

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, November 16, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 16, 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 18 members, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené and Henry.

Absent, 2, viz.: Messrs. Eppert and Wright.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., November 7, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval Appropriation Ordinance No. 41, 1908, being "An ordinance appropriating the sum of

\$75.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

I remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit communications from Hon. John B. Elam, Chairman of the Benjamin Harrison Monument Association, and from Mr. A. Q. Jones, Chairman of the Finance Committee of said association, requesting the withdrawal of my recommendation for the appropriation of \$500.00 in favor of the Benjamin Harrison Monument Association.

In pursuance with such request I herewith withdraw my recommendation for such appropriation, and recommend that the Appropriation Ordinance submitted by me be stricken from the files.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

INDIANAPOLIS, IND., November 6, 1908.

Hon. George T. Breunig, City:

DEAR SIR: I enclose a letter received this morning from Hon. John B. Elam, Chairman of the Benjamin Harrison Monument Association, requesting the withdrawal of the request for an appropriation by the city to help defray the expenses of the dedication of the Harrison monument. Will you kindly see that the request is conveyed to the Finance Committee, and that the matter be withdrawn from the Council?

I wish to thank you and the Mayor very much for the co-operation you gave me personally in this matter.

Yours truly,

A. Q. JONES.

INDIANAPOLIS, IND., November 5, 1908.

Aquilla Q. Jones, Esq., Indianapolis:

DEAR SIR: The committee representing the Benjamin Harrison Monument Association and having in charge the disbursement of its

funds have learned that the Common Council of Indianapolis has before it a proposition to appropriate five hundred dollars to the fund raised to defray the expenses of the dedication of the monument erected by the Association, and that the right to make such an appropriation has been questioned. Having carried its work to the point now reached without any appropriation from any public fund, the Association does not wish now to receive any such aid in any manner which can cause any question as to its entire propriety and strict legality. The Association, therefore, requests that the proposition now pending in the City Council, and herein referred to, be withdrawn.

Yours very truly,

JOHN B. ELAM,
Chairman of Committee.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works requesting a further appropriation in the sum of \$5,000 for cleaning and sweeping the streets and alleys. While the area of improved streets and alleys is considerable larger than last year, the appropriation for this year has also been largely increased. The balance to the credit of said fund is \$7,000, which amount is insufficient to meet the bills and pay-rolls for the remainder of this year.

I, therefore, feel constrained to recommend the passage of the accompanying ordinance, providing for the appropriation asked for.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 16, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: On account of continued dry weather we have been compelled to keep the full force at work cleaning the streets much later this year than usual, and to be prepared for heavy snows we find we will need an additional appropriation of \$5,000. We, therefore, request that you recommend said appropriation to the Common Council.

Yours truly,

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., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Safety asking for an additional appropriation of \$120.00 for the maintenance of the dog pound.

The reason for such request is fully set out in said communication, and I, therefore, recommend that the accompanying ordinance providing for the appropriation asked for be passed.

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

DEPARTMENT OF PUBLIC SAFETY.
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 12, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: At a meeting of the Board of Public Safety, held November 11, 1908, I was instructed to request you to please ask the Common Council to appropriate the sum of one hundred and twenty dollars (\$120.00) for the maintenance of dog pound.

The necessity has arisen whereby an extra man must be placed on the pay-roll at this place, who is to be used as a stableman, driver and watchman, as the pound must be kept open during the day, requiring one man, and two men on the wagon cannot do efficient service.

Respectfully yours,
JOHN B. WOOD,
Secretary.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works requesting me to recommend the appropriation of the proceeds of the proposed issue and sale of \$600,000 of Indianapolis bonds, with which to erect a building for city offices on the site belonging to the city, situate at the northwest corner of Ohio and Alabama streets.

I submit herewith an ordinance providing for such issue and appropriation, and recommend its passage.

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 16, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council that the proceeds of the proposed \$600,000 bond issue for the erection of a City Hall be appropriated to the use of the Department of Public Works.

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., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: On January 1, 1899, refunding bonds to the amount of \$110,000 were issued, which said bonds become due and payable on January 1, 1909. There will be sufficient money in the City Sinking Fund to pay \$30,000 of these maturing bonds, which will leave \$80,000 to be provided for by a bond issue. I estimate that there will be sufficient moneys in the Sinking Fund during the next four years to take care of such \$80,000 bond issue, and that we can pay \$20,000 a year out of such Sinking Fund.

I have prepared, and herewith submit, an ordinance providing for a bond issue of \$80,000, making the same payable, \$20,000 on July 1, 1909, \$20,000 on July 1, 1910, \$20,000 on July 1, 1911 and \$20,000 on July 1, 1912.

I believe that the city will be able to float such issue of serial bonds, and if we can do so it will be preferable to the issue of a long-time bond.

I, therefore, recommend that the ordinance herewith submitted, providing for such bond issue, and appropriating money received therefrom, be passed.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit an ordinance providing for the transfer of the sum of \$1,500, the amount of the appropriation heretofore made under Appropriation Ordinance No. 23, 1908, for refunding city taxes to the property owners in the matter of the northeast territory

annexation controversy, to the "Miscellaneous Expenses of City Officers Fund."

The new depository law has made it necessary to make many changes in the method of conducting business in the treasurer's office, which has largely increased the expenses in said office, especially during this first year, and the natural increase of the business in the city court and clerk's office makes it necessary that this additional sum be added to the Miscellaneous Fund.

I, therefore, recommend the passage of the ordinance herewith submitted.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith communication from the Department of Public Works asking me to recommend the transfer of the sum of \$100.00 from the "Tomlinson Hall Account" to the "Tomlinson Hall Janitors' Account."

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., November 11, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: As you no doubt know, it is necessary at times to employ extra janitors at Tomlinson Hall in making arrangements for entertainments and exhibits; we find on account of the employment of these janitors that we will need a little more money in the fund for payment of Tomlinson Hall janitors. We, therefore, request that you recommend to the Common Council the passage of an ordinance transferring the sum of \$100.00 from the "Tomlinson Hall Account Fund" to the "Fund for Payment of Janitors."

Very respectfully,

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

At 8:00 o'clock P. M. Mr. Eppert entered the Council Chamber and took his seat.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 13, 1908.

To the President and Members of the Common Council:

GENTLEMEN: As directed by the Board of Public Works, I herewith submit to you, for your consideration and action thereon, an ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 4th day of November, 1908, between the Indianapolis Water Company and the City of Indianapolis, by and through its Board of Public Works, for furnishing and supplying said City of Indianapolis, in her corporate capacity, with pure and wholesome water at all times, and fixing the time when same shall take effect.

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., November 13, 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 LaSalle street from north property line Tenth street to south property line Nowland avenue, with brick roadway, as provided for by Improvement Resolution No. 5778.

Respectfully yours,

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

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 87, 1908, entitled "An ordinance providing for the transfer of the sum of \$300.00 from a certain fund to a certain fund, in 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. O. BANGS.
BENJ. A. BROWN.
H. C. SMITHER.
W. A. RHODES.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 42, 1908, entitled "An ordinance providing for the appropriation of the sum of \$1,330.14 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. O. BANGS.
BENJ. A. BROWN.
H. C. SMITHER.
W. A. RHODES.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 89, 1908, entitled "An ordinance providing for the transfer of the sum of \$25,000 to a certain fund from certain funds, in 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. O. BANGS.
BENJ. A. BROWN.
H. C. SMITHER.
W. A. RHODES.

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

From the Committee on Permanent Improvements:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Permanent Improvement, to whom was referred General Ordinance No. 91, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Ind., to improve Muskingum street from north property line Emmett street to south property line Tenth street, with brick roadway and curb," have had the same under consideration, and would recommend that the same do pass.

Respectfully submitted,

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

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

From the Committee on Public Property and Improvement:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Public Property and Improvement, to which was referred General Ordinance No. 90, 1908, entitled "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Ind., to improve Pine street from the C. H. & D. Ry. tracks to north property line of Harrison street, with brick roadway and curbing," begs leave to report that it has had the same under consideration, and recommends that the same do pass.

Respectfully submitted,

BENJ. A. BROWN.
HARRY E. ROYSE.

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

From the Committee on Public Property and Improvement:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Public Property and Improvement, to which was referred General Ordinance No. 92, 1908, entitled "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Alabama street from south property line South street to north property line Merrill street, with asphalt roadway, brick gutters, cement walks, approach walks, curbing

and sodded lawns," begs leave to report that we have had the same under consideration, and recommend that said ordinance do pass.

Respectfully submitted,

BENJ. A. BROWN.
HARRY E. ROYSE.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 43—1908: An ordinance providing for the appropriation of the sum of \$5,000 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 five thousand (\$5,000) dollars be, and the same is hereby appropriated to and for the use of the Department of Public Works to be added to and form a part of the account known and designated as "Street Cleaning and Sweeping."

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. 44—1908: An ordinance appropriating the sum of \$120.00 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 and twenty (\$120.00) dollars be, and the same is hereby appropriated to and for the use of the Department of Public Safety to be used by said department in the maintenance and operation of the dog pound.

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. 96—1908: An ordinance authorizing the sale of six hundred (600) bonds of one thousand dollars (\$1,000) each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used to construct a City Hall building containing offices for the several departments of the city government; providing for the time and manner of advertising sale of bonds and of the receipt of bids for the same, together with the mode and terms of sale; and fixing a time when the same shall take effect.

WHEREAS, It is deemed necessary and proper and for the best interests of the City of Indianapolis and the inhabitants thereof to construct a City Hall building containing offices for the several departments of the city government; and

WHEREAS, There are not now and will not be sufficient funds in the treasury of said city with which to meet the aforesaid expenditures for said City Hall building, and it being necessary for the City of Indianapolis to borrow the sum of six hundred thousand (\$600,000) dollars, and to issue and sell its bonds in that amount payable from the general revenues and funds of said city, or from the Sinking Fund, or as may be required by law; therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said city be and is hereby authorized for the purpose of procuring money to be used to construct a City Hall building, containing offices for the several departments of the city government, to prepare and sell six hundred (600) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000) dollars each, which bonds shall bear date of..... 1909, and shall be numbered from one (1) to six hundred (600) both inclusive; shall be designated "City Hall Bonds of 1909;" shall mature on January first, 1930; shall bear interest at the rate of three and one-half (3½%) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July, of each year, beginning with July first, 1909, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of July, 1909. Said bonds and interest coupons shall be negotiable and payable at the Banking House of Winslow, Lanier & Company of the city of New York, state of New York. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds, to register in a book kept for that purpose, all of said bonds so issued and negotiated in serial number, beginning with number one (1), giving also the date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No. \$1,000.00

UNITED STATES OF AMERICA,
CITY OF INDIANAPOLIS,
MARION COUNTY, STATE OF INDIANA.
CITY HALL BONDS OF 1909.

For value received, the City of Indianapolis, in Marion County, in the state of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on January first, 1939, at the Banking House of Winslow, Lanier & Company, in the city of New York, state of New York, one thousand dollars, in lawful money of the United States of America, together with interest thereon at the rate of three and one-half (3½%) per cent. per annum from date until paid, the first interest payable on the first day of July, 1909, and the interest thereafter payable semi-annually, on the first day of January and July respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of six hundred bonds, of one thousand dollars each, numbered from one to six hundred, both inclusive, of date of A. D. 1909, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the city, on 1908, and an act of the General Assembly of the state of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905.

It is hereby certified that all the conditions, acts, and things essential to the validity of this bond exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with, and that this bond is within every debt and other limit prescribed by the Constitution and the laws of the state of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this the day of 1909.

.....
Mayor.
.....
City Controller.

Attest:

.....
City Clerk.

SEC. 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in the Indianapolis Sun and the Indianapolis Commercial, daily newspapers of general circulation, printed and published

in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisements shall describe said bonds with such minuteness and particularity as the City Controller shall see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 3. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of Edward J. Robison, City Treasurer, for a sum of money which shall equal two and one-half (2½%) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock, noon, on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and two o'clock p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part or any number thereof, to the highest and best bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

SEC. 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to re-advertise said bonds for sale until said bonds are sold.

SEC. 5. In case any bid or proposal shall not be accepted, and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to re-advertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken,

considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders, shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect, or omission to do so shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SEC. 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect; and the proceeds derived from any sale or sales of bonds as herein authorized, shall be and hereby are appropriated to the use of the Department of Public Works to be used for the purposes mentioned and described in Section 1 of this ordinance, and the City Controller is hereby authorized and directed to draw all proper and necessary warrants and to do whatever act may be necessary to carry out the provisions hereof.

SEC. 8. This ordinance shall be in full force and effect 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:

General Ordinance No. 97—1908: An ordinance authorizing the sale of eighty bonds of one thousand (\$1,000) dollars each, of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used in taking up and refunding certain outstanding bonds bearing date of January 1, 1899, which will become due January 1, 1909, aggregating eighty thousand (\$80,000) dollars; providing for the time and manner of advertising sale of said bonds, and of the receipt of bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said bonds, and providing for the refunding of the indebtedness of said City of Indianapolis represented by said outstanding bonds and matters connected therewith, and fixing a time when the same shall take effect.

WHEREAS, Certain bonds of the City of Indianapolis, Indiana, of one thousand (\$1,000) dollars each, bearing date of January 1, 1899, amounting in the aggregate to the sum of one hundred and ten thousand (\$110,000) dollars, bearing interest at three and one-half (3½%) per cent. per annum, payable semi-annually, issued under and by authority of General Ordinance No. 72, 1898, approved December 6, 1898, and designated "Indianapolis Refunding Bonds of 1899," will become due on January 1, 1909; and,

WHEREAS, There is now, and will be, sufficient money in the Sinking Fund of the City of Indianapolis with which to pay thirty of said bonds amounting to the sum of thirty thousand (\$30,000) dollars, but there is not now, and will not be, sufficient money either in the Sinking Fund or in the treasury of said city with which to pay the remainder of said bonds, and it is deemed necessary and proper and for the best interests of the City of Indianapolis, and the inhabitants thereof, to pay off the said remaining bonds and refund the indebtedness covered thereby, amounting to the sum of eighty thousand (\$80,000) dollars, and, for the purpose of so doing, to borrow the said sum of eighty thousand (\$80,000) dollars, and to issue and sell its bonds in that amount, payable from the general revenues and funds of said city, or from the Sinking Fund, or as may be required by law; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said city be, and is hereby authorized and directed to refund certain of the indebtedness of the City of Indianapolis amounting to the said sum of eighty thousand (\$80,000) dollars, which indebtedness is represented by eighty outstanding bonds of said city, bearing date of January 1, 1899, issued under and by authority of General Ordinance No. 72, 1898, approved December 6, 1898, and designated "Indianapolis Refunding Bonds of 1899," which bonds will become due on January 1, 1909.

SEC. 2. That the City Controller of said city be, and is hereby authorized for the purpose of procuring money to be used in refunding the said indebtedness of eighty thousand (\$80,000) dollars to prepare and sell eighty (80) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000) each, which bonds shall bear date of December 28, 1908, and shall be numbered from one (1) to eighty (80), both inclusive; shall be designated "Indianapolis Refunding Bond of 1909;" shall bear interest at the rate of three and one-half (3½%) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July of each year, beginning with July first, 1909, and the said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of July, 1909. The series consisting of the first twenty of said bonds shall mature on July 1, 1909; the series consisting of the second twenty shall mature on July 1, 1910; the series consisting of the third twenty shall mature on July 1, 1911, and the series consisting of the fourth twenty shall mature on July 1, 1912. Said bonds and interest coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Company of the city of New York, state of New York. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds to register in a book kept for that purpose, all of said bonds so issued and negotiated in serial number, beginning with number one (1), giving also the date of their issuance, their amount, date of maturity, rate of interest and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No. \$1,000.00

UNITED STATES OF AMERICA.

CITY OF INDIANAPOLIS,

MARION COUNTY, STATE OF INDIANA.

INDIANAPOLIS REFUNDING BONDS OF 1909.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on, at the banking house of Winslow, Lanier & Company, in the city of New York, state of New York, one thousand dollars, in lawful money of the United States of America, together with interest thereon at the rate of three and one-half (3½%) per cent. per annum from date until paid, the first interest payable on the first day of July, 1909, and the interest thereafter payable semi-annually, on the first day of July and January respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of eighty bonds, of one thousand dollars each, numbered from one to eighty, both inclusive, of date of December 28, 1908, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the city, on..... 1908, and an act of the General Assembly of the state of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905.

It is hereby certified that all the conditions, acts and things essential to the validity of this bond, exist, have happened and have been done, and that every requirement of law affecting the issue hereof has been duly complied with, and that this bond is within every debt and other limit prescribed by the constitution and the laws of the state of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

In Witness Whereof, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this.....day of....., 1908.

.....
Mayor.

.....
City Controller.

Attest:

.....
City Clerk

SEC. 3. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds, by at least one insertion each, in the Indianapolis Sun and the Indianapolis Commercial, daily newspapers of general circulation, printed and

published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisement shall describe said bonds with such minuteness and particularity as the City Controller shall see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder shall be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 4. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of Edward J. Robison, City Treasurer, for a sum of money which shall equal two and one-half ($2\frac{1}{2}$) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock noon on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and two o'clock P. M. of said day, he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part or any number thereof, to the highest and best bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

SEC. 5. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue, from time to time, in like manner, to re-advertise said bonds for sale until said bonds are sold.

SEC. 6. In case any bid or proposal shall not be accepted, and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment, and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to re-advertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof when collected shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken,

considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof, and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 7. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisements for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder, or bidders, shall take the bonds awarded to him, or them, and pay for the same at such place and times, and his or her refusal, neglect, or omission to do so shall be a breach of contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SEC. 8. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect, and the proceeds derived from any sale or sales of bonds as herein authorized shall be, and hereby are, appropriated to the use of the City Controller to be used for the purposes mentioned and described in Sections 1 and 2 of this ordinance, and for all necessary expense in connection with the preparation and issue of said bonds; and in case the proceeds of the sale, or sales, of said bonds are not received in time for the payment of said outstanding bonds on January 1, 1909, there shall be, and is hereby appropriated to the City Controller from the General Fund, the sum of eighty thousand (\$80,000) dollars, to be used for the purpose of taking up and refunding said outstanding bonds, and eighty thousand (\$80,000) dollars of the proceeds of said sale or sales shall then be paid into and become a part of the said General Fund to replace the sum so appropriated; and thereupon said bonds so taken up and refunded shall be cancelled; and the City Controller is hereby authorized and directed to draw all proper and necessary warrants and to do whatever act may be necessary to carry out the provisions of this ordinance.

SEC. 9. This ordinance shall be in full force and effect 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:

General Ordinance No. 98—1908: An ordinance transferring the sum of \$1,500 from a certain fund to a certain fund, to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of fifteen hundred (\$1,500) dollars be, and is hereby transferred to the "Miscellaneous Expenses of City Officers" from the appropriation heretofore made under Appropriation Ordinance No. 23, 1908, for the refunding of certain taxes assessed in the north-east territory annexation controversy, all in and for the use of the Department of Finance.

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:

General Ordinance No. 99—1908: An ordinance providing for the transfer of \$100.00 from a certain fund to a certain fund, in 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 hundred (\$100.00) dollars be, and is hereby transferred from the appropriation heretofore made for the "Tomlinson Hall Account" Fund to the Tomlinson Hall Janitors" Fund, in 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. 100—1908: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 4th day of November, 1908, between the Indianapolis Water Company and the City of Indianapolis, by and through its Board of Public Works, for furnishing and supplying said City of Indianapolis, in her corporate capacity, with pure and wholesome water at all times, and fixing the time when the same shall take effect. (Approved, 1908.)

WHEREAS, heretofore, to-wit: On the 4th day of November, 1908, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indianapolis Water Company, to-wit:

This agreement, made this 4th day of November, 1908, by and between the CITY OF INDIANAPOLIS, Indiana, and the INDIANAPOLIS WATER COMPANY, a corporation of Marion County, Indiana, *Witnesseth:*

(1) That said Indianapolis Water Company, for and in consideration of the covenants and agreements herein stipulated to be kept and performed by said City of Indianapolis, hereby covenants and agrees to furnish and supply said City of Indianapolis, in her corporate capacity, with pure and wholesome water, at all times furnishing said city sufficient water to supply twenty-four hundred and sixty-five (2,465) fire hydrants or plugs for fire protection as now located, and with sufficient power and pressure to throw eight streams at once a distance of one hundred feet vertically through one inch nozzles; said pressure and power to be furnished within six minutes from the time an alarm of fire is sounded from any firealarm box located on the line of, or within one square from the lines of, water pipe.

(2) And the said water company also agrees to supply and furnish water to said city, according to the terms of this contract for seventy-one (71) drinking fountains situated on the several streets of said city as now located, and for a display fountain in Military Park, University Park, Garfield Park, St. Clair Park, Highland and Fletcher Parks, Brookside Park, Riverside Park, Spades Place Park, one in each, and one in each ward park that may be established during this contract. Also, for each engine and reel house, each station house and city dispensary, now constructed or hereafter to be constructed, thirty thousand (30,000) gallons of water each per month, if so much shall be required; and the water for the Police Headquarters, four hundred thousand (400,000) gallons per month, if so much shall be required; also all needed and necessary water for the purpose of flushing and cleaning public sewers and improved streets and filling the public cisterns within reach of the lines of water pipe. Also water for public latrines when constructed under streets; also water for Tomlinson Hall and market houses, five hundred thousand (500,000) gallons in the aggregate amount per month for said hall and market houses, if so much shall be required; also for the City Hospital, six hundred thousand (600,000) gallons per month, if so much shall be required; also for public baths, when established, one hundred thousand (100,000) gallons per day, if so much shall be required; also for barns controlled and operated by the Board of Public Works, one hundred thousand (100,000) gallons per month, if so much shall be required; for the city buildings, when constructed, four hundred thousand (400,000) gallons per month, if so much shall be required; for the city asphalt, or repair plant, for boiler use, as much as shall be required; also for city dog pound so much as may be required; also water for sprinkling lawns and roadways in parks, in the aggregate five million (5,000,000) gallons per month, if so much shall be required; also water for one four-inch pipe from the Canal for the lily pond in Riverside Park, but any water lines required of the water company to be laid to reach any of said parks, engine houses or other of said places where the water is to be used shall be laid under orders of the city and subject to the provisions of Section nine (9) of this contract.

(3) And the City of Indianapolis, for and in consideration of the covenants herein contained, to be kept and performed by said water company, hereby promises and agrees to pay to said water company, for the water so furnished and supplied at the following rates: Forty-five (\$45.00) dollars per annum for each of the said fire hydrants or plugs, which shall be in full payment for all water used from said fire hydrants or plugs.

And the said City of Indianapolis, upon the same considerations, hereby promises and agrees to pay to said water company for the water so furnished and supplied to the public drinking fountains situated in the streets of said city, now in use or which shall hereafter be put in use, the sum of forty-five (\$45.00) dollars per annum for each such fountain,

but said city may at its pleasure at any time, upon notice to said water company, discontinue the supply of water to any or all of said public drinking fountains, and upon such discontinuance the charge for the public drinking fountain or fountains so discontinued shall, from the date of discontinuance, cease.

FREE PUBLIC USE.

(4) In consideration of the performance of this contract by the city, the water company agrees that, so long as the city shall keep and perform its covenants in this contract undertaken, the water company will furnish to the city, free of charge, water from its mains as hereinafter stated, viz.:

Water for a display fountain in each of the following parks: Military Park, University Park, Garfield Park, St. Clair Park, Highland and Fletcher Parks, Brookside Park, Riverside Park, Spades Place Park, and one in each ward park, when created, during this contract. Also for water for each engine house, each reel house, each station house, city dispensary, thirty thousand (30,000) gallons of water at each, per month, if so much shall be required; also water for the Police Headquarters, four hundred thousand (400,000) gallons per month, if so much shall be required; also water necessary for the purpose of flushing and cleaning public sewers and improved streets and the filling of public cisterns within reach of the line of water pipe; also water for public latrines when constructed under streets; also water for Tomlinson Hall and market houses, five hundred thousand (500,000) gallons per month, in the aggregate, at said hall and market houses, if so much shall be required; also water for the City Hospital, six hundred thousand (600,000) gallons per month, if so much shall be required; also water for public baths, when established, one hundred thousand (100,000) gallons per day, if so much shall be required; also for barns controlled and operated by the Board of Public Works, one hundred thousand (100,000) gallons per month, if so much shall be required; for the city buildings, when constructed, four hundred thousand (400,000) gallons per month, if so much shall be required; for the city asphalt or repair plant, for boiler use, as much as shall be required; also for city dog pound so much as may be required; also water for sprinkling lawns and roadways in all public parks, five million (5,000,000) gallons per month, in the aggregate, if so much shall be required; water from the Canal enough to supply a four (4) inch pipe for the lily pond in Riverside Park, the pipe for such four (4) inch line to be furnished, laid and maintained by the city, and the water drawn therethrough for said pond not to be computed as a part of the said five million (5,000,000) gallons above mentioned. The members of the fire department may, without cost to the city, use water from the fire hydrants or plugs to sprinkle the streets immediately adjacent to the several engine houses and hose reel houses, provided ordinary sprinkling nozzles are used for that purpose.

Any and all water used by the city for the purposes above mentioned, so far as it shall exceed the quantities respectively above mentioned, shall be paid for by the city to the water company at the rate of five cents per thousand gallons.

All meters for measuring water so furnished to the city, as in this paragraph before mentioned, shall be furnished and maintained by the water company without cost to the city.

All payments to be made under this contract for fire hydrants and public drinking fountains, and any meter rates that may become payable, shall be made quarterly.

(5) And the said City of Indianapolis also agrees that during the continuance of this contract the water from fire hydrants or plugs shall be used only for fire protection, filling public cisterns, cleaning and flush-

ing public sewers and improved streets, and street sprinkling by members of the fire department as aforesaid: *Provided*, That not more than two streams shall be used from fire hydrants or plugs in said city at the same time in cleaning or flushing sewers or improved streets, and they shall not be so used to exceed six (6) hours in any one day, and during the time of fires, when fire streams are being used from any fire hydrant or plug no water shall be used from any fire hydrant or plug for the purpose of filling any cistern remote from the fire, in cleaning any sewer or in flushing any street.

(6) In case of fire, when it becomes necessary to fill a cistern in use on such fire through a pipe connected with the mains of the water company, such pipe can be opened subject to the inspection of the water company's officer on the ground at the time of the fire.

(7) As to all cisterns, now constructed or that may hereafter be constructed, upon receiving an order from the Board of Public Works, the water company, at its own expense, shall connect such cistern or cisterns, if on a water main, to such main.

(8) All ditches opened by the water company in any street, alley or public place of the city for the purpose of laying or re-laying water mains shall be filled by thoroughly tamping or slushing, and all material taken out of said ditches shall be rammed back into place at the time of laying pipes, and the surface of the street restored to its original condition. On the failure of said water company to perform this work to the satisfaction of the Board of Public Works, in the manner above indicated, the Board of Public Works shall have the right, after a notice to said company, in writing, of ten days, to put into condition any excavation made by it, and retain from any moneys due to said company from the city the cost of doing such work: *Provided*, That in the doing of any of the work provided for in this contract the said water company shall hold the City of Indianapolis free and harmless from any and all damages of every nature to any person or property that may result from the doing of such work.

(9) Said City of Indianapolis agrees hereafter to require said company to lay not more than forty thousand (40,000) feet of new mains during any one (1) year, as provided in Section eleven (11) of this contract, and agrees to locate on each and every new main as shall be laid by said company by order of the Board of Public Works of said city, at such places as the Chief Fire Engineer and the City Engineer shall, before such mains are laid on any street, designate, at least one (1) fire hydrant for every five hundred (500) feet of new mains ordered by said board for said city and laid by said company, said hydrants to be provided and attached by the Indianapolis Water Company at its own expense, and the use of each of said hydrants shall be paid for by the city as herein provided, viz.: At the rate of forty-five (\$45.00) dollars per annum per hydrant from the date of their respective locations; and the said Indianapolis Water Company hereby agrees to lay forty thousand (40,000) feet of mains per annum, as hereinbefore provided, if so ordered by the Board of Public Works.

(10) Said company shall, at its own expense, re-locate and connect up any fire hydrant when so directed by the Chief Fire Engineer: *Provided*, That this shall apply only to those hydrants which are required to be changed by the change of any street, sidewalk, or alley, and to those hydrants which in anywise obstruct any street, sidewalk, gutter, alley or public way.

(11) The company shall extend its pipe system along any street, avenue, or alley of the city whenever the city shall order the same: *Provided*, The city shall take at least an average of one (1) hydrant for every five hundred (500) feet of pipe so extended, which hydrants shall be attached by the company, and the use thereof shall be paid for as be-

fore in this ordinance provided: *And provided further*, That the company need not lay more than forty thousand (40,000) feet of mains in any one calendar year, even though the city shall order more than that amount laid, as provided in Section number five (5) of an ordinance entitled "An ordinance authorizing the Water Works Company of Indianapolis to construct, maintain and operate water works and supply water to the city and citizens of Indianapolis, defining its powers and privileges, and prescribing its duties," ordained January 3, 1870, as said Section number five (5) stands since the amendment thereof as enacted by an ordinance of said city for furnishing said city, in her corporate capacity, by said Indianapolis Water Company, with pure and wholesome water; approved August 19, 1901.

(12) And it is hereby expressly agreed and understood between the said city and said water company that the said ordinance of January 3, 1870, commonly called the charter of said water company, above referred to, as so amended August 19, 1901, is and shall continue to be in force in all of its parts, except in so far as its provisions may be modified or changed by this contract, and such modification or changes shall only be effectual during the continuance of this contract.

(13) And the said City of Indianapolis also agrees that during the continuance of this contract said water company shall be authorized and empowered to employ, at its own expense, a competent man to attend all fires, and see that all fire hydrants or plugs are properly opened, and that no water is used from any fire hydrant or plug for the purpose of filling cisterns or flushing or cleaning sewers or improved streets during the time of fire, when fire streams are being thrown from fire hydrants or plugs: *Provided*, That such man shall be subject to the authority of the Chief Fire Engineer, or his assistant, during times of fire, and it shall be his duty to report to said Chief Fire Engineer or the Board of Public Safety any and all violations of the provisions of this contract or omissions to properly open said fire hydrants or plugs, or violations of the orders of the Chief Fire Engineer or his assistants or the Board of Public Safety. And when said water company shall have empowered such person, it shall report his name to the Common Council and the Board of Public Works, and the said city agrees that it will, by proper authority, enact an ordinance fully protecting him in the discharge of his duties. And it is expressly understood that said City of Indianapolis shall in no way be liable for the pay or compensation of said man, and shall not be liable for any damage sustained by him in the discharge of his duties, said company hereby agreeing to pay for his service and save the city harmless on account thereof, or on account of any damage sustained by him.

(14) And it is further understood and agreed by the parties hereto that this contract shall take effect and be in force as of the first day of January, 1909, and that the city shall pay said company at the rates hereinbefore stipulated for water from and after said date.

(15) This contract shall continue in force until the 31st day of December, 1918, and in case at that date the said parties shall be unable to agree respecting the rates or prices to be paid for fire hydrants or plugs and water for public use, then the matter of such rates and prices shall be submitted to arbitration in the manner and form provided in the ordinance of January 3, 1870, hereinbefore referred to: *Provided*, That the terms and provisions of this contract shall continue in force from December 31, 1918, until such arbitration is concluded: *Provided, however*, That nothing contained in this contract shall in any way affect the right, now existing, of the city to purchase all the buildings, machinery, pipes and entire plant of said Indianapolis Water Company and all its corporate rights and privileges.

(16) It is hereby expressly agreed by the Indianapolis Water Company

that the water furnished by the water company to the city and citizens of Indianapolis shall be good, potable water.

(17) All questions in regard to the purity of water as furnished by said water company shall be referred to two bacteriological chemists selected, one by the Board of Public Works and Board of Public Health and Charities, and the other by the Indianapolis Water Company, and in case the two so chosen cannot agree they shall appoint a like chemist as umpire; and the result of any analysis agreed to by said two so chosen by the parties or by two of the three, if an umpire shall have been chosen, shall be accepted as conclusive evidence of the degree of purity of said water. The entire expense of such analysis shall be paid one-half by the city and one-half by the Indianapolis Water Company. An analysis shall be made at any time when the Board of Public Works and the Board of Public Health and Charities of said city shall require it.

IN WITNESS WHEREOF, said City of Indianapolis by its Mayor and its Board of Public Works, and said Indianapolis Water Company, by its Vice-President, by the authority of its Board of Directors, have hereunto set their hands and corporate seals the day and year first above written. Executed in duplicate.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER,

F. J. MACK,

Board of Public Works.

C. A. BOOKWALTER, *Mayor.*

[Seal.]

INDIANAPOLIS WATER COMPANY,

By L. C. BOYD,

Vice-President.

Attest:

H. MCK. LONDON,

Secretary.

[Seal.]

AND WHEREAS, Said contract and agreement have 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 4th day of November, 1908, by the Indianapolis Water 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. 101—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve LaSalle street from north property line Tenth street to south property line Nowland avenue, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 30th day of September, 1908, adopt Improvement Resolution No. 5778, 1908, for the improvement of LaSalle street from the north property line of Tenth street to the south property line of Nowland avenue, with brick roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 16th day of October, 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 1st day of October, 1908, and the 8th day of October, 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, A petition of the majority of the resident property owners on said street was filed on 15th day of October, 1908, asking that said street be improved with bitu-mineral pavement; and

WHEREAS, On the 23d day of October, 1908, said hearing having been continued to this date from the 16th day of October, 1908, the Board of Public Works met in regular session, and after hearing all persons interested who appeared, over-ruled said petition for bitu-mineral pavement and confirmed said resolution providing for brick pavement; and

WHEREAS, On the 2d day of November, 1908, a written remonstrance was filed with the Board of Public Works, signed by a majority of the resident property owners, remonstrating against the improvement of said street with brick; and

WHEREAS, On the 4th day of November, 1908, the Board of Public Works directed that an ordinance approving their action and ordering the improvement of said LaSalle street with brick, in accordance with said resolution, be submitted to the Common Council for their consideration and action thereon; 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 LaSalle street from the north property line of Tenth street to the south property line of Nowland avenue, with brick roadway, in accordance with Improvement Resolution No. 5778, 1908, adopted by the Board of Public Works on the 30th 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 Public Property and Improvement.

By Mr. Stickelman:

General Ordinance No. 102—1908: An ordinance relating to the construction, alteration and repair of buildings, structures and appurtenances thereof constructed of concrete and cement blocks to be erected within the City of Indianapolis, Indiana, providing a penalty for the violation thereof and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That all massive concrete and concrete blocks hereafter used

in the construction, alteration or repair of any building, structure or appurtenances thereof within the corporate limits of such city shall be constructed in compliance with the following ordinance:

SEC. 2. Concrete work as applied to building construction within the meaning of this ordinance is divided into two classes as follows:

Concrete Blocks—Which will include the ordinary moulded concrete blocks and lintels, sills, ornamental work and facings constructed of separately moulded or cast blocks of concrete.

Massive Concrete—Concrete containing no steel reinforcement.

SEC. 3. Concrete blocks shall be made of concrete mixed, composed of Portland cement, as required by the "American Society for Testing Materials," clean sharp sand, and clean gravel or crushed stone, free from loam or earthy matter, thoroughly mixed in the proportions of one of cement, two of sand, and four of gravel or stone. No particles are to be larger than $\frac{3}{4}$ " and are to grade gradually to small particles, commonly called "grit." These proportions may be varied as the case required, if approved by the Inspector of Buildings. All foundations and walls constructed of concrete blocks must be of same thickness as required for brick work of the general ordinance, except that ten inch (10") blocks may be used for first story of a two-story dwelling.

The bed of the block will be considered as the thickness.

SEC. 4. The maximum height of a story shall be fourteen feet (14'), any additional height shall be treated as additional story.

Buildings built of concrete blocks shall be limited in height to three (3) stories for residence and two (2) stories for business, or to three (3) stories in which the upper stories are used for living purposes.

SEC. 5. Blocks shall not be used for building purposes until they are at least twenty (20) days old, and older if conditions require, as may be directed by the Inspector of Buildings.

Blocks may have one or more hollow spaces, provided that not more than one-third ($\frac{1}{3}$) of each block is hollow.

SEC. 6. No wall shall be of greater length than fifty feet (50') unless supported by a cross-wall or provided with pilasters.

Blocks must be laid in Portland cement mortar, mixed one (1) part of cement, to three (3) parts of clean, sharp sand, with not more than 25% of hydrate of lime. The mortar must be mixed in small batches and used immediately.

All beds and vertical joints must be flushed full.

Block walls and piers must be started on substantial footings, built of solid masonry.

SEC. 7. Where walls or piers are built of more than one block in thickness, every fourth course must be a header course, or every fourth block in each course must be a header. Blind headers may be used.

Where there is an offset in the thickness of walls, the offsetting course, or ledge course, must be built of solid blocks.

SEC. 8. Piers and buttresses supporting lintels with a load in excess of five (5) tons, must be built of solid blocks for such distance below the bearing as may be required by the Inspector of Buildings.

Piers and pilasters supporting heavy loads must be built of solid blocks, and must be as large in area as required by the load, which in no case is to exceed ten (10) tons per square foot of area.

All piers are to have solid caps of masonry or metal.

Concrete lintels and sills shall be reinforced concrete, and any lintel spanning over five (5) feet in the clear shall rest upon solid concrete blocks.

SEC. 9. For the purpose of identification, a brand must be permanently attached to every block, with the date of manufacture.

Each manufacturer of cement blocks must file in the office of the In-

spector of Buildings the name of manufacturer, the brand of the blocks, and the location at which the blocks are manufactured.

SEC. 10. All cement blocks thirty days old must be capable of standing a compression test of 1,000 pounds per square inch of superficial area, and a tensile test of 150 pounds per square inch. No allowance shall be made for the hollow space.

All manufacturers of concrete blocks shall file with the Inspector of Buildings at least once a year a bona fide copy of a test of four blocks selected by the Inspector at random from the run of the yard. The test is to be made by reputable parties approved by the Inspector.

The Inspector of Buildings may order the test made at any time to determine the uniformity of the strength of the blocks.

SEC. 11. The Inspector of Buildings shall have authority to condemn any block or blocks that have not been made in accordance with these regulations, or have not the required strength as determined by the test called for herein.

SEC. 12. When concrete blocks are used for party walls, they must be made solid blocks.

MASSIVE CONCRETE.

SEC. 13. Massive concrete may be used in general in the construction of footings, basement walls, heavy columns or piers, retaining and inclosing walls, supports or other construction requiring a heavy mass, and shall be designed in accordance with the following provisions:

SEC. 14. Massive concrete when used for bearing walls or bearing partitions, columns, piers, foundations, machinery supports or other similar construction carrying only vertical loads, shall be designed for a working load not greater than the values given below for various proportions of mixture.

One part cement, two parts sand and four parts stone and gravel, 22 tons per square foot.

One part cement, two and one-half parts sand and five parts stone and gravel, 20 tons per square foot.

One part cement, three parts sand and six parts stone and gravel, 18 tons per square foot.

One part cement, four parts sand and eight parts stone and gravel, 15 tons per square foot.

Provided no wall shall be less than 2" thicker than any superimposed wall.

Provided the thickness of such wall is not less than one-sixth (1-6) of the clear height between lateral bracing.

SEC. 15. Massive concrete used for retaining walls or other construction throwing upon such work stresses other than vertical loads, shall be of special design, and the method of calculation for same shall be clearly indicated upon the plans.

SEC. 16. Proportions of mixture as mentioned in Section 14 shall be understood to mean a mixture of mortar consisting of the cement and sand in the various proportions specified combined with the respective parts of the aggregate meaning the stone or gravel.

Cement shall mean a Portland cement as required by the "American Society for Testing Materials."

Sand shall mean a clear, sharp sand, free from loam, earth or vegetable matter which will pass a four mesh to the inch wire screen. A sand of varying size particles from largest to smallest will be preferred.

Stone shall mean a clean, hard-broken stone, screened to remove the dust, in general all particles shall pass a 2" ring.

Gravel shall mean a clean, washed gravel, free from vegetable matter or refuse and same size as specified for broken stone.

SEC. 17. Concrete may be used of a natural mix of gravel and sand where the proportions of the sand in the gravel is fifty per cent. of the amount of the gravel, or in other words, one-third of the total, but such proportions of sand to gravel must be determined accurately and as often as may be required before the use of such a natural mix shall be allowed.

Proportions of mixture must be clearly marked on each part of plans where massive concrete is shown.

SEC. 18. The continued violation of any provision of this ordinance shall constitute separate offenses under this ordinance for each and every day such violation of any provision thereof shall continue. No owner, builder, contractor, architect or any person shall construct, alter or repair or cause or permit to be constructed, altered or repaired any building, structure or appurtenance thereof in the City of Indianapolis, Indiana, contrary to the provisions of this ordinance.

SEC. 19. Any person who shall violate any provision of this ordinance upon conviction thereof shall be fined in the sum of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

SEC. 20. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SEC. 21. This ordinance shall be in full force and effect from and after its passage and publication once each week for two (2) consecutive weeks in the Indianapolis Sun of Indianapolis, Indiana.

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

At this time President Neukom called Vice-President Hartmann to the chair to preside, on account of an ailment to his eyes.

MISCELLANEOUS BUSINESS.

By Mr. Royse:

Resolution No. 6—1908:

Be it resolved by the Common Council of the City of Indianapolis, that

WHEREAS, Heretofore, on the 16th day of October, 1905, by an ordinance duly passed by the Common Council of Indianapolis, defining the boundaries of said city, the surface of North Meridian street from property line to property line was annexed to the City of Indianapolis to the intersection of Fiftieth street, but no real estate on either side of said street was so annexed;

AND WHEREAS, The Board of County Commissioners of Marion County, Indiana, may desire to improve the said highway from Forty-sixth street northward to and beyond said Fiftieth street,

Now be it resolved by the Common Council of the City of Indianapolis, That consent, authority and permission be, and the same is hereby given to the Board of County Commissioners of Marion County, Indiana, by any proceeding which it may see fit to adopt therefor, and by and through any contract which it may see fit to make therefor, to grade, drain, pave or otherwise improve said North Meridian street from Forty-sixth street north to and beyond said Fiftieth street in Marion County, Indiana.

Done by the Common Council of said City of Indianapolis this..... day of November, 1908.

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

ORDINANCES ON SECOND READING.

Mr. Royse called for Appropriation Ordinance No. 42, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 42, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 42, 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, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for General Ordinance No. 87, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 87, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 87, 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, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilke, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for General Ordinance No. 89, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 89, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 89, 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, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilke, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 28, 1908, which had been read a second time at the regular meeting of November 2, 1908.

By Mr. Royse:

INDIANAPOLIS, IND., November 16, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I move that Appropriation Ordinance No. 28, 1908, be amended as follows, to-wit: By striking out the figures "\$500.00" in the title thereof, and inserting in lieu thereof the figures "\$350.00," and also by striking out of Section 1 of said ordinance the words and figures following, to-wit: "Five hundred (\$500.00)," and inserting in lieu thereof

the words and figures following, to-wit: "Three hundred and fifty (\$350.00)."

Which motion carried.

Mr. Royse moved that Appropriation Ordinance No. 28, 1908, be amended as recommended in the foregoing motion. Carried.

Mr. Royse moved that Appropriation Ordinance No. 28, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 28, 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, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, none.

At 8:25 o'clock p. m. Mr. Wright entered the Council Chamber and took his seat.

Mr. Royse called for General Ordinance No. 95, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 95, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 95, 1908, was read a third time and failed to pass by the following vote:

Ayes, 3, viz.: Messrs. Cottey, Wood and Portteus.

Noes, 18, viz.: Messrs. Brown, Hamlet, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Mr. Rhodes called for General Ordinance No. 91, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 91, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 91, 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, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, none.

Mr. Brown called for General Ordinance No. 90, 1908, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 90, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 90, 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, Uhl, Stickelman, Portteus, Royse, Sullivan, Hofman, Hilkené, Wright, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, 1, viz.: Mr. Donavon.

Mr. Brown called for General Ordinance No. 92, 1908, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 92, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 92, 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, Uhl, Stickelman, Portteus, Royse, Sullivan, Hofmann, Hilken, Wright, Henry, Neukom and President Pro Tem Charles L. Hartmann.

Noes, 1, viz.: Mr. Donavon.

Mr. Uhl called for General Ordinance No. 56, 1908.

Mr. Uhl moved that General Ordinance No. 56, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 56, 1908, was read a third time and passed by the following vote:

Ayes, 13, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Uhl, Stickelman, Royse, Hofmann, Neukom and President Pro Tem Charles L. Hartmann.

Noes, 8, viz.: Messrs. Rhodes, Bangs, Portteus, Donavon, Sullivan, Hilken, Wright and Henry.

Mayor Bookwalter being present in the Council Chamber, Mr. Hamlet moved that the Mayor be invited to address the Council. Which motion carried.

Thereupon Mayor Bookwalter took the floor and addressed the Council.

On motion of Mr. Hamlet, the Common Council at 8:55 o'clock P. M., adjourned.

W. J. Mumford

President.

Chas. H. Hartman

President Pro Tem.

ATTEST:

James W. Kelly

City Clerk.

