

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, December 3, 1906.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 3, 1906, at 7:30 o'clock, in regular session, President Frederick W. Eppert in the chair.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 16 members, viz: Messrs. Cottey, Brown, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkene and Wright.

Absent, four, viz: Messrs. Hamlet, Neukom, Hofmann and Henry.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., November 21, 1906.

To the President and Members of the Common Council:

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

Appropriation Ordinance No. 26, 1906, being "an ordinance appropriating

the sum of \$177.87 to and for the use of the Department of Finance, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 29, 1906, being "an ordinance appropriating the sum of \$800.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

General Ordinance No. 106, 1906, being "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Catterson street, from the south property line of Twenty-first street to the north property line of Sixteenth street, with brick."

General Ordinance No. 120, 1906, being "an ordinance requiring the Vandalia Railroad Company to station a flagman at the crossing of said railway and Harding street, in the City of Indianapolis, and fixing a time for its taking effect."

General Ordinance No. 121, 1906, being "an ordinance approving a certain contract granting 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 on to the property of S. S. Rhodes and Son, from the north track of the C., C., C. & St. L. Railway Company."

General Ordinance No. 130, 1906, being "an ordinance providing for the transfer of certain funds to certain funds to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

General Ordinance No. 131, 1906, being "an ordinance providing for the transfer of certain funds to certain funds in and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,

Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., November 30, 1906.

To the President and Members of the Common Council:

GENTLEMEN: On the 10th day of August, 1906, the City of Indianapolis, through the Board of Public Works and myself, entered into a contract with John W. Coons, by the terms of which contract he was to receive a commission of 33 $\frac{1}{3}$ % upon all property of the various railroads entering the City of Indianapolis which had not been returned by such companies for the purpose of taxation. In accordance with this contract, Mr. Coons proceeded at once to measure all main tracks, second main tracks, and side tracks of such companies, and has submitted his report to the Board of Public Works and City Controller showing that there is due the City of Indianapolis at this time from such companies the sum of \$192,261.74, of which amount there has now been paid to the City Treasurer \$1,340.04. For this service, as provided for in the contract, Mr. Coons is entitled to the sum of \$446.68.

There will be presented to your honorable body at this session an ordi-

nance providing for the appropriation of such sum, and I would recommend that the same be passed. I am satisfied that as the result of this work, the returns to the City Treasury will amount to many thousands of dollars, thus not only proving an immediate benefit to the tax-payers, but providing a permanent return on all future years as such report gives us for the first time an absolutely correct statement of the property owned by such railroads which should have been heretofore placed upon the duplicate.

I attach herewith a certificate from Oliver P. Ensley, City Treasurer, showing that the amount above named has been paid into his hands.

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

TREASURER'S OFFICE,
CITY OF INDIANAPOLIS
AND COUNTY OF MARION.

INDIANAPOLIS, IND., November 30, 1906.

Hon. C. A. Bookwalter, Mayor:

DEAR SIR: This is to certify that the P., C., C. & St. L. Railway Co. has paid into the City Treasury.....	\$956.70
and the C., I. & L. Railway Co.....	383.34

Total	\$1,340.04
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Being omitted taxes for municipal purposes, placed on duplicates under direction of John W. Coons.

Respectfully,

OLIVER P. ENSLEY,
Treasurer.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., December 1, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith without my approval General Ordinance No. 101, 1906, being "an ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, providing for the violation thereof and repealing all ordinances or parts of ordinances in conflict therewith."

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,

REPORTS FROM CITY OFFICERS.

From the City Controller:

CITY OF INDIANAPOLIS.
DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit an ordinance appropriating the sum of \$7,292.00 with which to pay interest falling due January 1, 1907, as follows:
\$2,042.00 interest due on \$100,000 City Hospital Improvement Bonds of 1906, dated June 1, 1906; and

\$5,250.00 interest due on \$300,000 City Hall Bonds, dated July 1, 1906, and respectfully recommend the passage of said ordinance.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From the City Controller:

CITY OF INDIANAPOLIS.
DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith an ordinance appropriating the sum of \$446.69, to be used in the payment for services rendered by John W. Coons in causing certain omitted taxes to be entered upon the tax duplicate and paid to the City of Indianapolis, and respectfully recommend the passage of said ordinance.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From the City Controller:

CITY OF INDIANAPOLIS,
DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit communication from the Board of Public Safety, asking for transfers as follows:

\$400.00 from the "Horses Purchase" fund to "Building and Repairs" fund, and \$200.00 from the "Fuel, Gas and Coal" fund to "Incidentals" fund, both in and for the Police Department.

I submit herewith an ordinance making the transfers as requested, and would say that I am advised that there is urgent need for the use of these appropriations and would therefore respectfully recommend that your honorable body take immediate action on the passage of said ordinance.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

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

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

DEAR SIR: The Board of Public Safety at a meeting held November 28, 1906, instructed me to request you to please ask the Common Council to transfer the following funds in the Police Department:

\$400.00 from "Horses Purchase of" fund to "Building Repairs" fund, and \$200.00 from "Fuel, Gas and Coal" fund to "Incidentals" fund.

These transfers are actually needed to carry on work that must be done at once.

Respectfully yours,

JOHN B. WOOD,
Secretary.

From Board of Public Works:

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

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward

to you, for your consideration and action thereon, the attached Switch Contract granting to Pabst Brewing Company permission to lay and maintain a side-track or switch from the track of the old P. & E. Ry. main track across the first alley north of Market street to the property of Pabst Brewing Company.

Yours respectfully,

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

From Board of Public Works:

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

To the President and Members of the Common Council:

GENTLEMEN: The attached ordinance, "an ordinance approving a certain contract granting to the Vandalia Railroad Company the right to lay and maintain additional tracks across Belmont avenue, in the City of Indianapolis, Indiana," is referred to you for your consideration and action thereon.

Yours respectfully,

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

At 8:10 o'clock p. m. Mr. Hamlet entered the Council Chamber and took his seat.

REPORTS FROM STANDING COMMITTEES.

From Committee on Fees and Salaries:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Fees and Salaries, to which was

referred General Ordinance No. 144, 1906, entitled, "an ordinance fixing the number of employees and compensations of such employees of the City of Indianapolis, Indiana, in the Department of Public Parks in said city," beg leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

CHAS. G. DAVIS,
E. J. STICKELMAN.
JOHN L. DONAVON.

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

From Ordinance Committee:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinance, to whom was referred Special Ordinance No. 8, 1906, beg leave to report that we have had said ordinance under consideration and would recommend that same be amended by striking out all of paragraphs 14 and 15 in Section 1. Also by striking out all of paragraph 37 and inserting in lieu thereof "That the name of Dunlop street be changed to Parkway avenue." Also by striking out all of paragraph 38 and inserting in lieu thereof "That the name of Nebraska street be changed to Terrace avenue." With these amendments your Committee would recommend that said ordinance do pass.

Respectfully submitted,

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

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

From Ordinance Committee:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinance, to whom was referred

Special Ordinance No. 9, 1906, being an ordinance annexing certain territory to the City of Indianapolis, beg leave to report that we have had said ordinance under consideration, and would recommend that said ordinance do pass.

Respectfully submitted,

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

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

From Ordinance Committee:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinance, to whom was referred General Ordinance No. 142, 1906, being an ordinance to amend Section 1 of an ordinance, entitled, "an ordinance establishing and declaring certain parts of Capitol avenue to be a boulevard," etc., beg leave to report that we have had said ordinance under consideration and would recommend that said ordinance do pass.

Respectfully submitted,

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

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

From Committee on Public Property and Improvements:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Public Property and Improvements,

to which was referred General Ordinance No. 139, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Illinois street, from the north property line of the first alley south of Pratt street to south property line of Pratt street, with brick roadway," begs leave to report that it has had the same under consideration and recommends that the same do pass.

Respectfully submitted,

B. A. BROWN.

HARRY E. ROYSE.

JOHN L. DONAVON.

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

From Committee on Public Property and Improvements :

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Public Property and Improvements, to which was referred General Ordinance No. 140, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Alabama street, from the north property line of Sixteenth street to the south property line of Nineteenth street with brick roadway," begs leave to report that it has had the same under consideration and recommends that the same do pass.

Respectfully submitted,

B. A. BROWN.

HARRY E. ROYSE.

JOHN L. DONAVON.

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

From the Committee on Sewers, Streets and Alleys :

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to

which was referred General Ordinance No. 126, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Adams street, from south property line of Twenty-fifth street to north property line Roosevelt avenue, with curbing roadway," beg leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

CHAS. G. DAVIS.

H. C. SMITHER.

CHAS. L. HARTMANN.

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 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. 136, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-first street, from the east property line of Central avenue to the Lake Erie & Western Railroad tracks, with bitulithic pavement, brick gutters," beg leave to report that we have had the same under consideration, and recommend that said ordinance do not pass.

Respectfully submitted,

CHAS. G. DAVIS.

H. C. SMITHER,

ALBERT E. UHL.

CHAS. L. HARTMANN.

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to

which was referred General Ordinance No. 127, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve first alley north of St. Clair street, from the west property line Pennsylvania street to the east property line Illinois street, with brick roadway," beg leave to report that we have had the same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

CHAS. G. DAVIS.
H. C. SMITHER,
CHAS. L. HARTMANN.

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 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. 137, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-fourth street, from east property line of Capitol avenue to the west property line of Illinois street, with Warren's Patent Bithulithic pavement, curb and brick gutters," beg leave to report that we have had the same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

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

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to

which was referred General Ordinance No. 125, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Peck street (first alley east New Jersey street), from north property line of Sixteenth street to the south property line of Nineteenth street, except crossing of Seventeenth street, with brick roadway," beg leave to report that we have had the same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

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

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to which was referred General Ordinance No. 122, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Alabama street, from north property line of Thirteenth street to the south property line of Sixteenth street, with brick roadway," beg leave to report that we have had the same under consideration, and recommend that said ordinance do not pass.

Respectfully submitted,

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

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

From the Committee on Sewers, Streets and Alleys :

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to which was referred General Ordinance No. 129, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve first alley north of St. Clair street, from west property line of Delaware street to east property line of Pennsylvania street, with brick roadway," beg leave to report that we have had the same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

CHAS. G. DAVIS.

H. C. SMITHER.

ALBERT E. UHL.

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

From the Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., December 3, 1906.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Streets, Alleys and Sewers, to which was referred General Ordinance No. 124, 1906, entitled, "an ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Tenth street, from east curb line Keystone avenue to west curb line Rural street, with brick," beg leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

CHAS. G. DAVIS.

H. C. SMITHER.

CHAS. L. HARTMANN.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 33—1906: An ordinance appropriating the sum of four hundred and forty-six dollars and sixty-nine cents (\$446.69) to be used in payment for services rendered by John W. Coons in causing certain omitted taxes to be entered upon the tax duplicate and paid to the City of Indianapolis.

WHEREAS, Heretofore on or about the 10th day of August, 1906, the City of Indianapolis, by and through its Board of Public Works, entered into a certain contract with John W. Coons, whereby said Coons agreed to discover, adjust, make out and cause to be properly placed upon the tax duplicate of the City of Indianapolis for collection all taxes due said city upon omitted property of certain railroad corporations according to the law governing collection of taxes, all to be done without expense to said city; and whereby the city employed said Coons for said purpose and agreed to pay him in consideration for said services a sum equal to one-third ($\frac{1}{3}$) of the taxes so collected and paid into the City Treasury;

AND WHEREAS, Under and pursuant to said agreement said John W. Coons has caused to be placed upon the tax duplicate of said city, and paid into the treasury of said city, without any expense to the city, the sum of one thousand, three hundred and forty dollars and four cents (\$1,340.04) upon property of said corporations heretofore omitted from taxation; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated the sum of four hundred and forty-six dollars and sixty-nine cents (\$446.69) to be used in payment for services rendered by John W. Coons in causing certain omitted taxes to be discovered, adjusted, placed upon the tax duplicate of the City of Indianapolis, and paid into the City Treasury.

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 the City Controller:

Appropriation Ordinance No. 34—1906: An ordinance appropriating

the sum of \$7,292.00 to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and is hereby, appropriated out of any monies now in the City Treasury, not otherwise appropriated, the sum of seven thousand, two hundred and ninety-two dollars (\$7,292.00) to and for the use of the Department of Finance as follows:

For the payment of interest on \$100,000 City Hospital Improvement Bonds, dated June 1, 1906, and due January 1, 1907, the sum of two thousand and forty-two dollars (\$2,042.00).

For the payment of interest on \$300,000 City Hall Bonds of 1906, dated July 1, 1906, and due January 1, 1907, the sum of five thousand, two hundred and fifty dollars (\$5,250.00).

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 the City Controller:

General Ordinance No. 146—1906: An ordinance providing for the transfer of certain sums to certain sums in and for the use of the Department of Public Safety, and fixing a time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and is hereby, transferred certain sums from appropriations heretofore made to certain sums in and for the use of the Department of Public Safety, as follows, to-wit:

The sum of four hundred dollars (\$400.00) from the "Horses Purchase" fund to the "Building and Repairs" fund, and two hundred dollars (\$200.00) from the "Fuel, Gas and Coal" fund to "Incidentals" fund, both being for the use of the Police Department.

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

Which was read a first time.

Mr. Rhodes moved that the rules be suspended and General Ordinance No. 146, 1906, be placed upon its passage. Carried.

Mr. Rhodes called for General Ordinance No. 146, 1906, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 146, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 146, 1906, was read a third time and passed by the following vote:

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

Noes, none.

By Board of Public Works:

General Ordinance No. 147—1906: An ordinance approving a certain contract granting to Pabst Brewing Company the right to lay and maintain a side-track or switch from the track of the old P. & E. Railway main track across the first alley north of Market street to property of Pabst Brewing Company, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, *heretofore, to-wit*: On the 30th day of November, 1906, Pabst Brewing Company filed this petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: We hand you herewith blue print showing proposed extension and plan of the proposed switch off of the main track of the old P. & E. Railway Company running south and crossing the first alley north of Market street, just east of the present railroad tracks crossing said alley and entering upon the property belonging to the Pabst Brewing Company.

Now, Therefore, This agreement, made and entered into this 30th day of November, 1906, by and between Pabst Brewing Company of the City

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

Witnesseth: That the party of the first part, being desirous of securing a right-of-way for a side-track or switch from the main track of P. & E. Railroad Company crossing the first alley north of Market street to and on the property belonging to the Pabst Brewing Company, in the City of Indianapolis, which is more specifically described as follows:

Beginning at main track P. & E. railroad and running south across alley and onto our property, being a whole length from said main track and onto our property of two hundred and forty-nine (249) feet.

The location of crossing of the said alley is more particularly described as follows, to-wit:

Beginning at a point in the south line of the first alley north of Market street, the said point being 48 feet east of the east line of Fulton street, thence in a northeasterly direction in a curve line to a point in the north line of the first alley north of Market street, the said point being 53 feet east of the east line of Fulton street, 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 said alley shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

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

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove the same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

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

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

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across 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 thirtieth day of November, 1906.

PABST BREWING COMPANY,
H. J. Stark, Secretary,
Party of the first part.

Witness:

H. C. GOETZ.

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. 148—1906: An ordinance approving a certain contract granting to the Vandalia Railroad Company the right to lay and maintain additional tracks across Belmont avenue in the City of Indianapolis, Indiana.

WHEREAS, The City of Indianapolis, State of Indiana, by and through its Board of Public Works, and the Vandalia Railroad Company, a consolidated corporation under the laws of the States of Indiana and Illinois, have entered into the following agreement, to-wit:

THIS INDENTURE, Made and entered into by and between the City of Indianapolis, in the State of Indiana, and the Vandalia Railroad Company, a consolidated corporation under the laws of the States of Indiana and Illinois, *Witnesseth*:

1. The City of Indianapolis, by its Board of Public Works, in consideration of the covenants and agreements hereinafter set forth to be by the Vandalia Railroad Company kept and performed, and subject to the terms and conditions hereinafter specified, hereby grants to said Vandalia Railroad Company the right and privilege of constructing, maintaining and operating across Belmont avenue, in the City of Indianapolis, the twelve (12) tracks shown in red upon the blue print hereto attached as an exhibit marked "A" and made part hereof.

2. In consideration of the premises, said Vandalia Railroad Company hereby covenants and agrees that the rights and privileges above granted shall be exercised and enjoyed in the following manner and upon the following terms and conditions, to-wit:

Said tracks shall be constructed at the present grade of Belmont avenue, under the supervision and to the satisfaction and approval of the Board of Public Works of the City of Indianapolis, and shall be so constructed and as long as Belmont avenue continues to be a public street at the crossing of said tracks, shall be so maintained as to be safe for the passage of persons on foot, in vehicles, or otherwise, and shall be kept in repair and free from obstructions or defects of any kind. For the purpose of making said tracks safe, they shall at all times be subject to the order of said Board of Public Works, and when ordered in writing by said Board, they shall be raised or lowered to conform to any grade of Belmont avenue which may from time to time be established. No car or cars shall be permitted to obstruct the crossing on Belmont avenue of said tracks, or to be thereon, except for such time as may be absolutely necessary in being moved back and forth on said tracks, and cars shall at no time be stopped and detained on any of said tracks in such manner as to obstruct travel on Belmont avenue. The space between said tracks on Belmont avenue shall be planked or paved to the entire satisfaction of said Board of Public Works, and in case said crossings, or any of them get out of repair, or need reconstruction, or become in any way defective, of which fact said Board of Public Works shall be the exclusive judge, it shall be the duty of the Vandalia Railroad Company to promptly repair the same, failing in which, after notification in writing of ten (10) days, said Board of Public Works shall do, or cause the same to be done at the expense of said Vandalia Railroad Company, and for such expense and cost said railroad company shall be liable.

3. Said Vandalia Railroad Company hereby binds itself to hold the City of Indianapolis harmless against any and all claims for damages growing out of the construction, maintenance or use of said tracks across Belmont

avenue, and to pay any judgments with costs that may on that account be rendered against said city or said Board of Public Works.

4. Any violation of any of the provisions of this indenture by the Vandalia Railroad Company, or by any one for it, at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the rights and privileges granted by this indenture, and upon such violation the Board of Public Works of said City of Indianapolis may cause said tracks to be removed at once, and the fact of such violation shall constitute a full defense to any action to prevent such removal, or to recover damages therefor.

5. Should the City of Indianapolis at any time, pursuant to the authority conferred upon it by law, order the separation of grades at said crossing of Belmont avenue, the Vandalia Railroad Company hereby covenants and agrees that it will either remove the twelve (12) tracks which by the terms of this indenture it is authorized to construct, maintain and operate across Belmont avenue, or will bear the entire cost of the separation of grades, with respect to so many of the said twelve (12) tracks as it may elect to retain.

In Witness Whereof, The parties hereto have caused this indenture to be executed in duplicate, the City of Indianapolis by its Board of Public Works and the Vandalia Railroad Company by its proper officers, with its corporate seal hereunto affixed, all done this 23d day of November, A. D. 1906.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT.

P. C. TRUSLER.

F. J. MACK.

Board of Public Works.

VANDALIA RAILROAD COMPANY,

By B. MCKEEN,

General Manager.

AND, WHEREAS, Said agreement 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 the agreement 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 Mr. Davis:

of "an ordinance providing a uniform system for numbering houses; providing a penalty for the violation thereof, and fixing a time when the same shall take effect," approved January 21, 1897.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Section 2 of the above entitled ordinance be and the same is hereby amended to read as follows:

SEC. 2. The said Board of Public Works shall cause the City Civil Engineer to immediately make the necessary survey and assign to each house located on any street, avenue, alley, or highway in said city, its respective number under the uniform system provided for in Section 1 of this ordinance. When the City Civil Engineer shall have completed said survey and assigned to each house so located, its respective number, it shall be the duty of the owner, occupants and agent of the house or building to which said number shall be assigned, upon five days' written notice from the City Civil Engineer so to do, to provide at their own expense and securely fasten such number in a conspicuous place at the entrance of the said house or building.

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

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

By Mr. Brown:

General Ordinance No. 150—1906: An ordinance to amend Section 1 of an ordinance, entitled, "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. Be it ordained by the Common Council of the City of Indianapolis, That Section 1 of the above entitled ordinance be, and the same is hereby, amended to read as follows:

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, or has been in any manner adulterated, and to so cut, puncture, mutilate, or other-

wise 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 same 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 or adulterant has been used, or otherwise so spoiled as to be unfit for human food.

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

By Mr. Wood :

General Ordinance No. 151—1906: An ordinance authorizing and providing for the employment of Assessment Roll Clerks, and fixing their salaries, repealing all conflicting ordinances and fixing a time that this ordinance shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That there shall be employed a Chief Assessment Roll Clerk, whose salary shall be \$1,500 per annum; one Assistant Assessment Roll Clerk, whose salary shall be \$1,200 per annum; one Assistant Assessment Roll Clerk, whose salary shall be \$1,000 per annum, and not more than eight Assessment Roll Clerks, whose salaries shall be \$75.00 apiece per month.

SEC. 2. That all ordinances or parts of ordinances in conflict herewith are now hereby repealed.

SEC. 3. That 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 Fees and Salaries.

Mr. Cottey, by request :

General Ordinance No. 152—1906: An ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, providing penalties for the violation thereof and repealing all ordinances or parts of ordinances in conflict therewith.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm or corporation

to peddle, barter or sell any goods, wares or merchandise whatsoever by retail in or among the streets or alleys of the City of Indianapolis, traveling from place to place therein, either on foot or with any kind of vehicle, without first having procured and paid for a license so to do, as hereinafter provided.

SEC. 2. Every person who goes from house to house or from one part of the public streets or alleys to another in a vehicle, on foot or with a push cart, offering for sale any goods, wares, merchandise, fruit, candies, poultry, produce or other article, shall be deemed a peddler within the meaning of this ordinance, and the word "peddler" shall include hucksters, "hawkers" and "itinerant dealers" as commonly used, and shall include also any person going about said city on foot or otherwise, taking orders for or selling any kind of goods, wares or merchandise by sample, to be afterward delivered.

SEC. 3. The foregoing provisions shall not be construed so as to apply to any person selling produce of his or her own raising, nor to children under the age of fifteen years who sell fruit, matches or stationery on their own account, nor to persons selling newspapers: *Provided, however,* That nothing herein shall be construed to apply to merchants of this city who take orders for future delivery. *Provided, further,* That nothing herein shall be construed to apply to ex-Union soldiers or sailors as exempted by State law.

SEC. 4. Any person, firm or corporation desiring a license for any of the purposes embraced in this ordinance must pay to the Treasurer of said city the amount of money, as follows: For each peddler using any wagon or vehicle, \$50.00 per year, payable semi-annually. For each helper on such wagon or vehicle, \$30.00 per year, payable semi-annually. For each push cart, \$30.00 per year, payable semi-annually. And for each foot peddler, \$10.00 per year, payable semi-annually. Upon presenting the receipt of the Treasurer of said city for money paid, as above provided, to the City Controller, said City Controller shall issue to such person the proper license therefore: *Provided,* That all such licenses shall date on the first day of January or the first day of July, and no reduction shall be made on account of any portion of the time having run before the actual issuing of said license.

SEC. 5. It shall hereafter be unlawful for any person, firm or corporation obtaining such license to sell or offer to sell any produce or merchandise without having a badge plainly displayed upon his clothing, bearing the words "Licensed Huckster," and the number of his license in figures. Said badges shall be furnished by the City Controller, who shall be entitled to charge therefore not to exceed fifty cents each.

SEC. 6. Any peddlers or hawkers who sell or offer for sale any decayed or unwholesome goods intended for human consumption, or is guilty of any cheat, fraud or deception, or violates any of the provisions of this ordinance, shall be fined in any sum not exceeding \$100 or less than \$10 and each day's violation shall constitute a separate offense: *Provided,* That for a second offense such person shall forfeit his license.

SEC. 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same are, hereby repealed.

SEC. 8. This ordinance shall be in full force and effect from and after its passage and publication in the Indianapolis Sun once each week for two consecutive weeks, as required by law.

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

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 144, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 144, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 144, 1906, was read a third time and passed by the following vote :

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkenne, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Bangs called for Special Ordinance No. 8, 1906, for second reading. It was read a second time.

Mr. Bangs moved that Special Ordinance No. 8, 1906, be amended as recommended by the Committee. Carried.

Mr. Bangs moved that Special Ordinance No. 8, 1906, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Special Ordinance No. 8, 1906, was read a third time and passed by the following vote :

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkenne, Wright and President Frederick W. Eppert.

Noes, none.

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

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

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

Ayes, 18, viz. : Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilken, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Bangs called for General Ordinance No. 142, 1906, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 142, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 142, 1906, was read a third time and passed by the following vote :

Ayes, 18, viz. : Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilken, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Brown called for General Ordinance No. 139, 1906, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 139, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 139, 1906, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon Sullivan, Hilkené, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Brown called for General Ordinance No. 140, 1906, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 140, 1906, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 140, 1906, was read a third time and failed to pass by the following vote:

Ayes, 9, viz.: Messrs. Brown, Rhodes, Bangs, Royse, Donavon, Sullivan, Hilkené, Wright and President Frederick W. Eppert.

Noes, 9, viz.: Messrs. Cottey, Hamlet, Wood, Davis, Smither, Uhl, Stickelman, Hartmann and Portteus.

Mr. Davis called for General Ordinance No. 126, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 126, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 126, 1906, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkené, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Davis called for General Ordinance No. 124, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 124, 1906, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 124, 1906, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royses, Donavon, Sullivan, Hilken, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Davis called for General Ordinance No. 129, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 129, 1906, be stricken from the files. Carried.

Mr. Davis called for General Ordinance No. 122, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 122, 1906, be stricken from the files. Carried.

Mr. Davis called for General Ordinance No. 125, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 125, 1906, be stricken from the files. Carried.

Mr. Davis called for General Ordinance No. 137, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 137, 1906, be stricken from the files. Carried.

Mr. Davis called for General Ordinance No. 127, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 127, 1906, be stricken from the files. Carried.

Mr. Davis called for General Ordinance No. 136, 1906, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 136, 1906, be stricken from the files. Carried.

At this time President Eppert surrendered his chair to Mr. Hamlet, who will be absent from the council on four months' leave of absence.

On motion of Mr. Bangs, the Common Council, at 9:30 o'clock P. M., adjourned.

Fred W. Eppert
.....
President.

ATTEST:

James M. Nulty
.....
City Clerk.