

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, April 20, 1925, 7:30 o'clock in regular session, President Ben H. Thompson in the chair.

Present: The Hon. Ben H. Thompson, President of the Common Council, and seven members viz., Messrs. Bernd, Bramblett, Buchanan, Clauer, King, Ray and Wise.

Absent: Mr. Claycombe.

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

COMMUNICATIONS FROM THE MAYOR.

April 16, 1925.

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

Gentlemen:

I have this day approved, signed and delivered to John W. Rhodel, City Clerk, the following ordinances:

General Ordinance No. 25, 1925, an ordinance transferring and reappropriating Twenty-five Hundred (\$2500.00) Dollars from Interest and Exchange Fund in the Finance Department to the Salaries Fund in Finance Department and declaring a time when the same shall take effect.

Appropriation Ordinance No. 5, 1925, an ordinance appropriating the sum of Seventy-four Thousand Seven Hundred Fifty-seven and 26/100 (\$74,757.26) Dollars out of any unappropriated funds of the City of Indianapolis to the Water Rental Fund of the Board of Public Works and declaring a time when the same shall take effect.

Appropriation Ordinance No. 9, 1925, an ordinance appropriating the sum of Five Thousand (\$5000.00) Dollars from the General Fund to the City Yards Department Salary and Wages Fund, under the Department of Public Works, and declaring a time when the same shall take effect.

Appropriation Ordinance No. 12, 1925, an ordinance appropriating the sum of One Thousand Three Hundred Five and 70/100 (\$1,305.70) Dollars from any unappropriated funds of the City of Indianapolis to pay a judgment rendered in Cause No. A-25843 in the Marion Superior Court of Marion County, Indiana, wherein Charles R. Yoke et al were plaintiffs and the City of Indianapolis, defendant, and declaring a time when the same shall take effect.

Appropriation Ordinance No. 14, 1925, an ordinance appropriating the sum of Two Thousand Eight Hundred Thirty-three and 34/100

(\$2833.34) Dollars from any unappropriated funds to the Salaries City Court Fund, for the purpose of paying the salary of Special Judge in the City Court, and declaring a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

April 18, 1925.

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

Gentlemen:

I have today approved, signed and delivered to John W. Rhodhamel, City Clerk, the following Ordinance:

General Ordinance No. 31, 1925, an ordinance creating the position of Stenographer to the Special Judge in the City Court, providing for the appointment thereof, fixing the salary thereof, appropriating the sum of Twelve Hundred Seventy-five (\$1275.00) Dollars from any unappropriated funds to the City of Indianapolis to the Salaries City Court Fund, for the purpose of paying the salary of said stenographer, and declaring a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

REPORTS FROM CITY CITY OFFICERS.

From the City Controller:

April 20, 1925.

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

Gentlemen:

At the request of the Board of Public Safety I am sending you herewith copies of an ordinance providing for an appropriation of \$2,000.00 to the Furniture and Fixtures Fund in the Police Department. This money is needed to purchase files, filing cabinets and tables needed at Police Headquarters.

I am also sending hereto attached letters from the Police Department explaining the need of the equipment proposed to be purchased with the money which would be appropriated by this ordinance.

I respectfully recommend the passage of this ordinance.

Respectfully yours,
JOS. L. HOGUE,
City Controller.

April 20, 1925.

Mr. Joseph L. Hogue,
City Controller,
City.

Dear Sir:

The Board of Public Safety respectfully requests you to recommend to the Common Council the passage of an ordinance appropriat-

ing the sum of \$2,000.00 to the Furniture and Fixtures Fund in the Police Department, under the Department of Public Safety. This money is needed to purchase filing cabinets, files and tables in the Detective Department and other branches of the Police Department.

The Legal Department has been instructed to draw an ordinance covering the same for your consideration.

Yours respectfully,
BOARD OF PUBLIC SAFETY,
 By Oscar O. Wise, Executive Secretary.

April 20, 1925.

*To the Honorable President and Members of the Common Council
 of the City of Indianapolis, Indiana:*

Gentlemen:

I hand you herewith copies of an ordinance, calling for the authorization of a bond issue of Three Hundred Eighty-five Thousand (\$385,000) Dollars, for the use of the Board of Health and Charities, to be used for the purpose of "to construct and erect a new unit for the surgery for the City Hospital."

I recommend the passage of this ordinance.

Very truly yours,
JOS. L. HOGUE,
 City Controller.

April 20, 1925.

Mr. Joseph L. Hogue,
 City Controller,
 City.

Dear Sir:

I am authorized by the Board of Health and Charities to hand to you for transmission to the Common Council, copies of an ordinance calling for the passage of an ordinance for a bond issue of Three Hundred Eighty-five Thousand (\$385,000) Dollars, appropriating the proceeds of sale of bonds to the Department of Health and Charities, to be used for the purpose of "to construct and erect a new unit and surgery for the City Hospital."

Kindly pass this to the Common Council for passage at the next meeting of that body.

CLIFFORD C. KEALING,
 Attorney, Board of Health and Charities.

From the Board of Public Safety:

April 20, 1925.

*To the Honorable President and Members of the Common Council
 of the City of Indianapolis, Indiana:*

Gentlemen:

The Board of Public Safety respectfully requests the passage of an ordinance, copies of which are hereto attached, ratifying, confirming and approving a certain lease contract made and entered into on the 14th day of April, 1925, by the City of Indianapolis, by and through its Board of Public Safety, approved by its Mayor, and the Market Refrigeration Company, whereby the City of Indianapolis leases to said company the Market Refrigeration Plant now being

operated by said company in the East Market of the City Market House for a term of five (5) years from the 26th day of June, 1925, the date of expiration of the contract under which this plant is now being operated.

Under the terms a certain contract ratified, confirmed and approved by the Common Council by General Ordinance No. 31, 1915, this plant becomes the property of the City of Indianapolis at the time of the expiration thereof, which is June 26, 1925.

Therefore, it is deemed advisable by the Board of Public Safety to enter into the above mentioned contract which will secure the operation of said plant by the present operators thereof, which arrangements seem to be satisfactory to the standholders being served.

Yours very truly,
 BOARD OF PUBLIC SAFETY,
 By Oscar O. Wise, Executive Secretary.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 16, 1925
 AN ORDINANCE appropriating the sum of Two Thousand (\$2,000.00) Dollars to the Furniture and Fixtures Fund in the Police Department under the Department of Public Safety, 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 hereby is appropriated the sum of Two Thousand (\$2,000.00) Dollars out of any unexpended funds of the City of Indianapolis, to the Furniture and Fixtures Fund in the Police Department under the Department of Public Safety to be used for the purchase of files, cabinets and tables for the Police Department and Headquarters.

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 Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

GENERAL ORDINANCE NO. 34, 1925.
 AN ORDINANCE authorizing the sale of Three Hundred Eighty-five (385) Bonds of One Thousand (\$1,000.00) Dollars each of the City of Indianapolis payable from the Sinking Fund or as may be required by law for the purpose of procuring money to be used for the purpose of, to construct, erect a new unit and surgery for the City Hospital, providing for legal notice providing for

the time and manner of advertising sale of bonds and all receipts of bids for the same, together with the mode of terms of sale, appropriating the proceeds of said sale of bonds to the Department of Health and Charities of said city and fixing the time when the same shall take effect.

WHEREAS, it is necessary and proper for the best interests of the City of Indianapolis and its inhabitants thereof to improve and better the conditions with reference to proper and adequate health protection for the City of Indianapolis and its inhabitants, and

WHEREAS, an emergency exists at the City Hospital on account of inadequate and insufficient accommodations for patients and the operation of the hospital, and that the same exists to such an extent that it will be necessary to construct a new unit to be occupied as a surgery to meet the necessary requirements and emergencies that now exist.

WHEREAS, this Board, after being duly advised, is of the opinion that the cost of such necessary improvements and building will be approximately Three Hundred Eighty-five (\$385,000.00) Thousand Dollars, and

WHEREAS, there is not now, and will not be, sufficient money in the funds of the Board of Health and Charities of the City of Indianapolis with which to meet the aforesaid expenditure of money for the purpose aforesaid, and it being necessary for the City of Indianapolis to borrow the sum of Three Hundred Eighty-five Thousand (\$385,000.00) Dollars, and to issue and sell its bonds for that amount,

NOW THEREFORE, BE IS RESOLVED BY THE BOARD OF HEALTH AND CHARITIES OF THE CITY OF INDIANAPOLIS, that an ordinance be prepared and presented to the Common Council of the City of Indianapolis, and to the City Controller for passage authorizing the issuance and sale by the City of Indianapolis of a Bond Issue of Three Hundred Eighty-five Thousand (\$385,000.00) Dollars, for the use of said Board of Health and Charities for the erection of a new unit and surgery and for the employment and payment of all necessary architectural services needed in the inspection, construction and completion of the aforesaid,

WHEREAS, it is by the Common Council of the City of Indianapolis and the inhabitants thereof to improve and better its condition with reference to proper and adequate health protection for the City of Indianapolis and its inhabitants, and for such purpose to construct a new unit and building to be used as a surgery and for other hospital purposes for and in connection with the City Hospital of the City of Indianapolis, and,

WHEREAS, there are not now and will not be sufficient funds in the treasury of said city with which to accomplish the purpose aforesaid, and it will be necessary for the City of Indianapolis to borrow the sum of Three Hundred Eighty-five Thousand (\$385,000) Dollars for said purpose and to provide for and secure the repayment thereof and to evidence said indebtedness to issue bonds in said amount payable from the general funds or from the sinking fund of said city or as may be required by law.

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

Section 1. That the City Controller be and he is hereby authorized for the purpose of procuring money with which to improve and

better conditions with reference to proper and adequate health protection for the City of Indianapolis and its inhabitants and for such purpose to construct and erect a new unit and surgery, to prepare, issue and sell Three Hundred Eighty-five (385) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of One Thousand (\$1,000.00) Dollars each, which bonds shall bear the date of July 1st, 1925, and shall be numbered from one (1) to three hundred eighty-five (385), both inclusive, and shall be designated "City Hospital Bonds, 1925," and shall bear interest at the rate of four and one-half (4½) per cent, payable semi-annually on the first day of January and the first day of July of each year of the period of said bonds, and said installments of interest shall be evidenced by interest coupons attached to said bonds. Three hundred eighty (380) of said bonds shall mature and be payable at the rate of Twenty Thousand (\$20,000.00) Dollars in each year for nineteen (19) consecutive years, beginning in the year 1927, and ending in the year 1945, and the remaining five (5) of said bonds shall mature and be payable in the year ending 1946. The first coupon attached to each bond shall be for interest on said bond from date of issue until the first day of July, 1926, said bonds and interest coupons shall be negotiable and payable at the City Treasurer's Office of the City of Indianapolis at Indianapolis, Indiana. Said bonds shall be signed by the Mayor and the City Contrtoller of said City of Indianapolis and attested by the City Clerk, who shall affix the seal of said city to each of said bonds and the interest coupons attached to said bonds shall be authorized by a lithographic fac similie of the signature of the Mayor and City Controller of said city engraven thereon, which shall be for all purposes, taken and deemed equivalent of a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein, respectively. It shall be the duty of the City Controller, at the time of the issue and negotiation of said bonds to register in a book, kept for that purpose, all of said bonds so issued and negotiated in serial number beginning with number one (1), giving also the date of their issuance, their amount, date and maturity, rate of interest and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled before the issuance thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA
 CITY OF INDIANAPOLIS
 MARION COUNTY, STATE OF INDIANA,
 CITY HOSPITAL BONDS, 1925.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisement laws on January.....at the City Treasurer's office of the City of Indianapolis at the City of Indianapolis One Thousand (\$1,000.00) Dollars in lawful money of the United States of America, together with interest thereon, at the rate of four and one-half (4½) per centum per annum from date until paid, the first interest payable on the first day of July, 1926, and the interest thereafter payable semi-annually on the first day of July and January respectively, upon the presentation and surrender

of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of Three Hundred Eighty-five (385) bonds, each numbered from one (1) to three hundred eighty-five (385), both inclusive, of date of July 1, 1925, issued by the City of Indianapolis, pursuant to an ordinance passed by the Common Council of said city on....., 1925, and an Act of the General Assembly of the State of Indiana, entitled "AN ACT concerning Municipal Corporations," approved March 6, 1905, and Acts amendatory thereof and supplemental thereto.

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

IN WITNESS WHEREOF, THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA, has caused this bond to be signed by the Mayor and the City Controller and attested by the City Clerk, and the corporate seal of said city to be affixed this as of the 1st day of July, 1925.

.....
Mayor

.....
City Controller

Attest:

.....
City Clerk.

Section 2. The City Controller shall, as soon as practicable after the passage of this ordinance and after the publication of the notice of the herein determination to issue such bonds as provided in Section Eight (8) of this ordinance, advertise for bids or proposals for said bonds by at least two (2) insertions each one week apart, in the Indianapolis Star and the Indianapolis Times, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisements shall describe said bonds with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

Section 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer, for a sum of money which shall equal two and one-half (2½) per cent of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor, at the office of the City Controller until twelve o'clock noon,

on the day fixed by the Controller and designated in the advertisement for receiving bids and proposals, at which time and place and between the said hour and two o'clock p. m., of said day, he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part or any number thereof, to the highest bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept any part of any bid, and to award upon any bid the whole or less number of bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid, he may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply to the case of re-offering and readvertisement of said bonds as hereinafter provided.

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

Section 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds, thereon by the Controller, he shall thereupon return to such successful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds awarded. If, for any reason said check shall not be paid upon presentation such non-payment shall be taken and deemed a breach of contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise said bonds for sale at once and shall in such event, retain said check, and shall have the right to collect the same for its own use, and said check and the proceeds thereof when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment to the City. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the City for such damages, and shall be retained and held by said city, for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him, pursuant to the provisions hereof, and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or at the option of the City Controller, at the time of the completion of the sale and payment of these bonds, said proceeds of said certified check may be

applied and deemed a payment on account of the purchase of said bonds.

Section 6. Delivery of any bonds sold shall be made at the office of the City Treasurer, of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by said Controller or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery, not more than ten (10) days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and time, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated as provided in this ordinance.

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

Section 8. The Mayor, City Controller and the Corporation Council hereby authorized and directed to publish notice of the herein determination to issue bonds as required by law.

Section 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 35, 1925.

AN ORDINANCE ratifying, confirming and approving a certain lease contract made and entered into on the 14th day of April, 1925, by and between the City of Indianapolis, by and through its Board of Public Safety, approved by its Mayor and the Market Refrigeration Company.

AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of April, 1925, by and between the City of Indianapolis, Indiana, by and through its Board of Public Safety and the Market Refrigeration Company, a corporation duly incorporated under the laws of the State of Indiana, WITNESSETH:

THAT WHEREAS, under and pursuant to the terms of a certain contract made and entered into on the second day of June, 1915, by the City of Indianapolis, by and through its Board of Public Safety and Howe S. Landers, receiver for Bretney and Geisendorf, a sur-

living partnership, which contract was duly approved by M. E. Bash, Judge of the Marion Probate Court of Marion County, Indiana, and ratified, confirmed and approved by General Ordinance No. 31, 1915, of the Common Council of the City of Indianapolis, said City of Indianapolis becomes the owner of the Refrigeration Plant and the appurtenances thereto belonging now situated in the East Market of the City Market House of the City of Indianapolis, and,

WHEREAS, the Market Refrigeration Company desires to lease and operate said Refrigerating Plant, connections and appurtenances thereto belonging,

NOW THEREFORE, The City of Indianapolis, by and through its Board of Public Safety, does hereby lease to the Market Refrigeration Company, its successors and assigns, the Refrigeration Plant now situated and installed in the East Market of the City Market House, of the City of Indianapolis, together with the connections and appurtenances thereto belonging, for the term of five (5) years from the 26th day of June, 1925, and does hereby grant unto the Market Refrigeration Company, its successors and assigns for and during said term, the exclusive right, power, privilege and license to use, operate and maintain said refrigerating plant and connections and furnish all refrigeration other than by means of ice, used in said East Market, provided nothing herein shall be construed so as to infringe the right of any standholder requiring refrigeration to procure the same in any manner not inconsistent with the powers of said city to regulate markets and market places, and not inconsistent with the ownership of said refrigeration plant of the market house.

In consideration of the rights, privileges and license herein granted said Market Refrigeration Company, its successors and assigns hereby agree to, at their own expense, keep and maintain said plant at all times during the term of this lease, in first class running order, to repair all broken parts as promptly as practicable to replace such parts as may from time to time be required to be replaced in order to make the plant efficient for the purpose for which it is intended to be operated, to keep a sufficient force in attendance upon said plant as is necessary to insure its proper operation, and to operate said plant continuously during said term (provided standholders using not less than fifty cases as hereinafter defined shall be actually using said refrigeration) except during such time as the same is necessarily shut down for repairs, in which event they shall notify the Board of Public Safety and the standholders using such refrigeration as soon as practicable stating the estimated time required for such repairs.

Provided, However, the company or their successors and assigns shall not be required to replace or repair the cases to be refrigerated nor their connections except in case of damage caused by their negligence, and provided further, that if at any time during said term the number of standholders using said refrigeration shall be such as that less than fifty cases as hereinafter defined shall be actually using such refrigeration, then and in that event said company, its successors or assigns shall not be required to operate said plant during such time, but at their option upon ten (10) days' written notice having been first given to the Board of Public Safety and to the standholders using such refrigeration of their intention to do so they may cease the operation of said plant and provided further,

however, that if the said company, its successors or assigns do voluntarily discontinue the operation of such plant for a period of sixty (60) days continuously, then and in that event all of the rights and privileges herein granted shall be considered terminated without notice.

Provided, further, that the City of Indianapolis, as owner of said plant, or the Market Refrigeration Company, their successors or assigns as lessees may, upon ninety (90) days' written notice of their intention to do so, discontinue and terminate this contract at any time during the term thereof.

It is mutually agreed by and between the parties hereto that the maximum service charged to standholders using such refrigeration shall not exceed two and one-half (\$2.50) dollars per week, payable weekly, for each case connected with and using such refrigeration.

It is further agreed that during the term of this lease, said company, its successors, assigns or representatives shall at all times have the right of ingress and egress to and from said plant and its connections for the purpose of inspection, replacement, repair and operation, and shall have the right of occupancy of the space now occupied by said plant.

For and in consideration of the rights and privileges herein granted, said company, its successors and assigns do hereby agree to pay to said city at the office of the Board of Public Safety an annual rental equal to five (5) per centum of the gross service charges received by them from the standholders during the term of this lease, said rental to be semi-annually on the 1st day of January and the 1st day of July of each year.

That the Board of Public Safety shall have the right to inspect said plant monthly and report any defects in the same to the company, its successors or assigns and it is agreed that such defects shall be promptly repaired and remedied at the cost of the company, its successors or assigns.

It is further agreed that said company, its successors or assigns shall keep a proper record of the funds received from the standholders for service charged, and the Board of Public Safety or whoever said Board may designate shall have access to such records at any time they shall see fit to examine the same.

It is further agreed that in the event the City of Indianapolis by proper Resolution or Ordinance decides to remodel, rebuild or repair the buildings or any part thereof in which the East Market is located or conducted which would require or necessitate temporary closing down of said refrigeration plant, the City shall not be liable for the loss of any revenue the company may sustain by reason of such temporary discontinuance of operation of said plant.

It is understood and agreed that the City may forfeit and cancel this lease at any time upon the failure of the company, its successors or assigns to comply with any of the provisions herein contained. Provided, however, that before the same is done, the City, through the Board of Public Safety, shall give the said company, its successors or assigns at least ten (10) days' written notice of its intention so to do, stating therein the particular failure complained of, and if during such time said company, its successors or assigns do not proceed to correct such failure, then at the expiration of said ten (10) days said Board shall declare said lease forfeited, cancelled and terminated.

It is further agreed that said company, shall before this contract becomes effective, furnish bond payable to the City of Indianapolis in the sum of Three Thousand (\$3,000.00) Dollars conditioned upon the faithful performance of this contract, and in the event that said company shall sell, transfer or assign their rights granted hereunder to any one, such successor or assign shall furnish bond of the same character and for the same amount as above stipulated before any rights or privileges shall be vested therein. The bond provided for herein shall be approved by the Board of Public Safety, filed with and held by said Board.

The terms, conditions and obligations of this contract shall inure to and be binding upon the successors and assigns of the parties hereto, and they shall be held to assume all the obligations of this contract as fully as if they were parties hereto, and any assignment of the same shall so state.

This contract shall not become effective unless the same is ratified, confirmed and approved by the Common Council of the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this, the 14th day of April, 1925.

CITY OF INDIANAPOLIS,

By E. L. Kingston
Elmer F. Gay
Jesse S. Sisloff,
Board of Public Safety.

Approved:

S. L. SHANK,
Mayor.

MARKET REFRIGERATION COMPANY,
By Jackson Carter,

President.

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

Section 1. That the above and foregoing Lease-Contract made and entered into on the 14th day of April, 1925, by the City of Indianapolis by and through its Board of Public Safety, approved by its Mayor and the Market Refrigeration Company, be and the same is hereby in all things ratified, confirmed and approved, and the said Market Refrigeration Company and their assigns, are hereby granted the rights and privileges for the time therein mentioned as in said lease contract set forth in accordance with and subject to the terms, provisions, conditions and limitations thereof.

Section 2. That this ordinance shall be in full force and effect from and after its passage.

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

By Mr. Claycombe:

GENERAL ORDINANCE NO. 36, 1925.

AN ORDINANCE regulating the driving of automobiles, trucks and other vehicles in the City of Indianapolis, Indiana, providing

a penalty for the violation thereof, 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 it shall hereafter be unlawful for the driver of any automobile, motor truck, or any other motor vehicle being driven in the City of Indianapolis, to allow, suffer or permit more than two persons other than the driver thereof to ride in or occupy the front seat of any such vehicles or to hang onto or ride on the outside of the same while the same is in motion.

Section 2. Any person found guilty of violating any of the provisions of Section 1 of this ordinance shall be fined in any sum not less than Five (\$5.00) Dollars nor more than Twenty-five (\$25.00) Dollars.

Section 3. This ordinance shall be in full force and effect from and after its passage and due publication, as required by law.

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

By Mr. Bramblett:

GENERAL ORDINANCE NO. 37, 1925.

AN ORDINANCE amending Section 1 of General Ordinance No. 31, 1925, and fixing a time when the same shall take effect.

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

Section 1. That Section 1 of General Ordinance No. 31, 1925, be and the same is hereby amended to read as follows:

Section 1. That there be and hereby is created the position of Stenographer to the Special Judge in the City Court, in the City of Indianapolis, Indiana. Said stenographer shall be appointed by the said Special Judge in the City Court of the City of Indianapolis, the salary of such stenographer shall be and is hereby fixed at the rate of Eighteen Hundred Dollars (\$1800.00) per year.

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

Which was read a first time.

Mr. Bramblett moved that the rules be suspended and General Ordinance No. 37, 1925, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

Ayes, 8, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, King, Ray, Wise and President Ben H. Thompson.

Mr. Bramblett called for General Ordinance No. 37, 1925, for second reading. It was read a second time.

Mr. Bramblett moved that General Ordinance No. 37, 1925, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 37, 1925, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, King, Ray, Wise and President Ben H. Thompson.
By Mr. Bramblett:

SPECIAL ORDINANCE NO. 1, 1925.

AN ORDINANCE changing the name of Grace street to Oxford street, between Washington street and Moore avenue and between Newton avenue and English avenue.

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

Section 1. That the name of Grace street, a public street running north and south in the City of Indianapolis, be and the same is hereby altered, changed and hereafter shall be known and designated as Oxford street, between Washington street and Moore avenue, and between Newton avenue and English avenue.

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 Works.

ORDINANCES ON SECOND READING.

Mr. Buchanan called for General Ordinance No. 33, 1925, for second reading. It was read a second time.

Mr. Buchanan moved that General Ordinance No. 33, 1925, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 33, 1925, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, King, Ray, Wise and President Ben H. Thompson.

On motion of Mr. Ray the Common Council at 8:15 o'clock p. m. adjourned.

Ben H. Thompson

President.

Attest:

John N. Rhodehamel

City Clerk.