

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, October 5, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 5, 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 Royse moved that the minutes of the last regular and the first special meeting be approved, and the reading thereof be dispensed with. Carried.

Mr. Royse moved that the minutes of the last special meeting be not approved. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., September 22, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 73, 1908, being "An ordinance authorizing and empowering the Board

of Public Works of the City of Indianapolis, Indiana, to improve Washington street (north side) from east center line of Arlington avenue to the east corporation line of the city, with cement walks."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 24, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 65, 1908, being "An ordinance approving a certain contract granting Ballweg & Company the right to lay and maintain a sidetrack or switch from Morris street to within 100 feet of the south line of Ray street according to blue print attached, in the City of Indianapolis, Indiana."

General Ordinance No. 68, 1908, being "An ordinance approving a certain contract granting the Citizens Gas Company, of Indianapolis, Indiana, the right to lay and maintain a sidetrack or switch from C., C., C. & St. L. R. R. across Keystone avenue, according to blue print attached, in the City of Indianapolis, Indiana."

General Ordinance No. 76, 1908, being "An ordinance providing for the transfer of \$400.00 from a certain fund to a certain fund to and for the use of the Department of Public Safety, and fixing the time when the same shall take effect."

Appropriation Ordinance No. 32, 1908, being "An ordinance providing for the appropriation of \$900.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 33, 1908, being "An ordinance providing for the appropriation of \$1,600.00 to and for the use of the Department of Public Safety, and fixing the time when the same shall take effect."

Appropriation Ordinance No. 31, 1908, being "An ordinance providing for the appropriation of \$500.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 29, 1908.

To the President and Members of the Common Council:

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

General Ordinance No. 72, 1908, being "An ordinance authorizing and

empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Parker avenue from the north property line of Tenth street to the south property line of Nowland avenue, with asphalt roadway and brick gutters."

General Ordinance No. 75, 1908, being "An ordinance ordering and directing the levy of an annual tax and fixing the rate of levy, or levies, and taxation for the City of Indianapolis for the year 1909, and fixing a time when the same shall take effect."

General Ordinance No. 77, 1908, being "An ordinance providing for the transfer and re-appropriation of the sum of \$15,000.00, heretofore appropriated to the Department of Public Works, to and for the use of the Department of Public Parks, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., September 30, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval Appropriation Ordinance No. 30, 1908, the same being "An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1909, and ending December 31, 1909, including all outstanding claims and obligations which became due and payable within said period."

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., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works asking for the transfer of \$1,000.00 from the "Sewers Account" to the account known as "Repairs to Permanently Improved Streets, other than asphalt streets."

I herewith submit an ordinance providing for the transfer as requested and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., October 2, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance transferring the sum of one thousand dollars (\$1,000.00) from the sewer accounts fund to the fund for street repair permanently improved.

Respectfully yours,

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

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Safety asking for the following additional appropriations, for the use of the fire department:

For the "Hose Fund" the sum of one thousand and four hundred (\$1,400.00) dollars.

For the "Horse Feed Fund" the sum of two thousand (\$2,000) dollars.

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

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC SAFETY.
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 30, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: The Board of Public Safety, at a meeting held this day, instructed me to request you to please ask the Common Council to make the following appropriations for the Indianapolis Fire Force:

Fourteen hundred dollars (\$1,400.00) for the "Hose Fund."

Two thousand dollars (\$2,000.00) for the "Horse Feed Fund."

The balance in the "Hose Fund" September 30th is \$789.35, and 750 feet of hose has been purchased but not delivered.

Two thousand two hundred feet of hose in thirteen companies has been

condemned as unfit for service; with the 750 feet purchased, this leaves 1,450 feet required to bring the various companies up to the required strength, and will cost \$2,189.00.

The balance in the "Horse Feed Fund" September 30th is \$754.13, and it is found to require oats, hay, corn and straw to the amount of \$2,738.75 to finish the year out. These figures are on prices fixed on a contract that runs from October 1 to December 31, 1908, and some bran will have to be purchased, not included in this contract.

Respectfully yours,

JOHN B. WOOD,
Secretary.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Health and Charities, requesting an appropriation for improving driveways, courts, walks, etc., at the City Hospital.

Believing that this work is a necessary one and that the same should be done this fall, I herewith submit an ordinance providing for the appropriation of \$3,300.00 and respectfully request your early consideration and passage of the same.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 28, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: I have been instructed by the Department of Public Health to ask you to have an ordinance prepared in accordance with the recommendations of enclosed letter from the Superintendent of the City Hospital.

Yours truly,

EUGENE BUEHLER,
Secretary Board of Health.

INDIANAPOLIS CITY HOSPITAL,
OFFICE OF SUPERINTENDENT.
INDIANAPOLIS, IND., September 27, 1908.

Hon. Board of Health and Charities, City:

GENTLEMEN: In reference to the asphalt roadway, courts, brick paving about the engine room and coal sheds, cementing the coal sheds and walks, I have the following estimates.

Roadway, ambulance court, court between the service building and west wing, court between west wing and surgery, as given by Mr. Murray, 1,384 square yards, \$1.15 per square yard, \$1,591.00; 125 square yards of brick gutters for roadway, at \$1.80 per square yard, \$225.00. Brick paving between engine room and coal sheds, and between coal sheds and ten feet on three sides of coal sheds, and brick roadway from west end of engine room to barn, totals 582 square yards, at \$1.80 per square yard, \$1,047.60. Cementing of coal sheds and of five-foot walk from engine room to laundry and five-foot walk from engine room to Hospital, 3,000 square feet of cement, at eleven cents per square foot, \$330.00.

Asphalt	\$1,591 60
Brick paving	1,047 60
Gutters	225 00
Cement work	330 00

Total\$3,194 20

Will you kindly ask Mr. Geo. T. Bruenig, City Controller, to recommend to the Common Council an appropriation for said work, which is of such great necessity for the good of the Hospital.

Respectfully,

J. L. FREELAND,
Superintendent.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Safety requesting an additional appropriation of \$100.00 to be added to the account known as "Current Fund," at the east market. I herewith submit an ordinance providing for the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC SAFETY.
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 30, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: The Board of Public Safety, at a meeting held this date, instructed me to request you to please ask the Common Council to appropriate the sum of one hundred dollars (\$100.00) to the east market "Current Fund."

The balance in this fund September 30th is \$1.24; all supplies such as toilet paper, brooms, mops, soap, etc., are purchased from this fund.

Respectfully yours,

JOHN B. WOOD,
Secretary.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 21, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached switch ordinance granting to the American Can Company the right to lay and maintain a switch from the Belt Railroad across Union street to the said company's plant.

Yours truly,
BOARD OF PUBLIC WORKS,
F. J. Noll, Jr.,
Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed, by the Board of Public Works to forward to your honorable body, for consideration and action thereon, the attached ordinance authorizing and empowering the Board of Public Works to proceed with the improvement of Broadway from Thirteenth to Fifteenth streets, with cement walks.

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., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached ordinance authorizing and empowering the Board of Public Works to proceed with the improvement of Muskingum street, or the first alley west of Illinois street, from the north line Tenth street to the south line Fourteenth street, with brick roadway, as provided for by Improvement Resolution No. 5748

Respectfully yours,
BOARD OF PUBLIC WORKS,
F. J. Noll, Jr.,
Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Contracts and Franchises, to which was referred General Ordinance No. 55, 1908, entitled "An ordinance 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, Indiana," beg leave to report that we have had same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

E. J. STICKELMAN.
 CHAS. L. HARTMANN.
 JOHN F. WOOD.
 JAS. F. SULLIVAN.
 OTTO HOFMANN.
 J. H. HAMLET.
 JACOB H. HILKENE.

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

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Contracts and Franchises, to whom was referred General Ordinance No. 71, 1908, have had same under consideration and would recommend that the same do pass.

Respectfully submitted,

E. J. STICKELMAN.
 CHAS. L. HARTMANN.
 OTTO HOFMANN.
 JACOB H. HILKENE.
 JAS. F. SULLIVAN.
 JOHN F. WOOD.
 J. H. HAMLET.

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 35, 1908, entitled "An ordinance providing for the appropriation of the sum 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 it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
W. A. RHODES.
H. C. SMITHER.
JOHN L. DONAVON.
W. O. BANGS.
FAY WRIGHT.
BENJ. A. BROWN.

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 34, 1908, entitled "An ordinance providing for the appropriation of \$20,000.00 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 it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
W. A. RHODES.
H. C. SMITHER.
JOHN L. DONAVON.
W. O. BANGS.
FAY WRIGHT.
BENJ. A. BROWN.

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 78, 1908, entitled "An ordinance providing for the

transfer of certain fund to certain fund, 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 it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
W. A. RHODES.
H. C. SMITHER.
JOHN L. DONAVON.
FAY WRIGHT.
W. O. BANGS.
BENJ. A. BROWN.

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

Mr. Royse moved to refer back to Fees and Salaries. Carried.

From the Committees on Fees and Salaries:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 16, 1908, being "An ordinance amending 'clause a' in Section 3 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 herewith,'" approved May 16, 1907, have had the same under consideration and would recommend that the seventh item be amended to read as follows: "The Barrett Law Clerk shall receive a salary at the rate not to exceed one thousand (\$1,000.00) dollars per annum," and when so amended would recommend that said ordinance do pass.

Respectfully submitted,

W. A. RHODES.
CHAS. G. DAVIS.
THEO. PORTEUS.

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

From the Committee on Permanent Improvements:

INDIANAPOLIS, IND., October 5, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Permanent Improvement, to whom was referred General Ordinance No. 82, 1908, being "An ordinance to amend Section 28 of an ordinance entitled 'An ordinance relative to

streets, alleys, sidewalks and public places of the City of Indianapolis; restraining the making of excavations therein, or in the lands adjacent thereto; prohibiting the placing of unauthorized obstructions in or upon the same; securing the public in the free and safe use thereof; revising and re-enacting ordinance provisions now in force, and prescribing penalties for violations of its regulations and requirements, approved September 2, 1878; fixing a time when the same shall take effect and a penalty for a violation thereof," have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

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

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 36—1908: An ordinance providing for the appropriation of the sum of \$3,400.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of three thousand and four hundred (\$3,400.00) dollars be, and is hereby appropriated to and for the use of the Department of Public Safety, to be added to and form a part of appropriations heretofore made, viz.:

To and for the "Hose Fund," the sum of one thousand and four hundred (\$1,400.00) dollars.

To and for the "Horse Feed Fund," the sum of two thousand (\$2,000.00) dollars.

Both funds being for the use of the Fire Department.

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

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

By City Controller:

Appropriation Ordinance No. 37—1908: An ordinance appropriating the sum of \$3,300.00 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of three thousand three hundred (\$3,300.00) dollars be, and is hereby appropriated to and for the use of the Department of Public Health and Charities, to be used (or so much thereof as is necessary) in improving the driveways, courts, walks, etc., at the City Hospital.

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

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

By City Controller:

Appropriation Ordinance No. 38,—1908: An ordinance providing for the appropriation of \$100.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one hundred (\$100.00) dollars be, and is hereby appropriated to and for the use of the Department of Public Safety, to be added to and form a part of the account known and designated as "Current Fund" at the east market.

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 City Controller:

General Ordinance No. 83—1908: An ordinance providing for the transfer of \$1,000.00 from a certain fund to a certain fund, 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 one thousand (\$1,000.00) dollars be, and the same is hereby transferred from the appropriation heretofore made for the account known as "Repairs and Cleaning Sewers," to the account known as "Repairs to Permanently Improved Streets other than Asphalt Streets," to and for the use of the Department of Public Works.

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

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

By Board of Public Works:

General Ordinance No. 84—1908: An ordinance approving a certain contract granting American Can Company the right to lay and maintain a sidetrack or switch from the Belt Railroad to their plant, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 21st day of September, 1908, the American Can Company has filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: The undersigned conducting a plant for the manufacture of cans in the City of Indianapolis, which plant is located on the Belt Railroad between Madison avenue and Meridian street, find it necessary for the proper conduct of its business to construct an additional switch or track connecting with said Belt Railroad and running west along the north side of their plant as shown shaded in red on blue print, attached hereto. Said switch or track to cross Union street at a point 264 feet south of Adler street, also the first alley west of Union street at a point 260 feet south of Adler street. The undersigned, therefore, respectfully petitions your honorable Board for permission to cross said street and alley with said switch or track at the points above described.

AMERICAN CAN COMPANY,

By W. L. JONES,

Superintendent.

Now, Therefore, This agreement, made and entered into this 21st day of September, 1908, by and between American Can Company, a corporation of New Jersey, doing business in 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 the Belt Railroad to their plant for the manufacture of cans in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point on the property of the petitioner, said point being approximately 100 feet east of Union street and 280 feet south of Adler street; thence west on a curved line a distance of 160 feet crossing Union street at a point 264 feet south of Adler street; thence continuing west on a straight line 200 feet to the end of said track and crossing the first alley west of Union street at a point 260 feet south of Adler street.

Blue print attached hereto shows location of said track, same being shaded red.

The said American Can Company hereby covenants and fully binds themselves, their successors, legal representatives and assigns, that, in

consideration of the grant of the privileges and authority herein given, they 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 Union street and the first alley east of Union street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon; except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in 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 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 Union street and the first alley west of Union street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 21st day of September, 1908.

AMERICAN CAN COMPANY,
Per F. RUDOLPH,
Vice-President.
Party of the First Part.

Witness:

K. S. BRECKENRIDGE.

CITY OF INDIANAPOLIS,
By JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.
Party of the Second Part.

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

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

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

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

By Board of Public Works:

General Ordinance No. 85—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Broadway from south sidewalk of Thirteenth street to south sidewalk of Fifteenth street, with cement walks.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 19th day of August, 1908, adopt Improvement Resolution No. 5709, 1908, for the improvement of Broadway from the south sidewalk of Thirteenth street to the south sidewalk of Fifteenth street, with cement walks; and

WHEREAS, The said Board of Public Works did at the same time fix the 7th day of September, 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 20th day of August, 1908, and the 27th day of August, 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 7th day of September, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 12th day of September, 1908, a written remonstrance

was filed with the Board against the said Improvement of Broadway, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 23d day of September, 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 23d day of September, 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 Broadway from the south sidewalk of Thirteenth street to the south sidewalk of Fifteenth street, with cement walks, in accordance with Improvement Resolution No. 5709, 1908, adopted by the Board of Public Works on the 19th day of August, 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 Permanent Improvements.

By Board of Public Works:

General Ordinance No. 86—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Muskingum street, or the first alley west of Illinois street, from the north line of Tenth street to the south line of Fourteenth street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 14th day of September, 1908, adopt Improvement Resolution No. 5748, 1908, for the improvement of Muskingum street, or the first alley west of Illinois street, from the north line of Tenth street to the south line of Fourteenth street, except the crossings of Twelfth, Thirteenth and the first alley south of Fourteenth street, with brick roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 30th day of September, 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 15th day of September, 1908, and the 22d day of September, 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 30th day of September, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 30th day of September, 1908, a written remonstrance was filed with the Board against the said improvement of Muskingum street, (or the first alley west of Illinois) and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 2d day of October, 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 2d day of October, 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 Muskingum street, or the first alley west of Illinois street, from the north line of Tenth street to the south line of Fourteenth street, except the crossings of Twelfth and Thirteenth streets, and the first alley south of Fourteenth street, with brick roadway, in accordance with Improvement Resolution No. 5748, 1908, adopted by the Board of Public Works on the 14th day of September, 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 Permanent Improvements.

ORDINANCES ON SECOND READING.

Mr. Stickelman called for General Ordinance No. 71, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that General Ordinance No. 71, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 71, 1908, was read a third time and passed by the following vote:

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

Noes, 1, viz.: Mr. Uhl.

Mr. Stickelman called for General Ordinance No. 55, 1908, for second reading. It was read a second time

Mr. Stickelman moved that General Ordinance No. 55, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 55, 1908, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Bangs, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright, Henry and President William J. Neukom.

Noes, 3, viz.: Messrs. Smither, Rhodes and Uhl.

Mr Rhodes called for General Ordinance No. 16, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 16, 1908, be amended as recommended by the committee. Carried.

Mr. Rhodes moved that General Ordinance No. 16, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 16, 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, Hilkené, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 35, 1908, for second reading. It was read a second time.

Mr. Royle moved that Appropriation Ordinance No. 35, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 35, 1908, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Royle called for Appropriation Ordinance No. 34, 1908, for second reading. It was read a second time.

Mr. Royle moved that Appropriation Ordinance No. 34, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 34, 1908, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Royle called for General Ordinance No. 78, 1908, for second reading. It was read a second time.

Mr. Royle moved that General Ordinance No. 78, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 78, 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, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Rhodes called for General Ordinance No. 82, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 82, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 82, 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, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Eppert called for General Ordinance No. 79, 1908, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 79, 1908, be ordered engrossed, read a third time and placed upon its passage.

Mr. Eppert called for the "ayes" and "noes."

The roll was called and the motion of Mr. Eppert carried by the following vote:

Ayes, 11, viz.: Messrs. Brown, Cottey, Davis, Eppert, Smither, Rhodes, Uhl, Stickelman, Hartmann, Hofmann and President William J. Neukom.

Noes, 10, viz.: Messrs. Hamlet, Wood, Bangs, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright and Henry.

General Ordinance No. 79, 1908, was read a third time and passed by the following vote:

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

Noes, 3, viz.: Messrs. Bangs, Donavon and Wright.

Mr. Royse served notice that he would move to reconsider at the next regular meeting.

On motion of Mr. Bangs, the Common Council at 9:10 o'clock P. M., adjourned.

W. J. Neukom

President.

ATTEST:

James M. Nulty

City Clerk.

