as a continuing separate fund to the credit of the Board of Public Works as provided for by said contract.

Now, therefore, there is hereby appropriated to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) as an "Emergency Fund" to be a continuing fund, to be used by said Board of Public Works as provided in said section 7, of said Franchise Contract.

Sec. 2. Whereas, the Citizens Gas Company deposited in the city treasury to the credit of the Board of Public Works the sum of Five Hundred Dollars (\$500.00) under the provisions of section 16, of the Franchise Contract, entered into between said City and said Citizens Gas Company on the 25th day of August, 1905, and approved by General Ordinance No. 72, 1905, and,

Whereas, said sum so deposited was placed in the General Fund as a miscellaneous receipt of said city, and has not been kept and maintained as a separate fund to the credit of the Board of Public Works as provided in said contract.

Now, therefore, there is hereby appropriated to the credit of the Board of Public Works the sum of Five Hundred Dollars (\$500.00) as an "Emergency Fund" to be a continuing fund, for the use of the Board of Public Works under the provisions of said section 16, of said Franchise Contract of said Citizens Gas Company.

Sec. 3. Whereas, the Indianapolis, Newcastle & Toledo Electric Railway Company on the second day of January, 1912, deposited with the city treasurer under the provision of the Franchise Contract entered into between the City of Indianapolis and the Indianapolis, Newcastle & Toledo Electric Railway Company, on the 15th day of March, 1905, as approved by General Ordinance No. 47, 1905, by which contract said Company was bound to construct and maintain tracks in all respects in the same manner as the Indianapolis Street Railway Company was required by contract and ordinance to construct and maintain in the city under the same obligations; and,

Whereas, under the provision of section 7, of the Franchise Contract of the Indianapolis Street Railway Company, it was bound to deposit in the city treasury to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) to be designated as an "Emergency Fund" for the repair of streets.

Now, therefore, there is hereby appropriated to the credit of the Board of Public Works the sum of One Thousand Dollars (\$1,000.00) to be designated as an "Emergency Fund" to be a continuing fund and used by said Board of Public Works under the provisions of said franchise with the Indianapolis, Newcastle & Toledo Electric Railway Company.

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

Which was read a first time.

Mr. Miller moved that the rules be suspended and Appropriation Ordinance No. 35, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for Appropriation Ordinance No. 35, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 35, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 35, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By the City Controller:

## APPROPRIATION ORDINANCE NO. 36, 1921.

AN ORDINANCE appropriating to the Department of Finance to the fund known as "Primary Election, Registration and Election Fund" the additional sum of Four Thousand Two Hundred and 00/100 (\$4,200.00) Dollars for use in 1921, and fixing the compensation of attorneys employed by the Board of Election Commissioners and fixing a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* That there be and is hereby appropriated to the Department of Finance the additional sum of Four Thousand Two Hundred and 00/100 (\$4,200.00) Dollars to the fund known as "Primary Election, Registration and Election Fund" for use in 1921.

Sec. 2. Whereas, the Board of Election Commissioners of the City of Indianapolis at the time it was their duty under the law to prepare and print the ballots and supplies for the City Election which occurred on the 8th day of November, 1921, were made defendants in various suits seeking to enjoin and mandate said Commissioners concerning the printing of ballots, and it was necessary for such Board of Election Commissioners to employ attorneys to defend them in such litigation; and,

Whereas, such Board of Election Commissioners did employ Alexander G. Cavins, Charles E. Henderson and the firm of Matson, Kane & Ross as attorneys in said suits and said attorneys did appear and defend said Board of Election Commissioners.

*Now, therefore, be it ordained by the Common Council of the City of Indianapolis,* that the compensation for the services so rendered by said Alexander G. Cavins, Charles E. Henderson, and Matson, Kane & Ross to the Board of Election Commissioners is hereby fixed at the sum of Fifteen Hundred (\$1500.00) Dollars for all of said services and the Department of Finance is hereby authorized to pay the allowance herein made to said attorneys out of the appropriation made in this ordinance upon proper voucher from the Board of Election Commissioners.

Sec. 3. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Miller moved that the rules be suspended and Appropriation Ordinance No. 36, 1921, be placed on its passage.

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



Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for Appropriation Ordinance No. 36, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 36, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 36, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By the City Controller:

APPROPRIATION ORDINANCE NO. 37, 1921.

AN ORDINANCE appropriating the sum of Three Thousand Dollars (\$3,000.00) to the Special Board of Assessors Fund of the Department of Public Works, and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana,*

Section 1. That there be and is hereby appropriated the sum of Three Thousand Dollars (\$3,000.00) to the Special Board of Assessors Fund of the Department of Public Works, for the purpose of paying One Thousand Dollars (\$1,000.00) each to Frank J. Noll, Albert J. Hueber and Harold H. Hunter, the Board of Assessors appointed by the Circuit Court of Marion County in the matter of the construction of Fifty-sixth Street and Westfield Road main drain, Cause No. 2186, Marion Circuit Court; which said proceeding was filed in the Circuit Court on the 6th day of April, 1921; said Board of Assessors being appointed June 17, 1921, and said Three Thousand Dollars (\$3,000.00) in the sum of One Thousand Dollars (\$1,000.00) each, to said Board of Assessors having been allowed by said Court as of record in said court on December 9th, 1921.

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

Which was read a first time.

Mr. Miller moved that the rules be suspended and Appropriation Ordinance No. 37, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for Appropriation Ordinance No. 37, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 37, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 37, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

#### GENERAL ORDINANCE NO. 91, 1921.

AN ORDINANCE transferring and re-appropriating certain funds under the Department of Public Works and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana,*

Section 1. That the sum of Nine Hundred Seventy-one and 25/100 (\$971.25) Dollars be and the same is hereby transferred from the Municipal Garage Material and Supplies Fund of the Department of Public Works and that the same be and is hereby transferred to and re-appropriated to the Sprinkling Department Road Oil Fund of the Department of Public Works.

Sec. 2. That the sum of Two Thousand Eight Hundred Twenty-five and 31/100 (\$2,825.31) Dollars be and the same is hereby transferred from the Municipal Garage Material and Supplies Fund of the Department of Public Works and that the same be and is hereby transferred to and re-appropriated to the Asphalt Plant Department Material and Supplies Fund of the Department of Public Works.

Sec. 3. That the sum of Six Hundred Fifty and 00/100 (\$650.00) be and the same is hereby transferred from the Municipal Garage Material and Supplies Fund of the Department of Public Works and that the same be and is hereby transferred to and re-appropriated to the City Hall Maintenance Fund of the Department of Public Works.

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

Which was read a first time.

Mr. Miller moved that the rules be suspended and General Ordinance No. 91, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Schmidt, Peake and President Russell Willson.

Mr. Miller called for General Ordinance No. 91, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 91, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 91, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Schmidt, Peake, and President Russell Willson.

By the City Controller:

GENERAL ORDINANCE NO. 92, 1921.

AN ORDINANCE transferring certain sums from certain funds of the Police Department and East Market, under the department of Public Safety and transferring and re-appropriating the same to Board of Public Safety Telephones Fund of the Department of Public Safety and to the Fire Prevention Fund under the Department of Public Safety and declaring the time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana,*

Section 1. That there be and is hereby transferred the sum of Two Thousand (\$2,000.00) Dollars from the Police Department Salaries Fund of the Department of Public Safety and that the same be and is hereby transferred and re-appropriated to the Board of Public Safety, Telephones Fund of the Department of Public Safety.

Sec. 2. That there be and is hereby transferred the sum of Two Hundred (\$200.00) Dollars from the East Market-Repair to Building Fund of the Department of Public Safety and that the same be and is hereby transferred and re-appropriated to the Fire Prevention Fund of the Department of Public Safety.

Sec. 3. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Miller moved that the rules be suspended and General Ordinance No. 92, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Schmidt, Peake and President Russell Willson.

Mr. Miller called for General Ordinance No. 92, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 92, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 92, 1921, was read a third time and passed by the following vote: ✓

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Schmidt, Peake and President Russell Willson.

By the Board of Public Works:

GENERAL ORDINANCE NO. 93, 1921.

AN ORDINANCE fixing the salary of the Chemical Engineer in the City Civil Engineer's office and declaring a time when the same shall take effect. ✓

*Be it ordained by the Common Council of the City of Indianapolis, Indiana,*

Section 1. That on and after the 2nd day of January, 1922, the salary of the Chemical Engineer in the City Civil Engineer's office of the City of Indianapolis be and the same shall be at the rate of Three Thousand and Forty (\$3,040.00) Dollars per annum.

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

Which was read a first time.

Mr. Miller moved that the rules be suspended and General Ordinance No. 93, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for General Ordinance No. 93, 1921, for second reading. It was read a second time. ✓

Mr. Miller moved that General Ordinance No. 93, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 93, 1921, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and President Russell Willson.

Noes, 1, viz.: Mr. Schmidt.

By the Board of Public Works:

#### SWITCH CONTRACT.

##### GENERAL ORDINANCE NO. 94, 1921.

AN ORDINANCE approving a certain contract granting Talge Mahogany Company the right to lay and maintain a sidetrack or switch from 360 ft. south of 13th St. (S. L.) to a point 580 ft. south, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 9th day of December, 1921, the Talge Mahogany Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

##### PETITION.

To the Board of Public Works, City of Indianapolis.

Gentlemen: We have been forced to increase our yard capacity, and we are removing all the small dwelling houses on the property herein described. We are in desperate need of this switch extension, and do hereby petition for same.

THE TALGE MAHOGANY CO.

By JOHN H. TALGE, Pres.

Now, therefore, This agreement, made and entered into this 9th day of December, 1921, by and between The Talge Mahogany Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right of way for an extension of a sidetrack or switch from a point 360 feet south of the south line of 13th Street to a point 580 feet south of the south line of 13th Street in the City of

Indianapolis, which is more specifically described as follows:

An extension of our present switch track two hundred forty feet in a straight line south on the east side of Lewis Street and in line with and parallel to our own property line, said switch being west of our lots 62 to 67 inclusive, in Alvord's Sub-division of E. T. and S. K. Fletcher's Addition to the 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 \_\_\_\_\_ shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after noti-

fication in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

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

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across-----in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

This contract is void unless switch is laid within one year from date.

In witness whereof, We have hereunto set our hands this 9th day of December, 1921.

THE TALGE MAHOGANY COMPANY,

By JOHN H. TALGE, Pres.,

Party of the First Part.

Witness: GROVER C. NIEMEYER,

CITY OF INDIANAPOLIS,

By MARK H. MILLER, Pres.,

R. A. SHIRLEY,

Board of Public Works,

Party of the Second Part.

Approved: F. C. LINGENFELTER, C. C. Engr.

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.

Mr. Miller moved that the rules be suspended and General Ordinance No. 94, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

Mr. Miller called for General Ordinance No. 94, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 94, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 94, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Schmidt, Peake and President Russell Willson.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

By Mr. Brown:

Indianapolis, Ind., December 12, 1921.

Mr. President:

I move that the following 1921 ordinances be each stricken from the files:

General Ordinances Nos. 3, 7, 8, 15, 22, 41, 42, 49, 58, 62, 73 and 84;  
Special Ordinance No. 10.

J. P. BROWN,

Which motion carried by the following vote:

Ayes, 7, viz.: Messrs. Brown, Carnefix, Kirsch, Miller,  
Peake, Schmidt and President Russell Willson.

Noes, 1, viz.: Mr. Furniss.

On motion of Mr. Peake the Common Council at 8:30  
o'clock p. m. adjourned.

*Russell Willson*

*President.*

Attest:

*J. P. Brown*

*City Clerk.*