

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, July 18, 1910.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 18, 1910, at 7:30 o'clock, in regular session, President William H. Johnson in the chair.

Present: The Hon. William H. Johnson, President of the Common Council, and 8 members, viz: Messrs. McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Blumberg and Troy.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., July 12, 1910.

To the President and Members of the Common Council:

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

General Ordinance No. 39, 1910, being "An ordinance providing for the transfer of two hundred dollars (\$200.00) 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."

Appropriation Ordinance No. 27, 1910, being "An ordinance appropriating two thousand dollars (\$2,000.00) to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 28, 1910, being "An ordinance appropriating one hundred sixty-five dollars and eight cents (\$165.08) to and for the use of the Finance Department, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 29, 1910, being "An ordinance appropriating one hundred forty-five dollars and eighty-three cents (\$145.83) to and for the use of the Finance Department, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 33, 1910, being "An ordinance appropriating the sum of five hundred dollars (\$500.00) to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

I have the honor to remain,

Very truly yours,

S. L. SHANK,

Mayor of the City of Indianapolis.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., June 22, 1910.

To the President and Members of the Common Council:

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

Appropriation Ordinance No. 21, 1910, being "An ordinance appropriating the sum of six hundred dollars (\$600.00) to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 24, 1910, being "An ordinance appropriating five hundred dollars (\$500.00) to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 25, 1910, being "An ordinance appropriating twenty-five hundred dollars (\$2,500.00) to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 30, 1910, being "An ordinance appropriating the sum of one thousand seven hundred eighty-five dollars (\$1,785.00) to and for the use of the Department of Finance, and fixing a time when the same shall take effect."

General Ordinance No. 29, 1910, being "An ordinance creating the posi-

tion of stenographer to the City Judge, providing for the salary of said stenographer, and fixing a time when the same shall take effect."

General Ordinance No. 31, 1910, being "An ordinance providing for the cutting and removal of weeds and all other rank vegetation growing on any real estate within the city of Indianapolis, and providing for a penalty therefor, and fixing the time when this ordinance shall take effect, and repealing all ordinances in conflict therewith."

General Ordinance No. 33, 1910, being "An ordinance amending General Ordinance No. 17, 1910, entitled 'An ordinance fixing the salaries of the employes of the Public Comfort Station, and fixing a time when the same shall take effect,' approved May 18, 1910, and repealing all ordinances or parts of ordinances that conflict herewith."

General Ordinance No. 34, 1910, being "An ordinance approving a certain contract granting Benjamin Roberts the right to lay and maintain a sidetrack or switch across the first alley east of Fountain street, north of Bloyd avenue, according to blue print attached, in the city of Indianapolis, Indiana."

I have the honor to remain,

Very truly yours,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., July 2, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith communications from his honor, the Mayor, and from the Children's Aid Association, requesting me to recommend to your honorable body that the sum of four thousand dollars be appropriated to enable the Children's Aid Association to meet its necessary expenses for the current year.

I submit herewith an ordinance providing for the appropriation of the sum of three thousand dollars (\$3,000.00) for the purpose asked for, and recommend its passage.

Respectfully submitted,

HOWARD KIMBALL,
City Controller.

INDIANAPOLIS, IND., June 24, 1910.

Mr. Howard Kimball, City Controller, City:

DEAR SIR: A thoroughly conservative estimate of the needs of the Children's Aid Association for the current year, not including general administrative expenses, shows the following:

Employment bureau	\$800 00
Recreation	1,000 00
Child protection	1,200 00
Visitation	3,000 00
Pure milk commission	3,000 00

Total\$9,000 00

The work of these departments can not be conducted properly with a smaller amount.

The Association received last year from personal contributions a little less than \$5,000. Assuming that the sundry income of the Association for the current year should be sufficient to cover all administrative expenses, which is hardly possible, we should still need at least \$4,000 in order to meet our responsibilities. For this reason our directors are asking the city for an appropriation of this amount.

Our work is general in its nature, for the public welfare, and belongs in a sense to the municipality. It is too important to be left entirely to chance, indiscriminate giving. In behalf of child welfare in the city of Indianapolis, we shall sincerely appreciate your valued assistance.

Respectfully yours,

FRANK D. LOOMIS,

General Secretary.

EXECUTIVE DEPARTMENT,

CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 20, 1910.

Mr. Howard Kimball, City Controller, City:

MY DEAR MR. KIMBALL: I would like to recommend that the sum of four thousand dollars (\$4,000) be appropriated to the Children's Aid Association to carry on the work of the Pure Milk Commission and such other purposes of the Association as are in keeping with the best civic and public welfare of the city.

The appropriation for this purpose last year was two thousand dollars (\$2,000), but in view of the enlarged scope of work I would be glad if you would recommend the increased appropriation for this year.

Very truly yours,

S. L. SHANK,

Mayor.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.

INDIANAPOLIS, IND., July 2, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Safety requesting me to ask your honorable body to appropriate an additional sum of one hundred eighty-three dollars (\$183.00) in the

Police Force accounts to be added to the fund known as "Repairs to Buildings." In compliance with that request, I submit herewith an ordinance providing for the additional appropriation asked for, and recommend its passage.

Respectfully submitted,
 HOWARD KIMBALL,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., June 30, 1910.

Howard Kimball, City Controller, City:

DEAR SIR: At a meeting of this Board, held June 29th, it was decided to request you to please ask the Common Council to appropriate the sum of one hundred eighty-three dollars (\$183.00) in the Police Force accounts, under the fund known as "Repairs to Buildings," this amount being needed to paint the exterior of the Station House.

The bids are in and can be seen at the office of the Board of Public Safety for the painting to be done at the Station House, the lowest bid being for \$183.00.

Respectfully yours,
 BOARD OF PUBLIC SAFETY,
 WM. E. DAVIS, *President.*

From City Controller:

DEPARTMENT OF FINANCE,
 OFFICE OF CITY CONTROLLER.
 INDIANAPOLIS, IND., July 16, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith communications from the Police Judge and the Corporation Counsel recommending the purchase of a law library to be used in connection with the City Court.

I also submit herewith an ordinance providing for the appropriation of the sum necessary for that purpose, and respectfully recommend its passage.

Respectfully submitted,
 HOWARD KIMBALL,
City Controller.

CITY COURT
 OF THE
 CITY OF INDIANAPOLIS.
 INDIANAPOLIS, IND., June 28, 1910.

Mr. Howard Kimball, City Controller, City:

DEAR SIR: On the 3d day of January, when I took my position as Judge of the City Court, Judge Thontas C. Whallon delivered to me his library, consisting of a copy of the Acts of 1909. I did not consider this size library sufficient for the proper conduct of the business of the court, and I asked the Bobbs-Merrill people to loan me the use of a set of Indiana Reports, together with the digests and statutes, which they did,

and which I have had in use ever since. As a library is a most essential adjunct to a well organized court, I am going to ask you to recommend to the Council an appropriation for the purchase of these books. A copy of their statement I am enclosing herewith.

This purchase will have to be made but once, as it will become a permanent fixture of the court, and when the Legislature convenes next year a bill will be presented amending Section 9324, providing for the distribution of the Supreme and Appellate Reports, which amendment will include city courts.

I enclose you herewith an ordinance which I have had prepared to cover this purchase, together with a letter from the City Attorney, recommending the purchase.

Yours very truly,

JAMES A. COLLINS,
City Judge.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., July 14, 1910.

Mr. Howard Kimball, City Controller, City:

DEAR SIR: I desire to recommend the purchase of a set of Indiana Reports, Statutes and Digest, by the city, for the use of Police Judge Collins. I believe the same is a necessity, and hope you will call on the Council to appropriate enough money to purchase the same.

Very truly yours,

JOS. B. KEALING,
Corporation Counsel.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., July 16, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith an ordinance providing for the transferring of the sum of \$165.75 from the "Special Judge" fund to the "Miscellaneous Expenses of City Offices" fund, and recommend its passage.

Respectfully submitted,

HOWARD KIMBALL,
City Controller.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., July 16, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an additional appropriation of \$500.00 for automobile maintenance.

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

Respectfully submitted,
HOWARD KIMBALL,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., July 8, 1910.

Mr. Howard Kimball, City Controller, City:

DEAR SIR: You are respectfully requested to recommend to the Common Council the passage of an ordinance adding \$500.00 to the Automobile Maintenance Fund.

Yours truly,
C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from his honor, the Mayor, requesting me to ask for an appropriation sufficient to pay the persons appointed by him to examine the books, accounts and property of the city.

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

Respectfully submitted,
HOWARD KIMBALL,
City Controller.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., July 16, 1910.

Howard Kimball, City Controller, City:

MY DEAR SIR: Acting under the power conferred upon me by State statute, I appointed, on June 17th, three competent men to audit the books of the various city departments under the present administration.

According to an opinion recently delivered by the City Attorney there is no fund available against which you can draw warrants to pay these men for their work. I wish, therefore, that you would request an appro-

priation from the City Council sufficient to pay for the work already done and for the work required to complete the examination now in progress.

The work thus far seems to indicate that excellent service is being rendered the city through this examination, and I feel sure that from the standpoint of public economy the appropriation required is warranted and will be readily approved by the tax payers.

Very truly yours,

S. L. SHANK,
Mayor.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I am in receipt of a communication from the City Attorney advising me that he has carefully examined and checked up a statement rendered to the Finance Department and to the Department of Law concerning costs in certain cases tried in the Circuit and Superior courts of this county. The amount of \$802.70 represents the amount of costs against the city procured in litigation where the city has lost and where assessments have been reduced, all of which cases were tried and decided in the courts prior to January 1, 1910. It is the opinion of the City Attorney that the city is liable for the payment of these costs. I therefore submit herewith an ordinance providing for an appropriation for the purpose and amount asked for, and recommend its passage.

Respectfully submitted,

HOWARD KIMBALL,
City Controller.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., June 29, 1910.

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 Walter R. Beard the right to lay and maintain a side-track or switch from a point on the switch now extending from the main line of the Big Four Railway Company across Rural street.

Yours truly,

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

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., June 29, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to submit to you, for consideration and action thereon, the ordinance ordering the improvement of the first alley north of Lowell avenue, from Ritter avenue to Layman avenue, with gravel roadway, as provided for by Improvement Resolution No. 6283.

Yours truly,

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

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to submit to you, for your consideration and action thereon, the attached ordinance ordering the improvement of Northwestern avenue, from Fifteenth to Twenty-first streets, with wooden block, asphalt, bituminous concrete or brick roadway, as provided for by Improvement Resolution No. 6277.

Yours truly,

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to submit to you, for your consideration and action thereon, the attached ordinance, being "An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 18th day of July, 1910, between the City of Indianapolis, by and through its Board of Public Works, and the Beech Grove Traction Company, whereby said company is authorized to build, construct, equip, maintain and operate a street and interurban railroad in, over and upon certain streets in the City of Indianapolis, and to carry passengers, mail, express matter, baggage and freight through and into said city on such cars, and fixing a time when the same shall take effect."

Yours truly,

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

From Board of Public Health and Charities:

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., July 15, 1910.

Hon. Edward A. Ramsay, City Clerk:

MY DEAR MR. RAMSAY: I inspected Sellers' farm on July 13th and found conditions satisfactory.

Yours very truly,

C. S. WOODS,
Secretary Board of Health.

From Board of Public Health and Charities:

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., July 15, 1910.

Hon. Edward A. Ramsay, City Clerk:

MY DEAR MR. RAMSAY: I herewith submit a statement of the expenditures and balances of the funds of the City Hospital for the month of June, 1910:

	<i>Expenses.</i>	<i>Balances July 1st.</i>
Drugs	\$116 79	\$502 12
Dry goods	109 90	2,661 00
Electrical supplies	2 40	521 16
Engine room supplies	36 06	373 48
Furniture supplies .....	.....	824 00
Fuel	367 32	2,666 60
Flower Mission Hospital	411 32	2,534 87
Gas	23 34	518 06
Hardware .....	.....	37 37
Horse shoeing	31 50	28 50
Incidentals	148 64	995 19
Laundry supplies	243 22	225 57
Nursing fund	550 38	3,810 07
Paints and painting	3 75	909 66
Plumbing and supplies	119 56	743 75
Provisions	2,101 54	13,833 95
Printing and stationery .....	.....	75
Queensware	13 22	449 03
Repairs to building	81 69	1,184 17
Salaries	2,016 91	11,661 61
Stable supplies	33 63	255 36
Surgical supplies	47 30	288 02
Telephones	93 00	164 00
Tuberculosis fund .....	.....	71 96
Tuberculosis fund—Hospital (clinic \$73.67) ...	216 92	.....
Contagious Hospital expense out of the Board of Health fund	97 12	.....

Total expense \$6,865 51

Total number of patients treated during the month of June, 6,052.

\$6,865.51 ÷ 6,052 patients = \$1.13½, average cost of one patient per day.

Respectfully,

C. S. WOODS,
Secretary.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 26, 1910, being "An ordinance appropriating the sum 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," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
GEORGE L. DENNY.
CHARLES F. COPELAND.
JAMES E. TROY.
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 31, 1910, being "An ordinance appropriating the sum of \$1,858.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect," beg leave to report that we have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
GEORGE L. DENNY.
CHARLES F. COPELAND.
JAMES E. TROY.
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 32, 1910, being "An ordinance appropriating

the sum of \$1,485.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect," beg leave to report that we have had the same under consideration and would respectfully recommend that the same do not pass.

Respectfully submitted,

FRED C. OWEN.
 GEORGE L. DENNY.
 CHARLES F. COPELAND.
 JAMES E. TROY.
 GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 44, 1910, being "An ordinance providing for the transfer of \$800.00 from a certain fund to a certain fund, for the use of the Department of Finance, and fixing a time when the same shall take effect," beg leave to report that we have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
 GEORGE L. DENNY.
 CHARLES F. COPELAND.
 JAMES E. TROY.
 GEORGE B. RUBENS.

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

From the Committee on Public Health and Morals:

INDIANAPOLIS, IND., July 18, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Public Health and Morals, to whom was referred General Ordinance No. 38, 1910, being "An ordinance providing for protection to passengers and buildings in the operation of elevators, the equipment of elevator doors with safety devices and appliances, the placing of starters on each floor in buildings where elevators are in operation; providing for a penalty, and fixing a time when

it shall take effect," beg leave to report that we have had said ordinance under consideration, and would recommend that the same do not pass.

Respectfully submitted,

FRANK E. MCCARTHY.
GEORGE B. RUBENS.
JOHN BLUMBERG.
FRED C. OWEN.

Non concurring.

CHARLES B. STILZ.

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

From the Committee on Public Improvements:

INDIANAPOLIS, IND., July 8, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Public Improvements, to whom was referred General Ordinance No. 41, 1910, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Osage street, from the north property line of Ohio street to the south property line of New York street, with wooden block, asphalt, bituminous concrete or brick roadway and curbing," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

CHARLES B. STILZ.
JOHN BLUMBERG.
JAMES E. TROY.

Non concurring.

CHARLES F. COPELAND.
FRANK E. MCCARTHY.

Mr. Stilz moved that the majority report of the committee be concurred in.

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

Ayes, 7, viz.: Messrs. Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, 2, viz.: Messrs. McCarthy and Copeland.

From the Committee on Public Improvements:

INDIANAPOLIS, IND., July 8, 1910.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Public Improvements, to whom was referred General Ordinance No. 36, 1910, being "An ordinance au-

thorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley north of New York street, from East street to Liberty street, with wooden block, asphalt, bituminous concrete or brick roadway," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

CHARLES B. STILZ.
JOHN BLUMBERG.
JAMES E. TROY.

Non concurring.

CHARLES F. COPELAND.
FRANK E. MCCARTHY.

Mr. Stilz moved that the majority report of the committee be concurred in.

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

Ayes, 6, viz.: Messrs. Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, 3, viz.: Messrs. McCarthy, Copeland and Rubens.

From the Committee on Ordinances:

INDIANAPOLIS, IND., July 8, 1910.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinances, to which was referred General Ordinance No. 20, 1910, entitled "An ordinance repealing General Ordinance No. 64, 1906, entitled 'An ordinance regulating the keeping of dogs in the City of Indianapolis, requiring the licensing, checking and registering of the same, providing for a public pound, the impounding of dogs therein, their redemption and disposal, creating the office of pound keeper and deputy pound keepers, providing for their salaries,'" have had said ordinance under consideration and respectfully recommend that the same do not pass.

Respectfully submitted,

GEORGE L. DENNY.
FRED C. OWEN.
CHARLES B. STILZ.

The undersigned members of said committee would recommend that the above entitled ordinance do pass.

FRANK E. MCCARTHY.
JAMES E. TROY.

Mr. Denny moved that the majority report of the committee be concurred in.

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

Ayes, 5, viz.: Messrs. Copeland, Denny, Owen, Stilz and Blumberg.

Noes, 4, viz.: Messrs. McCarthy, Rubens, Troy and President William H. Johnson.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 34—1910: An ordinance appropriating the sum of three thousand dollars (\$3,000.00) 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 dollars (\$3,000.00) be and the same is hereby appropriated out of any moneys in the city treasury, not otherwise appropriated, to and for the use of the Department of Public Health and Charities, said sum to be expended for the benefit of the Children's Aid Association of the City of Indianapolis.

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. 35—1910: An ordinance appropriating the sum of \$183.00 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 eighty-three dollars (\$183.00) be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Safety, said sum to be added to and form a part of the fund known as "Repairs to Buildings" in the "Police Force Accounts."

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. 36—1910: An ordinance appropriating \$462.75 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 four hundred sixty-two dollars and seventy-five cents (\$462.75) be and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Finance, such sum herein appropriated to be used in the payment for a law library to be used in connection with the City Court.

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

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

By City Controller:

Appropriation Ordinance No. 37—1910: An ordinance appropriating \$500.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of five hundred dollars (\$500.00) be and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, the sum herein appropriated to be added to and form a part of the fund known as "Automobile Maintenance."

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—1910: An ordinance providing for the appropriation of \$1,500.00 to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of

Indianapolis, Indiana, That the sum of one thousand five hundred dollars (\$1,500.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the city treasury not otherwise appropriated, to and for the use of the Department of Finance, the amount herein appropriated to be used for the payment of the persons appointed by the Mayor to examine the books, accounts and property of the city.

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. 39—1910: An ordinance appropriating the sum of \$802.70 to and for the use of the Department of Law, 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 eight hundred two dollars and seventy cents (\$802.70) be and the same is hereby appropriated out of any funds in the city treasury not otherwise appropriated, to and for the use of the Department of Law, the sum herein appropriated to be added to and form a part of the "Judgments, Compromises and Costs" account.

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. 45—1910: An ordinance transferring \$165.75 from a certain fund to a certain fund in 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 one hundred sixty-five dollars and seventy-five cents (\$165.75) heretofore appropriated to the fund for "Special Judge" be and the same is hereby transferred to the fund known as "Miscellaneous Expenses of City Officers," all in and for the use of the Department of Finance.

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

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

By Board of Public Works:

General Ordinance No. 46—1910: An ordinance approving a certain contract granting Walter R. Beard the right to lay and maintain a sidetrack or switch from a point on the switch now extending from the main line of the Big Four Railway Company across Rural street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 29th day of June, 1910, Walter R. Beard filed his 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, Walter R. Beard, hereby most respectfully petitions your honorable body to grant him the right to lay and maintain a switch across Rural street, in the City of Indianapolis, beginning on the switch now running off the main line of the Big Four Railway Company across Rural street at a point eight (8) feet east of the east property line of Rural street, thence in a northwestern direction upon, over and across Rural street, into and upon the lands of your petitioner, all as shown by a certain drawing hereto attached, marked "Exhibit A," and made a part hereof, and to sign and approve the contract hereto attached.

Now, therefore, This agreement, made and entered into this 29th day of June, 1910, by and between Walter R. Beard, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part,

Witnesseth: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from a point on the switch now extending from the main line of the Big Four Railway Company across Rural street, beginning on said switch at a point eight (8) feet east of the east property line of Rural street, and running thence northwest upon, over and across Rural street, in the City of Indianapolis, which is more specifically described as follows: Beginning at a point in the intersection of the south rail of proposed switch with the east line of Rural street, the said point being 3 feet and 3 inches north of the north rail of the north main track of the C., C., C. & St. L. R. R.; thence in a northwesterly direction to a point in the intersection of the south rail of the proposed switch with the west line of Rural street, the said point being 24 feet and 3 inches north of the north rail of the north main track of the C., C., C. & St. L. R. R. And the said Walter R. Beard hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks. And the said party of the first part hereby releases all claims for damages whatsoever that may arise by reason of the change of any grade and the elevation or depression of any of the tracks and switches herein provided for.

(3) The crossing where said track intersects Rural 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 violation 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 hereinafter set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across Rural 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 29th day of June, 1910.

WALTER R. BEARD,
Party of the first part.

CITY OF INDIANAPOLIS,
By C. A. SCHRADER, *President*,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
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 Public Service.

By Board of Public Works:

General Ordinance No. 47—1910: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley north of Lowell avenue, from the east property line of Ritter avenue to the west property line of Layman avenue, with gravel roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of June, 1910, adopt Improvement Resolution No. 6283, 1910, for the improvement of the first alley north of Lowell avenue, from the east property line of Ritter avenue to the west property line of Layman avenue, with gravel roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 29th day of June, 1910, 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 11th day of June, 1910, and the 18th day of June, 1910, in the Indianapolis Commercial, 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 29th day of June, 1910, the Board having met in regular session, took final action on said Improvement Resolution, the same being confirmed without modification; and

WHEREAS, On the 29th day of June, 1910, a written remonstrance of a majority of the resident property owners was filed with the Board against the said improvement; and

WHEREAS, On the 29th day of June, 1910, the said Board of Public Works directed that an ordinance ordering said improvement be sub-

mitted 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 are hereby ordered to improve the first alley north of Lowell avenue, from the east property line of Ritter avenue to the west property line of Layman avenue, with gravel roadway, in accordance with Improvement Resolution No. 6283, 1910, adopted by the Board of Public Works June 10, 1910, and confirmed June 29, 1910.

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 Improvements.

By Board of Public Works:

General Ordinance No. 48—1910: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Northwestern avenue, from the south property line of Fifteenth street to the south property line of Twenty-first street, with wooden block, asphalt, bituminous concrete or brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 8th day of June, 1910, adopt Improvement Resolution No. 6277—1910, for the improvement of Northwestern avenue, from the south property line of Fifteenth street to the south property line of Twenty-first street, with wooden block, asphalt, bituminous concrete or brick roadway; and

WHEREAS, The said Board of Public Works did at the same time fix the 1st day of July, 1910, 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 9th day of June, 1910, and the 16th day of June, 1910, in the Indianapolis Commercial, 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 1st day of July, 1910, the Board having met in regular session, took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 6th day of July, 1910, a written remonstrance of a majority of the resident property owners was filed with the Board against the said improvement; and

WHEREAS, On the 18th day of July, 1910, the said Board of Public Works directed that an ordinance ordering said improvement 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 are hereby ordered to improve Northwestern avenue, from the south property line of Fifteenth street to the south property line of Twenty-first street, with wooden block, asphalt, bituminous concrete or brick roadway,

in accordance with Improvement Resolution No. 6277—1910, adopted by the Board of Public Works June 8, 1910, and confirmed July 1, 1910.

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 Improvements.

By Mr. Troy:

General Ordinance No. 49—1910: An ordinance prohibiting the public exhibition within the City of Indianapolis and for four miles from the limits thereof, of pictures of prize fighting or of any prize fight or boxing contest, providing a fine for a violation, and fixing a time for the taking effect of this ordinance.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person or persons, firm or corporation, to cause or permit to be exhibited publicly, within the City of Indianapolis and for four miles from the limits thereof, any prints, pictures or reflected pictures, commonly called and known as moving pictures, of any prize fighting, prize fight or boxing contest.

SEC. 2. Any person or persons, firm or corporation violating any of the provisions of this ordinance shall be fined in the sum of one hundred dollars (\$100.00) for each offense, and every time of such exhibition shall constitute an additional offense.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in said city.

Which was read a first time.

Mr. Troy moved the rules be suspended and General Ordinance No. 49, 1910, be placed upon its passage.

The roll was called and the motion of Mr. Troy lost for want of unanimous consent, as provided by the rules, by the following vote:

Ayes, 2, viz.: Messrs. Owen and Stilz.

Noes, 7, viz.: Messrs. McCarthy, Copeland, Rubens, Denny, Blumberg, Troy and President William H. Johnson.

General Ordinance No. 49, 1910, was thereupon referred to the Committee on Public Health and Morals.

By Board of Public Works:

General Ordinance No. 50—1910: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 18th day of July, 1910, between the City of Indianapolis, by and through its Board of Public Works, and the Beech Grove Traction Company, whereby said company is authorized to build, construct, equip, maintain and operate a street and interurban railroad in, over and upon certain streets in the City of Indianapolis, and to carry passengers, mail, express matter, baggage and freight through and into said city on such cars, and fixing a time when the same shall take effect.

WHEREAS, Heretofore, to-wit: on the 18th day of July, 1910, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Beech Grove Traction Company, namely:

THIS AGREEMENT, made and entered into this 18th day of July, 1910, by and between the City of Indianapolis, Marion County, Indiana (hereinafter called the City), by and through its Board of Public Works, party of the first part, and Beech Grove Traction Company of Indiana (hereinafter called the Company), a corporation duly organized and incorporated under and by virtue of the laws of Indiana, party of the second part, witnesseth: that

WHEREAS, Said Beech Grove Traction Company of Indiana has presented its written petition to the Board of Public Works of said City of Indianapolis, asking permission to be allowed to build, construct, equip, maintain and operate a street and interurban railroad in, over and upon certain streets in the said City of Indianapolis, Indiana, and to run and operate its interurban cars into said city along certain streets therein and hereinafter named, over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, and to carry passengers, mail, express matter, baggage and freight through and into said city on said cars; and

WHEREAS, By the provisions of an Act of the General Assembly of the State of Indiana entitled "An Act concerning street railroad companies in cities the population of which exceeds one hundred thousand; repealing all laws in conflict with this Act, and declaring an emergency," which became a law without the Governor's signature on the third day of March, 1899, the use of the said tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company shall be upon such conditions and under such regulations as the Board of Public Works and the Common Council of said city shall prescribe.

NOW, THEREFORE, The said Board of Public Works of said City of Indianapolis, in consideration of the several agreements of the said Company, party of the second part, hereinafter stipulated and set forth, does hereby (subject to the ratification and approval of the Common Council of said City), authorize, empower and permit the said Beech Grove Traction Company, subject to the conditions hereinafter prescribed and expressed, to build, own, operate and maintain a line of street railway in, over and upon the following streets, with one track at present, as follows, to-wit:

The center line of the track, or if two tracks are laid, the center line between such tracks shall begin at the east line of Louthain & Company's subdivision (being the eastern terminus of Le Grande avenue) at a point 25.15 feet from the north line of said Le Grande avenue, and run west

parallel with said north line to intersection of Shelby street; thence curve to the north. Also, a second track for a cross-over, beginning at a point west of the west line of Olive street and running parallel with the first track 25.15 feet over south line of said Le Grande avenue to and into Shelby street to connection with the west track of the Indianapolis Traction and Terminal Company. All within the City of Indianapolis, County of Marion, State of Indiana.

And to operate and run its cars therefrom upon and over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company now and hereafter laid and in use in the following streets and avenues of said city, to-wit:

Its cars used exclusively for the carriage of passengers and their hand baggage, hand parcels and hand packages, to and from the intersection of Meridian and Washington streets in said city as and for its central point and terminal in said city, upon and over the tracks of said Street Railway and Traction and Terminal companies now or hereafter laid and in use in Shelby street between Le Grande and Virginia avenues; in Virginia avenue, between Shelby and Maryland streets; in Maryland street, between Virginia avenue and Meridian street; in Meridian street, between Maryland and Washington streets; in Washington street, between Meridian street and Virginia avenue, and in Virginia avenue, between Washington and Maryland streets.

Its combination passenger and freight cars and exclusively express and freight cars to and from the freight station and terminal of the Traction and Terminal Company in the square bounded by Ohio, Illinois and Market streets and Capitol avenue, as and for its central point and terminal in said city, upon and over the tracks of said Street Railway and Traction and Terminal companies now or hereafter laid and in use in Shelby street, between Le Grande and Virginia avenues; in Virginia avenue, between Shelby and Delaware streets; in Delaware street, between Virginia avenue and Ohio street, and in Ohio street, between Delaware street and Capitol avenue: Provided, also, That said Beech Grove Traction Company is authorized, empowered and permitted to use the tracks of street railway in the streets last above described, and in addition thereto the tracks in Capitol avenue, between Ohio and Market streets, and in Market street, leading into the passenger station and terminal of the Traction and Terminal Company, in the square bounded as aforesaid, for the purpose of operating its exclusively passenger and combination passenger and freight cars to and from said passenger station and terminal, which is also designated as a central point and terminal to and from which said last described cars of said Beech Grove Traction Company may be operated by said company at its election.

The cars of the Beech Grove Traction Company, which shall make use of the tracks in Maryland, Meridian and Washington streets, shall be similar in size and weight to the local city cars used in said streets by the Traction and Terminal Company, and they shall only use such streets for the reception, transportation and delivery of passengers and their hand baggage, hand packages and hand parcels.

If by arrangement between the Traction and Terminal Company and the Beech Grove Traction Company the latter company shall have the right to resort to any car-shop or barn of the former company which can not be reached by tracks hereinbefore described, for storage or repair of any of its cars, then in addition to the tracks hereinbefore described, said Beech Grove Traction Company is permitted to use for such purpose only such other tracks of said Street Railway and Traction and Terminal Company as shall be designated by said company.

Provided, however, That at any time within one year from the taking effect of this contract, the said Company, party of the second part, the Indianapolis Street Railway Company and the Indianapolis Traction and

Terminal Company, with the consent and approval of the Board of Public Works, may designate and determine upon a different route for the cars of said second party than the one heretofore designated, over that part of the line and tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company which are now situated, or hereafter may be constructed, in the streets between New York street on the north, South street on the south, East street on the east, and West street on the west, which route is to remain unchanged for five years. But in the event said Company, party of the second part, and the said Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company can not agree on a route for such cars over the said line and tracks in and between said streets, or in the parts of said New York, South, East and West streets, forming a boundary as above described, or in the event they fail, neglect or refuse to designate said route before said date, to the satisfaction and approval of the Board of Public Works, the said Board of Public Works shall have the right and power to arbitrarily determine and establish said route over the tracks of said Indianapolis Street Railway Company and said Indianapolis Traction and Terminal Company in the boundary parts of said streets above mentioned, or in any street or streets within such boundary, but in such a way that such route will connect with the other part of the line over which said Company, party of the second part, enters the city, and at the same time connect with the central points and terminals hereinbefore designated.

Provided, further, however, That after said route is determined and established in accordance herewith, such route shall remain so fixed for a period of not less than five years, but at any time after five years and at the end of any and every interval of five years thereafter, the said Board of Public Works, or the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, with the consent and approval of the said Board of Public Works, may change said route in said streets and within the boundary aforesaid; but, however, so as to connect with said central point and said station or terminal for the receipt and delivery of express and freight, which are to be and remain the central points and terminals for passengers and express or freight for said second party. But in making such changes the route to be so fixed for the cars of said second party shall be upon the parts of New York, South, East and West streets designated above, or within the boundary formed thereby.

The above grant is made upon the following express conditions:

1. That after entering the City of Indianapolis, all regular passenger cars of said Company, party of the second part, shall stop at all intersecting streets on signal from waiting passengers, or passengers on such cars desiring to leave the same, and shall take on and carry all passengers desiring to take passage on any such cars for the purpose of being transported between different points on the line over which said cars are operated in said city: Provided, That such cars shall not be stopped at any such street for a longer time than is necessary to take on and discharge such passengers, and that no baggage other than hand baggage, hand parcels and hand packages, nor express or freight matter, shall be unloaded or taken on any such car at any such crossing.

2. The said Company, party of the second part, shall charge five cents (5c) for a single fare between any two points within the corporate limits of the City of Indianapolis or which may subsequently be brought within the corporate limits of the City of Indianapolis by annexation or otherwise, and any passenger who shall pay a single fare of five cents (5c) shall be entitled to ride in the car upon which he took passage to any point on the line of such Company, within such city, as follows: If on an incoming car, to the terminal point, and if on an outgoing car, to the corporate

limits of said city: Provided, however, That said Company shall not discriminate, either in fares or freight rates, in any manner whatsoever, against passenger or freight traffic to or from the City of Indianapolis, in favor of any other point on the line of railroad operated by said Company.

3. The said Company, party of the second part, shall run and operate its cars in said city with reference to the time schedule of the cars being operated on said lines by the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, which cars shall have the right of way, and so as not to delay or interfere in anywise with the running and operating of the cars of either of said companies or to interfere with any schedule for the running of said cars of either of said companies which may hereafter be fixed by the Board of Public Works, and the said cars of said Company, party of the second part, shall be so operated as not to interfere in any way with public travel at street or alley crossings, nor in any way violate any obligation of either of said companies under the law or any ordinance of the City of Indianapolis, or any other municipality, now in force or which may hereafter be in force, or of the contract between the said Indianapolis Street Railway Company and said city, dated April 7, 1899, or of the contract between said Indianapolis Traction and Terminal Company and said city, or any other existing grant or contract of either of said companies, whether made to or with said companies or either of them or some other person or corporation, to the rights and obligations of which either of said companies has succeeded.

The right is expressly reserved to the said Board of Public Works to fix the time schedules for the running of all cars of said Company, party of the second part, passing on or over the streets of said city, to the end that there shall be uniformity and regularity in the running of all the cars of the several companies in said city, and also prompt and efficient service.

4. The cars of said Company, party of the second part, shall not be stopped, either for the receiving or discharge of passengers, or for any purpose other than to avoid collisions or casualties, at any point in such city except at street crossings, as hereinafter provided, and at its designated central points and terminals. In stopping its cars at street crossings, said Company, party of the second part, shall at all times be governed by the rules, regulations, ordinances or contracts which are in force governing the stopping of cars of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company at such crossings, or other places in said city.

5. The said Company, party of the second part, may at all times carry in its passenger cars, or in suitable compartments thereof provided for such purpose, or in mail, express or freight cars of a style and pattern to be approved by the Board of Public Works, such baggage belonging to its passengers, being transported in its passenger cars, as is usually allowed to be carried by passengers in steam railroad companies' cars, and also the United States mail, and such express matter and merchandise as may be enclosed in boxes, crates and parcels, so as to be easily handled, and so as not to be unsightly in appearance or offensive to sight or smell, and also such packages and parcels as are usually carried and delivered by messenger service: Provided, That no live animals (except hunting dogs) shall be carried in any such cars or in any such compartments at any time: And provided, further, That all baggage (other than hand baggage), except express matter, parcels and articles of merchandise carried as aforesaid, shall be delivered at the station and terminals herein referred to, for distribution, and that in no case shall any such baggage (other than hand baggage), or any express matter, parcels or merchandise, be loaded or unloaded in or upon any of the streets, alleys, avenues or public grounds of said city, except at said station or terminals: Provided, also, That fowls properly secured in boxes or coops

may be carried in said cars between the hours of 12:30 a. m. and 4:30 a. m.

6. The said Company, party of the second part, shall not be permitted under any circumstances to transport in its cars through or over the streets, alleys or avenues of such city, live animals of any kind, other than hunting dogs. Said Company, subject to the conditions hereinafter prescribed, shall be permitted to haul and handle freight other than designated in Section 6, when a station or terminal for the receipt and delivery of freight shall have been provided. After such terminal or station shall have been provided, the said Company may deliver freight, other than live animals, not of a character offensive to sight or smell, into such station or terminal, where the same may be held for delivery to any part of said city, or for transfer to steam railroad lines, or to the lines of other suburban or interurban companies which may be able to transport under any ordinance regulating such transportation.

The right is hereby expressly reserved by the Board of Public Works and Common Council of said city, to regulate by order or ordinance the carrying of the freight, merchandise or property of any kind described in Sections 6 and 7 of this contract, through the streets, alleys and avenues of said city, and at any time during the term of this contract, to change the route of cars of said Company, used exclusively for carrying mail, express or freight over the lines and tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, but only in such a way that such route shall connect with the other part of the line on which said Company enters the city, and at the same time connect with the station or terminal for the receipt and delivery of freight herein referred to.

7. The rates charged and collected by such Company for the carriage of freight matter between Indianapolis and points on its lines, shall not exceed those charged and collected for the carriage of like freight matter between the same points by other common carriers of freight; and the rates charged and collected by such Company for the carriage of express matter between Indianapolis and points on its lines, shall not exceed those charged and collected for the carriage of like express matter between the same points by other common carriers of express matter: Provided, however, That such Company shall never be compelled to charge or collect less than eighty (80) per centum of the published rates now charged for the carriage between the same points of freight and express matter, as the case may be, by other common carriers of freight and express matter between such points: Provided, further, That the maximum rates which such Company may charge hereunder shall not apply to freight of other classes than classes 1, 2, 3 and 4, as such classes are defined by the classification in use January 1, 1902, by the railroad companies operating between Indianapolis and such other points, such classification being that known as "Official Classification No. 22," copyrighted in 1902 by C. E. Gill, Chairman.

8. The cars to be run and operated by said Company, party of the second part, shall be propelled by electric power only: Provided, however, That if the Board of Public Works and the Common Council of said city, under the power reserved to them under the contracts entered into between said city and the Indianapolis Street Railway Company and said Indianapolis Traction and Terminal Company, shall by order or ordinance require said Indianapolis companies to introduce any other improved method of propulsion of its cars running within such city, then and in that event said Company, party of the second part's method of propulsion shall conform to the method of propulsion of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, if so ordered by the Board.

9. If the said Company, party of the second part, shall hereafter be permitted to set poles and string wires in said city, or construct therein

any other electrical appliance for the propulsion of its cars, the same shall be constructed by providing for an independent return circuit for the electricity used, or by such approved scientific methods as will prevent any injury by any such current of electricity to water pipes, gas pipes, or any other property in, under or upon any of the streets, alleys or avenues aforesaid, or elsewhere within said city, and the said Company, party of the second part, shall hold the city free and harmless from all damages of every nature whatsoever resulting to any person or property on account of injury caused by the electrical currents of said Company or by the construction or operation of the street railway cars of said Company.

10. If the said Company, party of the second part, shall construct any tracks within said city, or if hereafter any of the tracks of said Company shall by annexation be brought within the limits of said city, then the said Company, or its assigns, shall pave the space between all the rails, including the space between its tracks where there are double tracks, switches or side-tracks, and for a distance of eighteen (18) inches on the outside of the outside rails of its tracks, and shall make all necessary repairs in said space under specifications both as to material and manner as may be provided by the Board of Public Works, and shall repave the same when necessary and ordered by the said Board, and keep the same in repair, said paving and repairing to be done under specifications both as to material and manner as may be provided by the said Board and under the supervision of the City Engineer of said city; and said Company shall also keep in repair that part of the floors of all bridges or culverts crossed by any of its tracks which is situate between the outer rails of said tracks, and for a distance of eighteen (18) inches on the outer side of such outer rails, and also the space between the tracks where there are double tracks; and in case of failure on the part of said Company to make any such improvement or repairs as aforesaid, either to streets, avenues or alleys, or bridges, as herein provided, upon reasonable notice by said Board, then the said Board of Public Works shall have the right to proceed to make any such improvement or repairs, and the cost of making the same shall be paid by said Company, and the collection of such cost of paving and improving and repairing the space between the tracks and eighteen (18) inches on the outer side of such outer rails, shall be in every respect in conformance with the laws of the State of Indiana, with reference to the collection and assessment of street improvements, the party of the second part hereby agreeing that the said improvement and paving shall be paid by it as if it were an abutting property owner, with the amount fixed as the cost of improvement, it being hereby agreed that the Board of Public Works may assess the said Company, the party of the second part, the cost of the improvement as an abutting property owner, and collect the same in the manner provided by the laws of Indiana for the collection of assessments for the improvement of streets and alleys.

And it is also agreed by and between said parties that the party of the second part shall at all times during the period of this franchise keep on deposit in the city treasury to the credit of the said Board of Public Works, the sum of one thousand (\$1,000.00) dollars, to be designated as an emergency fund. Whenever, in the opinion of said Board of Public Works, an emergency arises for the immediate repair of any dangerous defect found to exist in that part of any street, alley, avenue or public place required by this contract to be kept in repair by said Company, and the said Company has failed on notice to immediately repair the same, the said Board shall cause said repair to be made at once, and if said Company shall not promptly pay the bill for the cost of such repairs, when made out and presented at the office of the said Company in said city, then said Board may draw the amount of such bill from said emergency fund, which fund shall be reimbursed by said Company

without any delay and kept up to said amount of one thousand (\$1,000.00) dollars as aforesaid.

This provision as to an emergency fund is in addition to all other provisions herein contained on the subject of repairing streets, and is not intended to modify or change any other provisions or penalties of this contract concerning the same.

11. The said Company, party of the second part, shall during the entire period for which this franchise is granted, so operate its cars in said city as to render the public at all times first-class and efficient service; that the motive power furnished by said Company shall at all times be ample and of the most approved kind; that its cars shall be of the best and of the most approved pattern, style and finish; at all times kept clean, well ventilated, provided with comfortable seats for passengers, and heated with safe and convenient appliances whenever the weather is such that the comfort of the passengers requires the same, and lighted at night with electricity, or, subject to the approval of the Board of Public Works, with other equally efficient light; that all such cars shall be kept in good repair, and shall at all times be so painted on the outside and decorated on the inside as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that each of such cars shall be provided with the most approved life guards, and all other modern appliances for the safety of its passengers and employes, including a headlight, which, if an electric arc light, shall be so screened or shaded while said cars are within the city limits as not to interfere with the vision of approaching persons or animals; that each of such cars shall have thereon the name of said Company, or the point of its destination, in letters of such size that the same may be readily discerned and read by persons of ordinary eyesight, and that at night such name shall be so illuminated or displayed that the same may be readily and easily seen and read by persons desiring to take passage in such cars; that the tracks of said Company which may come within said city by extension of its boundaries or be permitted to be constructed or owned therein, shall at all times be kept in repair, provided with the most modern and improved rails, of sufficient size and weight and in such condition that passengers riding in cars over the same shall suffer no discomfort or inconvenience by reason of such tracks or any part thereof being irregular, uneven or in anywise insufficient, and the right is reserved by the Board of Public Works of such city to order any needed repairs to said tracks or roadbed, or cars or appliances, and the said Company, party of the second part, agrees to comply with all such orders. The said cars to be used by said Company, party of the second part, together with all the machinery, appliances and appurtenances thereof, shall be suitable and adapted to be operated upon the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, without injury to said tracks or any of the appurtenances thereof, or the pavement required to be kept in repair by said companies, provided such pavement shall not be laid or maintained above the level of the head of the rail, and shall at all times be so operated as not to injure the same, or any of the cars or other property of either of said companies.

In case the said Company, party of the second part, shall fail to comply with any of the foregoing agreements or stipulations contained in this clause, concerning motive power, the kind of cars to be used, or the equipment, painting, decorations, heating, lighting or designating the same, or concerning the life guards and appliances for the safety of passengers and employes, rails, roadbeds or other stipulations herein contained concerning the operation, maintenance or construction of its line of street railway and cars, or in case said Company shall fail to comply with any of the stipulations or provisions of this contract, and the

Board of Public Works shall, by written notice served on any officer of said Company, require compliance with any such stipulations within a reasonable time therein fixed, and said Company shall continue to fail and refuse, after any such period so fixed, to comply with any such provisions or stipulations, or notice or order of the Board pertaining thereto, then said Company shall forfeit to said city the sum of fifty (\$50) dollars for each day that it shall continue to violate any such provision or stipulation, which sum may be collected without relief from valuation or appraisal laws, either by suit on any bond which may be given by said Company for the performance of the conditions of this contract or otherwise, by instituting any proper proceedings to recover said forfeiture, as the said Board may elect: Provided, That nothing herein contained shall be construed as an attempt to abridge or in anywise restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety, comfort or convenience of the public traveling on the cars of said Company within said city, and also providing reasonable penalties for the violation thereof.

In further consideration of the grant herein and hereby made, the said Company, party of the second part, agrees and binds itself to pay to the said city on the first day of January, 1911, the sum of one cent (1c) for each and every round trip made by any car of said Company over the streets of said city during the year preceding said date; and thereafter annually during the next ten (10) years the sum of two cents (2c) per round trip for each and every round trip made by any car of said Company over the streets of said city during the preceding year; and for the balance of said period for which this franchise is granted said party of the second part agrees and binds itself to pay, as aforesaid, the sum of three cents (3c) per round trip for each and every car as above described; and in consideration of such agreement of said Company to make said payments and of said payments, said city undertakes and agrees that it will not at any time impose on or exact from said second party, its successors or assigns, or its or their property, or require to be paid by it or them any other sum or sums as or for a franchise or car tax or charge, or any other special tax or charge than those above provided to be paid, but nothing in this contract contained shall affect the liability of said Company, its successors or assigns, to general taxation.

This contract shall take effect and be in force from and after the date of its approval and ratification by an ordinance of the Common Council, for and during a term ending on the seventh day of April, of the year 1933.

The limitation of time is one of the essential and governing conditions of this contract, and at the expiration of said period the rights of said Company, party of the second part, to run or operate its cars within such city shall absolutely cease, and all rights under this contract shall terminate, and it shall be deemed and held a trespasser if it shall undertake to run or operate any car over any such street after that time. Said Beech Grove Traction Company further agrees to construct said railroad and have cars running thereon within a period of twelve (12) months from the date of approval and ratification of this contract by an ordinance of the Common Council, and upon failure so to do shall forfeit all rights and privileges herein granted it.

Neither this contract nor any of the rights or privileges named therein shall ever be assigned or transferred by said Company to any person, firm or corporation without the written consent of said Board of Public Works and the Common Council of the City of Indianapolis, duly entered upon the records of said Board and said Common Council, first being given, and in the event of any such transfer or assignment without the said written consent of said Board of Public Works and said Common Council, then all rights and privileges of said Company under the

contract shall absolutely cease and become void and said Company shall be deemed and held a trespasser if it shall thereafter undertake to run or operate any car over any street or alley of said city.

And it is also agreed and understood that the said Company, party of the second part, shall not permit to be used or operated on its said line within said city any car or cars by any other person or corporation without the consent of the Board of Public Works, entered upon record of said Board, and until after terms for compensation for such use have been agreed upon with said Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, or fixed as provided by law. It is further agreed and understood that the right to use the tracks of said Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, hereby granted, is subject to the payment by said Company, party of the second part, to said railway companies respectively, of compensation for such use as fixed by agreement or judgment of the proper court, as and when such compensation shall become due and payable, and that in default of such payment, and so long as such default may continue, said railway companies, or either of them, shall have the right to exclude said Company, party of the second part, from such use.

12. The said Company, party of the second part, before exercising any of the rights hereby granted, shall execute to the City of Indianapolis a good and sufficient bond in the sum of one thousand (\$1,000.00) dollars, with good and sufficient sureties to be approved by the said Board of Public Works, conditioned that the party of the second part shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sums of money for which, under the terms of this contract, it may become liable to said city; and said bond shall be renewed from time to time during said period on the demand of the Board of Public Works of said city, whenever by reason of the insufficiency of the surety thereon or the impairment of the amount thereof by reason of the accumulation of unpaid penalties, forfeits, judgments or other claims against said Company, in favor of said city, the said Board deem such renewal necessary.

And in case the said Company, party of the second part, shall on reasonable demand of said Board fail or refuse to renew such bond or furnish additional surety thereon as may be required, then its rights under this contract shall cease, and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction.

Any right which might be claimed by said Company, party of the second part, to run or operate any car in or on any street of such city, after the expiration of said period, either under the provisions of the statute under which it was incorporated, or any other statute or ordinance now existing, is hereby expressly waived.

IN WITNESS WHEREOF, Said parties have hereunto set their hands and seals this 18th day of July, 1910.

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'RIELLY,

Board of Public Works of the City of Indianapolis, Indiana.

S. L. SHANK,

Mayor of the City of Indianapolis, Indiana.

BEECH GROVE TRACTION COMPANY,
By JOHN WOCHER,

President.

[SEAL.]

Attest:

C. F. SCHMIDT,
Secretary.

AND WHEREAS, Said contract and agreement has been submitted by said Board of Public Works of said 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 18th day of July, 1910, by the City of Indianapolis, by and through its Board of Public Works, and the Beech Grove Traction Company, be and the same is hereby in all things ratified, confirmed and approved, and said Beech Grove Traction Company is hereby granted all rights, privileges and franchises as in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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 Public Service.

By Mr. McCarthy (by request):

General Ordinance No. 51—1910: An ordinance requiring any person, firm, corporation or association giving or holding a dance in a public hall used for dancing purposes, in the City of Indianapolis, to first secure the services of a special police officer, defining the duties of such officer, providing a penalty for a violation thereof, and a time for taking effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm, corporation or association to give or hold a dance in any public hall used for dancing purposes, in the City of Indianapolis, Indiana, without first securing the services of at least one special policeman, and said policeman shall remain in continuous duty during any such dance for the purpose of preserving order at the dance, and regulating the management and control of carriages, hacks, automobiles and other conveyances in attendance.

SEC. 2. That any person, firm, corporation or association who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in said city.

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

By Mr. Blumberg (by request):

General Ordinance No. 52—1910: An ordinance regulating the use of "commons" or vacant lots in 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, Indiana, That it shall be unlawful for any person, firm or corporation to use, occupy, or rent for use or occupancy, any vacant lot or lots, within the city limits of Indianapolis, Indiana, for use as places of amusement, entertainment, or for public gatherings of any kind, for more than one day or evening, of any ten consecutive days, without the written consent of all the householders within five hundred feet of such vacant lot or lots.

SEC. 2. Any one violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for the first offense; for the second offense there may be added to the same named fine imprisonment not to exceed sixty days.

SEC. 3. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in said city.

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

By Mr. Stilz:

General Ordinance No. 53—1910: An ordinance amending Section 7 of an ordinance entitled "An ordinance providing for the inspection of scales, weights and measures in the City of Indianapolis, Indiana; providing for the appointment of an inspector of scales, weights and measures, and defining his duties and compensation, providing penalties 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, Indiana, That Section 7 of an ordinance entitled "An ordinance providing for the inspection of scales, weights and measures in the City of Indianapolis, Indiana; providing for the appointment of an inspector of scales, weights and measures, defining his duties and compensation, providing penalties for the violation thereof, and fixing the time when the same shall take effect," be and the same is hereby amended to read as follows:

"SEC. 7. The inspector of scales, weights and measures shall charge for examining, testing and certifying as herein required, as follows, viz.: Any steelyard, beam, ground floor platform, counter or other scale upon which may be weighed less than three hundred (300) pounds, twenty-five (\$.25) cents each; any such instrument upon which may be weighed three hundred (300) pounds or over and under ten hundred (1,000) pounds, fifty (\$.50) cents each; any such instrument by which ten hundred (1,000) pounds or over and under eighteen hundred (1,800) pounds up to two thousand (2,000) pounds, seventy-five (\$.75) cents each; any instrument by which may be weighed two thousand (2,000) pounds or over and up to three thousand (3,000) pounds, one (\$1.00) dollar each; any such instrument by which may be weighed four thousand (4,000) pounds and over and up to sixteen thousand (16,000) pounds, two (\$2.00) dollars each; and any store, wagon, depot, hopper, hog, stock, hay, coal or other scales by whatsoever name known or called upon which may be weighed sixteen thousand (16,000) pounds or under, two (\$2.00) dollars each; any

scale or hopper of railroad capacity, five (\$5.00) dollars each; one set of weights shall, as other compensation of the inspector of scales, weights and measures, be considered a part of the scale. Any additional set or sets of weights shall be charged for at the rate of twenty-five (25%) per cent. of weight. Any yard stick or yard measure, ten (\$.10) cents each; any dry or liquid measure not in sets, five (\$.05) cents each; any nest or set of liquid measures of one gallon or less in quantity, five (\$.05) cents per nest or set of twenty-four measures; measures containing two to three gallons in sets, ten (\$.10) cents per set or nest; measures containing four to five gallons in sets, fifteen (\$.15) cents per set or nest; measures from six to eight gallons in sets, twenty (\$.20) cents per set or nest; measures from nine to ten gallons in sets, twenty-five (\$.25) cents per set or nest, and measures from eleven to twelve gallons in sets, thirty (\$.30) cents per set or nest. All single measures from one gill to one gallon, five (\$.05) cents each; all charcoal measures, fifteen (\$.15) cents each. Any person or persons detected in altering or changing any weights, scales or measures so as to weigh or measure more or less than the weight or quantity certified, any person or persons convicted of a misdemeanor under this section, before the city courts of this city, shall be fined in the sum of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars, together with the cost of the prosecution."

SEC. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SEC. 3. This ordinance shall take effect from and after its publication once each week in two consecutive issues of the Indianapolis Commercial, a newspaper of general circulation in the city of Indianapolis, Indiana.

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

By Mr. Rubens (by request):

Special Ordinance No. 7—1910: An ordinance providing a name for a certain street in the City of Indianapolis, Indiana, 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 street running north and south between Meridian and Pennsylvania streets, from Washington street to Court street, be and the same is hereby named and in the future shall be known as Scioto street.

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

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

By Mr. Denny:

Special Ordinance No. 8—1910: An ordinance annexing certain territory to the City of Indianapolis, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of

Indianapolis, Indiana, That the boundary lines of the City of Indianapolis be, and the same are hereby extended so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, State of Indiana, to-wit:

Parts of sections six (6), seven (7) and eighteen (18), in township sixteen (16), north range four (4) east; part of sections thirty-five (35) and thirty-six (36), in township seventeen (17), north range three (3) east, and part of sections one (1), twelve (12) and thirteen (13), in township sixteen (16), north range three (3) east, described as follows:

Beginning in the center of Fortieth street projected east and east line of right-of-way of Monon railroad, at a point forty (40) feet east of the west line and twelve hundred twenty-three and eight tenths (1,223.8) feet north of the south line of said section eighteen (18), and running north with east line of right-of-way of said Monon railroad and parallel to west line of said section eighteen (18) sixty-eight hundred and fifty-four (6,854) feet, to the north line of southwest quarter ($\frac{1}{4}$) of said section seven (7). Thence northwardly thirteen hundred and eight (1,308) feet, to a point thirty-three (33) feet east of the west line of northwest quarter ($\frac{1}{4}$) of said section seven (7). Thence north with east line of right-of-way of said railroad and parallel to and thirty-three (33) feet east of west line of said sections seven (7) and six (6), sixty-three hundred and forty-five (6,345) feet to the north line of said section six (6), at a point thirty-three (33) feet east of the northwest corner thereof. Thence east with the south line of said section thirty-six (36) eight hundred and fourteen (814) feet. Thence north three hundred and forty-six (346) feet. Thence south sixty-eight (68) degrees east two hundred and thirty-seven (237) feet. Thence south seventy-six and one-fourth degrees ($76\frac{1}{4}$) degrees east two hundred and sixty feet. Thence south eighty-five and three-fourths ($85\frac{3}{4}$) degrees east two hundred fifty-two (252) feet. Thence south fifty-seven and three-fourths ($57\frac{3}{4}$) degrees east three hundred and fifty-four feet (354), to south line of said section thirty-six (36) eight hundred and sixteen (816) feet. Thence north one (1) degree east five hundred and seventy-one (571) feet. Thence east parallel to south line of said section thirty-six (36) five hundred and seventy-one (571) feet. Thence north one (1) degree east seven hundred and fifty-six (756) feet. Thence west thirteen hundred and sixty (1,360) feet and across White river. Thence south thirty-one (31) degrees west three hundred and twenty-seven (327) feet. Thence north fifty-five and three-fourths ($55\frac{3}{4}$) degrees west thirteen hundred and twenty-one (1,321) feet. Thence north nineteen and one-half ($19\frac{1}{2}$) degrees east three hundred and forty-seven (347) feet. Thence north twenty-six and one-half ($26\frac{1}{2}$) degrees east two hundred and twelve (212) feet. Thence north nineteen and one-fourth ($19\frac{1}{4}$) degrees east one hundred and forty-one (141) feet. Thence west and across White river six hundred and forty-one (641) feet. Thence down White river with the meanderings thereof north fifty-three (53) degrees east ninety-eight (98) feet, thence north forty-two (42) degrees east two hundred and fourteen (214) feet. Thence north nineteen and one-fourth ($19\frac{1}{4}$) degrees east one hundred and seventy-four (174) feet, thence north two (2) degrees west one hundred and twenty-three (123) feet, thence north twenty-seven and three-fourths ($27\frac{3}{4}$) degrees west three hundred and forty-three (343) feet. Thence north forty-six (46) degrees west three hundred and eighty (380) feet, thence north sixty-one (61) degrees west one hundred and ninety-four (194) feet. Thence westwardly with the meanderings of said river fourteen hundred and twenty-seven (1,427) feet to the west line of section thirty-six (36), 17-3 east. Thence south with the west line of said section thirty-six (36) twelve hundred and fifty-three (1,253) feet. Thence

southwestwardly into section 35-17-3 east and curving to the east on a one (1) degree curve for a distance of fifteen hundred and fourteen (1,514) feet. Thence south five hundred and two (502) feet to the north edge of tow path of canal at a point (measured along north edge of said tow-path south fifty-two and one-fourth (52 $\frac{1}{4}$) degrees west one hundred and fifty-nine (159) feet, from the east line of said section thirty-five (35). Thence southwardly along north edge of tow path of canal to a point three hundred and ninety-six (396) feet due east of the west line of the southwest quarter ($\frac{1}{4}$) of section one (1) 16-3 east. Thence south parallel to and three hundred and ninety-six (396) feet east of the west line of the southwest quarter ($\frac{1}{4}$) of said section one (1) to the north line of Fifty-fourth street in Latta's first (1st) addition to the City of Indianapolis. Thence west with the north line of Fifty-fourth street to a point three hundred twenty-six and seventy-five hundredths (326.75) feet east of the west line of southwest quarter ($\frac{1}{4}$) of said section one (1). Thence south to the south line of Fifty-second street, in Washington Square addition at a point two hundred ninety-seven and one-half (297 $\frac{1}{2}$) feet west of the west line of Meridian street. Thence south parallel to and two hundred ninety-seven and one-half (297 $\frac{1}{2}$) feet west of the west line of Meridian street to the center of Fiftieth street. Thence east with the center of Fiftieth street to a point two hundred ninety-eight and five tenths (298.5) feet east of the east line of Meridian street. Thence south parallel to and two hundred ninety-eight and five tenths (298.5) feet east of the east line of Meridian street to the north line of Meridian Heights addition to the City of Indianapolis. Thence west with the north line of Meridian Heights addition to a point two hundred and thirteen (213) feet east of the east line of Meridian street. Thence south parallel to and two hundred and thirteen (213) feet east of the east line of Meridian street to the north line of Forty-sixth street, thence east with the north line of Forty-sixth street to a point two hundred ninety-seven and one-half (297 $\frac{1}{2}$) feet east of the east line of Meridian street, thence south parallel to and two hundred ninety-seven and one-half (297 $\frac{1}{2}$) feet east of east line of Meridian street to a point three hundred (300) feet north of the center line of Forty-second street. Thence east parallel to and three hundred (300) feet north of the center line of Forty-second street to the center of Central avenue. Thence south with the center line of Central avenue to the corner of Forty-second street running east from Central avenue. Thence east with the center line of Forty-second street to the center line of College avenue, thence south with the center line of College avenue to the center line of Fortieth street. Thence east with the center line of Fortieth street to the beginning.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in the City of Indianapolis.

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

By Mr. Denny:

Special Ordinance No. 9—1910: An ordinance annexing certain territory to the City of Indianapolis, defining the boundaries thereof, providing for the publication of said ordinance, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the boundary line of the City of Indianapolis be and the same is hereby extended as hereinafter described, to include the territory contained within said boundary line, and that the said territory included therein be, and the same is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, Indiana, the boundary of the territory so annexed being as follows, to-wit:

Beginning in the center of College avenue, at a point where the same intersects with the center of Fortieth street, and from said beginning point running east with the center line of said Fortieth street along the present boundary line of said city to the center line of the right of way of the Chicago, Indianapolis & Louisville railway, thence north with the center line of said right of way to center line of Forty-second street, where said street extends eastward from College avenue, thence west with the center line of Forty-second street extended to the center line of College avenue, thence south with the center line of College avenue along the present boundary line of said city to the place of beginning.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in said city.

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

By Mr. Stilz:

Special Ordinance No. 10—1910: An ordinance changing the name of Indiana avenue, from Illinois and Ohio streets to the Crawfordsville pike, to the name Speedway avenue.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the name of the street known as Indiana avenue, extending from its intersection with Illinois and Ohio streets to the Crawfordsville pike, be and is hereby changed to Speedway avenue.

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 Service.

MISCELLANEOUS BUSINESS.

By Mr. Owen:

Resolution No. 3—1910:

WHEREAS, Thereis now pending in this body an ordinance requesting an appropriation of \$57,000.00 for the use of the Department of Public Works for the purpose of erecting a fire station, and

WHEREAS, It is the opinion of this body that such fire station should be built as soon as practicable, and,

WHEREAS, The members of this body have requested the Board of Public Works to advertise for and receive bids for such fire station and thereupon to signify to this body the amount of the best bid according to their judgment, and have agreed to appropriate any reasonable amount so signified without delay, and,

WHEREAS, This Council has felt that the interests of economy and convenience would best be served in proceeding in such manner and has understood that such proposed plan was entirely legal and within the right of this body to suggest, and,

WHEREAS, We have recently been informed that it is the opinion of the Legal Department of this city that such plan so proposed by this body would be contrary to law; now, therefore, be it

Resolved, By the Common Council of the City of Indianapolis, that the Clerk of this body be instructed to forward a copy of this resolution to the Legal Department of the city, with a request that the chairman of the Finance Committee of the Council be furnished, as soon as convenient, with an opinion as to the legality of the plan for making special appropriations for proposed public contracts as above stated and as to other legal questions in relation thereto as may be necessary to a full and complete understanding of the law governing the matters covered by this resolution.

Which was read.

Mr. Owen moved that the rules be suspended and Resolution No. 3, 1910, be placed upon its passage. Carried.

Mr. Owen called for Resolution No. 3, 1910, for second reading. It was read a second time.

Mr. Owen moved that Resolution No. 3, 1910, be adopted.

The roll was called and Resolution No. 3, 1910, was adopted by the following vote:

Ayes, 9, viz.: Messrs. McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, none.

ORDINANCES ON SECOND READING.

Mr. Owen called for Appropriation Ordinance No. 26, 1910, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 26, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 26, 1910, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, none.

Mr. Owen called for Appropriation Ordinance No. 31, 1910, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 31, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 31, 1910, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, none.

Mr. Owen called for Appropriation Ordinance No. 32, 1910, for second reading. It was read a second time.

Mr Owen moved that Appropriation Ordinance No. 32, 1910, be stricken from the files. Carried.

Mr. Owen called for General Ordinance No. 44, 1910, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 44, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 44, 1910, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, none.

Mr. McCarthy called for General Ordinance No. 38, 1910, for second reading. It was read a second time.

Mr. McCarthy moved that General Ordinance No. 38, 1910, be stricken from the files.

The roll was called and General Ordinance No. 38, 1910, was stricken from the files by the following vote:

Ayes, 6, viz.: Messrs. McCarthy, Copeland, Rubens, Owen, Blumberg and Troy.

Noes, 3, viz.: Messrs. Denny, Stilz and President William H. Johnson.

Mr. Stilz called for General Ordinance No. 41, 1910, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 41, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 41, 1910, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Rubens, Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, 2, viz.: Messrs. McCarthy and Copeland.

Mr. Stilz called for General Ordinance No. 36, 1910, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 36, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 36, 1910, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Denny, Owen, Stilz, Blumberg, Troy and President William H. Johnson.

Noes, 3, viz.: Messrs. McCarthy, Copeland and Rubens.

On motion of Mr. Copeland, the Common Council, at 9:20 o'clock P. M., adjourned.

W. H. Johnson

President.

ATTEST:

Edward A. Ramsay

City Clerk.

