

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, May 7, 1906.

The Common Council of the City of Indianapolis, met in the Council chamber, Monday evening, May 7, 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 16 members, viz: Messrs. Cottey, Hamlet, Wood, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavan, Sullivan, Hofmann, Wright and Henry.

Absent, 4, viz.: Messrs. Brown, Davis, Neukom and Hilkene.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 26, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I transmit herewith an ordinance approving and authorizing the sale of certain personal property by the Board of Public Works of the City of Indianapolis, with the request that the same receive immediate action under suspension of the rules, if in the judgment of your honorable body such course is proper. Property to be sold is the building and wreckage on and along the proposed opening of McCrea street, and can only be disposed of as wreckage. You will observe from a reading of the papers that the property has been duly appraised by the Board of Appraisers appointed in the Marion Circuit Court. Our reason for asking immediate action is that the property owners in the vicinity of the pro-

posed opening have now paid all the moneys assessed against them as benefits on account of such opening, and the Board of Public Works is desirous of proceeding at once with the improvement of such roadway. The removal of the buildings of course must be had first.

Trusting that this suggestion of immediate action may meet with your approval, I remain,

Very truly yours,

CHARLES A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 19, 1906.

To the President and Members of the Common Council:

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

General Ordinance No. 11, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis to improve Thirty-fifth street from the east property line of Senate avenue to the west property line of Illinois street, except the crossing of Capitol and Kenwood avenues, with gravel roadway, cement walks, curb, and brick gutters."

Appropriation Ordinance No. 4, 1906, being "an ordinance appropriating the sum of \$7,125.00 to and for the Department of Public Safety."

General Ordinance No. 15, 1906, being "an ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 11th day of April, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Chicago, Indianapolis & Evansville Railway Company."

Respectfully submitted,

CHARLES A. BOOKWALTER,
Mayor.

At 7:40 o'clock P. M., Messrs. Brown, Davis, Neukom and Hilkene entered the Council Chamber and took their seats.

REPORTS FROM CITY OFFICERS.

From the City Controller:

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: By request of His Honor, The Mayor, I have prepared and herewith submit an ordinance appropriating the sum of one thousand dollars with which to defray expenses incident to the preparation of plans for the construction of the proposed City Hall and Auditorium, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

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DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit an ordinance authorizing the issue of \$350,000.00 City of Indianapolis bonds with which to create a fund to be used in the construction of a City Hall and Auditorium and recommend its passage.

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

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit communication from the Memorial Day Committee, requesting the usual appropriation of \$200.00 for expenses of May 30th exercise. I submit herewith an ordinance appropriating the amount asked for and recommend that it be passed.

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

INDIANAPOLIS, IND., May 2, 1906.

Mr. Breunig, Controller of the City of Indianapolis, City:

DEAR SIR: The custom has prevailed for several years for the City Council to appropriate \$200.00 to defray the expenses of commemorating and expressing our grateful acknowledgements toward our dead heroes buried in our cemeteries near the city for their services in saving our nation. Will you kindly present this matter to the Council for their consideration?

All over actual expenses will be repaid into the city treasury.

Yours very truly,
COL. JOHN R. FESLER, *Chairman.*
D. H. OLIVE, *Secretary.*

DEPARTMENT OF FINANCE,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I herewith present a communication from the Board of Health recommending certain transfers therein mentioned.

The interior of the City Dispensary is badly in need of revarnishing and repainting, some of the rooms need to be repapered, new furniture, etc., is needed in the Interne Department. I herewith submit an ordinance making the transfers requested and recommend its passage.

Very respectfully,
GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., April 27, 1906.

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

DEAR SIR: I have been requested by the Board of Health to ask that you transfer

\$350.00 from the Salary fund of City Dispensary to Incidental fund.

\$200.00 from the Drug fund of City Dispensary to Incidental fund.

\$250.00 from the Transportation fund of City Dispensary to Incidental fund.

This transfer is necessary in order to make it possible to repaint and re-furnish parts of the City Dispensary. These repairs cannot be made unless this transfer is made.

Kindly take this matter up at your earliest convenience.

Very respectfully yours,

EUGENE BUEHLER,
Secretary Board of Health.

From the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 1, 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 attached ordinance for the improvement of Tenth street from the northwest property line of Massachusetts avenue to the east property line of College avenue, except the crossing of Ashland avenue and Bellefontaine street, with asphalt roadway and brick gutters.

The Board considers the improvement of this street a public necessity, and trusts that same will be acted upon promptly.

Your truly,

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 1, 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 attached ordinance for the improvement of Court street from the west property line of Noble street to the east property line of Liberty street, with cement walks.

The Board considers the improvement of this street a public necessity, and trusts that same will be acted upon promptly.

Yours truly,

BOARD OF PUBLIC WORKS,
Per Frank J. Noll, Jr., *Clerk.*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 1, 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 attached ordinance for the improvement of Pratt street from east property line of Park avenue to the west property line of Ashland

avenue, except crossings of College avenue and Broadway, with asphalt roadway and brick gutters.

The Board considers the improvement of this street a public necessity, and trusts that same will be acted upon promptly.

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 4, 1906.

To the President and Members of the Common Council:

GENTLEMEN: The attached switch contract, granting to Albert Minter the right to lay and maintain a switch or sidetrack across the end of California street at its south terminal, according to plat attached, is referred to you for approval.

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

REPORTS FROM STANDING COMMITTEES

From the Finance Committee:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 13, entitled: "An ordinance authorizing the sale of one hundred bonds of one thousand 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 vacation 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 sale of said bonds and fixing a time when the same shall take effect," begs leave to report that it has had the same under consideration and recommends that said ordinance be amended as follows: by inserting, in the twelfth line of Section 1 the following words and figures: "June 1st;" by inserting in the ninth and tenth lines of Section 3, in the blank spaces therein, the following words and figures: "24th" "May"; by inserting in the third line of Section 6 in the blank space therein the following words and figures: "1st June."

Your committee recommends that as amended said ordinance do pass.

Respectfully submitted,

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

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

From the Finance Committee:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 5, entitled: "An ordinance appropriating the sum of \$5,000 to and for the use of the Department of Public Works, and fixing the time when the same shall take effect," beg leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
JAS. F. SULLIVAN,
W. O. BANGS.
ALBERT E. COTTEY.
J. H. HAMLET.
W. A. RHODES.

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

From the Finance Committee:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 3, entitled: "An ordinance appropriating the sum of six thousand (\$6,000) dollars to and for the use of the Department of Public Works for cisterns and repairs and fixing a time when the same shall take effect," beg leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
JAS. F. SULLIVAN,
W. O. BANGS.
ALBERT E. COTTEY.
J. H. HAMLET.
W. A. RHODES.

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

From Ordinance Committee:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Ordinance Committee, to which was referred Special Ordinance No. 1, entitled: "An ordinance defining a part of the boundary line of the City of Indianapolis, Indiana, so as to extend the same and annexing to the City of Indianapolis certain territory, providing for the publication thereof and fixing the time when the same shall take effect,"

begs leave to report that we have had the same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

W. O. BANGS.
JOHN L. DONOVAN.
JOHN F. WOOD.

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

From Committee on Railroads:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Railroads, to whom was referred General Ordinance No. 16, 1906, entitled, an ordinance approving a certain contract granting Hetherington and Berner the right to lay and maintain a side-track or switch across Kentucky avenue, have had same under consideration and would respectfully recommend that same do pass.

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

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

From Committee on Railroads:

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Railroads, to whom was referred General Ordinance No. 12, 1906, entitled, an ordinance approving a certain contract granting the Climax Coffee and Baking Powder Co. the right to lay and maintain a side-track or switch across Liberty street, have had same under consideration and would respectfully recommend that same do pass.

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

Mr. Cottey moved that the report of the Committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 6—1906: An ordinance appropriating \$200.00 to the Department of Finance to defray expenses of Memorial Day services, and fixing the time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of two hundred (\$200.00) dollars be, and the same is hereby, appropriated to and for the use of the Department of Finance for the purpose of defraying the expenses incidental to the proper observance of Memorial Day, May 30, 1906; and the City Controller is hereby authorized to draw warrants for the whole or any part of said sum.

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

Referred to Finance Committee.

By the City Controller:

Appropriation Ordinance No. 7—1906: An ordinance appropriating the sum of one thousand dollars to and for the use of the Finance Department, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one thousand (\$1,000.00) dollars be, and the same is hereby appropriated to and for use of the Department of Finance, and the City Controller is hereby authorized to draw his warrants for the sum herein appropriated, or so much thereof as may be necessary, for the payment of expenses incident to the preparation of plans and drawings for the contemplated new City Hall and Auditorium.

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

Referred to Finance Committee.

INTRODUCTION OF GENERAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 19—1906: An ordinance approving a certain contract granting to E. C. Atkins & Company, of Indianapolis, Marion County, Indiana, the right to lay and maintain certain side-tracks or switches and certain narrow gauge or tram tracks in, along and upon, Eddy street and across Henry street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, *heretofore, to-wit:* On the 23d day of April, 1906, E. C. Atkins & Company, of the City of Indianapolis, Marion County, State of

Indiana, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., April 23, 1906.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: The undersigned, E. C. Atkins & Company, respectfully petition your Honorable Board, asking permission to construct and maintain certain standard gauge switch or side-tracks and certain narrow gauge or tram tracks in and along Eddy street and across Henry street, being an extension of and an addition to existing tracks in Eddy street and being more particularly described as follows:

First. A standard gauge track the center line of same beginning at a point in the north line of Henry street 10 feet west of the east line of Eddy street; thence south at right angles across Henry street; thence continuing south in Eddy street parallel with and 15 feet west of the east line of said street 234 feet, being a total length of 274 feet.

Second. A standard gauge track the center line of same beginning at the point 6 feet east of the west line of Eddy street and 46 feet north of the north line of Henry street; thence south parallel with and 6 feet east of the west line of Eddy street to the north line of Henry street; thence continuing south at right angles across Henry street; thence continuing south in Eddy street parallel with and 6 feet east of the west line of Eddy street 234 feet, being a total length of 320 feet.

Third. A standard gauge cross-over track the center line of same beginning at a point on the center line of an existing track in Eddy street of which the first described center line is a continuation, 93 feet north of the north line of Henry street; thence in a southwesterly direction measured on a curve line to a point on the center line of the second described switch track 6 feet north of the north line of Henry street, being a total length of 90 feet more or less.

Fourth. A standard gauge switch track beginning on a center line of the second described track where the same intersects the north line of Henry street; thence in a southwesterly direction measured on a curved line to the intersection of the south line of Henry street with the west line of Eddy street, being a total length of 42 feet more or less.

Fifth. A narrow gauge or tram track the center line beginning at a point 130 feet north of the north line of Henry street and 2.65 feet east of the west line of Eddy street, thence south parallel with and 2.65 feet east of the west line of Eddy street to the north line of Henry street; thence in a southwesterly direction measured on a curved line across Henry street to a point on the south line of same 12 feet more or less west of the west line of Eddy street, being a total length of 178 feet more or less. All as shown by the drawing attached hereto, made a part hereof, filed herewith and marked "Ex. A."

Respectfully submitted,

E. C. ATKINS & Co.,
H. C. Atkins, *President.*

Now, Therefore, This agreement, made and entered into this 23d day of April, 1906, by and between E. C. Atkins & 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 certain standard gauge switch or side-tracks and certain narrow gauge or tram tracks in and along Eddy street and across Henry

street, being an extension of and an addition to existing tracks in Eddy street, in the City of Indianapolis, which are more specifically described as follows:

First. A standard guage track the center line of same beginning at a point in the north line of Henry street 10 feet west of the east line of Eddy street; thence south at right angles across Henry street; thence continuing south in Eddy street parallel with and 15 feet west of the east line of said street 234 feet, being a total length of 274 feet.

Second. A standard guage track the center line of same beginning at the point 6 feet east of the west line of Eddy street and 46 feet north of the north line of Henry street; thence south parallel with and 6 feet of the west line of Eddy street to the north line of Henry street; thence continuing south at right angles across Henry street, thence continuing south in Eddy street parallel with and 6 feet east of the west line of Eddy street 234 feet, being a total length of 320 feet.

Third. A standard guage cross-over track the center line of same beginning at a point on the center line of an existing track in Eddy street of which the first described center line is a continuation, 93 feet north of the north line of Henry street; thence in a southwesterly direction measured on a curved line to a point on the center line of the second described switch track 6 feet north of the north line of Henry street, being a total length of 90 feet more or less.

Fourth. A standard guage switch track beginning on a center line of the second described track where the same intersects the north line of Henry street, thence in a southwesterly direction measured on a curved line to the intersection of the south line of Henry street with the west line of Eddy street, being a total length of 42 feet more or less.

Fifth. A narrow guage or tram track the center line beginning at a point 130 feet north of the north line of Henry street and 2.65 feet east of the west line of Eddy street; thence south parallel with and 2.65 feet east of the west line of Eddy street to the north line of Henry street; thence in a southwesterly direction measured on a curved line across Henry street to a point on the south line of same 12 feet more or less west of the west line of Eddy street, being a total length of 178 feet more or less. All as shown by the drawing attached hereto, made a part hereof, filed herewith and marked "Ex. A.," 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 tracks and switches 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 tracks 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 tracks intersects Henry 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 tracks, 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 tracks 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 the same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said City harmless from any and all claims for damages growing out of the existence, maintenance or use of said tracks, 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 violation 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 additional side-tracks or switches and certain narrow guage or tram tracks, more specifically described heretofore in this agreement, in and along Eddy street and across Henry 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 27th day of April, 1906.

E. C. ATKINS & Co.,
H. C. Atkins, *President.*
Party of the first part.

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 Board of Public Works :

General Ordinance No. 20—1906: An ordinance approving a certain contract granting the right to lay and maintain a side-track or switch from according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, *heretofore, to-wit*: On the 4th day of May, 1906, Albert Minter filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis.

GENTLEMEN: The undersigned, Albert Minter, respectfully petitions your Honorable Board, asking permission to construct and maintain a side-track or switch across California street at or near the south end of California street, where it intersects with the north line of Georgia street, in the City of Indianapolis; said side-track or switch to be constructed and maintained across California street, the center line of which intersects with the north property line of Georgia street, extended across Georgia street, at or near the center of California street, continuing thence in California street on a fifteen (15) degree curve across said street to a point on the west property line of California street about fourteen (14) feet from the corner where the west property line of California street intersects with the north property line of Georgia street, as shown on the drawing attached hereto, filed herewith, made a part of this petition and marked "Exhibit A."

Your petitioner prays that the privileges and authorities herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Respectfully,

ALBERT MINTER.

Now, Therefore, This agreement, made and entered into this 4th day of May, 1906, by and between Albert Minter, 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 across the end of California street at its south terminal in the City of Indianapolis, which is more specifically described as follows:

Across California street at or near the south end of California street, where it intersects with the north line of Georgia street, in the City of Indianapolis, the center line of which intersects with the north property line of Georgia street, extended across Georgia street, at or near the center of California street, thence continuing in California street on a 15 degree curve across said street to a point on the west property line of California street, about 14 feet from the corner where the west property line of California street intersects with the north property line of Georgia street, as shown on the drawing attached hereto, filed herewith, made a part of this description and marked "Exhibit A." 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 California 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 track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

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

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

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

In Witness Whereof, We have hereunto set our hands this 4th day of May, 1906.

ALBERT MINTER,
Party of the first part.

Witness:

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 Board of Public Works:

General Ordinance No. 21—1906: An ordinance approving and authorizing the sale of certain personal property by the Board of Public Works, City of Indianapolis, Indiana.

WHEREAS, The Board of Public Works has caused an inventory and appraisalment to be made of certain personal property belonging to the City of Indianapolis, Indiana, which is in the care and custody of said Board, and which said Board deems advisable to sell, and said inventory and appraisalment has been approved by the Mayor of said City, which said inventory, appraisalment and approval are as follows:

In the matter of sale of certain personal property by the Department of Public Works.

INVENTORY.

We, the undersigned Board of Public Works, do hereby inventory the following personal property belonging to the City of Indianapolis, Indiana, which is no longer needed and no longer fit for the purpose for which it was intended to be used, and which it is deemed advisable by this Board, which has the care and custody of such property, to sell, namely:

One three-story brick building located on Lot number four (4), Square eighty-seven (87), Morris' Sub-division of the City of Indianapolis, at No. 225 McCrea street, commonly known as the St. Charles Hotel, with all permanent fixtures therein, excepting the steam plant, consisting of boiler, radiator and piping, and also bath tub and chandeliers.

Dated this 13th day of April, 1906.

JOSEPH T. ELLIOTT.
P. C. TRUSLER.
F. J. MACK.
Board of Public Works.

IN THE MARION CIRCUIT COURT.

STATE OF INDIANA, COUNTY OF MARION, SS.

In the matter of sale of certain personal property by the Department of Public Works.

APPOINTMENT OF APPRAISERS.

Comes now the Board of Public Works, by Frank J. Noll, Jr., Clerk, and having presented the inventory attached hereto of certain personal property in the care and custody of said Board, which said Board desires to sell, and petitions the Court to appoint three disinterested freeholders of the City of Indianapolis, County and State aforesaid, as appraisers for said property, and the Court, being duly advised in the premises, does hereby appoint M. H. Camden, Chas. Du Vall and Joseph Kreber, neither of whom are officers or employes of said city, as appraisers to make an appraisal, and sworn valuation of said property in writing, and return the same to the Mayor of said city.

Dated this 13th day of April, 1906.

JAMES A. PRITCHARD,
Judge Pro Tem Marion Circuit Court.

STATE OF INDIANA, COUNTY OF MARION, SS.

In the matter of sale of certain personal property by the Department of Public Works.

APPRAISEMENT.

The undersigned, having been duly sworn on oath, depose and say:

That having been duly appointed by the Judge of the Circuit Court in and for the County and State aforesaid, to make an appraisal and sworn valuation of certain personal property inventoried by the Board of Public Works for the purpose making sale of the same, we do now hereby honestly and truly appraise such property as being of the fair and reasonable value herein indicated, as follows:

One three-story brick building located on Lot number four (4), Square eighty-seven (87), Morris' Sub-division of the City of Indianapolis, at No. 225 McCrea street, commonly known as the St. Charles Hotel, with all permanent fixtures therein, excepting the steam plant, consisting of boiler, radiator and piping, and also bath tub and chandeliers..... \$500 00

Dated this 18th day of April, 1906.

M. H. CAMDEN.
CHAS. G. DUVALL.
JOSEPH J. KREBER.
Appraisers.

Subscribed and sworn to before me this 18th day of April, 1906.

JOHN L. BENEDICT,
Notary Public.

My commision expires April 15, 1908.

APPROVAL BY THE MAYOR.

I, Charles A. Bookwalter, Mayor of the City of Indianapolis, do hereby approve the foregoing proceedings and contemplated sale of the property herein inventoried, and also approve the appraisal and sworn valuation made by said appraisers.

Dated this 19th day of April, 1906.

CHARLES A. BOOKWALTER,
Mayor.

AND WHEREAS, All the several proceedings in connection with said contemplated sale of personal property by the Board of Public Works has been submitted by the Mayor to the Common Council of said City for its consideration and action; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the proceedings above set out relating to the sale of said personal property by the Board of Public Works of the City of Indianapolis, Indiana, be and hereby is, in all things confirmed and approved, and the said sale of said property is hereby authorized.

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

Referred to Committee on Public Property and Improvements.

By Board of Public Works:

General Ordinance No. 22—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of March, 1906, adopt Improvement Resolution No. 4464, 1906, for the improvement of Pratt street, from the east property line of Park avenue to the west property line of Ashland avenue, except crossing Broadway and College avenue, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty (20) feet laid on a six (6) inch gravel concrete foundation (Portland Cement) or crushed stone and hydraulic cement foundation (6) inches in depth as herein specified; grading and paving in a similar manner to widths shown on plans the wings of intersecting street and alleys; grading and paving the gutters with brick to widths shown on plans, laid on same class of foundation as the asphalt surface; placing the necessary marginal stones where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 13th day of April, 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 29th day of March, 1906, and the 5th day of April, 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 13th day of April, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 18th day of April, 1906, a written remonstrance was filed with the Board against the said improvement of Pratt street, and the same was referred to the City Civil Engineer for investigation and report: and

WHEREAS, On the 30th day of April, 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 April, 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 Pratt street, from the east property line of Park avenue to the west property line of Ashland

avenue, except crossing Broadway and College avenue, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty (20) feet laid on a six (6) inch gravel concrete foundation (Portland Cement) or crushed stone and hydraulic cement foundation (6) inches in depth as herein specified; grading and paving in a similar manner to widths shown on plans the wings of intersecting street and alleys; grading and paving the gutters with brick to widths shown on plans, laid on same class of foundation as the asphalt surface; placing the necessary marginal stones where shown on plans, in accordance with Improvement Resolution No. 4464, 1906, adopted by the Board of Public Works on the 28th day of March, 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. 23—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of March, 1906, adopt Improvement Resolution No. 4463, 1906, for the improvement of Tenth street, from the northwest property line of Massachusetts avenue to the east property line of College avenue, except the crossing of Ashland avenue and Bellefontaine street, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty (20) feet laid on a six (6) inch gravel concrete foundation, using Portland Cement or six (6) inch rolled crushed stone concrete foundation using hydraulic cement, also grading and paving the gutters with brick to widths shown on plans laid on six (6) inch foundation same as used under asphalt surface, and placing marginal stones where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 13th day of April, 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 29th day of March, 1906, and the 5th day of April, 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 13th day of April, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 13th day of April, 1906, a written remonstrance was filed with the Board against the said improvement of Tenth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 28th day of April, 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 April, 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 said Board of Public Works of

said city be, and the same is, hereby authorized and empowered to improve Tenth street from the northwest property line of Massachusetts avenue to the east property line of College avenue, except the crossing of Ashland avenue and Bellefontaine street, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty (20) feet laid on a six (6) inch gravel concrete foundation, using Portland Cement or six (6) inch rolled crushed stone concrete foundation using hydraulic cement, also grading and paving the gutters with brick to widths shown on plans laid on six (6) inch foundation same as used under asphalt surface, and placing marginal stones where shown on plans, in accordance with Improvement Resolution No. 4463, 1906, adopted by the Board of Public Works on the 28th day of March, 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. 24—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of March, 1906, adopt Improvement Resolution No. 4470, 1906, for the improvement of Court street, from the west property line of Noble street to the east property line of Liberty street, by grading and paving the sidewalks with cement to a uniform width of four (4) feet placed next to the curb and grading the lawns.

WHEREAS, The said Board of Public Works did at the same time fix the 13th day of April, 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 29th day of March, 1906, and the 5th day of April, 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 13th day of April, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 10th day of April, 1906, a written remonstrance was filed with the Board against the said improvement of Court street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 30th day of April, 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 April, 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 Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Court street, from the west property line of Noble street to the east property line of Liberty street, by grading and paving the sidewalks with cement to a uniform width of four (4) feet placed next to the curb and grading the lawns, in accordance with

Improvement Resolution No. 4470, 1906, adopted by the Board of Public Works on the 28th day of March, 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 the City Controller:

General Ordinance No. 25—1906: An ordinance authorizing the sale of three hundred and fifty (350) 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 Tomlinson Hall so as to provide a City Hall containing city offices, to construct in connection therewith, on the city property lying immediately east of Tomlinson Hall and bounded by Market street, Alabama street, and Wabash street, an Auditorium building suitable for conventions and other public assemblages, and to rearrange and construct the entire ground floor space under all of said buildings, including part or all of the basement thereof, for the accommodation of public markets; providing for the time and manner of advertising sale of 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 Tomlinson Hall so as to provide a City Hall containing city offices, to construct in connection therewith, on the city property lying immediately east of Tomlinson Hall and bounded by Market street, Alabama street and Wabash street, an Auditorium building suitable for conventions and other public assemblages, and to rearrange and construct the entire ground floor space under all of said buildings, including part or all of the basement thereof, for the accommodation of public markets, 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 Hall and Auditorium, and it being necessary for the City of Indianapolis to borrow the sum of three hundred and fifty thousand (\$350,000.00) 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 Tomlinson Hall so as to provide a City Hall containing city offices, to construct in connection therewith, on the city property lying immediately east of Tomlinson Hall and bounded by Market street, Alabama street, and Wabash street, an Auditorium building suitable for conventions and other public assemblages, and to rearrange and construct the entire ground floor space under all of said buildings, including part or all of the basement thereof, for the accommodation of public markets, to prepare and sell three hundred and fifty (350) 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 July first, 1906, and shall be numbered from

one (1) to three hundred and fifty (350) both inclusive; shall be designated "City Hall and Auditorium Bonds of 1906"; shall mature in thirty (30) years from date; 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 fac-simile of the signatures of the Mayor and City Controller of said City engraven 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 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 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.	UNITED STATES OF AMERICA,	\$1,000.00
	CITY OF INDIANAPOLIS,	
	MARION COUNTY, STATE OF INDIANA,	
	CITY HALL AND AUDITORIUM BONDS OF 1906.	

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 July first, 1936, at the Banking House of Winslow, Lanier & Company, in the City of New York, State of New York, one thousand dollars, in lawful money of the United States of America, together with interest thereon at the rate of three and one-half per cent. per annum from date until paid, the first interest payable on the first day of January, 1907, 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 and fifty bonds, of one thousand dollars each, numbered from one to three hundred and fifty, both inclusive, of date of July first, A. D. 1906, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the City, on 1906, and an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6. 1905.

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 hereof has been duly complied with, and that this bond is within every debt and other limit pre-

scribed 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 City Controller, and attested by the City Clerk, and the corporate seal of said City to be hereunto affixed this the first day of July, 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 fixed by the Controller and designated in the advertisement for receiving bids or 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 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 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 reoffering and readvertisement of said bonds 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 readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisements, but in such readvertisement he is authorized and directed to fix the date and the time both 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 readvertise 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 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 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, upon such day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the 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 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 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 for all necessary expense in connection with the preparation and issue of said bonds, 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 the City Controller:

General Ordinance No. 26—1906: An ordinance providing for the transfer of certain funds hereto appropriated to the Department of Public Health and Charities.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and is hereby, transferred the following sums from funds heretofore appropriated for use in the City Dispensary under the Department of Public Health and Charities, as follows, to-wit:

From the "Salaries" fund to the "Incidentals" fund the sum of \$350.00.

From the "Drugs" fund to the "Incidentals" fund the sum of \$200.00.

From the "Transportation" fund to the "Incidentals" fund the sum of \$250.00.

SEC. 2. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Referred to Finance Committee.**By Mr. Brown:**

General Ordinance No. 27—1906: An ordinance regulating the distribution of medicine and providing a penalty for the violation thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm, or corporation to distribute or dispense from house to house, or to persons within the limits of said city, any article, substance, or compound, patented or otherwise, to be used as a drug, remedy or medicine, without first submitting to the Department of Public Health and Charities of said City, a sample of said article, substance or compound, together with a written or printed name and formula therefor, and obtaining from the City Controller a license authorizing such distribution, which said license shall be issued only upon presentation of an application therefor properly signed and approved by said Department of Public Health and Charities. A fee of one dollar (\$1.00) shall be charged by the City for the license herein provided for.

SEC. 2. Any person, firm or corporation violating any of the provisions of this section shall be fined in the sum of not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars, to which may be added imprisonment in the county jail not more than thirty days.

SEC. 3. This ordinance shall take effect and be in force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun.

Referred to Committee on Public Property and Improvements.**ORDINANCES ON SECOND READING.**

Mr. Royse called for General Ordinance No 13, 1906, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 13, 1906, be

ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No 13, 1906, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royle, Donovan, Sullivan, Hofmann, Hilken, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Royle called for Appropriation Ordinance No. 3, 1906, for second reading. It was read a second time.

Mr. Royle moved that Appropriation Ordinance No. 3, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 3, 1906, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royle, Donovan, Sullivan, Hofmann, Hilken, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Royle called for Appropriation Ordinance No. 5, 1906, for second reading. It was read a second time.

Mr. Royle moved that Appropriation Ordinance No. 5, 1906, be ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 5, 1906, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royle, Donovan, Sullivan, Hofmann, Hilken, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Bangs called for Special Ordinance No. 1, 1906, for second reading. It was read a second time.

Mr. Hamlet moved that Special Ordinance No. 1, 1906, be stricken from the files. Carried.

Mr. Cottey called for General Ordinance No. 16, 1906, for second reading. It was read a second time.

Mr. Cottey moved that General Ordinance No. 16, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 16, 1906, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donovan, Hofmann, Henry and President Frederick W. Eppert.

Noes, 2, viz.: Messrs. Sullivan and Wright.

Mr Cottey called for General Ordinance No. 12, 1906, for second reading. It was read a second time.

Mr. Cottey moved that General Ordinance No. 12, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 12, 1906, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Sullivan, Hofmann, Hilkene, Henry and President Frederick W. Eppert.

Noes, 2, viz.: Messrs. Donovan and Wright.

Mr. Cottey moved to refer back to Reports of Committees. Carried.

Mr. Royse moved an adjournment of five minutes that the Committee on Public Property and Improvements make report. Carried.

At 8:47 o'clock P. M., President Eppert called the Council to order.

Mr Brown moved that the rules be suspended, that General Ordinance No. 21, 1906, be placed upon its passage.

Report from the Committee on Public Property and Improvements :

INDIANAPOLIS, IND., May 7, 1906.

To the President and Members of the Common Council:

Your Committee on Public Property and Improvement, to which was referred General Ordinance No. 21, 1906, have had same under consideration and recommend that same do pass.

B. A. BROWN.
HARRY E. ROYSE.
JOHN L. DONOVAN.

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

Mr. Brown called for General Ordinance No. 21, 1906, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 21, 1906, be ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 21, 1906, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donovan, Sullivan, Hofmann, Hilken, Wright, Henry and President Frederick W. Eppert.
Noes, none.

On motion of Mr. Wright, the Common Council, at 8:55 o'clock, P. M., adjourned.

Frederick W. Eppert
President.

ATTEST:

James M. Nulty
City Clerk.

