

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, April 2, 1906.

The Common Council of the City of Indianapolis, met in the Council chamber, Monday evening, April 2, 1906, at 7:30 o'clock, in regular session, President Frederick W. Eppert in the chair.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 19 members, viz: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavan, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 1, viz.: Mr. Hartmann.

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

COMMUNICATIONS FROM CITY OFFICERS.

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 2, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Safety, showing the necessity of increasing the efficiency of the police department of this city by adding to the numerical strength thereof.

I am of the opinion that the efficiency of this department, number of men, has not been increased in proportion to, and with the rapid growth of the city, both as to population and extension of city limits, and that in the near future provision will have to be made for a largely increased force,

involving an additional expenditure in excess of one hundred thousand dollars.

Believing that there is an *immediate* necessity for some relief, that the demands upon this department are greater than can be properly met with the present force, I have prepared and herewith submit for your consideration an ordinance appropriating a sum sufficient to permit the appointment of twenty-five additional men, and making provision for four mounted policemen, and do recommend the passage of such ordinance.

Yours respectfully,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., March 29, 1906.

George T. Breunig, Esq., City Controller, Indianapolis:

DEAR SIR: At a meeting of the Board of Public Safety held on March 29, 1906, I was directed to request you to ask the Common Council to appropriate the sum of \$25,217.50 to the police pay-roll account of this department, such sum covering the compensation of thirty-five additional men, which number we believe absolutely necessary for the proper policing of the city; and which amount also covers the cost of the purchase of four horses with equipment.

In asking for this appropriation the Board has taken into consideration the inadequate protection that the police department has been able to give to the general public. The rapid growth of the city, together with contemplated annexation of considerable territory, has made it a matter of impossibility for the present department to furnish that degree of protection which the people are entitled to expect. In addition to this growth the Board has already had requests made upon it for police protection for the public parks and other places of amusement, which if complied with, and in the opinion of the Board must be complied with, would so far reduce the number of men available for active patrol duty as to create a condition which we believe should not be permitted.

In the opinion of the Board the time has come to make material additions to the police department, and while the Board is unanimous on the proposition that a large number of men should be provided, the recommendation heretofore made has been with the idea on its part that the present financial condition of the city would not permit the appointment of a greater number of men at this time without some provision being specifically made in the regular annual tax levy.

The four horses provided for by resolution of the Board will be used in the parks, and the Board is of opinion that their use will not only serve to better police these popular places of recreation on Sundays, as well as other days when unusually large crowds of people are to be found in those parks, thus furnishing protection to the women and children who are in great majority on these days, but will on all ordinary days afford sufficient protection, thus relieving the department of the necessity of further increasing the number of patrolmen.

Yours very truly,

JOHN B. WOOD,
Secretary Board of Public Safety.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., March 30, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you the enclosed ordinance authorizing the Board to improve Thirty-fifth street from Senate avenue to Illinois street. The Board deems it necessary to make this improvement, and trusts that the ordinance will meet with your approval.

Very respectfully,
BOARD OF PUBLIC WORKS,
Per F. J. Noll, Jr., *Clerk*.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., April 2, 1906.

To the President and Members of the Common Council:

DEAR SIR: I am directed by the Board of Public Works to forward to you the switch contract approved by the Board to-day, granting the Climax Coffee & Baking Powder Company the right to lay and maintain side-track or switch from the west side of Liberty street, at or near the intersection of the railroad tracks with said Liberty street, to the east side of Liberty street, between Washington and Maryland streets, with the request that same be presented to the Council at their meeting to-night.

Yours truly,
BOARD OF PUBLIC WORKS,
Per F. J. Noll, Jr., *Clerk*.

REPORTS FROM STANDING COMMITTEES.

INDIANAPOLIS, IND., April 2, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Railroads, to whom was referred General Ordinance No. 9, 1906, entitled, "An ordinance approving a contract granting The Talge Mahogany Company the right to lay and maintain a side-track or switch across Lewis street," have had same under consideration and would recommend that same do pass.

ALBERT E. COTTEY.
CHAS. G. DAVIS.
E. J. STICKELMAN.
JACOB H. HILKENE.
B. A. BROWN.

Mr. Cottey moved the report of the committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 2—1906: An ordinance appropriating the sum of \$18,342.50 to 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 sum of eighteen thousand, three hundred and forty-two dollars and fifty cents (\$18,342.50) be, and the same is hereby, appropriated to and for the use of the Department of Public Safety as follows, to-wit:

For police pay-roll.....	\$17,342.50
For purchase of four horses and equipments for mounted police	<u>1,000.00</u>
Total	\$18,342.50

And the said department is hereby authorized to expend the several amounts herein appropriated, or so much thereof as may be necessary, for the purposes herein set out.

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

Referred to Finance Committee.

Mr. Rhodes moved an adjournment of five minutes in order that the Finance Committee make a report on Appropriation Ordinance No 2, 1906.

At 8 o'clock P. M., President Eppert called the Council to order.

Mr. Rhodes moved that the Rules be suspended and Appropriation Ordinance No. 2, 1906 be placed upon its passage. Carried.

Report of Finance Committee:

INDIANAPOLIS, IND., April 2, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 2, begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

HARRY E. ROYSE.
 W. A. RHODES.
 J. H. HAMLET.
 ALBERT E. COTTEY.
 JAMES F. SULLIVAN.
 JACOB H. HILKENE.
 W. O. BANGS.

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

Mr. Rhodes called for Appropriation Ordinance No. 2, 1906, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 2, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 2, 1906, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavan, Sullivan, Hofmann, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 11—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Thirty-fifth street from E. P. L. Senate avenue to W. P. L. Illinois street, except the crossings of Capitol and Kenwood avenues, with gravel roadway, cement walks, curb and brick gutters.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 21st day of February, 1906, adopt Improvement Resolution No. 4422, 1906, for the improvement of Thirty-fifth street from E. P. L. Senate avenue to W. P. L. Illinois street, except the crossings of Capitol and Kenwood avenues, with gravel roadway, cement walks, curb and brick gutters.

WHEREAS, The said Board of Public Works did at the same time fix the 9th day of March, 1906, 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 22d day of February, 1906, and the 1st day of March, 1906, 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 9th day of March, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 9th day of March, 1906, a written remonstrance was filed with the Board against the said improvement of Thirty-fifth street,

and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 30th day of March, 1906, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance, and

WHEREAS, On the 30th day of March, 1906, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works, of said City be, and the same is, hereby authorized and empowered to improve Thirty-fifth street from E. P. L. Senate avenue to W. P. L. Illinois street, except the crossing of Capitol and Kenwood avenues, with gravel roadway, cement walks, curb and brick gutters, in accordance with Improvement Resolution No. 4422, 1906, adopted by the Board of Public Works on the 21st day of February, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 12—1906: An ordinance approving a certain contract granting Climax Coffee and Baking Powder Company the right to lay and maintain a side-track or switch from the west side of Liberty street, at or near the intersection of the railroad tracks with said Liberty street, to the east side of Liberty street, between Washington and Maryland streets, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: On the second day of April, 1906, Climax Coffee and Baking Powder Company 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 Climax Coffee and Baking Powder Company, respectfully applies to your Honorable Board for the franchise, rights and privileges and authority of laying, constructing, and maintaining a railroad track, for switching and other purposes, from the west side of Liberty street, at or near the intersection of the railroad tracks, more particularly the Monon track, with said Liberty street, between Washington and Maryland streets, to the east side of Liberty street, according to the blue print attached, in the City of Indianapolis, State of Indiana.

Yours respectfully,

CLIMAX COFFEE AND BAKING POWDER COMPANY,
By H. B. Gates, *President.*

Now, therefore, This agreement, made and entered into this . . . day of, 190., by and between Climax Coffee and Baking Powder Company, of the City of Indianapolis, County of Marion, State of Indiana, party

of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right-of-way for a side-track or switch from the west side of Liberty street, to and into its building, in the City of Indianapolis, which is more specifically described as follows, to-wit:

From the west side of Liberty street, at or near the intersection of the railroad tracks, more particularly the Monon railroad tracks, with said Liberty street, between Washington and Maryland streets to the east side of Liberty street, to and into the building and grounds of the Climax Coffee and Baking Powder Company, in the manner and in the direction as more fully and in detail appears, according to the blue print attached hereto; 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 grades 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 Liberty 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 no wise become a trespasser.

(5) The party of the first part agrees to pave between said tracks 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 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 claim.

(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 Liberty 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 second day of April, 1906.

CLIMAX COFFEE AND BAKING POWDER COMPANY,
By Harry B. Gates, *President*,
Party of the first part.

Witness:

E. E. GATES.

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.

Referred to Committee on Railroads.

By Mr. Davis:

General Ordinance No. 13—1906: An ordinance authorizing the sale of one hundred (100) bonds of one thousand (\$1,000.00) 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 remodel and make additions to and general improvements on the City Hospital, to pay the City's portion of cost of improving the several streets adjoining the grounds thereof, and for the purchase or condemnation of land and vaca-

tion of streets and alleys for the use and benefit of said City Hospital; providing for the time and manner of advertising sale of said bonds, and of the receipt of bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said bonds; and fixing a time when the same shall take effect.

WHEREAS, It is deemed necessary and proper and for the best interests of the City of Indianapolis and the inhabitants thereof, to remodel the City Hospital and make additions to and general improvements thereon, to improve the several streets adjoining the grounds of said Hospital, and to purchase or condemn additional land and vacate certain streets and alleys for the use and benefit of said City Hospital; and,

WHEREAS, There are not now and will not be sufficient funds in the treasury of said City with which to meet the aforesaid expenditures for said City Hospital, and it being necessary for the City of Indianapolis to borrow the sum of one hundred thousand (100,000.00) dollars, and to issue and sell its bonds in that amount payable from the general revenues and funds of said City, or from the Sinking Fund, or as may be required by law, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said City be, and is hereby, authorized for the purpose of procuring money to be used to remodel and make additions to and general improvements on the City Hospital, to pay the City's portion of cost of improving the several streets adjoining the grounds thereof, and for the purchase or condemnation of land and the vacation of streets and alleys for the use and benefit of said City Hospital, to prepare and sell one hundred (100) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000.00) dollars each, which bonds shall bear date of 1906, and shall be numbered from one (1) to one hundred (100) inclusive; shall be designated "Indianapolis City Hospital Bonds of 1906"; shall bear interest at the rate of three and one-half (3½%) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July of each year, beginning with January first, 1907, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of January, 1907. Said bonds and interest coupons shall be negotiable and payable at the Banking House of Winslow, Lanier & Company, of the City of New York, State, of New York. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said City to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic facsimile of the signatures of the Mayor and City Controller of said City engraved thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

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

blanks for numbers and dates to be properly filled in before the issuance thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA,
CITY OF INDIANAPOLIS,
MARION COUNTY, STATE OF INDIANA,
INDIANAPOLIS CITY HOSPITAL BONDS OF 1906.

For value received the City of Indianapolis, Indiana, promises to pay to bearer one thousand (\$1,000.00) dollars in lawful money of the United States of America, on the first day of January in the year one thousand nine hundred and thirty-six (1936), with interest thereon at the rate of three and one-half (3½%) per cent. per annum payable semi-annually on the first day of January and the first day of July of each year, beginning on January first, 1907, upon the surrender and cancellation of the proper coupons hereto attached; both principal and interest being payable at the banking house of Winslow, Lanier & Company in the City of New York, State of New York. This bond is one of a series of one hundred numbered from one (1) to one hundred (100), inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued by the City of Indianapolis, to procure money to be used to remodel and make additions to and general improvements on the City Hospital, to pay the City's portion of cost of improving the several streets adjoining the grounds thereof, and for the purchase or condemnation of land and vacation of streets and alleys for the use and benefit of said City Hospital, in and pursuant to an ordinance duly and legally passed by the Common Council of said City in strict conformity with and as authorized by an act of the General Assembly of the State of Indiana, entitled, "An Act concerning Municipal Corporations," approved March 6, 1905; and all things and acts required by the laws of the State of Indiana, and by said ordinance, have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, which is certified to be within every limit of indebtedness prescribed by the Constitution and laws of Indiana; and the faith and credit of the City of Indianapolis, Marion County, Indiana, is irrevocably pledged to the payment of the principal and interest of this bond, as herein stipulated.

In Witness Whereof, The Common Council of the City of Indianapolis has caused this bond to be signed by the Mayor and City Controller, and the seal of said City to be affixed thereto and attested by the City Clerk, this day of, 1906.

..... Mayor.

..... City Controller.

Attest:

.....
City Clerk.

SEC. 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in the Indianapolis Sun and the Commercial Reporter, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisements shall describe said bonds with such minuteness and particularity as the City Controller shall see fit, and shall set forth the amount of the bonds

to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 3. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of Oliver P. Ensley, City Treasurer, for a sum of money which shall equal two and one-half (2½%) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock, noon, on the day of, 1906, at which time and place and between the said hour and two o'clock, P. M., of said day he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit a part or any number thereof, to the highest and best bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or any less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds, as hereinafter provided.

SEC. 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall 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 both the date and the time for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to re-advertise said bonds for sale until said bonds are sold.

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

and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, on the day of, 1906, or upon such other 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 the Controller, who may extend the time for such delivery not more than ten days after the day or days specified as above provided; and the successful bidder, or bidders, shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

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

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

Referred to Finance Committee.

By Mr. Royse:

General Ordinance No. 14—1906: An ordinance to insure better protection of buildings from fire in the City of Indianapolis.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall hereafter be unlawful for any person, firm or corporation to erect or cause to be erected, in the City of Indianapolis, any building containing a basement, cellar or sub-cellar in which any goods, or articles of merchandise of any kind are to be stored, or in which any manufacturing is to be carried on, without providing in said basement, cellar or sub-cellar, as a part of its construction and equipment, lines of iron water pipes of not less than two and one-half inches in diameter for an area surface space of four thousand (4,000) square feet or less, and with an increase of one-half inch in diameter size of pipe for every one thousand (1,000) additional square feet of basement, cellar or sub-cellar area surface. It shall also be unlawful for any such person, firm or corporation to omit to provide said lines of pipe with branches of iron water pipes running therefrom, not less than one and one-half inches in diameter, or to omit to provide said pipe lines and branches with automatic rotary nozzles, with adjustable tips, in the proportion of one such nozzle to every four hundred (400) square feet of said area surface or fraction thereof. And it shall likewise be unlawful for any such person, firm or corporation to omit to provide said system of basement, cellar or sub-cellar pipes with as many Siamese connections on the outside of said building, as may be designated and required by the Chief of the Fire Force of said City.

SEC. 2. It shall be unlawful for any person, firm or corporation owning any building in the City of Indianapolis, already erected, containing a basement, cellar or sub-cellar in which any goods or articles of merchandise of any kind are stored, or in which any manufacturing is being carried on, or in which basement, cellar or sub-cellar any such goods or articles are to be stored or manufacturing is to be carried on, to continue to so store any such goods or articles or to continue to carry on any manufacturing therein, after a notice of ninety days has been served on such person, firm or corporation, requiring such service to be installed, without having first provided said basement, cellar or sub-cellar with a system of water pipes, with automatic rotary nozzles, adjustable tips and Siamese connections, as provided for in Section one (1) of this ordinance.

SEC. 3. The Chief of the Fire Force of the City of Indianapolis, may, in his discretion, require the system of pipe equipment described in Section one (1) of this ordinance, to be placed in any part of any theater, hotel or public assembly hall in said City, within ninety (90) days after giving notice to the owner so to do. And it shall be unlawful for any such owner to neglect or refuse to so equip any such theater, hotel or public assembly hall, when so notified by said Chief of the Fire Force, beyond the said space of ninety (90) days.

SEC. 4. In any case where the owner of any such building already erected is not a resident of the City of Indianapolis, the notices provided for in Sections two (2) and three (3) hereof, may be served on any agent or representative of such owner.

SEC. 5. All notices authorized or required to be served on the owners of premises or their agents or representatives, under the provisions of this ordinance, may be served by the Chief of the Fire Force of the City of Indianapolis, or any Assistant of said Force, designated by him, in his name.

SEC. 6. Any persons, firm or corporation violating any provision of Section one (1), two (2) or three (3) of this ordinance, shall, upon conviction, be fined in any sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100); and each day that any such owner shall allow goods or merchandise to be stored or manufacturing to be carried on in any such basement, cellar or sub-cellar, without having the same provided with water pipes and equipment described in Sections one (1) hereof, as required by Sections one (1), two (2) or three (3), shall constitute a separate offense.

Committee on Public Health.

By Mr. Davis:

Special Ordinance No. 2—1906: An ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said City, and fixing the time when the same shall take effect.

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

Beginning on the present north boundary line of said City at the inter-

section of the center line of Thirtieth street with the center line of the right-of-way of the Chicago, Indianapolis & Louisville Railroad Company; thence in a northerly direction along the center line of the right-of-way of said C., I. & L. R. R. Co., to the intersection of the north property line of the real estate now owned by Silas H. Johnson; thence in a westerly direction along the north property line of said real estate owned by Silas H. Johnson to the point of intersection of said line with the center line of Delaware street produced; thence south along the center line of Delaware street produced to the intersection of said line with the north property line of what is now known as Meridian Heights; thence in a westerly direction along the north line of Meridian Heights to the point of intersection of said line with the center line of Senate avenue produced; thence south along said center line of Senate avenue produced to the point of intersection of said line with the north line of Columbia Place; thence west along said north line of Columbia Place to the point of intersection of said line with the center of the first street or highway west of Columbia Place; thence south along the center line of said street or highway to the point of intersection of said line with the center line of Haughey avenue; thence in an easterly direction along the center line of Haughey avenue to the point of intersection of said line with the east property line of Crown Hill Cemetery produced; thence south along the said east property line of Crown Hill Cemetery produced to the point of intersection of the east property line of Crown Hill Cemetery with the center line of Thirty-eighth street; thence west along the center line of Thirty-eighth street to the point of intersection of said line with the center line of the Michigan road; thence in a southeasterly direction along the center line of the Michigan road to the point of intersection of said line with the south boundary line of the land comprising what is now known as the Country Club; thence westwardly along the south property line of the Country Club to the point of intersection of said line with the present west boundary line of the City running along the east bank of the Canal; thence south along the present boundary line on the east side of the Canal to the present north boundary line of the City of Indianapolis; thence along the present north boundary line of the City of Indianapolis to the point of beginning.

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

Referred to Committee on Ordinances.

ORDINANCES ON SECOND READING.

Mr. Cottey called for General Ordinance No 9, 1906, for second reading. It was read a second time.

Mr. Cottey moved that General Ordinance No. 9, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 9, 1906, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavan, Sullivan, Hofmann, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

On motion of Mr. Royse, the Common Council, at 8:20 o'clock, P. M., adjourned.

Frederick W. Eppert

President.

ATTEST:

James M. Nulty

City Clerk.

