

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, June 15, 1908

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 15, 1908, at 7:30 o'clock, in regular session, President William J. Neukom in the chair.

Present: The Hon. William J. Neukom, President of the Common Council, and 20 members, viz: Messrs. Brown, Cottey Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 4, 1908.

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

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

General Ordinance No. 29, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Davidson Street, from the north property line of

Washington Street to the south property line of St. Clair Street, with brick roadway and stone curbing."

General Ordinance No. 41, 1908, being "An ordinance to amend Section 180 of an ordinance entitled 'An ordinance providing for all matters concerning, affecting, or relating to the construction, alteration, repair or removal of buildings, structures and appurtenances thereof erected, or to be erected in the City of Indianapolis, Indiana,' approved June 6, 1904.

General Ordinance No. 43, 1908, being "An ordinance requiring the Cleveland, Cincinnati, Chicago & St. Louis R. R. Co., whose tracks cross Rural Street in the City of Indianapolis, to place a flagman at said crossing as hereinafter specified for the protection of the public."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 11, 1908.

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

GENTLEMEN: I return herewith with my approval General Ordinance No. 25, 1908, being "An ordinance amending Clause B of section 5 of an ordinance entitled 'An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants, and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict therewith, being General Ordinance No. 32, 1907, approved May 16th, 1907.'"

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

#### REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE.  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: From information received from the Law Department and at the solicitation of said department, I recommend that Appropriation Ordinance No. 23, 1908, introduced at a called session of your body

on the evening of June 11th, be amended so as to provide for the appropriation of \$1,500 instead of \$1,000, and when so amended be passed.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

From City Controller:

DEPARTMENT OF FINANCE.  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: I herewith submit a communication from the Department of Public Works asking for an appropriation of the sum of \$2,000 for the maintenance of a city bath house.

I submit herewith an ordinance providing for the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., May 6, 1908.

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

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$2,000 for the maintenance of a city bath house.

Yours respectfully,

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

From City Controller:

DEPARTMENT OF FINANCE.  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: I herewith submit a communication from the Department of Public Works requesting an appropriation of \$2,938.82, with which to pay a claim of the Marion County Construction Company for paving the road-way of Ohio Street along the Federal Building.

I herewith submit an ordinance making the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 10, 1908.

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

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sums of \$2938.82 to pay the claim of the Marion County Construction Company for paving the roadway of Ohio Street along the Government property. If this appropriation is made, and the amount paid to said company, the Government will then be requested to reimburse the city.

Yours respectfully,

JOSEPH T. ELLIOTT,  
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., June 5, 1908.

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

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached switch ordinance, granting to E. C. Atkins & Company the right to lay and maintain a side-track or switch on, over and across South Capitol Avenue and the first alley east of South Capitol Avenue.

Yours respectfully,

F. J. NOLL, JR.,  
*Clerk Board of Public Works.*

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached ordinance, being an ordinance ratifying, confirming and approving the certain contract and agreement made and entered into on the 12th day of June, 1908, between the Indiana Clean Street Company and the City of Indianapolis, by and through its Board of Public Works, for the erection and maintenance at convenient and suitable places upon the streets, alleys and public places, of suitable boxes for the collection, casting and temporary deposit therein of waste paper and other articles of litter, and to provide and arrange for the cleaning and keeping

clean of such boxes and the removal and disposition of such waste paper and litter, and fixing a time when the same shall take effect.

Yours respectfully,

F. J. NOLL, JR.,  
Clerk Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 15, 1908.

To the President and Members of the Common Council, City:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the enclosed ordinances authorizing and empowering the Board of Public Works to proceed with the following described improvements:

Arsenal Avenue (west side), from the north property line of Washington to the south curb line of Market Streets, with cement walks, as provided for by I. R. No. 5576;

Twenty-Fourth Street, from east property line of Capitol Avenue to the west property line of Illinois Street, with asphalt roadway, brick gutters and curb, as provided for by I. R. No. 5593.

Yours respectfully,

F. J. NOLL, JR.,  
Clerk Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1908.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: Your Finance Committee to which was referred Appropriation Ordinance No. 22, entitled "An ordinance providing for the appropriation of \$10,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect" begs leave to report that we have had the same under consideration and recommend that said ordinance do pass,

Respectfully submitted,

HARRY E. ROYSE,  
H. C. SMITHER,  
W. A. RHODES,  
W. O. BANGS,  
J. L. DONAVON,  
FAY WRIGHT,  
B. A. BROWN.

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



## From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: Your Finance Committee to which was referred Appropriation Ordinance No. 19, 1908, entitled "An ordinance providing for the appropriation of the sum of \$17,500.00 to and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect," begs leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

HARRY E. ROYSE,  
H. C. SMITHER,  
W. O. BANGS,  
W. A. RHODES,  
J. L. DONAVON,  
FAY WRIGHT,  
B. A. BROWN.

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

## From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: Your Finance Committee to which was referred Appropriation Ordinance No. 23, entitled "An ordinance remitting certain city taxes for the year 1907 and directing the re-payment of a portion thereof collected under a disputed assessment and asking an appropriation of one thousand dollars therefor," begs leave to report that we have had the same under consideration and recommend that said ordinance be amended by striking out of section 2 thereof the words and figures following, to-wit "one thousand (\$1,000.00) dollars" and inserting in lieu thereof the words and figures "one thousand five hundred dollars (\$1,500.00)," and as so amended your committee recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE,  
W. A. RHODES,  
H. C. SMITHER,  
J. L. DONAVON,  
FAY WRIGHT,  
W. O. BANGS,  
B. A. BROWN.

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

## From the Committee on Ordinances:

INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: Your Committee on Ordinances to which was referred General Ordinance No. 52, 1908, entitled, "An ordinance prohibiting the manufacture and storage of certain explosives and inflammable products within the corporate limits of the City of Indianapolis, Indiana, prescribing a penalty for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith," begs leave to report that it has had the same under consideration and we herewith submit a substitute ordinance and recommend that the same do pass.

E. J. STICKELMAN,  
JAS. F. SULLIVAN,  
OTTO HOFMANN.

General Ordinance No. — 1908: An ordinance prohibiting the manufacture and storage of certain explosive and inflammable products within the corporate limits of the City of Indianapolis, Indiana, prescribing a penalty for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person, firm or corporation, to construct, maintain or operate any building, structure or appurtenance thereto for the manufacture or compression of any gas from calcium carbide, or to manufacture or compress such gas, or to store the same in any tank or other storage reservoir or receptacle having a cubical capacity greater than one cubic foot, within the corporate limits of the City of Indianapolis, Indiana. Nor shall any person, firm or corporation accumulate or store at any one time within said corporate limits, in excess of fifty (50) of such tanks, reservoirs or receptacles containing said gas, in or upon any lot or building or structure located thereon, as numbered and designated upon any recorded plat of said city, or upon any one acre of unplatted land within the corporate limits of said city.

SEC. 2. The maintenance or operation of any building, structure or appurtenance thereto, or the manufacture, compression or storage of gas in violation of the provisions of Section 1 of this ordinance, are hereby declared to be a nuisance.

SEC. 3. Any person, firm or corporation violating the provisions of this ordinance shall be subject to a fine of not less than \$10.00 nor more than \$50.00 for each day's violation thereof.

SEC. 4. All ordinances and parts of ordinances in conflict herewith shall be, and the same are hereby repealed.

SEC. 5. This ordinance shall be effective from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, of Indianapolis, Indiana.

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

From the Committee on Permanent Improvements:

INDIANAPOLIS, June 1, 1908.

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

GENTLEMEN: Your Committee to whom was referred General Ordinance No. 48—1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Ind., to improve Sixteenth Street from the C. C. C. & St. L. Ry. to the east property line of Northwestern avenue with brick roadway and curb," have had the same under consideration and would recommend that it do pass.

Yours respectfully,

W. A. RHODES,  
FRED W. EPPERT,  
J. H. HAMLET,  
JAS F. SULLIVAN,

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

From the Committee on Railroads:

INDIANAPOLIS, IND., June 15, 1908.

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

GENTLEMEN: Your committee to whom was referred General Ordinance No. 47, 1908, being an ordinance to improve Catterson Street from the north property line of Sixteenth Street, to the south property line of Twenty-First, with brick roadway, beg leave to report that they have had same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

JOHN F. WOOD,  
W. O. BANGS,  
JACOB H. HILKENE,  
B. A. BROWN,  
FRED W. EPPERT.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 24—1908: An ordinance appropriating the sum of \$2,938.82 in favor of the Marion County Construction Company.

WHEREAS, Ohio Street was improved by widening and resurfacing the roadway with asphalt, between Delaware Street and Capitol Avenue,



under Improvement Resolution No. 62 of 1904, under contract with the Marion County Construction Company; and

WHEREAS, The pro rata assessment therefor, made against the U. S. Post Office property, as shown by assessment roll recorded in Book 5, at page 154 in the office of the Bureau of Assessment, amounts to the sum of \$2,938.82; and

WHEREAS, The Government of the United States, under a policy recently adopted by it, will not deal directly with the contractor in such cases, but requires the city governments to first pass upon the validity and justice of such claims, by paying the same and then presenting assignments thereof to it for reimbursement; and

WHEREAS, The contractor in this case has not received any part of said assessment due to it, and must therefore look to the City of Indianapolis for its money, in the first instance; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That there be, and is hereby appropriated, out of any money in the city treasury, not otherwise appropriated, the sum of two thousand nine hundred and thirty-eight dollars and eighty-two cents (\$2,938.82) in favor of the Marion County Construction Company, with which to pay said company the amount of the assessment made by the Board of Public Works of said city, on the 25th day of November, 1904, on account of the pro rata part of the improvement of Ohio Street between Meridian and Pennsylvania Streets, with asphalt, the same being that part of the principal of the total assessment for improving said Ohio Street, under Improvement Resolution No. 62 of 1904, which was levied against said Post Office property, as shown by Assessment Record 5, at page 154.

SEC. 2. Before the Comptroller shall draw his warrant for said sum of \$2,938.82, or any part thereof, he shall require said Marion County Construction Company to duly assign, in writing, properly acknowledged, all of its right, title and interest in and to said assessment, for which said money hereby appropriated is paid, to the City of Indianapolis, upon which to base its claim against the Government for reimbursement.

SEC. 3. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

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

By City Controller:

Appropriation Ordinance No. 25—1908: An ordinance providing for the appropriation of \$2,000.00 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 two thousand \$2,000.00 dollars be, and the same is hereby, appropriated to and for the use of the Department of Public Works, to be used by said department (or so much thereof as may be necessary) in the maintenance of a city bath house.

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.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

##### By Board of Public Works:

General Ordinance No. 53—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-Fourth Street from the east property line of Capitol Avenue to west property line of Illinois Street, with asphalt roadway, brick gutters and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 22d day of May, 1908, adopt Improvement Resolution No. 5593, 1908, for the improvement of Twenty-Fourth Street, from the east property line of Capitol Avenue to the west property line of Illinois Street, with asphalt roadway, brick gutters and curbing, and

WHEREAS, The said Board of Public Works did at the same time fix the 8th day of June, 1908, 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 23d day of May, 1908, and the 30th day of May, 1908, 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 8th day of June, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 8th day of June, 1908, a written remonstrance was filed with the Board against the said improvement of Twenty-Fourth Street, and the same was referred to the city civil engineer for investigation and report; and

WHEREAS, On the 12th day of June, 1908, 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 12th day of June, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with the request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Twenty-Fourth Street from the east property line of Capitol Avenue, to the

west property line of Illinois Street, with asphalt roadway, brick gutters and curbing, in accordance with Improvement Resolution No. 5593, 1908, adopted by the Board of Public Works on the 22d day of May, 1908.

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. 54—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Arsenal Avenue (west side), from the north property line of Washington Street, to the south curb line of Market street, with cement walks.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 4th day of May, 1908, adopt Improvement Resolution No. 5576, 1908, for the improvement of Arsenal Avenue (west side), from the north property line of Washington Street, to the south curb line of Market Street, with cement walks, and

WHEREAS, The said Board of Public Works did at the same time fix the 20th day of May, 1908, 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 May, 1908, and the 12th day of May, 1908, 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 May, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 29th day of May, 1908, a written remonstrance was filed with the Board against the said improvement of Arsenal Avenue (west side), and the same was referred to the city civil engineer for investigation and report; and

WHEREAS, On the 8th day of June, 1908, 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 8th day of June, 1908, 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 Arsenal Avenue (west side), from the north property line of Washington Street, to the south curb line of Market Street, with cement walks, in accordance with Improvement Resolution No. 5576, 1908, adopted by the Board of Public Works, on the 4th day of May, 1908.

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

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

**By Board of Public Works:**

General Ordinance No. 55—1908: An ordinance ratifying, confirming and approving the certain contract and agreement made and entered into on the 12th day of June, 1908, between the Indiana Clean Street Company and the City of Indianapolis, by and through its Board of Public Works, for the erection and maintenance at convenient and suitable places upon the streets, alleys and public places, of suitable boxes for the collection, casting and temporary deposit therein of waste paper and other articles of litter, and to provide and arrange for the cleaning and keeping clean of such boxes and the removal and disposition of such waste paper and litter, and fixing a time when the same shall take effect.

WHEREAS, Heretofore, to-wit, on the 12th day of June, 1908, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indiana Clean Street Company, to-wit:

This agreement made and entered into this 12th day of June, 1908, by and between the Indiana Clean Street Company, successors to the Indianapolis Clean Street Company, party of the first part, and the City of Indianapolis, Marion County, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of the powers conferred upon it by the act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and all acts amendatory and supplemental thereto, Witnesseth:

That the said party of the first part, in consideration of the agreements, provisions and considerations hereinafter mentioned and stated, hereby covenants and agrees that it, its successors and assigns, will, as hereinafter specified for and during the full term of twelve years from and after the execution of this contract, erect, renew and maintain suitable boxes or receptacles, which said boxes or receptacles shall be and remain the property of the party of the first part and shall be not less than three feet six inches in length, twenty inches in width, and fifteen inches in depth, for the collection of waste paper and other litter upon the streets and public places of said city, not including, however, ashes, garbage, manure or animal or vegetable matter. Said boxes or receptacles shall be not more than four feet, six inches in length, two feet two inches in width and twenty-one inches in depth, unless approved by the said Board of Public Works. Said boxes or receptacles shall be constructed of some permanent material, consisting of either iron, galvanized iron, tin or other substance, which makes a tight, convenient box or receptacle. Said boxes or receptacles may be fastened and placed by said party of the first part, its successors and assigns upon any sidewalk, curbing street or alley crossings or inter-



sections, or other spot controlled by and situated in said city of Indianapolis.

And the party of the first part binds itself, its successors and assigns to collect from and empty said boxes or receptacles as often as may be necessary to prevent them from becoming overloaded and it further agrees to maintain the said boxes or receptacles in a cleanly condition for the purposes for which they are or shall be erected, and for failure so to do the Board of Public Works on ten days' written notice shall have the right to order the removal of such box or boxes as shall not be cleaned or repaired as per notice given.

It is mutually covenanted and agreed that the said party of the first part, its successors and assigns shall have the right to erect and maintain for the period aforesaid, twelve years, one or more of said boxes or receptacles at any or all streets and alley intersections and such other suitable places within said City of Indianapolis as are approved by the Board of Public Works as are necessary or proper to receive and to prevent casting or leaving upon the streets and public places of said city of waste paper or other litter, excepting garbage, ashes, manure and animal or vegetable refuse or matter.

It is further mutually covenanted and agreed that the said party of the first part, its successors and assigns shall erect not less than fifty of said boxes or receptacles before January 1st, 1909, and shall have erected within one year from the execution hereof not less than one hundred all told, of said boxes or receptacles. And it may from time to time during the existence of this contract construct, erect and maintain as many more of said boxes or receptacles at all suitable places in said city as it or its successors and assigns shall desire to erect in order to prevent the casting upon the streets, alleys and other public places waste paper and other litter: Provided, however, that said party of the first part shall not be required to have and maintain in said city at one time more than three hundred of said boxes or receptacles.

It is further mutually covenanted and agreed that the said party of the first part, its successors and assigns shall provide at its or their expense, without cost to said City of Indianapolis, suitable vehicles, drivers and collectors for the collection and disposal of all waste material in said boxes or receptacles.

It is further mutually covenanted and agreed that said party of the first part, its successors, and assigns shall own and possess all such waste paper, litter and other materials so collected from said boxes or receptacles for and during the life of this contract, and that said party of the first part, its successors and assigns, shall destroy or dispose of said waste paper or other litter so collected without expense or cost to said City of Indianapolis.

It is further covenanted and agreed that there shall be placed by said party of the first part, its successors or assigns, in a conspicuous place on each box or receptacle put in place in said city, a sign reading as follows: "City Waste Box" and also the number of the same; the letters and figures of said sign, in no instance, however, shall be less than two inches in length.

It is further agreed by and between the parties hereto that in consideration of the agreement herein for the erection, maintenance, cleaning, and collecting from said boxes or receptacles by said party of the first part, and other considerations herein mentioned, the said party of the first part, its successors and assigns shall have the sole exclusive right for and during the term of this contract, to utilize and employ any space (excepting that used for the sign, "City Waste Box" and the number aforesaid) upon said boxes or receptacles so erected for advertising purposes, and the said party of the first part, successors and



assigns is hereby authorized, empowered and given the exclusive right during the life of this contract, to contract for and publish advertising upon said boxes or receptacles for its or their sole benefit, and to collect for its or their sole use the proceeds of such advertising excepting so much as shall be paid to the City of Indianapolis under this contract. It is understood and agreed, however, that no advertising shall appear upon said boxes or receptacles which is of an immoral or disreputable character, and if any such advertising should be placed on such boxes, the Board of Public Works shall have the power to order the removal of same forthwith, and for failure so to do this contract to be subject to forfeiture at the discretion of the Board of Public Works.

It is further mutually covenanted and agreed, in consideration of the granting of said contract by said city and the acceptance thereof by the said party of the first part and other good considerations herein expressed, that the said party of the first part, its successors and assigns will on January 1, 1909, and annually thereafter, submit statements of gross receipts and expenditures to the Comptroller of the said city, and on January 1, 1909, and annually thereafter during the life of this contract pay to the City of Indianapolis, for the privilege of erecting and maintaining said boxes and receptacles twenty-five per cent. of the gross receipts derived from said advertising on the said boxes and the sale of the contents thereof.

The said city may, at its option, by making a written demand upon said party of the first part, ten days from the tenth day of January in each year during the life of this contract, examine the books of account, touching said advertising of the party of the first part in order to verify the correctness of the statements herein mentioned as to the amount which shall or may be due the said City of Indianapolis.

It is further mutually covenanted and agreed by and between the parties hereto that if the party of the first part in the use of said boxes for advertising purposes should use advertising matter printed on paper, that in that event such advertising matter should at all times be kept in a neat condition and if such advertising matter when pasted on said boxes shall become loose, then such loose paper shall immediately be cleaned off of said boxes, provided, however, that no competitive advertisement shall be maintained within twenty-five feet of the entrance of any merchant after written objection shall be filed with the Board of Public Works by such merchant to such advertisement. Said party of the first part further agrees to give bond in the sum of ten thousand dollars, from year to year, during the said period of twelve years, conditioned for the faithful performance of this contract, with surety to the approval of said Board and that upon failure so to do this contract may be cancelled by such Board.

It is further understood and agreed by and between the parties hereto that on and after the date of this contract and the ratification thereof by the Common Council of the City of Indianapolis that this contract and agreement shall supersede the now existing contract between the said City of Indianapolis and the Indiana Clean Street Company (formerly the Indianapolis Clean Street Company) entered into on the 13th day of June, 1900, and duly approved by the Common Council of the City of Indianapolis, July 23, 1900.

It is further agreed that the location of all boxes heretofore maintained by the party of the first part under its former franchise are hereby approved.

To each and all of the terms, provisions and conditions of this contract, the Indiana Clean Street Company, party of the first part, and the City of Indianapolis, party of the second part, by and through its

Board of Public Works, do fully agree and bind themselves, their successors and assigns.

In Testimony Whereof, The parties hereunto have set their hands and seals, in duplicate, this 12th day of June, 1908.

INDIANA CLEAN STREET CO.

HARRY E. COHEN,

*Vice President.*

[SEAL]

Attest:

BERNE B. COHEN, *Secretary.*

JOSEPH T. ELLIOTT,

P. C. TRUSLER,

F. J. MACK,

*Board of Public Works.*

CITY OF INDIANAPOLIS.

C. A. BOOKWALTER, *Mayor.*

And whereas, said contract and agreement has been submitted by said Board of Public Works of the City of Indianapolis to the Common Council of said city for its action thereon; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the foregoing contract and agreement, made and entered into on the 12th day of June, 1908, by the Indiana Clean Street Company and the City of Indianapolis, by and through its Board of Public Works, be and the same is hereby in all things ratified, confirmed and approved.

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 Contracts and Franchises.

### By Board of Public Works:

General Ordinance No. 56—1908: An ordinance approving a certain contract granting E. C. Atkins & Company the right to lay and maintain a sidetrack or switch from, on, over and across South Capitol Avenue and the first alley east of South Capitol Avenue, more fully set out and described in the within petition and according to blue print attached, in the city of Indianapolis, Indiana.

WHEREAS, Heretofore, towit, on the 12th day of June, 1908, E. C. Atkins & Company, by its president, filed its 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 petition your honorable board to grant us the right to lay and maintain a side track or switch on, over and across South Capitol Avenue and on, over and across the first alley east of South Capitol Avenue more fully described and set out as follows:

From a point beginning at a point in the center line of the railroad tracks now located in South Capitol Avenue three hundred and eighteen (318) feet south of the south property line of Henry Street, then extending on, over and across the east side of said Capitol Avenue in a northeasterly direction on a curved line curving to the right with a

radius of one hundred and sixty feet, to the east property line of said Capitol Avenue, crossing said east property line of said Capitol Avenue at a point one hundred and eighty-eight (188) feet south of the south property line of Henry Street. Also, on, over and across the first alley east of South Capitol Avenue in a northeasterly direction crossing said alley as aforesaid at a point on the west side of said property line of said alley, one hundred and thirty (130) feet south of the south property line of said Henry Street and on the east side of said property line of said alley, one hundred and twenty-two (122) feet south of the south property line of said Henry Street, said crossing being at an angle of approximately sixty (60) degrees.

Also on, over and across the west side of South Capitol Avenue beginning at a point in the center line of the railroad tracks now located in South Capitol Avenue at a point one hundred and sixty (160) feet south of the south property line of South Street, extending on, over and across the west side of said South Capitol Avenue in a southwest-erly direction on a curved line, curving to the right with a radius of one hundred (100) feet to the west property line on said South Capitol Avenue crossing said property line on said South Capitol Avenue at a point one hundred and eighteen (118) feet north of the north property line of said Henry Street. The blue prints hereto attached are hereby made a part of this description.

E. C. ATKINS & COMPANY,  
H. C. Atkins, President.

Now, Therefore, This agreement, made and entered into this 12th day of June, 1908, by and between E. C. Atkins & Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from, on, over and across South Capitol Avenue and on, over and across the first alley east of South Capitol Avenue in the City of Indianapolis, which is more specifically described as fully set out in the above petition, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authorities 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 rise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in nowise become a trespasser.

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

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims of 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 sidetrack 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 12th day of June, 1908.

E. C. ATKINS AND COMPANY.  
By H. C. Atkins, President.  
Party of the First Part.

CITY OF INDIANAPOLIS,  
By

JOSEPH T. ELLIOTT,  
*President.*

P. C. TRUSLER,

F. J. MACK,

*Board of Public Works.*  
Party of the Second Part.

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

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.



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

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

By Mr. Portteus:

Special Ordinance No. 7—1908: An ordinance changing the names of certain streets in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that names of certain streets in the City of Indianapolis are hereby changed as follows:

Rupp Street, between Rural Street and Oxford Street, changed to Vermont Street.

Stanley Street, between Rural Street and Oxford Street, changed to Robson 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 Committee on Ordinances.

#### MISCELLANEOUS BUSINESS.

Mr. Royle moved that the Rules Committee be instructed to bring in an amendment to the Rules as follows: "That no Ordinance after being killed in the Council can be brought before that body for six months of the same nature."

#### ORDINANCES ON SECOND READING.

Mr. Royle called for Appropriation Ordinance No. 22, 1908, for second reading. It was read a second time.

Mr. Royle moved that Appropriation Ordinance No. 22, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.



Appropriation Ordinance No. 22, 1908, was read a third time and passed by the following vote: .

Ayes, 20, viz.: Messrs. Brown, Cottey, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 19, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 19, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 19, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 23, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 23, 1908, be amended as recommended by the committee. Carried.

Mr. Royse moved that Appropriation Ordinance No. 23, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 23, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr Stickelman called for General Ordinance No 52, 1908, for second reading. It was read a second time.

Mr Stickelman moved that General Ordinance No 5', 1908, be amended as recommended by the committee. Carried.

Mr. Stickelman moved that General Ordinance No. 52, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 52, 1908, was read a third time and the roll was called as follows:

Ayes, 4: Brown, Cottey, Wood, Davis, when Mr. Eppert was called on to vote for the final passage of General Ordinance No. 52, 1908, raised the point of order that a substitute ordinance could not be voted on as an amendment to the ordinance on passage, but must be voted on as a new ordinance under suspension of the rules, which was sustained by the President.

Mr. Royse raised the point of order that the question ought to have been raised on the report of the committee.

The President ruled Mr. Royse out of order.

Mr. Royse appealed from the decision of the chair, which was sustained by the following vote:

Ayes, 12, viz.: Messrs. Cottey, Hamlet, Wood, Davis, Eppert, Smither, Bangs, Stickelman, Hartmann, Portteus, Donavon and Hofmann.

Noes, 8, viz.: Messrs. Brown, Rhodes, Uhl, Royse, Sullivan, Hilkene, Wright and Henry.

Mr. Hamlet moved that the Council take a recess of ten minutes, and that General Ordinance No. 52, 1908, be referred back to the committee. Carried.

At 9:10 P. M. President Neukom declared a recess.

At 9:23 P. M. President Neukom called the Council to order.

Mr. Rhodes moved that the Council refer back to the report of the Committee on Ordinances. Carried.

Mr. Cottey moved that the former report of the Committee on Ordinances be rejected. Carried.

Mr. Sullivan called for the report of the Committee on Ordinances, which was read.

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

GENTLEMEN: Your Committee on Ordinance to whom was referred General Ordinance No. 52, 1908, entitled "An ordinance prohibiting the manufacture and storage of certain explosive and inflammable products within the corporate limits of the City of Indianapolis, Indiana, prescribing a penalty for the violation thereof and repealing all ordinances and parts of ordinances in conflict therewith," have had the same under consideration and would recommend that it be amended as follows:

In line 11, Section 1, strike out the words and figures "one hundred (100)" and substitute the word and figures "fifty (50)."

Add at the end of Section 1, after the word city, "or upon any one acre of unplatted land within the corporate limits of said city."

Sec. 2 be amended to read as follows:

SEC. 2. The maintenance, or operation of any building, structure, or appurtenance thereto, or the manufacture, compression or storage

of gas, in violation of the provisions of Section 1 of this ordinance, are each hereby declared to be a nuisance.

Renumber Section 2 to read Section 3.

Renumber Section 3 to read Section 4.

Renumber Section 4 to read Section 5, and when so amended we would recommend that the same do pass.

E. J. STICKELMAN,  
JAS. F. SULLIVAN,  
OTTO HOFMANN.

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

Mr. Stickelman called for General Ordinance No. 52, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that General Ordinance No. 52, 1908, be amended as recommended by the committee. Carried.

Mr. Stickelman moved that General Ordinance No. 52, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 52, 1908, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Rhodes called for General Ordinance No. 48, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 48, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 48, 1908, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Brown, Cottey, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Hartmann, Portteus, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 2, viz.: Messrs. Wood and Stickelman.

Mr. Wood called for General Ordinance No. 47, 1908, for second reading. It was read a second time.

Mr. Wood moved that General Ordinance No. 47, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 47, 1908, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Brown, Cottey, Wood, Davis, Eppert, Rhodes, Bangs, Stickelman, Hartmann, Portteus, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 2, viz.: Messrs. Smither and Uhl.

Mr. Portteus asked permission for Mr. Leedy to address the Council, which was refused.

On motion of Mr. Hilkene, the Common Council at 9:40 o'clock P. M., adjourned.

*W. J. Neukom*

President.

ATTEST:

*James M. Nulty*

City Clerk.

