

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, August 6, 1906.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, August 6, 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 13 members, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Portteus, Royle, Donavon and Hilkene.

Absent, 7, viz.: Messrs. Bangs, Uhl, Hartmann, Sullivan, Hofmann, Wright and Henry.

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., July 17, 1906.

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

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

General Ordinance No. 58, 1906, being "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, through its Board of Public Works, and the Indianapolis Southern Railway Company, wherein certain modifications and amendments are made in Contract Ordinance No. 20, 1902, passed April 7, 1902, granting a franchise to the Indianapolis Southern Railway."

General Ordinance No. 60, 1906, being "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."

General Ordinance No. 46, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-first street from the west property line of Meridian street to the east property line of Illinois street, with asphalt roadway, brick gutters, and curb."

General Ordinance No. 31, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Roosevelt avenue (northwest side), from east curb line of Columbia avenue to west curb line of Arsenal avenue, with cement walks."

General Ordinance No. 45, 1906, being an "ordinance empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-first street from the east property line of Meridian street to the west property line of Talbott avenue, except the crossing of Pennsylvania street, with asphalt roadway and curb."

General Ordinance No. 57, 1906, being "an ordinance providing for the transfer of certain funds to certain funds in the fire department, Department of Public Safety."

Appropriation Ordinance No. 10, 1906, being "an ordinance appropriating the sum of \$1,070.00 to and for the use of the Department of Public Parks."

I have the honor to remain,

Very truly yours,

CHARLES A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., July 17, 1906.

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

GENTLEMEN: I return herewith with my approval Appropriation Ordinance No. 9, 1906, being "an ordinance appropriating the sum of \$2,955.12 to and for the use of the Department of Public Works."

In approving this ordinance, I am of opinion that a statement of the matters connected therewith should be made at this time. Under ordinary circumstances, I would be constrained to withhold my approval, but in view of all the circumstances, and desiring to do no injustice to the contractor, who in good faith performed his contract, I return this ordinance approved, and make the following statement of facts in order that my position may be made clear.

At the time of the improvement of East Washington street by the town of Irvington, the sum of \$2,364.10 was withheld from the contract price for the purpose of guaranteeing the proper maintenance of the street by the contractor. This money was a trust fund, and should have been so held, and certainly did not at any time belong to the town of Irvington. Subsequent to the completion of the street and the deposit of the above mentioned sum, the town of Irvington, through its Board of Trustees, appropriated this money to town purposes, and at the time of the annexation of said town to the City of Indianapolis all of said sum had been expended. Upon the expiration of the guarantee period and after the annexation of Irvington to the city, demand was made upon the city for the return of this guaranty fund. The City of Indianapolis received no money or other thing of value from the town of Irvington, representing this guaranty, and this ordinance is passed for the purpose of making good to the contractor his funds which had been improperly appropriated by the said town of Irvington. It is not for me to sit in unkind judgment upon the motives and acts of the former officers of the town of Irvington, but

I cannot permit this sum of money to be taken from the treasury of the people of Indianapolis without this statement of facts and without registering my protest against such use of public funds, even though justice to the contractor induces me to return the ordinance with my approval.

I have the honor to remain,

Very truly yours,

CHARLES A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., July 24, 1906.

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

GENTLEMEN: I return herewith with my approval General Ordinance No. 66, 1906, being "an ordinance authorizing the sale of 300 bonds at \$1,000.00 each, for 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 construct a City Hall Building," etc.

I have the honor to remain,

Very truly yours,

CHARLES A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., July 31, 1906.

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

GENTLEMEN: I return herewith with my approval Appropriation Ordinance No. 12, 1906, being "an ordinance appropriating the sum of \$15,000.00 to and for the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,  
*Mayor.*

REPORTS FROM CITY OFFICERS.

From the City Controller:

CITY OF INDIANAPOLIS.  
DEPARTMENT OF FINANCE,  
INDIANAPOLIS, IND., August 6, 1906.

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

GENTLEMEN: I submit herewith a communication from the Department of Public Health and Charities, asking for an appropriation of \$250.00 for the purchase of a horse and buggy.

I have prepared an ordinance appropriating the amount requested and recommend its passage.

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

CITY OF INDIANAPOLIS.  
 DEPARTMENT OF FINANCE,  
 INDIANAPOLIS, IND., August 4, 1906.

*Hon. George T. Breunig, Controller, City:*

DEAR SIR: I have been requested by the Board of Health to have you ask for an appropriation of two hundred fifty (\$250.00) dollars for the purchase of a horse and buggy. The horse has been disabled for some time and the veterinary of the Fire Department assures us that we will never be able to use it again. The buggy was destroyed in the recent fire at the Grand Opera House Stables and the Milk Inspector will require a new buggy to replace same.

Very truly yours,  
 EUGENE BUEHLER,  
*Sec. Board of Health.*

CITY OF INDIANAPOLIS.  
 DEPARTMENT OF FINANCE,  
 INDIANAPOLIS, IND., August 6, 1906.

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

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting an additional appropriation of \$700.00 to the fund known as City Civil Engineer's Accounts.

I recommend that the accompanying ordinance, appropriating the amount asked for, be passed.

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

DEPARTMENT OF PUBLIC WORKS,  
 OFFICE OF THE BOARD,  
 INDIANAPOLIS, IND., August 1, 1906.

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

DEAR SIR: We find the appropriation for City Civil Engineer's Accounts insufficient to carry on the work for the balance of the year. On account of the large number of petitions being filed this year for street improvements it is necessary to employ more men to prepare the plans, which also call for a large amount of supplies and instruments.

We, therefore, respectfully request that you recommend to the Common Council the passage of an ordinance appropriating the sum of \$700 for this fund.

Yours truly,  
 P. C. TRUSLER.  
 F. J. MACK.  
*Board of Public Works.*

DEPARTMENT OF FINANCE,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., August 6, 1906.

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

GENTLEMEN: I submit herewith a communication from the Department of Public Works, requesting the appropriation of nine thousand dollars for the street cleaning department.

Believing that the request is a proper one, that there is a necessity for increasing the facilities of this branch of the department, I herewith submit an ordinance appropriating the sum asked for, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., July 27, 1906.

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

DEAR SIR: The eleven vacant lots west of the city barns can be purchased for what the Board believes to be a reasonable price, thereby giving room for the erection of sheds for the protection of wagons and other property used in cleaning the streets, which is now exposed to the weather during the entire year.

We therefore ask that you recommend an ordinance appropriating \$9,000 for the purchase of this property and the erection of the necessary buildings.

Yours truly,

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

DEPARTMENT OF FINANCE,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., August 6, 1906.

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

GENTLEMEN: I herewith present communication from the Department of Public Works, requesting the appropriation of \$4,300.00 to make extensions of water mains on Brightwood avenue, Dearborn and Adams streets.

I submit herewith an ordinance appropriating the sum asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., August 3, 1906.

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

DEAR SIR: The City Civil Engineer has prepared plans and specifica-

tions for needed extensions of water mains in Brightwood on Brightwood avenue, Dearborn street and Adams street. There has already been an appropriation made of \$1,200.00 for the Dearborn street extension, and as the Engineer's estimate on the three lines is \$5,500 it will be necessary to have an additional appropriation of \$4,300 to make these extensions.

We, therefore, earnestly request that you recommend to the Common Council the passage of an ordinance appropriating the sum of \$4,300 for the extension of water mains as stated above.

Yours respectfully,

P. C. TRUSLER.  
F. J. MACK.  
*Board of Public Works.*

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., July 18, 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 Switch Contract granting to S. S. Rhodes and Son permission to lay and maintain a side-track or switch from west line of South West street along and across the north line of Georgia street to the property line of S. S. Rhodes and Son from the track of the C., C., C. & St. L. R. R.

Yours truly,

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

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., August 3, 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 ratifying, confirming and approving certain contracts made and entered into on the 27th day of July, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company for furnishing gas for incandescent street lights, and for furnishing naphtha for incandescent street lights, on certain streets and alleys and public places.

Yours truly,

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

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., August 3, 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 the following described public improvements:

For the improvement of St. Clair street from west property line of Senate avenue to east property line West street, bituminous macadam roadway, brick gutters, and curbing.

For the improvement of Alabama street from south property line South street to north property line Merrill street, with bituminous macadam roadway, curb, cement walks, approach walks, brick gutters and sod.

For the improvement of first alley east of Pennsylvania street from north property line of St. Clair street to south property line of Pratt street, with brick roadway.

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

Yours respectfully,

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

P. S. Also for the improvement of Noble street from northwest line of Pine street to the south line of Washington street, with brick roadway.

#### REPORTS FROM STANDING COMMITTEES.

##### From the Finance Committee:

INDIANAPOLIS, IND., August 6, 1906.

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

GENTLEMEN: Your Committee on Finance, to which was referred General Ordinance No. 63, 1906, entitled, "an ordinance transferring certain sums in the Building Inspectors funds, Department of Public Safety, and fixing a time when the same shall take effect," begs leave to report that it has had said ordinance under consideration and recommends that same do pass.

Respectfully submitted,

HARRY E. ROYSE.  
ALBERT E. COTTEY.  
JACOB H. HILKENE.  
J. H. HAMLET.  
W. A. RHODES.

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

##### From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., July 6, 1906.

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

GENTLEMEN: Your Committee on Public Safety and Comfort, to whom was referred General Ordinance No. 68, 1906, entitled, "an ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company to station and maintain a flagman at the intersection of the said Com-

pany's tracks with Ritter avenue, Irvington, in the City of Indianapolis, and providing a penalty for the violation thereof, and fixing a time when the same shall take effect," beg leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

J. H. HAMLET,  
WM. J. NEUKOM.  
JOHN F. WOOD.  
LOUIS F. HENRY.  
OTTO HOFMANN.

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

#### From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., August 6, 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. 53, 1906, entitled, "Improvement of Seventeenth street from the east property line of Central avenue to the west property line of College avenue with asphalt 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,  
H. C. SMITHER,

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

INDIANAPOLIS, IND., August 6, 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. 52, 1906, entitled, "Improvement of Twenty-fifth street from east property line of Meridian street to the west property line of Pennsylvania street, with asphalt roadway, brick gutters and curb," 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,  
H. C. SMITHER,

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



INDIANAPOLIS, IND., August 6, 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. 50, 1906, entitled, "Improvement of 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," 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.  
H. C. SMITHER.

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

INDIANAPOLIS, IND., August 6, 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. 55, 1906, entitled, "Improvement of West street from the south property line of Morris street to the south property line of Wisconsin street with brick roadway and curb," 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.  
H. C. SMITHER.

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

INDIANAPOLIS, IND., August 6, 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. 61, 1906, entitled, "Improvement of the first alley east of Pennsylvania street from north property line of St. Clair street to the south property line of Pratt street, 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.  
H. C. SMITHER.

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

INDIANAPOLIS, IND., August 6, 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. 49, 1906, entitled, "Improvement of Thirty-fourth street from the east property line of Illinois street to the west property line of Meridian street, with cement walks and curbing," 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.

H. C. SMITHER.

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

INDIANAPOLIS, IND., August 6, 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. 56, 1906, entitled, "Improvement of 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," 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.

H. C. SMITHER.

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

#### INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 13—1906: An ordinance appropriating the sum of two hundred and fifty dollars to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of two hundred and fifty (\$250.00) dollars be, and the same is hereby, appropriated to and for the use of the Department of Public Health and Charities; the sum so appropriated to

be added to the fund known and designated as "Transportation" for the "Health Office."

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.

Appropriation Ordinance No. 14—1906: An ordinance appropriating the sum of seven hundred dollars to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of seven hundred (\$700.00) dollars be, and the same is hereby, appropriated to and for the use of the Department of Public Works, as an additional appropriation to the fund known as the "City Civil Engineer's Accounts."

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

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

Appropriation Ordinance No. 15—1906: An ordinance appropriating the sum of nine thousand dollars to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of nine thousand (\$9,000) dollars be, and the same is hereby, appropriated to and for the use of the Department of Public Works to be added to the fund known and designated as "Sweeping and Cleaning Improved Streets;" and said Department is hereby authorized to expend out of such fund so much as may be necessary to purchase additional ground and construct sheds or buildings and do all things necessary to properly care for the paraphernalia belonging to the street cleaning branch of said Department.

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

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

Appropriation Ordinance No. 16—1906: An ordinance appropriating the sum of forty-three hundred dollars to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of forty-three hundred (\$4,300.00) dollars be, and the same is hereby, appropriated to and for the use of the De-

partment of Public Works; and said Department is hereby authorized to expend the amount herein appropriated, or so much thereof as may be necessary, for the purpose of extending the water mains in Brightwood avenue, Dearborn street and Adams street.

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

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

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

##### By Board of Public Works:

General Ordinance No. 69—1906: An ordinance approving a certain contract granting to S. S. Rhodes & Son the right to lay and maintain a side-track or switch from the west line of South West street along and across the north side of Georgia street to the property of S. S. Rhodes & Son, from the north track of the C., C., C. & St. L. Ry. Co., according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, *heretofore, to-wit:* On the 18th day of July, 1906, S. S. Rhodes & Son filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

#### PETITION.

INDIANAPOLIS, IND., July 18, 1906.

*To the Board of Public Works of the City of Indianapolis:*

GENTLEMEN: The undersigned, S. S. Rhodes & Son, owners of certain real estate abutting on Georgia and West streets, respectfully petition your Honorable Board, asking permission to construct and maintain one switch or side-track across and along the north side of Georgia street, starting at a point on the north switch track of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, said point being on said switch track directly north of the west line of South West street, and running north-west at an angle of twenty-five (25) degrees, ninety (90) feet to a point where said proposed switch will proceed upon the property belonging to these petitioners, a sketch of which proposed switch is filed herewith, made a part hereof, marked Exhibit A.

Your petitioners pray that the privilege and authority herein requested shall be granted upon such terms and conditions as may be hereafter agreed upon by contract.

Respectfully submitted,

S. S. RHODES & SON,  
Per C. R. Rhodes.

*Now, Therefore,* This agreement, made and entered into this 18th day of July, 1906, by and between S. S. Rhodes & Son, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

*Witnesseth:* That the party of the first part, being desirous of securing a right-of-way for a side-track or switch from west line of South West street along and across the north side of Georgia street on to the property of these petitioners from the north track of the C., C. & St. L. Ry. Co. in the City of Indianapolis, which is more specifically described as follows:

Across and along the north side of Georgia street, starting at a point on the north switch track of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, said point being on said switch track directly north of the west line of South West street, and running northwest at an angle of twenty-five (25) degrees, ninety (90) feet to a point where said proposed switch will proceed upon the property belonging to these petitioners, a sketch of which proposed switch is filed herewith, made a part hereof, 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 shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

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

(5) The party of the first part agrees to pave between said tracks to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause 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, privileges and authority to lay and maintain an additional side-track or switch across \_\_\_\_\_ in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

*In Witness Whereof*, We have hereunto set our hands this 18th day of July, 1906.

S. S. RHODES & SON,  
Per C. R. Rhodes.  
Party of the first part.

Witness:

JOHN E. HOLLETT.

CITY OF INDIANAPOLIS,  
By JOSEPH T. ELLIOTT,  
P. C. TRUSLER,  
*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.

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

By Board of Public Works:

General Ordinance No. 70—1906: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 27th day of July, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company.

WHEREAS, On the 27th day of July, 1906, the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light

Company, entered into a certain contract or agreement for the furnishing by said Sun Vapor Street Light Company to said City of Indianapolis of gas for incandescent street lights on certain streets, alleys, squares, avenues and public places of said City of Indianapolis; and,

WHEREAS, Said Sun Vapor Street Light Company duly executed its bond to secure the faithful performance by it of said contract; said contract and bond being in the words and figures following, to-wit:

### BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, the Sun Vapor Street Light Company, a corporation duly organized and existing under the laws of the State of West Virginia, as principal, and The American Surety Company of New York, State of New York, as surety, are held and firmly bound unto the City of Indianapolis, Indiana, in the sum of five thousand dollars (\$5,000.00), to be paid to said City, its successors or assigns, for which payment well and truly to be made we do hereby bind ourselves, our heirs, successors, assigns, executors and administrators, jointly and severally, firmly by these presents.

Signed by us this 27th day of July, 1906.

The condition of the above obligation is such that whereas, the said The Sun Vapor Street Light Company has on the 27th day of July, 1906, entered into a contract with said City of Indianapolis, Indiana, through its Board of Public Works, for supplying said City with gas for incandescent street lighting, as well as lamps, gas connections, etc., on certain alleys, streets, squares, avenues and public places of said City.

Now, if the said The Sun Vapor Street Light Company shall well, honestly and faithfully discharge and perform all and singular the obligations of said contract as therein specified, then this obligation shall be void; otherwise to be and remain in full force and virtue in law.

THE SUN VAPOR STREET LIGHT COMPANY,

By (Sgd) SPENCER S. WEART,

(Am. Surety Co. Seal.)

*Vice-President.*

Attest:

(Sgd) RUSSELL G. CHASE,

*Secretary.*

AMERICAN SURETY CO. OF NEW YORK,

By (Sgd) F. HERBRUCK,

(Sun Vapor Co. Seal.)

*Res. Vice-Pres.*

By (Sgd) W. H. SMITH,

*Res. Asst. Secy.*

*This Agreement*, Made and entered into this 27th day of July, 1906, by and between the City of Indianapolis, Marion County, State of Indiana, party of the first part, by and through its Board of Public Works, acting by virtue of an Act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and The Sun Vapor Street Light Company, a corporation organized under the laws of the State of West Virginia and having its principal office and place of business in the City of Canton in the State of Ohio, party of the second part, *Witnesseth*:

That the party of the first part agrees to take from the said party of the second part and pay for as hereinafter mentioned, and the party of the

second part agrees to furnish the said party of the first part gas for incandescent street lights on certain streets, alleys, squares, avenues and public places of said party of the first part for and during the period of one (1) year from the fifteenth day of September, 1906, according to specifications therefor duly adopted by the Board of Public Works of said party of the first part upon the 18th day of May, 1906, which specifications are hereto attached and made a part hereof as fully as if herein set forth at length.

And the said party of the first part agrees to pay the said party of the second part for the service rendered herein the sum of twenty-three (\$23.00) dollars per year for each lamp so supplied with gas, payable monthly as the service is rendered. It being expressly agreed and understood that the minimum number of lights to be supplied and paid for hereunder shall be three hundred (300); the said party of the first part having the right to require such additional lights as it may from time to time designate at the same price per light per annum as herein mentioned for the minimum number of lights herein specified.

And the said party of the second part also agrees to indemnify and save harmless the said party of the first part against any and all claims which may be made by reason of any infringement of any patent right in the use of the lamp, apparatus or process which may be used in operating or maintaining the lamp furnished.

And the said party of the second part hereby agrees that in rendering the service herein provided for, it will in all things comply with said specifications and save the said City harmless from all claims or demands for damages to person or property caused by the said party of the second part to the full extent contemplated by said specifications.

*In Witness Whereof*, The said party of the first part by and through its Board of Public Works, with the approval of its Mayor and the said party of the second part by its proper officers duly authorized, have caused this agreement to be executed with the attestation of their several corporate seals the day and year first above written.

CITY OF INDIANAPOLIS,

(Sgd) By JOSEPH T. ELLIOTT, *President*.

(Sgd) F. J. MACK.

*Board of Public Works.*

Approved: .

(Sgd) C. A. BOOKWALTER, *Mayor*.

THE SUN VAPOR STREET LIGHT CO.

(Sgd) By SPENCER S. WEART,

(Sun Vapor Co. Seal.)

*Vice-President.*

Attest:

(Sgd) EDWIN J. MOLE, *Secretary*.

Sealed proposals will be received by the Board of Public Works of the City of Indianapolis, Indiana, up to ten (10) o'clock, A. M., of the 4th day of June, 1906, for supplying said city with gas for incandescent street lights, on certain alleys, streets, squares, avenues and public places of said City as hereinafter provided.

(1) Bidders shall submit bid for furnishing gas per light, per year, on an all night schedule. Said lights shall be lighted on or before one-half ( $\frac{1}{2}$ ) hour after sunset and shall be kept lighted until one-half ( $\frac{1}{2}$ ) hour before sunrise.

(2) Bidders shall accompany his or their bid with an affidavit that such bidder or bidders have not directly or indirectly entered into any combi-



nation, collusion, undertaking, or agreement with any other bidder or bidders to maintain the price of any work or service bid upon, or to be done or furnished under the proposed contract or to prevent any other bidder or bidders from bidding, or to induce any bidder or bidders to refrain from bidding on such contract or work, and that such bid is made without regard or reference to any other bid or bids, and without any agreement, undertaking, or combination, either directly or indirectly, with any person or persons with reference to such bidding in any way or manner whatever.

(3) Bidders shall submit bids for furnishing gas for incandescent lights for a period of one year, beginning September 15, 1906.

(4) Each bidder shall file with his proposal, or bid, a certified check on any reputable bank of the City of Indianapolis for the sum of five hundred dollars (\$500.00) payable to the order of the Board of Public Works of the City of Indianapolis, Indiana.

No bids shall be considered unless accompanied by said check. Such check submitted with bid shall be so delivered to the Board of Public Works with an agreement between the Board of Public Works on behalf of the City of Indianapolis, and the bidder that in case the said bidder to whom the contract to furnish gas for incandescent lights, in strict accordance with the accompanying specifications, has been awarded, executes said contract and files a bond as required by said specifications with a surety approved by the Board of Public Works, then said check shall be returned to the bidder; but if the party to whom the contract is awarded fails to enter into a contract with the City of Indianapolis, through its Board of Public Works, within a period of ten (10) days after the final award by the Board of Public Works, then in such case the said check shall pass to and become the property of the City of Indianapolis, Indiana, as agreed and liquidated damages for failure of said party to execute and consummate the contract awarded. Certified checks of unsuccessful bidders shall be returned to them immediately on awarding of the contract to the party who shall make the successful bid or upon the rejection of all bids.

(5) The party to whom the contract is awarded under these specifications shall be required to enter into bond in the sum of five thousand (\$5,000.00) dollars with surety to the approval and satisfaction of the Board of Public Works of the City of Indianapolis, Indiana, conditioned that said bidder shall perform said contract according to the terms therein and according to these specifications, which shall form a part of the contract. Said bond, it is understood, shall be renewed at any time the said Board shall require its renewal. The bidder must show to the satisfaction of the Board of Public Works that he is pecuniarily responsible, and has the proper facilities to fulfill said contract that may be awarded to him. The contractor must agree to indemnify and save harmless the City of Indianapolis against any and all claims which may be made by reason of any infringement of any patent right in the use of the lamp, apparatus or process, which may be used in operating or maintaining the lamp furnished. The Board of Public Works reserves the right to reject any and all bids, and to re-advertise for bids, if it deems it to the best interests of the City of Indianapolis.

(6) The contractor shall supply gas, connect gas lamps with gas mains and furnish and maintain lamps of at least sixty (60) candle power at such points as are hereinafter designated and at such other places, where there shall be gas mains in the street, as may be designated by said Board of Public Works, not less than three hundred (300).

The proposals shall be submitted for furnishing gas for incandescent light as before stated on an all night schedule for a period of one (1) year, beginning September 15, 1906.

(7) Proposals shall include the furnishing of gas, laying of all services, including risers, the erecting of all posts, the said posts to be furnished by the City of Indianapolis to the contractor in the City of Indianapolis. The

lighting and all work of maintaining lights at all times of at least sixty (60) candle power each.

(8) All lamps must be of the most approved construction for lighting, must be kept clean, well painted and bronzed and in good condition. The lanterns shall be of a form approved by the Board of Public Works, must be provided with glass or other transparent bottoms and surmounted with a top or dome of iridescent and light reflecting material. The lanterns must have proper wind guards so that the light will not be affected in any manner by high wind. All lanterns shall be constructed so as to properly and symmetrically hold segment glass street signs, and such lanterns as are erected at intersections of streets, shall be each equipped with four (4) signs giving the names of such intersecting streets, such segment signs to be of glass with ruby letters upon a white back ground.

(9) The burners and globes on lanterns shall be kept at all times clean and free from deposit of any kind, and if not so kept, the contract price of the lamps having such unclean burners, globes or lanterns shall be forfeited for a period of time beginning with the day such lamps shall be reported to the contractor to be in such unclean condition and ending the day upon which said lamp is cleaned. *Provided, however,* That no such deduction shall be demanded by said City if such dirt or deposit be the accumulation of not more than forty-eight (48) hours' time.

(10) All labor and material and anything relating or connected with the construction, operation, cleaning and maintenance of the same and all things connected therewith shall be done and furnished at the expense of said contractor, his successors and assigns, except that the City of Indianapolis shall furnish to said contractor in the City of Indianapolis the posts upon which said lamps are to be placed. The intent and meaning of this part of the specifications being that the City shall not be put to any expense beyond the sum provided in the contract as drawn in conformity with these specifications for furnishing incandescent gas lights, except that said City shall furnish the posts upon which said lamps are to be placed.

(11) All lamps, burners and other property furnished by the contractor shall remain the property of the contractor on the expiration of said contract or of any renewal thereof.

(12) Said lamps shall be located at such points as shall be designated by the Board of Public Works in writing and the said Board of Public Works reserves the right to change the location of any lamp or post to such location or locations as the Board of Public Works may deem necessary to meet the public need. The contractor shall also change the location of any light in the way of public improvement and any expense incurred by any such change must be borne by the contractor.

(13) All lamps ordered shall be located in place and be ready for use within ten (10) days after written notice has been given to the contractor ordering said light by the Board of Public Works.

(14) All sidewalks, highways or public places that said contractor at any time may open or dig into shall be restored in as good condition and repair as the same were in before being opened and to the satisfaction of the Board of Public Works.

(15) The contractor must agree to save the City harmless from any claim which may be made by reason of any infringement of any patent right in the use of lamp, apparatus or in maintaining the lamps furnished.

(16) The contractor must exercise in the prosecution or putting up of all lights ordered and maintaining the same all proper skill and care. He must properly guard all excavations or dangerous places made by him or his agents or employees, and shall use all due and proper precautions to prevent injury to any property, person or persons what and whomsoever for and during the entire period of the contract and for and during said period, the contractor shall save the City harmless from any and all liability whatsoever growing out of any injury to property or persons and from all damage suits that may arise on account thereof, and shall pay any

judgment with costs which may be obtained against such City growing out of any injury or damage whatsoever aforesaid.

(17) The contractor shall do no injury to shade trees or interfere with pipes of other Companies, shall replace any sodding disturbed and shall fully indemnify and save harmless the City of Indianapolis from any claims for damages for any injury to streets whatsoever.

(18) All lights shall be at least sixty (60) candle power and shall be maintained at such candle power. Should the City desire to test the candle power of any lamp the company shall give to the City Engineer all necessary assistance to properly test the candle power of said lamp. Each light shall be of sixty (60) candles power and such light where tested and measured by photometric apparatus in use by said City, shall give light of sixty (60) sperm candles, each consuming one hundred and twenty (120) grains per hour.

(19) The contractor shall have a representative in the City of Indianapolis with an office and a telephone.

(20) Should the contractor fail to furnish gas for street lights and to maintain said street lights, during the hours from one-half ( $\frac{1}{2}$ ) hour after sunset to one-half ( $\frac{1}{2}$ ) hour before sunrise each day, or to maintain said lamp lights in proper condition and of at least sixty (60) candle power, then the Board of Public Works may deduct from any moneys due said contractor for each night that each light is not so lighted, a sum equal to double the contract price per light for each night or part of night that said contractor fails to maintain said lights lighted.

(21) Should the contractor fail to make any repairs caused by digging into the streets, sidewalks or public places in the performance of this contract, on written notice from the Board of Public Works to make said repairs, then the Board of Public Works shall have the right within five (5) days after giving notice to said contractor, to make said repairs and to deduct the costs thereof out of any moneys due said contractor.

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

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the said contract and agreement hereinbefore set forth, made and entered into the 27th day of July, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company be, and the same is hereby, in all things ratified, confirmed and approved.

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

By Board of Public Works:

General Ordinance No. 71—1906: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 27th day of July, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company.

WHEREAS, On the 27th day of July, 1906, the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company, entered into a certain contract or agreement for the furnishing by said Sun Vapor Street Light Company to said City of Indianapolis of

certain naphtha incandescent street lamps on certain streets, alleys, squares, avenues and public places of said City of Indianapolis; and,

WHEREAS, Said Sun Vapor Street Light Company duly executed its bond to secure the faithful performance by it of said contract; said contract and bond being in the words and figures following, to-wit:

BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, the Sun Vapor Street Light Company, a corporation duly organized and existing under the laws of the State of West Virginia, as principal, and The American Surety Company of New York, State of New York, as surety, are held and firmly bound unto the City of Indianapolis, Indiana, in the sum of five thousand dollars (\$5,000.00), to be paid to said City, its successors or assigns, for which payment well and truly to be made we do hereby bind ourselves, our heirs, successors, assigns, executors and administrators, jointly and severally, firmly by these presents.

Signed by us this 27th day of July, 1906.

The condition of the above obligation is such that whereas, the said The Sun Vapor Street Light Company has on the 27th day of July, 1906, entered into a contract with said City of Indianapolis, Indiana, through its Board of Public Works, for supplying said City with naphtha incandescent street lights on certain alleys, streets, squares, avenues and public places of said City.

Now, if the said The Sun Vapor Street Light Company shall well, honestly and faithfully discharge and perform all and singular the obligations of said contract as therein specified, then this obligation shall be void; otherwise to be and remain in full force and virtue in law.

THE SUN VAPOR STREET LIGHT COMPANY,

By (Sgd) SPENCER S. WEART,

(Am. Surety Co. Seal.)

*Vice-President.*

Attest:

(Sgd) RUSSELL G. CHASE,

*Secretary.*

AMERICAN SURETY CO. OF NEW YORK,

By (Sgd) F. HERBRUCK,

(Sun Vapor Co. Seal.)

*Res. Vice-Pres.*

By (Sgd) W. H. SMITH,

*Res. Asst. Secy.*

*This Agreement*, Made and entered into this 27th day of July, 1906, by and between the City of Indianapolis, Marion County, State of Indiana, party of the first part, by and through its Board of Public Works, acting under the authority of an Act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and The Sun Vapor Street Light Company, a corporation organized under the laws of the State of West Virginia and having its principal office and place of business in the City of Canton in the State of Ohio, party of the second part, *Witnesseth:*

That the said party of the first part agrees to use and pay for as herein-after mentioned, and the said party of the second part agrees to furnish the said party of the first part naphtha incandescent street lamps on certain streets, alleys, squares, avenues and public places of said party of the

first part for the period of one (1) year from the fifteenth day of September, 1906, according to the specifications therefor duly adopted by said Board of Public Works upon the 18th day of May, 1906, which said specifications are attached hereto and made a part hereof as fully as if herein written out at length.

And the said party of the first part agrees to pay the said party of the second part for the lamps so furnished and service rendered in connection therewith, the sum of twenty-five (\$25.00) dollars per year for each lamp so furnished, payable monthly as the service herein stipulated for is rendered. It being expressly agreed and understood that the minimum number of lamps to be furnished by the party of the second part to the party of the first part shall be two (200) hundred; the said party of the first part having the right to require such additional lamps as it may from time to time designate, paying the said party of the second part therefor at the price per annum as is herein stated as the price per light per annum for each of said minimum of lights specified.

And the said party of the second part also agrees to indemnify and save harmless the said party of the first part against any and all claims which may be made by reason of any infringement of any patent right in the use of the lamp, apparatus or process which may be used in operating or maintaining the lamps furnished.

And the said party of the second part hereby agrees that in rendering the service herein provided for, it will in all things comply with said specifications and save the said City harmless from all claims or demands for damages to person or property caused by the said party of the second part to the full extent contemplated by said specifications.

*In Witness Whereof*, The said party of the first part by and through its Board of Public Works, with the approval of its Mayor and the said party of the second part by its proper officers duly authorized, have caused this agreement to be executed with the attestation of their several corporate seals the day and year first above written.

CITY OF INDIANAPOLIS,

(Sgd) By JOSEPH T. ELLIOTT, *President*.

(Sgd) F. J. MACK.

*Board of Public Works.*

Approved:

(Sgd) C. A. BOOKWALTER, *Mayor*.

THE SUN VAPOR STREET LIGHT CO.

(Sgd) By SPENCER S. WEART,

(Sun Vapor Co. Seal.)

*Vice-President.*

Attest:

(Sgd) EDWIN J. MOLE, *Secretary*.

Sealed proposals will be received by the Board of Public Works of the City of Indianapolis, Indiana, up to ten (10) o'clock, A. M., of the 4th day of June, 1906, for supplying said City with naphtha incandescent street lights, on certain alleys, streets, squares, avenues and public places of said City as hereinafter provided.

(1) Bidders shall submit bids for furnishing naphtha incandescent street lights per light, per year, on an all night schedule, said lights to be lighted on or before one-half ( $\frac{1}{2}$ ) hour after sunset and shall be kept lighted until one-half ( $\frac{1}{2}$ ) hour before sunrise.

(2) Bidders shall accompany his or their bid with an affidavit that such bidder or bidders have not directly or indirectly entered into any combination, collusion, undertaking, or agreement with any other bidder or bid-

ders to maintain the price of any work or service bid upon, or to be done or furnished under the proposed contract or to prevent any other bidder or bidders from bidding, or to induce any bidder or bidders to refrain from bidding on such contract or work, and that such bid is made without regard or reference to any other bid or bids, and without any agreement, undertaking, or combination, either directly or indirectly, with any person or persons with reference to such bidding in any way or manner whatever.

(3) Bidders shall submit bids for furnishing naphtha incandescent street lights for a period of one (1) year, beginning September 15, 1906.

(4) Each bidder shall file with his proposal, or bid, a certified check on any reputable bank of the City of Indianapolis for the sum of five hundred dollars (\$500.00) payable to the order of the Board of Public Works of the City of Indianapolis, Indiana.

No bids shall be considered unless accompanied by said check. Such check submitted with bid shall be so delivered to the Board of Public Works with an agreement between the Board of Public Works on behalf of the City of Indianapolis, and the bidder that in case the said bidder to whom the contract to furnish naphtha incandescent street lights, in strict accordance with the accompanying specifications, has been awarded, executes said contract and files a bond as required by said specifications with surety approved by the Board of Public Works, then said check shall be returned to the bidder; but if the party to whom the contract is awarded fails to enter into a contract with the City of Indianapolis, through its Board of Public Works, within a period of ten (10) days after the final award by the Board of Public Works, then in such case the check shall pass to and become the property of the City of Indianapolis, Indiana, as agreed and liquidated damages for failure of said party to execute and consummate the contract awarded. Certified checks of unsuccessful bidders shall be returned to them immediately on awarding the contract to the party who shall make the successful bid or upon the rejection of all bids.

(5) The party to whom the contract is awarded under these specifications shall be required to enter into bond in the sum of five thousand (\$5,000.00) dollars with surety to the approval and satisfaction of the Board of Public Works of the City of Indianapolis, Indiana, conditioned that said bidder shall perform said contract according to the terms therein and according to these specifications, which shall form a part of the contract. Said bond, it is understood, shall be renewed at any time the said Board shall require its renewal. The bidder must show to the satisfaction of the Board of Public Works that he is pecuniarily responsible, and has the proper facilities to fulfill said contract that may be awarded to him. The contractor must agree to indemnify and save harmless the City of Indianapolis against any and all claims which may be made by reason of any infringement of any patent right in the use of the lamp, apparatus or process, which may be used in operating or maintaining the lamp furnished. The Board of Public Works reserves the right to reject any and all bids, and to re-advertise for bids, if it deems it to the best interests of the City of Indianapolis.

(6) The contractor shall supply naphtha incandescent street lights and furnish and maintain lamps of at least sixty (60) candle power at such points as may be designated by the Board of Public Works of the City of Indianapolis, not, however, less than two hundred (200) of such lights, and proposals shall be submitted for furnishing said naphtha incandescent street lights, as before stated, on an all night schedule for a period of one (1) year, beginning September 15, 1906, and shall also submit proposals for furnishing in addition to said two hundred (200) lights, as above mentioned, an additional one hundred (100) lights, making a total of three hundred (300) lights, and an additional one hundred lights (100) making a total of four hundred (400) lights, and an additional one hundred (100) lights making a total of five hundred (500) lights, together with an agree-

ment that if said Board shall at any time require more than five hundred (500) lights to be furnished, any lights in excess of said five hundred (500) lights shall be furnished at the same rate per light, per year, as agreed upon for each of the five hundred (500) lights so furnished.

(7) Proposals shall include the furnishing of all naphtha and of all lamps complete, the erecting of all poles or posts at such points as may be designated, the City, however, to furnish the posts, and shall include also lighting and all work of maintaining said lights at all times of at least sixty (60) candle power each.

(8) All lamps must be of the most approved construction for lighting, must be kept clean, well painted and bronzed and in good condition. The lanterns shall be of a form approved by the Board of Public Works, must be provided with glass or other transparent bottoms and surmounted with a top or dome of iridescent and light reflecting material. The lanterns must have proper wind guards so that the light will not be affected in any manner by high wind. All lanterns shall be constructed so as to properly and symmetrically hold segment glass street signs, and such lanterns as are erected at intersections of streets, shall be each equipped with four (4) signs giving the names of such intersecting streets, such segment signs to be of glass with ruby letters upon a white back ground.

(9) The burners and globes on lanterns shall be kept at all times clean and free from deposit of any kind, and if not so kept, the contract price of the lamps having such unclean burners, globes or lanterns shall be forfeited for a period of time beginning with the day such lamps shall be reported to the contractor to be in such unclean condition and ending the day upon which said lamp is cleaned. *Provided, however,* That no such deduction shall be demanded by said City if such dirt or deposit be the accumulation of not more than forty-eight (48) hours' time.

(10) All labor and material and anything relative or connected with the construction, operation, cleaning and maintenance of the same and all things connected therewith shall be done and furnished at the expense of said contractor, his successors and assigns, except that the City of Indianapolis shall furnish to said contractor in the City of Indianapolis the posts upon which said lamps are to be placed. The intent and meaning of this part of the specifications being that the City shall not be put to any expense beyond the sum provided in the contract as drawn in conformity with these specifications for furnishing incandescent naphtha street lights, except that said City shall furnish the posts upon which said lamps are to be placed.

(11) All lamps, burners and other property furnished by the contractor shall remain the property of the contractor on the expiration of said contract or of any renewal thereof.

(12) Said lamps shall be located at such points as shall be designated by the Board of Public Works in writing and the said Board of Public Works reserves the right to change the location of any lamp or post to such location or locations as the Board of Public Works may deem necessary to meet the public need. The contractor shall also change the location of any light in the way of public improvement and any expense incurred by any such change must be borne by the contractor.

(13) All lamps ordered shall be located in place and be ready for use within ten (10) days after written notice has been given to the contractor ordering said light by the Board of Public Works.

(14) All sidewalks, highways or public places that said contractor at any time may open or dig into shall be restored in as good condition and repair as the same were in before being opened and to the satisfaction of the Board of Public Works.

(15) The contractor must agree to save the City harmless from any claim which may be made by reason of any infringement of any patent right in the use of lamp, apparatus or in maintaining the lamps furnished.

(16) The contractor must exercise in the prosecution or putting up of

all lights ordered and maintaining the same all proper skill and care. He must properly guard all excavations or dangerous places made by him or his agents or employees, and shall use all due and proper precautions to prevent injury to any property, person or persons what and whomsoever for and during the entire period of the contract and for and during said period, the contractor shall save the City harmless from any and all liability whatsoever growing out of any injury to property or persons and from all damage suits that may arise on account thereof, and shall pay any judgment with costs which may be obtained against such City growing out of any injury or damage whatsoever aforesaid.

(17) The contractor shall do no injury to shade trees or interfere with pipes of other Companies, shall replace any sodding disturbed and shall fully indemnify and save harmless the City of Indianapolis from any claims for damages for any injury to streets whatsoever.

(18) All lights shall be at least sixty (60) candle power and shall be maintained so that when lighted they shall each give the light equal to that of sixty (60) sperm candles, each consuming one hundred and twenty (120) grains per hour. The City reserves and shall have the right to make candle power tests of said lights at least one (1) each month, and the contractor shall give to the City all necessary assistance in making such tests. Such tests shall be made as follows: Upon notice in writing to the contractor by said City that the City desires to make any such test, the contractor shall select five (5) lamps out of each one hundred (100) lamps, or fraction thereof, installed by him in the City under the terms of these specifications and the contract to be awarded thereunder, and the City shall also select five (5) lamps out of each one hundred (100) or fraction thereof of said lights. The burners of said lamps, so selected, shall be removed, together with their equipment and in the same condition as they were when on the lamps and in use on the streets, alleys, avenues, parks or other public places without alteration or modification of their equipment or any device attached thereto, shall be tested by the photometric apparatus in use by said City. *Provided, however,* That in case the mantle upon said burner is broken, a new mantle may be substituted for the purpose of making the test. The average candle power of said lights so tested as disclosed by said test shall be agreed and taken as the candle power of each and every light maintained by the contractor under the contract to be awarded under these specifications and for the candle power that the average of said lights shall fall below sixty (60) candle power, as shown by said test, there shall be a deduction made on the amount to become due the contractor for the month in which said test is made as follows: If the average candle power of said lights so tested, as aforesaid shall be below sixty (60) candle power but equal to or above fifty-five (55) candle power, then there shall be deducted from the amount so become due the contractor for the month during which said test is made a sum equal to five (5%) per cent. of said amount so to become due; if the average candle power of said lights so tested as aforesaid shall be below fifty-five (55) candle power but equal to or above fifty (50) candle power, then there shall be deducted from the amount to become due to the contractor for the month during which said test is made a sum equal to ten (10%) per cent. of said amount so to become due; if the average candle power of said lights so tested as aforesaid shall be below fifty (50) candle power but equal to or above forty-five (45) candle power, then there shall be deducted from the amount to become due the contractor for the month during which said test is made, a sum equal to fifteen (15%) per cent. of said amount so to become due; if the average candle power of said lights so tested as aforesaid shall be below forty-five (45) candle power but equal to or above forty (40) candle power, then there shall be deducted from the amount to become due the contractor for the month during which said test is made, a sum equal to twenty-five (25%) per cent. of said amount so to become due; if the average candle power of said lights so



tested as aforesaid shall be below forty (40) candle power but equal to or above thirty-five (35) candle power, then there shall be deducted from the amount to become due the contractor for the month during which said test is made, a sum equal to fifty (50%) per cent. of said amount so to become due; and provided further, that if the average candle power of said lamps so tested as aforesaid shall fall below thirty-five (35) candle power, then there shall be paid said contractor no amount whatsoever for the month in which said tests were made.

(19) The contractor shall have a representative in the City of Indianapolis with an office and a telephone.

(20) Should the contractor fail to furnish the said naphtha incandescent street lights and to maintain said street lights lighted during the hours one-half ( $\frac{1}{2}$ ) hour after sunset until one-half ( $\frac{1}{2}$ ) hour before sunrise each day, then the Board of Public Works may deduct from any moneys due said contractor for each night that each light is not so lighted, a sum equal to double the contract price per night per light for each night or part of night that said contractor fails to maintain said lights lighted.

(21) Should the contractor fail to make any repairs caused by digging into the streets, sidewalks or public places in the performance of this contract, on written notice from the Board of Public Works to make said repairs, then the Board of Public Works shall have the right within five (5) days after giving notice to said contractor, to make said repairs and to deduct the costs thereof out of any moneys due said contractor.

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

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the said contract and agreement hereinbefore set forth, made and entered into the 27th day of July, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Sun Vapor Street Light Company be, and the same is hereby, in all things ratified, confirmed and approved.

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

#### By Board of Public Works:

General Ordinance No. 72—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve St. Clair street, from the west property line of Senate avenue to the south property line of West street, except the crossing of bridge over the Canal and the C., C., C. & St. L. Ry. tracks, with bituminous macadam roadway, brick gutters and curbing.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 2d day of July, 1906, adopt Improvement Resolution No. 4614, 1906, for the improvement of St. Clair street, from the west property line of Senate avenue to the east property line of West street, except the crossing of bridge over Canal and the C., C., C. & St. L. Ry., by grading and paving the roadway with bituminous macadam laid on a six (6) inch concrete foundation; from curb line to curb line to a uniform width of twenty-four (24) feet, except the space of two (2) feet on each side being brick gutters, grading and paving in a similar manner to widths shown on plans the wings of intersecting streets and alleys; grading and paving with brick laid on a six (6) inch concrete foundation the gutters

to widths of twenty-four (24) and eighty-four (84) inches, all as shown on plans; curbing the outer edges of the roadway; constructing and resetting inlets 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 18th day of July, 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 3d day of July, 1906, and the 10th day of July, 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 18th day of July, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

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

WHEREAS, On the 27th day of July, 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 July, 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 St. Clair street, from the west property line of Senate avenue to the east property line of West street, except the crossing of bridge over the Canal and the C., C. & St. L. Ry. tracks, by grading and paving the roadway with bituminous macadam laid on a six (6) inch concrete foundation from curb line to curb line to a uniform width of twenty-four (24) feet, except the space of two (2) feet on each side being brick gutters, grading and paving in a similar manner to widths shown on plans the wings of intersecting streets and alleys; grading and paving with brick laid on a six (6) inch concrete foundation the gutters to widths of twenty-four (24) and eighty-four (84) inches, all as shown on plans; curbing the outer edges of the roadway; constructing and resetting inlets and placing the necessary marginal stones, all as shown on plans, in accordance with Improvement Resolution No. 4614, 1906, adopted by the Board of Public Works on the 2d day of July, 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. 73—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Alabama street, from south property line South street to the north property line Merrill street.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 25th day of June, 1906, adopt Improvement Resolution

No. 4599, 1906, for the improvement of Alabama street, from the south property line of South street to the north property line of Merrill street, by grading and paving the roadway from curb line to curb line to a uniform width of fifty (50) feet with bituminous macadam laid on a six (6) inch concrete foundation, except the space of twenty (20) feet in the center of the street to be occupied by parkway, and twenty-four (24) inches on each side occupied by brick gutters; grading and paving in a similar manner the wings of interesting streets and alleys to widths shown on plans; constructing the necessary parkway in the center of the street to width of twenty (20) feet as shown on plan; curbing same with cement curb; curbing the outer edges of the roadway; grading and paving the gutters with brick laid on a six (6) inch concrete foundation to widths of twenty-four (24) and ninety-six (96) inches; grading and paving the sidewalks with cement to a uniform width of six (6) feet; placing the necessary marginal stones; constructing the necessary catch basins and inlets; resetting inlets and sodding the lawns; also grading and paving the approach walks with cement to a uniform width of three (3) feet.

WHEREAS, The said Board of Public Works did at the same time fix the 11th day of July, 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 June, 1906, and the 3d day of July, 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 July, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

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

WHEREAS, On the 23d day of July, 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 23d day of July, 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 Alabama street, from the south property line of South street to the north property line of Merrill street; by grading and paving the roadway from curb line to curb line to a uniform width of fifty (50) feet with bituminous macadam laid on a six (6) inch concrete foundation, except the space of twenty (20) feet in the center of the street to be occupied by parkway, and twenty-four (24) inches on each side occupied by brick gutters; grading and paving in a similar manner the wings of intersecting streets and alleys to widths shown on plan; constructing the necessary parkway in the center of the street to a width of twenty (20) feet as shown on plan; curbing same with cement curb; curbing the outer edges of the roadway; grading and paving the gutters with brick laid on a six (6) inch concrete foundation to widths of twenty-four (24) and ninety-six (96) inches; grading and paving the sidewalks with cement to a uniform width of six (6) feet; placing the necessary marginal stones; constructing the necessary catch basins and inlets; resetting inlets and sodding the lawns. also grading and paving the approach walks with cement to a uniform width of three (3) feet. in ac-

cordance with Improvement Resolution No. 4599, 1906, adopted by the Board of Public Works on the 25th day of June, 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 Public Property and Improvements.

### By Board of Public Works:

General Ordinance No. 74—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve first alley east of Pennsylvania street, from the north property line of St. Clair street to the south property line of Pratt street, by brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 4th day of June, 1906, adopt Improvement Resolution No. 4565, 1906, for the improvement of first alley east of Pennsylvania street from the north property line of St. Clair street to the south property line of Pratt street, by grading and paving the roadway from property line to property line with brick laid on a six (6) inch rolled gravel foundation to a uniform width of twelve (12) feet, except the space on one and one-half ( $1\frac{1}{2}$ ) inches on each side being occupied by oak marginal plank, and placing the necessary marginal stones.

WHEREAS, The said Board of Public Works did at the same time fix the 20th 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 5th day of June, 1906, and the 12th 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 20th day of June, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 20th day of June, 1906, a written remonstrance was filed with the Board against the said improvement of first alley east of Pennsylvania street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 11th day of July, 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 11th day of July, 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 east of Pennsylvania street, from the north property line of St. Clair street to the south property line of Pratt street, by grading and paving the roadway from property line to property line with brick laid on a six (6) inch rolled

gravel foundation 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, and placing the necessary marginal stones, in accordance with Improvement Resolution No. 4565, 1906, adopted by the Board of Public Works on the 4th day of June, 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. 75—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Noble street, from northwest line Pine street to south line Washington street.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 25th day of June, 1906, adopt Improvement Resolution No. 4598, 1906, for the improvement of Noble street, from the northwest line of Pine street to the south line of Washington street, except the crossing of Lexington avenue, Fletcher avenue, bridge over C., C., C. & St. L. Ry. and the P., C., C. & St. L. Railroad Company's tracks, by grading and paving the roadway from curb line to curb line to a uniform width of twenty-four (24) feet with brick laid on a six (6) inch concrete foundation; grading and paving in a similar manner to widths shown on plans the wings of intersecting streets and alleys; placing the necessary marginal stones, all as shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 11th day of July, 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 June, 1906, and the 3d day of July, 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 July, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 11th day of July, 1906, a written remonstrance was filed with the Board against the said improvement of Noble street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 20th day of July, 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 July, 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 Noble street,

from the northwest line of Pine street to the south line of Washington street, except the crossing of Lexington avenue, Fletcher avenue, bridge over C., C., C. & St. L. Ry. and the P., C., C. & St. L. Ry. Co.'s tracks, by grading and paving the roadway from curb line to curb line to a uniform width of twenty-four (24) feet with brick laid on a six (6) inch concrete foundation; grading and paving in a similar manner to widths shown on plans the wings of intersecting streets and alleys; placing the necessary marginal stones, all as shown on plans in accordance with Improvement Resolution No. 4598, 1906, adopted by the Board of Public Works on the 25th day of June, 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 Mr. Royse:

General Ordinance No. 76—1906: An ordinance repealing an ordinance entitled, "an ordinance establishing a South Side Market in the City of Indianapolis, prescribing general regulations for the same, prescribing and defining the general powers, functions and duties of the Market Master and other employes, concerning matters connected therewith, providing penalties for the violation thereof, providing for the publication, and fixing the time when the same shall take effect," approved August 11, 1899; and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the ordinance entitled, "an ordinance establishing a South Side Market in the City of Indianapolis, prescribing general regulations for the same, prescribing and defining the general powers, functions and duties of the Market Master and other employes, concerning matters connected therewith, providing penalties for the violation thereof, providing for the publication, and fixing the time when the same shall take effect," approved August 11, 1899, be and the same is hereby repealed, and the market therein established and provided for is hereby abolished.

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 Finance.

By Mr. Portteus:

General Ordinance No. 77—1906: An ordinance fixing a name for the oval tract of land in North Audubon Road (Irvington) for numbering purposes.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the certain oval tract or space located in and

bounded by the east and west branches of North Audubon Road constituting Forrest's subdivision of lot No. 16, in original Irvington, be and the same hereby is designated and named as Audubon Place for the purpose of numbering dwelling houses that may be located thereon.

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 Ordinance Committee.

By Mr Brown:

General Ordinance No. 78—1906: An ordinance providing for the confiscation of unwholesome food; prohibiting the sale of the same, and of food preservatives; providing a penalty for the violation thereof; and repealing Section 2 of "an ordinance providing better sanitary regulations for the City of Indianapolis, and empowering the Board of Health to enforce observance thereof, and repealing Section 3 of an ordinance, entitled, "an ordinance regarding public safety, comfort and convenience," approved February 23, 1885.

SECTION 1. It shall be lawful for the members of the Board of Health of said City and all officers and persons in the employ of said City, assisting said Board, to confiscate and destroy all meats, fish, berries, fruits, vegetables, milk, butter, or other articles of food, and all liquids substance or compounds used or to be used as food, flavor or condiment, found in the possession of any butcher, marketer, grocer, commission merchant or other person in the habit of dealing in such articles of food in the City of Indianapolis, or within two miles thereof, whenever the same shall be so rotten, decayed, sour, putrid, diseased, or otherwise so spoiled as to be unfit for human food, or in which any preservative has been used and to so cut, puncture, mutilate, or otherwise disfigure and designate all meats and other articles of food found in the possession of any such person, which are unfit for human food, so as to prevent the offering thereof for sale as food. It shall be unlawful for any person, firm or corporation to sell, offer to sell, or have in his or its possession with intent to sell in the City of Indianapolis or within two miles thereof, any of the articles of food described in this section when the same shall be so rotten, decayed, sour, putrid, diseased, or in which any preservative has been used, or otherwise so spoiled as to be unfit for human food.

SEC. 2. It shall be unlawful for any person, firm or corporation to sell, or offer to sell, or have in his or its possession with intent to sell in the City of Indianapolis, or within two miles thereof, any substance, mixture or compound used or to be used as a food preservative or preservative; *Provided, however,* That salt, saltpeter, sugar and spices shall be excepted from the provisions of this section.

SEC. 3. Any person or persons violating any of the provisions of this ordinance regulating the sale of unwholesome food and food preservatives, shall, upon conviction thereof, be fined in any sum not exceeding \$100.00 nor less than \$25.00, to which shall be added imprisonment for a period not exceeding sixty days.

SEC. 4. This ordinance shall take effect and be in force from and after its passage and publication for one day each week for two consecutive

weeks in the Indianapolis Sun, a daily newspaper of the City of Indianapolis, Indiana.

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

By Mr. Brown:

General Ordinance No. 79—1906: An ordinance providing for the changing of the name of Oakwood street in the City of Indianapolis to East Twenty-fourth street.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of the street known as Oakwood street, extending from Hillside avenue, east to Keystone avenue, in the City of Indianapolis, is hereby changed to East Twenty-fourth street.

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 Ordinance Committee.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

By Mr. Hilkene:

Resolution No. 6—1906:

WHEREAS, The Common Council of the City of Indianapolis has, by a majority vote, passed a certain ordinance known as Ordinance No. 66, 1906, which said ordinance authorizes an issue of bonds to the amount of three hundred thousand dollars (\$300,000.00) for the purpose of obtaining funds for the building of a City Hall for the purposes of the conduct of the City's business, and

WHEREAS, It is the sense of many of the members of the said Common Council that such City Hall building should be confined in its uses strictly to the business of the City and no other business, and

WHEREAS, An effort has been made to have such said building so designed that it may be also used for the purposes of public amusements or diversions; now, therefore, be it

*Resolved*, By this Common Council of the City of Indianapolis that the Mayor of the City, the members of the Board of Public Works, and the City Hall Committee of the Common Council be and are hereby notified that this body will not permit the appropriation of any money for any public building that may be intended for any other purposes than the conduct of the business of the City only and for no other uses.

Mr. Hilkene moved the adoption of the resolution

Mr. Royse moved the motion of Mr. Hilkene be laid on the table indefinitely. Carried.



By Mr. Royse:

Resolution No. 7—1906:

*Be It Resolved*, By the Common Council of the City of Indianapolis that the City Clerk be and he hereby is authorized and instructed to secure and deliver to the various committees of the Common Council proper and sufficient stationery for the use of such committees.

Mr. Royse moved the Resolution be referred to the Committee on Finance. Carried.

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 49, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 49, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 49, 1906, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Portteus, Royse, Donavon, Hilkene and President Frederick W. Eppert.

Noes, none.

Mr. Royse called for General Ordinance No. 63, 1906, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 63, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 63, 1906, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Portteus, Royse, Donavon, Hilkene and President Frederick W. Eppert.

Noes, none.

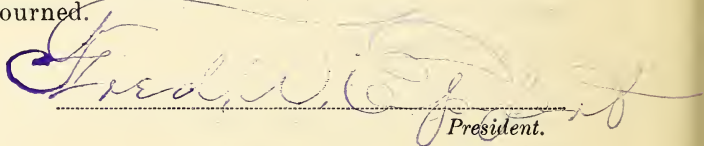
Mr. Hamlet called for General Ordinance No. 68, 1906, for second reading. It was read a second time.

Mr. Hamlet moved that General Ordinance No. 68, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

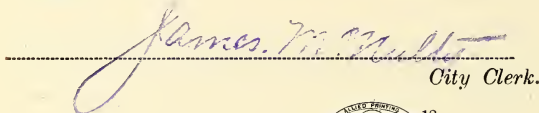
General Ordinance No. 68, 1906, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Portteus, Royse, Donavon, Hilkene and President Frederick W. Eppert.  
Noes, none.

On motion of Mr. Royse, the Common Council, at 8:40 o'clock, P. M., adjourned.

  
.....  
President.

ATTEST:

  
.....  
City Clerk.

