

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, July 2, 1906.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, July 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, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Wright and Henry.

Absent, 1, viz.: Mr. Hilkene.

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

COMMUNICATIONS FROM THE MAYOR.

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

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

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

Appropriation Ordinance No. 8, 1906, being "an ordinance appropriating the sum of \$4,000.00 to and for the use of the Department of Public Health and Charities."

General Ordinance No. 17, 1906, being "an ordinance authorizing and

empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Shelby street from the south property line of Raymond street west, to north property line of Southern avenue west, with brick roadway and curb."

General Ordinance No. 22, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Pratt street from east property line of Park avenue to west property line of Ashland avenue, except crossing Broadway and College avenue, by grading and paving the roadway with asphalt."

General Ordinance No. 23, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Tenth street from the northwest property line of Massachusetts avenue to east property line of College avenue, except the crossing of Ashland avenue and Bellefontaine street, by grading and paving the roadway with asphalt."

General Ordinance No. 24, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Court street from west property line of Noble street to east property line of Liberty street by grading and paving the sidewalks with cement."

General Ordinance No. 39, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley west of Central avenue from north property line of Twenty-third street to south property line of Twenty-fourth street with brick roadway."

General Ordinance No. 35, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve New York street, north side, from west property line of Highland avenue to east line of second alley west of Dorman street with cement sidewalk."

General Ordinance No. 36, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Scioto street from north property line of St. Clair street to the south property line of St. Joseph street by grading and paving the roadway with brick."

General Ordinance No. 37, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of New Jersey street from north line of Twentieth street to the south line of Twenty-first street by grading and paving the roadway with brick."

General Ordinance No. 38, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Seventeenth street from Martindale avenue to L. E. & W. railroad tracks with cement walks and curb."

General Ordinance No. 40, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-second street from east property line of College avenue to C., I. & L. Railroad tracks with brick roadway and curb."

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,  
*Mayor.*

## COMMUNICATIONS FROM CITY OFFICERS.

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

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

GENTLEMEN: I herewith submit communication from the Board of Public Safety requesting the transfer of following Fire Department funds:

From Fire Force Pay-roll fund to Repairs to Buildings fund. . \$1,000.00

From Fire Force Pay-roll fund to Repairs to Apparatus fund. 1,000.00

From Fire Force Pay-roll fund to Harness and Repair fund. . . 200.00

I have prepared and herewith submit an ordinance making the transfers as requested and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
City Controller.

DEPARTMENT OF PUBLIC SAFETY,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 28, 1906.

*Geo. T. Breunig, Esq., City Controller:*

DEAR SIR: At a meeting of the Board of Public Safety held June 27, 1906, I was directed to request you to ask the Common Council to transfer \$2,200.00 from the Fire Force Pay-roll fund to the following funds: \$1,000.00 to Repairs to Buildings, \$1,000.00 to Repairs to Apparatus, and \$200.00 to Harness and Repairs funds.

These funds are low and it will be absolutely necessary to have these changes made to carry on the efficiency of the Department.

This amount has been saved from pay-roll by vacancies, suspensions, apparatus out of service, etc.

Yours truly,

JOHN B. WOOD,  
Secretary.

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

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

GENTLEMEN: I recommend the passage of Appropriation Ordinance No. 11, 1906, "an ordinance appropriating thirty thousand dollars (\$30,000.00) to and for the use of the Board of Public Works for the erection and construction of a public bath-house, and placing the same under the control of the Board of Public Safety."

Respectfully submitted,

GEO. T. BREUNIG,  
City Controller.

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., June 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, for your consideration and action thereon, ordinances authorizing the Board of Public Works to make improvements as follows:

Thirty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, with cement walks and curbing.

First alley south of St. Joseph street, from east property line of Delaware street to west property line of Alabama street, with brick roadway.

Twelfth street, from the east property line of Central avenue to the west property line of College avenue, except the crossings of Park avenue and Broadway, with wooden block roadway.

Twenty-fifth street, from east property line of Meridian street to west property line of Pennsylvania street, with asphalt roadway, brick gutters and curb.

Seventeenth street, from east property line of Central avenue to the west property line of College avenue with asphalt roadway.

West street, from south property line of Morris street to south property line of Wisconsin street, with brick roadway and curb.

Twenty-fourth street, from east property line of Illinois street to west property line of Meridian street, with asphalt roadway, and combined curb and gutter.

Arch street, from east property line of Broadway to west property line of College avenue with wooden block roadway.

The Board considers the improvement of these streets a public necessity.

Yours truly,

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

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

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

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached ordinance ratifying, confirming, and approving a certain contract and agreement made and entered into on the 29th day of June, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Southern Railway Company.

Yours truly,

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

## REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., July 2, 1906.

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

GENTLEMEN: We, your Committee on Contracts and Franchises, to which was referred General Ordinance No. 29, 1906, "an ordinance ratifying, confirming and approving the certain contract, made and entered into on the 21st day of May, 1906, between the City of Indianapolis and the Indianapolis Sanitary Company, for the collection, delivery and disposal of garbage and dead animals, and for the disposal of night soil and fixing the time when the same shall take effect and remain in force," begs leave to



report that we have had same under consideration and recommend that the same do pass.

Respectfully submitted,

WM. J. NEUKOM.  
CHAS. G. DAVIS.  
JAS. F. SULLIVAN,  
OTTO HOFMANN.  
W. O. BANGS.  
LOUIS F. HENRY.  
HARRY E. ROYSE.

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

From Committee on Public Property and Improvements:

INDIANAPOLIS, IND., July 2, 1906.

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

GENTLEMEN: Your Committee on Public Property and Improvements, to which was referred General Ordinance No. 41, entitled, "an ordinance establishing and declaring certain parts of Capitol avenue in the City of Indianapolis, to be a boulevard under the control and management of the Board of Park Commissioners," begs leave to report that they have had the same under consideration and recommend that said ordinance be amended as follows: By inserting in the fourth line of Section 1, the words "Indiana avenue" instead of "Vermont street," and by inserting in the second line of Section 2, the words "first day of January, 1907," instead of the "first day of October, 1906."

Your Committee recommends that said ordinance do pass as amended.

Respectfully submitted,

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

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., July 2, 1906.

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

GENTLEMEN: We, your Committee on Sewers, Streets and Alleys, to which was referred General Ordinance No. 34, entitled, "improvement of Dorman street, from the north property line of Michigan street to the south property line of Tenth street, except the crossing of the bridge over Pogue's Run and St. Clair street, as provided for in improvement resolution No. 4492," begs leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

CHAS. G. DAVIS.  
ALBERT E. UHL.  
CHAS. L. HARTMANN.  
H. C. SMITHER.

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

From the Committee on Sewers, Streets and Alleys :

INDIANAPOLIS, IND., June 25, 1906.

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

GENTLEMEN: We, your Committee on Sewers, Streets and Alleys, to which was referred General Ordinance No. 43, entitled, "improvement of the first alley south of St. Clair street, from west property line of Illinois street to east property line of Senate avenue, with brick roadway," begs leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

CHAS. G. DAVIS,  
ALBERT E. UHL,  
CHAS. L. HARTMANN.  
H. C. SMITHER,

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

From the Committee on Sewers, Streets and Alleys :

INDIANAPOLIS, IND., June 25, 1906.

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

GENTLEMEN: We, your Committee on Sewers, Streets and Alleys, to which was referred General Ordinance No. 47, entitled, "improvement of the first alley east of College avenue, from the north property line of Sixteenth street to the south property line of Seventeenth street, with grading and paving the roadway with brick laid on a six (6) inch gravel concrete foundation from property line to property line to a uniform width of twelve (12) feet, except the space of one and one-half (1½) inches on each side being occupied by oak marginal plank; placing the necessary marginal stones and marginal planks as shown on plans," begs leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

CHAS. G. DAVIS,  
ALBERT E. UHL,  
CHAS. L. HARTMANN.  
H. C. SMITHER,

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

Mr. Davis moved that General Ordinances Nos. 30, 31, 32, 33, 45 and 46, 1906, be taken from the Committee on Sewers, Streets and Alleys and referred to some other committee.

Mr. Rhodes moved to lay the motion of Mr. Davis on the table, which lost by the following vote:

Ayes, 9, viz.: Messrs. Brown, Cottey, Smither, Rhodes, Uhl, Hartmann, Portteus, Sullivan and Wright.

Noes, II, viz.: Messrs. Hamlet, Wood, Davis, Neukom, Bangs, Stickelman, Royse, Donavon, Hofmann, Henry and President Frederick W. Eppert.

President Eppert ordered General Ordinances Nos. 30, 31, 32, 33, 45 and 46, 1906, referred to the Committee on Public Property and Improvement.

#### INTRODUCTION OF GENERAL ORDINANCES.

##### By Board of Public Works:

General Ordinance No. 49—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Thirty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, with cement walks and curbing.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of May, 1906, adopt Improvement Resolution No. 4543, 1906, for the improvement of Thirty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, by grading and paving the sidewalks with cement to a uniform width of five (5) feet placed next to the curb; curbing the outer edges of the roadway; placing necessary walk stones at street and alley intersections, bouldering same and grading the lawns.

WHEREAS, The said Board of Public Works did at the same time fix the 18th day of May, 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 19th day of May, 1906, and the 26th day of May, 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 11th day of June, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 1st day of June, 1906, a written remonstrance was filed with the Board against the said improvement of Thirty-fourth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 27th day of June, 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 27th day of June, 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-fourth street, from the east property line of Illinois street to the west property

line of Meridian street, by grading and paving the sidewalks with cement to a uniform width of five (5) feet placed next to the curb; curbing the outer edges of the roadway; placing necessary walk stones at street and alley intersection, bouldering same and grading the lawns, in accordance with Improvement Resolution No. 4543, 1906, adopted by the Board of Public Works on the 18th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 50—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley south of St. Joseph street, from the east property line of Delaware street to the west property line of Alabama street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 25th day of May, 1906, adopt Improvement Resolution No. 4551, 1906, for the improvement of first alley south of St. Joseph street, from the east property line of Delaware street to the west property line of Alabama street, by grading and paving the roadway with brick from property line to property line to a uniform width of fifteen (15) feet, laid on a six (6) inch concrete foundation, excepting the space of one and one-half (1½) inches on each side being occupied by oak marginal plank and placing the necessary marginal stones, all as shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 25th day of May, 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 26th day of May, 1906, and the 2d day of June, 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 11th day of June, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 12th day of June, 1906, a written remonstrance was filed with the Board against the said improvement of first alley south of St. Joseph, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 27th day of June, 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 27th day of June, 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 first alley south of St. Joseph street, from the east property line of Delaware street to the



west property line of Alabama street, by grading and paving the roadway with brick from property line to property line to a uniform width of fifteen (15) feet, laid on a six (6) inch concrete foundation, excepting the space of one and one-half (1½) inches on each side being occupied by oak marginal plank and placing the necessary marginal stones, all as shown on plans, in accordance with Improvement Resolution No. 4551, 1906, adopted by the Board of Public Works on the 25th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 51—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twelfth street, from the east property line of Central avenue to the west property line of College avenue, except the crossings of Park avenue and Broadway, with wooden block roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 25th day of May, 1906, adopt Improvement Resolution No. 4555, 1906, for the improvement of Twelfth street, from the east property line of Central avenue to the west property line of College avenue, except the crossings of Park avenue and Broadway, by grading and paving the roadway with creosoted wooden block laid on a six (6) inch concrete foundation from curb line to curb line to a uniform width of twenty-seven (27) feet; grading and paving in a similar manner to widths shown on plans, the wings of intersecting streets and alleys, and placing the necessary marginal stones.

WHEREAS, The said Board of Public Works did at the same time fix the 11th day of June, 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 26th day of May, 1906, and the 2d day of June, 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 11th day of June, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

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

WHEREAS, On the 27th day of June, 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 27th day of June, 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 Twelfth street,

from the east property line of Central avenue to the west property line of College avenue, except the crossings of Park avenue and Broadway, by grading and paving the roadway with creosoted wooden block laid on a six inch concrete foundation from curb line to curb line to a uniform width of twenty-seven (27) feet; grading and paving in a similar manner to widths shown on plans, the wings of intersecting streets and alleys, and placing the necessary marginal stones, in accordance with Improvement Resolution No. 4555, 1906, adopted by the Board of Public Works on the 25th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 52—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-fifth street, from east property line of Meridian street to west property line Pennsylvania street, with asphalt roadway, brick gutters and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of May, 1906, adopt Improvement Resolution No. 4542, 1906, for the improvement of Twenty-fifth street, from east property line of Meridian street to west property line of Pennsylvania street, by grading and paving the roadway with asphalt from curb line to curb line to a uniform width of twenty-four (24) feet laid on a six (6) inch concrete foundation, except the space of twenty-four (24) inches on each side being brick gutters; grading and paving in a similar manner the wings of intersecting streets and alleys to widths shown on plans; grading and paving the gutters with brick laid on a six (6) inch concrete foundation to widths of twenty-four (24) and seventy-two (72) inches; curbing the outer edges of the roadway and providing inlets where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of June, 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 19th day of May, 1906, and the 26th day of May, 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 4th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 4th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Twenty-fifth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 22d day of June, 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 22d day of June, 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 Twenty-fifth street, from the east property line of Meridian street to west property line of Pennsylvania street, by grading and paving the roadway with asphalt from curb line to curb line to a uniform width of twenty-four (24) feet, laid on a six (6) inch concrete foundation, except the space of twenty-four (24) inches on each side being brick gutters; grading and paving in a similar manner the wings of intersecting streets and alleys to widths shown on plans; grading and paving the gutters with brick laid on a six (6) inch concrete foundation to widths of twenty-four (24) and seventy-two (72) inches; curbing the outer edges of the roadway, and providing inlets where shown on plans, in accordance with Improvement Resolution No. 4542, 1906, adopted by the Board of Public Works on the 18th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 53—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Seventeenth street, from the east property line of Central avenue to the west property line of College avenue, with asphalt roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of May, 1906, adopt Improvement Resolution No. 4541, 1906, for the improvement of Seventeenth street, from east property line of Central avenue to the west property line of College avenue, by grading and paving the roadway with asphalt laid on a six (6) inch concrete foundation to a uniform width of twenty-two (22) feet, including the wings of intersecting streets and alleys, except the space of sixteen (16) inches on each side being cement gutters.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of June, 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 19th day of May, 1906, and the 26th day of May, 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 4th day of June, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 4th day of June, 1906, a written remonstrance was filed with the Board against the said improvement of Seventeenth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 20th day of June, 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 20th day of June, 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 Seventeenth street, from east property line of Central avenue to the west property line of College avenue, with grading and paving the roadway with asphalt laid on a six (6) inch concrete foundation to a uniform width of twenty-two (22) feet, including the wings of intersecting streets and alleys, except the space of sixteen (16) inches on each side being cement gutters, in accordance with Improvement Resolution No. 4541, 1906, adopted by the Board of Public Works on the 18th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 54—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Arch street, from the east property line of Broadway to the west property line of College avenue, with wooden block pavement.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of May, 1906, adopt Improvement Resolution No. 4562, 1906, for the improvement of Arch street, from the east property line of Broadway to the west property line of College avenue, with grading and paving the roadway from curb line to curb line to a uniform width of twenty-four (24) feet with creosoted wooden blocks laid on a six (6) inch concrete foundation; paving in a similar manner the wings of intersecting alley to width shown on plans and placing the necessary marginal stone.

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

WHEREAS, On the 14th day of June, 1906, a written remonstrance was filed with the Board against the said improvement of Arch street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 20th day of June, 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 20th day of June, 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 Arch street, from the east property line of Broadway to the west property line of College avenue, by grading and paving the roadway from curb line to curb line to a uniform width of twenty-four (24) feet with creosoted wooden blocks laid on a six (6) inch concrete foundation; paving in a similar manner the wings of intersecting alley to a width shown on plans and placing the necessary marginal stone, in accordance with Improvement Resolution No. 4562, 1906, adopted by the Board of Public Works on the 28th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

### By Board of Public Works:

General Ordinance No. 55—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve West street, from the south property line of Morris street to the south property line of Wisconsin street, with brick roadway and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of May, 1906, adopt Improvement Resolution No. 4563, 1906, for the improvement of West street, from the south property line of Morris street to the south property line of Wisconsin street, with grading and paving the roadway with brick from curb line to curb line to a uniform width of thirty (30) feet laid on a six (6) inch concrete foundation; curbing the outer edges of the roadway; constructing inlets and catch basins; placing the necessary marginal stones, all as shown on plans.

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

WHEREAS, On the 12th day of June, 1906, a written remonstrance was filed with the Board against the said improvement of West street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 29th day of June, 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 29th day of June, 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 West street,

from the south property line of Morris street to the south property line of Wisconsin street, by grading and paving the roadway with brick from curb line to curb line to a uniform width of thirty (30) feet laid on a six (6) inch concrete foundation; curbing the outer edges of the roadway; constructing inlets and catch basins; placing the necessary marginal stones, all as shown on plans, in accordance with Improvement Resolution No. 4563, 1906, adopted by the Board of Public Works on the 28th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

#### By Board of Public Works:

General Ordinance No. 56—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, with asphalt roadway, and combined curb and gutter.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 28th day of May, 1906, adopt Improvement Resolution No. 4558, 1906, for the improvement of Twenty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, by grading and paving the roadway from gutter line to gutter line to a uniform width of twenty-one and thirty-three hundredths (21.33) feet with asphalt laid on a six (6) inch concrete foundation; grading and paving in a similar manner to widths shown on plans the wings of intersecting street; curbing with combined curb and gutter six (6) inch by twenty-two (22) inches the outer edges of the roadway and placing the necessary inlets and Marginal stones, all as shown on plans.

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

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

WHEREAS, On the 29th day of June, 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 29th day of June, 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 In-

dianapolis, Indiana, That the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Twenty-fourth street, from the east property line of Illinois street to the west property line of Meridian street, by grading and paving the roadway from gutter line to gutter line to a uniform width of twenty-one and thirty-three hundredths (21.33) feet with asphalt laid on a six (6) inch concrete foundation; grading and paving in a similar manner to widths shown on plans the wings of intersecting street; curbing with combined curb and gutter six (6) inch by twenty-two (22) inches the outer edges of the roadway and placing the necessary inlets and marginal stones, all as shown on plans, in accordance with Improvement Resolution No. 4558, 1906, adopted by the Board of Public Works on the 28th day of May, 1906.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

By the City Controller:

General Ordinance No. 57—1906: An ordinance providing for the transfer of certain funds to certain funds in the Fire Department accounts, 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 there be, and is hereby, transferred in the Fire Department accounts, Department of Public Safety, the following sums from amount heretofore appropriated to certain funds, as follows, to-wit:

|   |            |
|---|------------|
| From the Fire Force Pay-roll fund to Repairs to Buildings fund. . . | \$1,000.00 |
| From the Fire Force Pay-roll fund to Repairs to Apparatus fund. . . | 1,000.00   |
| From the Fire Force Pay-roll fund to Harness and Repairs fund. . .  | 200.00     |

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

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

By Board of Public Works:

General Ordinance No. 58—1906: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 29th day of June, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Southern Railroad Company, whereby certain modifications and amendments are made in contract-ordinance No. 20, 1902, passed April 7, 1902, granting a franchise to The Indianapolis Southern Railway to construct its railroad along and over certain streets, alleys and public places in the City of Indianapolis, and for other purposes, and modifying and amending a certain contract between the City of Indianapolis, by and through its Board of Public Works, and The Indianapolis Southern Railway, dated July 5, 1905, pro-



viding for the elevation of the tracks of The Indianapolis Southern Railway, and for other purposes, and ratifying, confirming and approving said last named contract as modified and amended.

WHEREAS, *heretofore, to-wit:* On the 29th day of June, 1906, the City of Indianapolis, by and through its Board of Public Works, entered into the following agreement with the Indianapolis Southern Railroad Company, viz.:

THIS AGREEMENT, Made and entered into this 29th day of June, 1906, by and between the City of Indianapolis, Marion County, Indiana, hereinafter called the "City," by and through its Board of Public Works, party of the first part, and the Indianapolis Southern Railroad Company, hereinafter called the "Railway," a corporation duly organized and incorporated under and by virtue of the laws of the States of Indiana and Illinois and formed by the consolidation of The Indianapolis Southern Railway, an Indiana corporation, with the Illinois and Indiana Railroad Company, a consolidated corporation of Illinois and Indiana, owning part of a line of railroad forming a continuous line from Indianapolis to Effingham, in the State of Illinois, party of the second part, *witnesseth:*

WHEREAS, By the original contract-ordinance between the City and said The Indianapolis Southern Railway, No. 20, 1902, passed April 7, 1902, it is provided by Article VII that "the said Railway shall in all cases cause the engine bell to ring as its locomotive and trains are moving along said track, and said Railway shall not run any locomotive or car along its said tracks at a faster rate than allowed by the general ordinance of said City under the penalties therein prescribed;" and

WHEREAS, By Article XI of the said contract-ordinance it is provided as follows:

"Said Railway shall permit the use of its track, or tracks, by any duly incorporated railway using the same motive power as then being used by the said Southern Railway and engaged as a common carrier for hire, from or near the corporate limits, or from any connecting point within the corporate limits of said city to the Union Station, whenever such use has been permitted by the Board of Public Works and the Common Council of said City, upon such terms and compensation to such City as may be determined by contract, approved by ordinance.

"*Provided,* That the trains of said party of the second part shall have precedence over trains of the same grade of other railways, and that the compensation to said Indianapolis Southern Railway by any such newly entering railroad shall be upon such terms as may be agreed upon between the companies; but in case such companies cannot agree as to such compensation within thirty (30) days after application has been made therefor to the Indianapolis Southern Railway by said newly entering road, then such compensation shall be fixed and determined in an action instituted by either of such companies in any court of competent jurisdiction, and pending the determination of such suit, such newly entering railway shall have the right to use said track, or tracks, designated as aforesaid by the Board of Public Works and the Common Council, upon executing a bond in such amount and with such security as shall be approved by the court, conditioned for the payment to said Indianapolis Southern Railway of the compensation which may accrue up to the time of the final decision in said action;" and

WHEREAS, By a certain agreement made and entered into July 5, 1905, between the City, by and through its Board of Public Works, and said The Indianapolis Southern Railway, providing for the elevation of the tracks of the Railway, and for other purposes, it is provided as follows:

"THIS AGREEMENT, Made and entered into this fifth day of July, 1905, by and between the City of Indianapolis, Marion County, Indiana, hereinafter called the 'City,' by and through its Board of Public Works, party of the



first part, and the Indianapolis Southern Railway, hereinafter called the 'Railway,' a corporation duly organized and incorporated under and by virtue of the laws of the State of Indiana, party of the second part, *witnesseth*:

"WHEREAS, *heretofore, to-wit*: On the 17th day of March, 1902, the City of Indianapolis, by and through its Board of Public Works, entered into a certain agreement with the Indianapolis Southern Railway, as from General Ordinance No. 20, 1902, will more fully appear, it being therein provided by the last paragraph of Article XIII of the said contract, that as a condition precedent to the vesting of any rights under said contract in said Railway, said Railway should deposit with the Comptroller of said City, a surety company bond to the approval of the said Comptroller in the sum of twenty-five thousand dollars (\$25,000.00) conditioned so that said Railway should become liable to the City of Indianapolis in the sum of twenty-five thousand dollars (\$25,000.00) as liquidated damages for the failure to construct a line of railroad southerly or in a southwesterly direction from the City of Indianapolis at least one hundred (100) miles within a period of five years from the date thereof, and it being therein provided by Article XIV of the said contract that in case said Railway should fail to construct said road one hundred (100) miles, as provided therein, within five years, all rights, and privileges thereto and thereby granted said Railway might be forfeited, and said City should have the right to enter upon its property, grade, tracks or right-of-way and remove the tracks and other property of said Railway upon proper written resolution of said Board of Public Works; which said contract took effect and became in force from and after the date of said ordinance; and

"WHEREAS, It is desired to change the route of the line of railroad of the Railway so that the said railroad shall form a connection with a railroad that shall be owned, controlled or used by the Illinois Central Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Illinois, so as to form a continuous line of railroads between the City of Indianapolis and the town of Effingham located upon the line of railroad now owned or controlled by the Illinois Central Railroad Company, in County of Effingham, and State of Illinois, there connecting with the direct line of the railroad of the said Illinois Central Railroad Company running from Chicago, Illinois, to Memphis, Tennessee, and to New Orleans, Louisiana, over railroads belonging to or leased by the said Illinois Central Railroad Company, the said lines of railroad from Indianapolis, Indiana, to Effingham, Illinois, aggregating approximately one hundred and eighty (180) miles in length, to be operated from Indianapolis, Indiana, to Effingham, Illinois, in connection with each other; and

"WHEREAS, The result of the construction of the proposed railroad of the Railway to a connection with the system of railroads owned, controlled or used by the said Illinois Central Railroad Company will be of greater advantage to the City than the construction of the proposed railroad of the Railway as originally planned and intended at the time of the said contract between the parties hereto, dated March 17, 1902, and it is desired by the City that the railroad of the Railway shall be constructed as aforesaid to a connection with the system of railroads that shall be owned, controlled or used by the said Illinois Central Railroad Company and to cause such amendments or modifications to be made in the present contract aforesaid as shall be necessary to that end; and

"WHEREAS, It is further desired by the City to provide for the alterations of the grade crossings contemplated in the said former agreement and to secure the elevation of certain of the railroad tracks of the Railway to the end that the entrance of the railroad of the Railway may be effected under conditions less dangerous to life and property in the City; now, therefore

"ARTICLE I. The said Board of Public Works of the said City of Indianapolis, in consideration that the Railway shall elevate its tracks in the City of Indianapolis as hereinafter provided, and shall construct or cause

to be constructed its railroad in such manner as to connect with the system of railroads owned, controlled or used by the said Illinois Central Railroad Company, (which the Railway hereby agrees to do, and also to obtain or cause to be obtained such rights as may be necessary for the purpose of making such connection) does hereby consent, authorize, empower and permit said Indianapolis Southern Railway to change its line of railroad so as to form a connection at any convenient point with a railroad owned, controlled or used by the said Illinois Central Railroad Company, connecting with its main line from Chicago to New Orleans, at Effingham, in the State of Illinois, in the manner hereinbefore recited. In any event the Railway shall construct its line as far as Switz City, Indiana, within the said period of five years. And it appearing to the City that the Railway has already contracted to construct its railroad to a connection as aforesaid, with the said railroad owned, controlled or used by the said Illinois Central Railroad Company at Switz City, Indiana, and rapid progress is being made in such construction, and that the Railway is financially able to accomplish such construction, this contract shall be taken to be and received as a discharge of the said bond of \$25,000 running to the City of Indianapolis, provided in Section XIII of the said contract dated March 17, 1902, and a compliance with the conditions imposed under penalty of forfeiture by Section XIV of the said contract dated March 17, 1902, and the City hereby agrees upon the execution of this contract to cancel and surrender to the Railway the said bond of \$25,000 provided in said Section XIII, and that neither by written resolution of the Board of Public Works nor in any manner hereafter shall the City have the right to enter upon the property, grade, tracks or right-of-way or remove the tracks or other property of the Railway, its successors or assigns, or forfeit the rights and privileges heretofore and hereby granted by the City to the Railway, as in the said Article XIV provided.

ART. II. It is further agreed that the benefits of the said contract of March 17, 1902, as modified by this agreement and the franchises, with all the conditions and limitations thereof, arising thereunder by virtue of said General Ordinance No. 20, 1902, shall as to the railroad of the Railway pass to any company which may be formed by a consolidation of the said Indianapolis Southern Railway and any other company owning a part of the line of railroad forming said continuous line from Indianapolis to Effingham, and in case the said lines shall be purchased in whole or in part by the said Illinois Central Railroad Company, may be transferred to the said Illinois Central Railroad Company, and the Board of Public Works hereby consent to and approve the transfer of the said benefits, franchises, and contracts to such consolidated company, or to the said Illinois Central Railroad Company, or to both, which said consent and approval are part of the consideration of this agreement and shall not be subject to revocation.

"ART. III. The entire expense of the construction of the tracks of the Railway into the City of Indianapolis, including the alteration of the grades at Merrill street and Raymond street, shall be borne by the Railway.

"ART. IV. After the construction required by this ordinance the Railway shall be under no obligation to construct, improve or repair the streets or alleys which its tracks shall not at grade occupy, traverse or cross; nor shall the Railway be required to construct or repair culverts, ditches, drains or sewers in or under streets or alleys, the drainage of which shall not be affected by the construction, maintenance or operation of the tracks of the railroad of the Railway in or upon the same.

"ART. V. The provisions of Article XI of said contract-ordinance dated March 17, 1902, shall not operate to compel the Railway to grant the right to any other company to use the side-tracks, spur-tracks, yards or stations of the Railway in the City of Indianapolis, but shall operate only to require the Railway to permit to other companies the use of its main tracks and passing tracks necessary to the use of its main tracks. The

Railway shall at all times be entitled to sufficient use of its main and passing tracks to accommodate its own traffic, and to this extent the use of its tracks by other companies shall at all times be subject to such sufficient use of its own tracks by the Railway. The Railway shall be under no obligation to increase the number of its main or passing tracks in order to provide accommodations for the traffic of other companies. The compensation to be received by the Railway for the use of its main or passing tracks by other companies shall be such as is usual and customary under similar circumstances between railroad companies, and shall in no event be less than the Railway would be entitled to receive if such use of the said tracks were acquired by condemnation proceedings on behalf of the other companies acquiring such use of such main or passing tracks.

"ART. VI. The said Board of Public Works of the City of Indianapolis does hereby authorize, empower and permit the said Indianapolis Southern Railway, subject to the conditions hereby prescribed and expressed, in constructing, equipping, maintaining and operating its said line of railroad, including one or more tracks as may be convenient or necessary for the operation of its said railroad upon the route designated in the said contract-ordinance of March 17, 1902, to construct said railroad and said company agrees to construct its said railroad as follows:

"The tracks will conform to the surface of the street on Louisiana street, McGill street and South street (to be elevated in the future in accordance with said contract of March 17, 1902.

"An elevated steel structure occupying the route or alignment described in the contract of March 17, 1902, will be built from the north line of Merrill street to the south line of Morris street, and overhead bridges will be provided for the tracks at the streets crossed in the manner described as follows:

"Merrill street will be crossed by one or more steel bridges, having a span of 40 feet; sidewalks five feet wide will be provided, leaving 30 feet clear width of street. The surface of Merrill street will be depressed to a depth of about four feet below the present surface to provide for a clearance of twelve feet under the elevated structure. The street under the elevated structure will be level for a distance of about forty feet from a point eight feet west of the center line of main track to a point thirty-two feet east of said center line. From this level the approaches in Merrill street will extend in both directions on inclines not to exceed five feet in one hundred feet to the intersections with the present street surface.

"McCarty street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the curb lines, giving a span of forty feet.

"McCauley street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed at the street lines, giving a span of forty feet.

"Ray street will be crossed by one or more steel bridges which will provide for a clearance of thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge, and the columns supporting the railroad bridge will be placed on the street lines, giving a span between columns of fifty feet.

"Wilkins street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the parapet of the retaining wall existing on either side of Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the street line, giving a span between columns of fifty feet.

"Morris street will be crossed by one or more steel bridges which will



provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the street lines, giving a span between columns of sixty feet.

"Pogue's Run south of Wisconsin street will be crossed by one or more steel girder bridges supported by masonry abutments.

"Raymond street will be crossed at a point about two hundred and twenty feet east of the east end of the highway bridge over White River, the tops of rails to be about two feet above the present surface of the street, and incline approaches not exceeding five feet in one hundred feet will be constructed in both directions to intersections with the present street surface. This provision for crossing Raymond street is made to conform to grades established and with the intention of carrying the tracks of the Indianapolis Southern Railway under the tracks of the Indianapolis Belt Railroad through a subway. In the event the tracks of the Indianapolis Southern Railway are at any time made to cross the tracks of the Indianapolis Belt Railroad at grade, that is, the same elevation of top of rails, then Raymond street will be crossed by an elevated structure consisting of a steel girder bridge which will provide for a clearance of not less than thirteen feet between the present surface of the street and the underside of the railroad bridge. The bridge will be supported by masonry abutments for a clear width of fifty feet, or the face lines of the abutments will be on the property lines of the street.

"A timber trestle for one or more tracks of the necessary elevation and grade will be built extending from the elevated steel structure at the south line of Morris street to the north end of the bridge over Pogue's Run, south of Wisconsin street.

"Said Railway shall improve Church street from the south line of Minnesota street to Adler street without expense to the City in the same manner and extent that Senate avenue is now improved between the same points.

"ART. VII. At least ten days prior to the commencement of the work of construction over any public street the plans and specifications therefor shall be submitted to the City Engineer of the City for his examination and if found in accordance with the provisions of this contract in so far as this contract contains specific provisions, or if they shall be satisfactory to the City Engineer in regard to matters which by this contract are left to his discretion, such plans shall be approved by him and after such approval thereof all the work outlined and included therein shall be constructed in strict conformity therewith.

"ART. VIII. Permission and authority are hereby given to the Railway, whenever the same shall be necessary in the prosecution of the work it is herein authorized or required to perform, to obstruct temporarily any public street, avenue or alley to such extent and for such length of time as may be approved by the City Engineer, and it is also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and alleys during the construction of its said elevated railroad, subject to like approval of the City Engineer.

"ART. IX. Not only shall the Railway, its successors and assigns, in all respects be subject to the provisions of Article XII of said contract of March 17, 1902, in relation to the maximum coal rate of one-half cent. per ton per mile, but the same rate shall also, by traffic arrangements, or in any lawful manner, be secured and guaranteed by the Railway, its successors and assigns, to Indianapolis, from Linton, Indiana, and intermediate points between Linton and Indianapolis, over a continuous line of railroad.

"ART. X. Except as altered or amended by this contract the provisions of said General Ordinance No. 20, 1902, shall be and continue binding and of full effect.



"*In Witness Whereof*, The said parties have hereunto set their hands this fifth day of July, 1905.

"CITY OF INDIANAPOLIS,  
By M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE.

"*Board of Public Works of said City.*

"JOHN W. HOLTZMAN, *Mayor.*

"INDIANAPOLIS SOUTHERN RAILWAY.

"By JOHN C. WELLING, *President.*

[SEAL.]

"W. G. BRUEN, *Secretary.*

"Executed this 5th day of July, 1905, in triplicate;" and

WHEREAS, The situation contemplated by the said original contract-ordinance No. 20, 1902, of a railroad crossing the streets of the City at grade is to be changed by the construction of an elevated railroad in large part built upon a steel structure at heavy expense to the Railway and without any expense whatever to the City, and the Railway agrees to provide larger and more expensive terminals in the City than was contemplated at the time of the said original contract-ordinance No. 20, 1902, and said contract of July 5, 1905, the cost of the ground for said terminals and of improvements not to be less than \$600,000.00; now, therefore

ARTICLE I. The said Board of Public Works in consideration of the premises and of the agreement of the Railway hereto, agrees that the said contract-ordinance No. 20, 1902, passed April 7, 1902, shall be and the same is hereby modified and amended by omitting therefrom Article XI above set forth, and that the said contract of July 5, 1905, hereinbefore set forth, shall be and the same is hereby modified and amended so that Article V of the same shall read as follows:

"ARTICLE V. The provisions of Article XI of said contract-ordinance dated March 17, 1902, shall not operate to compel the Railway to grant the right to any other company to use the elevated main tracks, or the side-tracks, spur-tracks, yards or stations of the Railway in the City of Indianapolis, but shall operate only to require the Railway to permit to other companies the use of such main tracks and passing tracks as are not elevated and as are necessary to the use of such main tracks not elevated. The Railway shall at all times be entitled to sufficient use of such main tracks and passing tracks not elevated to accommodate its own traffic, and to this extent the use of such main tracks not elevated, by other companies, shall at all times be subject to such sufficient use of its own tracks by the Railway. The Railway shall be under no obligation to increase the number of its main or passing tracks in order to provide accommodation for the traffic of other companies. The compensation to be received by the Railway for the use of such main or passing tracks by other companies shall be such as is usual and customary under similar circumstances between railroad companies, and shall in no event be less than the Railway would be entitled to receive if such use of the said tracks were acquired by condemnation proceedings on behalf of the other companies acquiring such use of such main or passing tracks."

ART. II. When the Railway shall have constructed its railroad in accordance with the provisions of the said contract-ordinance No. 20, 1902, passed April 7, 1902, and the said contract dated July 5, 1905, as herein modified and amended, from time to time as the same shall be ready for use, then and thereafter no provisions of the ordinances of the City relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen and signal towers, and the ringing of bells and the obstruction of crossings,

shall be applicable to that part of the said Railway which has been elevated above the streets and alleys in accordance with the contract last aforesaid; *Provided, however,* This ordinance is not to be construed as a waiver or surrender by the City of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated.

ART. III. In all other respects the said contract-ordinance No. 20, 1902, passed April 7, 1902, and the said contract dated July 5, 1905, are hereby ratified, confirmed and approved.

ART. IV. This contract shall take effect and be in full force and effect from and after the date of the approval and ratification of the same by ordinance of the Common Council of the City, and in the event that this contract shall not be approved and ratified by ordinance of the Common Council of the City, this contract shall be of none effect.

*In Witness Whereof,* The said parties have hereunto set their hands this 29th day of June, A. D., 1906.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT.

P. C. TRUSLER.

F. J. MACK.

*Board of Public Works.*

C. A. BOOKWALTER, *Mayor.*

INDIANAPOLIS SOUTHERN RAILROAD COMPANY,

By JOHN C. WELLING, *President.*

[SEAL.]

ATTEST:

W. G. BRUEN, *Secretary.*

AND WHEREAS, Said contract and agreement has been submitted by the Board of Public Works of the City of Indianapolis to the Common Council of said City for its action thereon, therefore

SECTION I. Be it ordained by the Common Council of the City of Indianapolis, That the foregoing contract and agreement, made and entered into on the 29th day of June, 1906, by the City of Indianapolis, by and through its Board of Public Works, with the Indianapolis Southern Railroad Company, be and the same is hereby in all things ratified, confirmed and approved, and the said Indianapolis Southern Railroad Company is granted all rights, privileges and franchises as are in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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

By Board of Public Works:

General Ordinance No. 59—1906: An ordinance requiring Railroad Companies to maintain street lights at street crossings in the City of Indianapolis, where such Companies run cars, engines, or trains of cars in the night time, providing for a penalty for the violation thereof, and fixing a time when the same shall take effect.

SECTION I. Be it ordained by the Common Council of the City of Indianapolis, Indiana. That all railroad companies running cars, engines, or trains of cars over any street in the City of Indianapolis, in the night time, and each of said companies, shall be and are hereby required to place and

maintain a street light at each and all of such street crossings, which lights shall be kept lit at night during the passage of every train, engine or car, and for a period not less than thirty minutes prior thereto, such lights to be of the same kind as those maintained by the City at other street crossings. *Provided, however,* That the provisions of this ordinance shall not apply to any streets where the tracks of such railroad companies cross on an elevated structure used by such companies exclusively; *Provided, also,* That this ordinance shall not be construed to require more than one suitable light at each crossing.

SEC. 2. Any railroad company failing to place and maintain a street light at any street crossing as herein provided shall, upon conviction thereof, be fined in any sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day that any such railroad company violates, or fails to comply with, the provisions of this ordinance shall constitute a separate offense.

SEC. 3. This ordinance shall be in full force and effect at the expiration of thirty days 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.

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

#### By Board of Public Works:

General Ordinance No. 60--1906: An ordinance authorizing the transfer of personal property belonging to the City of Indianapolis from one department to another, and matters connected therewith, 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 whenever any personal property belonging to the said City of Indianapolis, and in the possession and care of any department thereof, shall be deemed to be more useful in the possession and care of some other department of said City, the heads of such departments may enter into an agreement in writing to assign and transfer such property from the one department to the other at a fair and reasonable valuation to be stated therein. Such agreement, when executed, shall be presented to the Mayor of said City, who, if he approves said contemplated transfer and said valuation, shall endorse his approval of the same in writing on such agreement. Such agreement so approved by the Mayor shall be filed with the City Controller, who, if he approve the valuation of such property fixed by said agreement, shall note such approval thereon, and said agreement so to transfer and assign said property shall at once become effective. The department so receiving such property shall give a receipt therefor to the department so making such assignment and transfer, which receipt shall contain a description and the agreed valuation of said property, and shall be kept in the files of such department.

SEC. 2. The City Controller is hereby authorized to charge the proper fund of the department receiving said property, and to credit the proper fund of the department so assigning and transferring said property, with the amount of said agreed valuation.

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

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

## ORDINANCES ON SECOND READING.

Mr Neukom called for General Ordinance No. 29, 1906, for second reading. It was read a second time.

Mr. Neukom moved that General Ordinance No. 29, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 29, 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, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Davis called for General Ordinance No. 43, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 43, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 43, 1906, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Davis called for General Ordinance No. 47, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 47, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 47, 1906, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Davis, Neukom, Smither,



Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Wright, Henry and President Frederick W. Eppert.  
Noes, none.

Mr. Davis called for General Ordinance No. 34, 1906, for second reading. It was read a second time.

Mr. Portteus offered the following recommendation for General Ordinance No. 34, 1906:

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

I move that General Ordinance No. 34, 1906, be returned to the Board of Works recommending that said improvement be deferred until such a time after the bridges over Pogue's Run at East Michigan street, Vermont street and such other bridges that obstruct the waterway passage, are raised and further recommend that said Pogue's Run be lowered so that water will not back up into the East Michigan street sewer and thence out by an interceptor sewer at Michigan and Dorman streets.

Mr. Portteus moved the recommendation be adopted.

Mr. Royse moved the matter be indefinitely postponed.  
Carried.

Mr. Davis moved that General Ordinance No. 34, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 34, 1906, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Brown, Cottey, Hamlet, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Royse, Sullivan, Hofmann, Wright, Henry and President Frederick W. Eppert.  
Noes, 2, viz.: Messrs. Portteus and Donavon.

Mr. Brown called for General Ordinance No. 41, 1906, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 41, 1906, be amended as recommended by the committee. Carried.

Mr. Brown moved that General Ordinance No. 41, 1906, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 41, 1906, was read a third time and passed by the following vote:

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

On motion of Mr. Davis, the Common Council, at 9:05 o'clock, P. M., adjourned.

*Frederick W. Eppert*  
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President.

ATTEST:

*James M. Nulty*  
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City Clerk.

