

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, May 15, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 15, 1905, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 17 members, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wright.

Absent, 3, viz.: Messrs. Hofmann, Krause, Wolsiffer.

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

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., May 3, 1905.

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

Gentlemen: I herewith return with my signature and approval General Ordinance No. 22, 1905; General Ordinance No. 27, 1905; Appropriation Ordinance No. 10, 1905; Appropriation Ordinance No. 11, 1905.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

INDIANAPOLIS, IND., May 4, 1905.

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

Gentlemen: I herewith return with my signature and approval General Ordinance No. 29, 1905.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

## REPORTS FROM CITY OFFICERS.

From the City Controller:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of S. D. Pierson, administrator of the estate of Wm. Tron, deceased, asking the rebate of liquor license of deceased to the amount of \$52. As the administrator is entitled to this amount by law, I recommend an appropriation of \$52 for this purpose, and inclose ordinance for the same.

Respectfully,

J. P. DUNN,  
City Controller.

INDIANAPOLIS, IND., May 12, 1905.

Hon. Jacob P. Dunn, Esq., City Controller:

Dear Sir: Your attention is hereby respectfully called to the death of William Tron, which occurred on the 30th day of January, 1905, and the consequent expiration on that date of the city liquor license issued to him on the 25th day of April, 1904. I, the undersigned, was duly appointed and qualified as administrator of decedent's estate and as such do now respectfully request that you recommend to the Common Council of the City of Indianapolis that it provide for and authorize the refunding to me of the sum of fifty-two dollars (\$52.00) as the balance of the license fee for the unexpired part of the aforesaid license as granted.

Respectfully submitted,

S. D. PIERSON, Administrator.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: The funded debt of the city is so distributed that the city can meet what falls due annually for the next nine years, from the sinking fund and current revenues, excepting probably the payments of 1909 and 1910. In 1909, \$178,500 falls due and in 1910, \$106,000. Of these amounts there is \$45,000 falling due in 1910, the payment of which has been optional with the city since 1900, and which may be refunded at any time. This \$45,000 bears 4 per cent. interest, and in the present condition of the money market the 3½ per cent. bonds of this city can readily be disposed of at a good premium. I therefore recommend the issue of \$45,000.00 of 3½ per cent. bonds and retirement of the 4 per cent. bonds, and inclose ordinance for that purpose. If acted upon promptly the change can be effected on July 1.

Respectfully,

J. P. DUNN,  
City Controller.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: We herewith transmit to you an ordinance approving a contract made and entered into May 3, 1905, between the City of Indianapolis by and through this Board and the Indianapolis Southern Railway Company. This is an amended contract and is intended to supersede the contract sent to your honorable body by this Board April 16, 1905.

Respectfully,

M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE,  
Board of Public Works.

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Your Committee on Contracts and franchises, to whom was referred General Ordinance No. 31, 1905, beg leave to report that the Board of Public Works has at this time sent to this Council for consideration a new contract embodying in substance the contract sent to us with this ordinance, together with such changes in coal rates as was suggested by this committee. We would therefore recommend that this ordinance and contract be sent back to said Board without further recommendations.

Respectfully submitted,

J. H. CRALL,  
CHAS. G. DAVIS,  
DANIEL LINUS,  
ANDREW H. WAHL,  
JAMES D. MORIARITY,  
J. L. GASPER,  
FRED W. EPPERT,

Which was read.

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

From the Finance Committee:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 12, 1905, relating to appropriation of three

thousand dollars (\$3,000.00) for free bath house, have had the same under consideration, and submit a report, recommending that the same do pass.

Respectfully submitted,

J. L. GASPER.  
M. J. SHEA,  
FRANK S. FISHBACK

Which was read.

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

Messrs. Hofmann and Wolsiffer entered the Council Chamber and took their seats.

From the Finance Committee :

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 13, 1905, appropriating two hundred dollars (\$200.00) to the Department of Finance for Memorial Day services, would respectfully report that they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,  
W. A. RHODES,  
M. J. SHEA,  
J. H. CRALL,  
FRANK S. FISHBACK.  
LEW W. COOPER.

Which was read.

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

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 39 was referred, recommend that same do pass.

Respectfully submitted,

LEW W. COOPER.  
JAS. F. SULLIVAN.  
JAMES B. MURRAY,  
ALBERT E. UHL.  
W. A. RHODES.

Which was read.

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

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 40 was referred, recommend that same do pass.

Respectfully submitted,

LEW W. COOPER.  
JAS. F. SULLIVAN.  
JAMES B. MURRAY,  
ALBERT E. UHL.  
W. A. RHODES.

Which was read.

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

#### INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

Appropriation Ordinance No. 14—1905: An ordinance appropriating \$52.00 to the Department of Finance for rebate on liquor license of William Tron, deceased.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That there be and is hereby appropriated to the Department of Finance the sum of fifty-two dollars (\$52.00) for rebate on the liquor license of William Tron, deceased.

Sec. 2. This ordinance shall take effect and be enforced from and after its passage.

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

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

General Ordinance No. 41—1905: An ordinance authorizing the issue and sale of forty-five (45) refunding bonds of one thousand dollars (\$1,000.00) each of the City of Indianapolis, in order to raise money to take up and refund certain bonds bearing date of January 1, 1890, and which will become due January 1, 1910, but which, by their terms, are payable on and after January 1, 1900, aggregating forty-five thousand dollars (\$45,000); prescribing the time and manner of advertising the sales of said refunding bonds and of the receipt of the bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds, and providing the time and manner of payment of said outstanding bonds, and providing for the refunding of the in-

debtedness of the said City of Indianapolis represented by said bonds, and matters connected therewith; and fixing the time when the same shall take effect.

*Whereas*, Certain bonds of the City of Indianapolis, Indiana, bearing date of January 1, 1890, amounting in the aggregate to the sum of forty-five thousand dollars (\$45,000.00), bearing interest at 4 per cent. per annum, payable semi-annually, issued under and by authority of General Ordinance No. 54, 1889, approved November 11, 1889, which bonds will become due January 1, 1910, but which are payable on and after January 1, 1900; and

*Whereas*, It is to the best interest of the City of Indianapolis on account of the low rate of interest at which money can now be obtained, to pay off the said bonds and refund the indebtedness covered thereby, and there are not now and will not be sufficient funds in the treasury of said City with which to pay said bonds; and it is necessary for the City of Indianapolis to borrow said sum of forty-five thousand dollars (\$45,000.00) and issue and sell its bonds in that amount, payable from the general revenues and funds of said city, or as may be required by law; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the head of the Department of Finance of said city be and is hereby authorized and directed to refund certain of the indebtedness of the City of Indianapolis, amounting to the sum of forty-five thousand dollars (\$45,000.00), which indebtedness is represented by ninety outstanding bonds of said city, bearing date of January 1, 1890, issued under and by authority of General Ordinance No. 54, 1889, approved November 11, 1889, which bonds will become due January 1, 1910, but which are payable on and after January 1, 1900.

Sec. 2. That the head of the Department of Finance is hereby directed and authorized, for the purpose of refunding the said indebtedness of forty-five thousand dollars (\$45,000.00), to prepare and sell forty-five new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand dollars (\$1,000.00) each, which bonds shall bear date of July 1, 1905; shall be designated "Indianapolis Refunding Bonds of 1905;" shall bear interest at the rate of three and one-half ( $3\frac{1}{2}$ ) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July of each year, and said installment of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Co., of the city, county and State of New York. Said bonds shall run for twenty years from the first day of July, 1905, and shall be signed by the Mayor and City Controller and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, said interest coupons shall bear the lithograph fac simile of the signatures of the Mayor and Controller. Said bonds shall be prepared by the head of the Department of Finance in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the head of the Department of Finance at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated.

In said register shall be entered in serial number all the bonds so issued and negotiated, beginning with number 1; and there shall also be given the date of their issuance, their amounts, date of maturity, rate of interest, and the time and place where said interest shall be payable.

Said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled before issuance thereof:

No.

\$1,000.00

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

INDIANAPOLIS REFUNDING BOND OF 1905. 20 YEARS.

For value received, the City of Indianapolis, Indiana, promises to pay to the bearer one thousand dollars (\$1,000.00) in lawful money of the United States, on the first day of July one thousand nine hundred and twenty-five (1925), with interest thereon at the rate of three and one half (3½) per cent., payable semi-annually on the first days of January and July of each year upon the surrender and cancelation of the proper coupons hereto attached; both principal and interest being payable at the banking house of Winslow, Lanier & Co., in the City of New York, in the County and State of New York.

This bond is one of a series of forty-five bonds, numbered from 1 to forty-five, each inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued by said city of Indianapolis in order to raise money to take up valid outstanding bonds of the city in pursuant to an ordinance duly and legally passed by the Common Council of said city, in strict conformity with and as authorized by the act of the General Assembly of the State of Indiana entitled, "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and acts supplementary thereto and amendatory thereof; and all things and acts required by the laws of the State of Indiana, and by said ordinance, have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the Constitution and Laws of Indiana.

The faith and credit of the said City of Indianapolis is irrevocably pledged to the payment of the principal and interest of this bond, as herein stipulated.

In witness thereof, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and the seal of said city to be affixed thereto, and attested by the City Clerk, this first day of July, one thousand nine hundred and five (1905).

Attest: ..... Mayor.  
..... City Clerk.  
..... City Controller.

(Seal.)

The interest warrants or coupons attached to said bonds shall be authenticated by the signature of the Mayor and City Controller engraved thereon, which shall, for all purposes, be taken and deemed to be equivalent to a manual signing thereof.

Sec. 3. That the head of the department of Finance shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and in the Commercial and Financial Chronicle, a weekly newspaper of general circulation printed and published in the State of New York, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisements shall describe such bonds with such minuteness and particularity as the City Controller shall see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of the opening

of bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposits the bidder will be required to make, and when and where the bonds shall be delivered and paid for.

Sec. 4. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank, payable to the order of Oliver P. Ensley, City Treasurer, for a sum of money which shall equal two and one-half per centum of the face value or par value of the bonds bid for or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock noon on the twenty-first day of June, 1905, at which time and place, and between said hour and two o'clock, P. M., of said day, he shall open said bids or proposals. The City Controller shall award said bonds, or, if he shall see fit, a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have the full right to reject any or all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid and to award upon any bid the whole or any less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply in case of reoffering and readvertisement of said bonds, as hereinafter provided.

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

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



time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

Sec. 7. Delivery of any bonds sold shall be made at the office of the City Controller, on the twenty-fifth day of June, 1905, or upon such other day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the Controller, who may extend the time for such delivery not more than ten days after the day or days specified as above provided; and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or their refusal, neglect or omission so to do shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

Sec. 8. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the City of Indianapolis according to their tenor and effect; and the proceeds derived from any sale or sales of bonds, as herein authorized, shall be and hereby are appropriated to the use of the Department of Finance to be used and applied as follows; that is to say, to the payment of the principal of the said ninety outstanding bonds hereinbefore described, and to the expense of issuance, sale and delivery of the bonds herein provided for, and the City Controller is hereby authorized to draw all proper and necessary warrants, and to do what ever act may be necessary to carry out the provisions of this ordinance.

Sec. 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

#### By Board of Public Works:

General Ordinance No. 42—1905: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 3d day of May, 1905, between the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Southern Railway, viz.:

*This Agreement, Made and entered into this 3d day of May, 1905, 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 the Indianapolis Southern Railway, hereinafter called the "Railway," a corporation duly organized and incorporated under and by virtue of the laws of the State of Indiana, party of the second part, witnesseth:*

*Whereas, heretofore, to-wit: On the 17th day of March, 1902, the City of Indianapolis, by and through its Board of Public Works, entered into a certain agreement with the Indianapolis Southern Railway, as from General Ordinance No. 20, 1902, will more fully appear, it being therein provided by the last paragraph of Article XIII of the said contract, that as a condition precedent to the vesting of any rights under said contract in said Railway, said Railway should deposit with the Controller of said City, a surety company bond to the approval of the said Controller in the sum of twenty-five thousand dollars (\$25,000.00) conditioned so that said Railway should become liable to the City of Indianapolis in the sum of twenty-five thousand dollars (\$25,000.00) as liquidated damages for the failure to construct a line of railroad southerly or in a southwesterly direction from the City of Indianapolis at least one hundred (100) miles within a period of five years from the*

date thereof, and it being therein provided by Article XIV of the said contract that in case said Railway should fail to construct said road one hundred (100) miles, as provided therein, within five years, all rights and privileges thereto and thereby granted said Railway might be forfeited, and said City should have the right to enter upon its property, grade, tracks or right of way and remove the tracks and other property of said Railway upon proper written resolution of said Board of Public Works; which said contract took effect and became in force from and after the date of said ordinance:

*And Whereas.* It is desired to change the route of the line of railroad of the Railway so that the said railroad shall form a connection with a railroad that shall be owned, controlled or used by the Illinois Central Railroad Company, a corporation organized and existing under and by virtue of the laws of the said State of Illinois, so as to form a continuous line of railroads between the City of Indianapolis and the town of Effingham located upon the line of railroad now owned or controlled by the Illinois Central Railroad Company, in the County of Effingham and State of Illinois, there connecting with the direct line of the railroad of the said Illinois Central Railroad Company running from Chicago, Illinois, to Memphis, Tennessee, and to New Orleans, Louisiana, over railroads belonging to or leased by the said Illinois Central Railroad Company, the said lines of railroad from Indianapolis, Indiana, to Effingham, Illinois, aggregating approximately one hundred and eighty (180) miles in length, to be operated from Indianapolis, Indiana, to Effingham, Illinois, in connection with each other;

*And Whereas.* The result of the construction of the proposed railroad of the Railway to a connection with the system of railroads owned controlled or used by the said Illinois Central Railroad Company will be of greater advantage to the City than the construction of the proposed railroad of the Railway as originally planned and intended at the time of the said contract between the parties hereto, dated March 17, 1902, and it is desired by the City that the railroad of the Railway shall be constructed as aforesaid to a connection with the system of railroads that shall be owned, controlled or used by the said Illinois Central Railroad Company and to cause such amendments or modifications to be made in the present contract aforesaid as shall be necessary to that end;

*And Whereas.* It is further desired by the City to provide for the alterations of the grade crossings contemplated in the said former ordinance and to secure the depression or elevation of certain of the railroad tracks of the said Railway and to authorize the change and vacation of certain streets, alleys and other highways and the change of grades thereto in connection therewith, to the end that the entrance of the railroad of the Railway may be effected under conditions less dangerous to life and property in the City;

*Now, Therefore.* (1) The said Board of Public Works of the said City of Indianapolis, in consideration that the Railway shall construct or cause to be constructed the railroad of the Railway in such manner as to connect its said railroad with the system of railroads owned, controlled or used by the said Illinois Central Railroad Company, (which the Railway hereby agrees to do, and also to obtain or cause to be obtained such rights as may be necessary for the purpose of making such connection) does, subject to the ratification and approval of the Common Council of the City, hereby consent, authorize, empower and permit said Indianapolis Southern Railway to change the line of railroad of the Railway so as to form a connection at any convenient point with a railroad owned, controlled or used by the said Illinois Central Railroad Company, connecting with its main line from Chicago to New Orleans, at Effingham, in the State of Illinois, in the manner hereinbefore recited, provided that in any event said Railway shall construct its line

as far as Bloomfield, Indiana, within said period of five years; provided further that the Railway, its successors and assigns, shall be subject to the provisions of Article XII of said contract of March 17, 1902, in relation to the maximum coal rate<sup>1</sup> of one-half cent per ton per mile, which rate shall by traffic arrangements or in any lawful manner be secured and guaranteed by the Railway, its successors and assigns, from Linton, Indiana, and intermediate points to Indianapolis over a continuous line of railroad, and it is agreed that if the railroad of the Railway shall within five years from March 17, 1902, be constructed to a connection as aforesaid, with the said railroad owned, controlled or used by the said Illinois Central Railroad Company, and also to Bloomfield, Indiana, such construction shall be taken to be and received as a discharge of the said bond of \$25,000.00 running to the City of Indianapolis, provided in Section XIII of the said contract dated March 17, 1902, and a compliance with the conditions imposed under penalty of forfeiture by Section XIV of the said contract dated March 17, 1902.

(2) It is further agreed that the benefits of the said contract of March 17, 1902, as modified by this agreement and the franchises, with all the conditions and limitations thereof, arising thereunder by virtue of said General Ordinance No. 20, 1902, as modified by the ordinance which may be adopted by the Common Council in approval of this present agreement shall as to the railroad of the Railway, pass to any company which may be formed by a consolidation of the said Indianapolis Southern Railway and any other company owning a part of the line of railroad forming said continuous line from Indianapolis to Effingham, and in case the said lines shall be purchased in whole or in part by the said Illinois Central Railroad Company, may be transferred to the said Illinois Central Railroad Company.

(3) The said Board of Public Works of the City of Indianapolis does hereby (subject to the ratification and approval of the Common Council of said City) authorize, empower and permit the said Indianapolis Southern Railway, subject to the conditions hereby prescribed and expressed, in constructing, equipping, maintaining and operating its said line of railroad, including one or more tracks as may be convenient or necessary for the operation of its said railroad upon the route designated in the said contract-ordinance of March 17, 1902, to construct said railroad as follows:

The tracks will conform to the surface of the street on Louisiana street, McGill street, and South street (to be elevated in the future in accordance with said contract of March 17, 1902.)

An elevated steel structure occupying the route or alignment described in the contract of March 17, 1902, will be built from the north line of Merrill street to the south line of Morris street and overhead bridges will be provided for the tracks at the streets crossed and in the manner described as follows:

Merrill street will be crossed by one or more steel bridges, having a span of 40 feet; sidewalks five feet wide will be provided, leaving 30 feet clear width of street. The surface of Merrill street will be depressed to a depth of about four feet below the present surface to provide for a clearance of twelve feet under the elevated structure. The street under the elevated structure will be level for a distance of about forty feet from a point eight feet west of the center line of main track to a point thirty-two feet east of said center line. From this level the approaches in Merrill street will extend in both directions on inclines not to exceed five feet in one hundred feet to the intersections with the present street surface.

McCarty street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the curb lines, giving a span of forty feet.

McCauley street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed at the street lines, giving a span of forty feet.

Ray street will be crossed by one or more steel bridges which will provide for a clearance of thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge, and the columns supporting the railroad bridge will be placed on the street lines, giving a span between columns of fifty feet.

Wilkins street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the parapet of the retaining wall existing on either side of Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the street lines, giving a span between columns of fifty feet.

Morris street will be crossed by one or more steel bridges which will provide for a clearance of not less than thirteen feet between the top of the floor of the present street bridge over Pogue's Run and the underside of the railroad bridge. The columns supporting the railroad bridge will be placed on the street lines, giving a span between columns of sixty feet.

Pogue's Run south of Wisconsin street will be crossed by one or more steel plate girder bridges supported by masonry abutments.

Raymond street will be crossed at a point about two hundred and twenty feet east of the east end of the highway bridge over White River, the tops of the rails to be about two feet above the present surface of the street, and incline approaches not exceeding five feet in one hundred feet will be constructed in both directions to intersections with the present street surface. This provision for crossing Raymond street is made to conform to grades established and with the intention of carrying the tracks of the Indianapolis Southern Railway under the tracks of the Indianapolis Belt Railroad through a subway. In the event the tracks of the Indianapolis Southern Railway are at any time made to cross the tracks of the Indianapolis Belt Railroad at grade, that is, the same elevation of top of rails, then Raymond street will be crossed by an elevated structure consisting of a steel girder bridge which will provide for a clearance of not less than thirteen feet between the present surface of the street and the underside of the railroad bridge. The bridge will be supported by masonry abutments for a clear width of fifty feet, or the face lines of the abutments will be on the property lines of the street.

(4) The following streets and alleys shall be vacated:

All streets and alleys running east and west between Senate avenue and Missouri street, and all streets and alleys running north and south between South street and Merrill street.

Canal street between Morris and Wisconsin streets, except at the intersection of Kansas street.

Arizona street between the east line of West street and a point three hundred and thirty-two feet west of the west line of Senate avenue.

Palmer street between the west line of Senate avenue and the east line of West street.

Senate avenue between the south line of Palmer street and the south line of Adler street.

Minnesota street between the east line of Senate avenue and the east line of lot No. 26, in block 7, Kappes & Naltner's South Meridian Street Addition to the City of Indianapolis.

An alley included between lot 14, in block 7 of Kappes & Naltner's South Meridian Street Addition to the City of Indianapolis and lot 26, block 6 of Kappes & Naltner's South Meridian Street Addition to the

City of Indianapolis, lying between the east line of Senate avenue and the east end of the lots aforementioned.

Adler street between the east line of Senate avenue and the east line of lot 14, in block 6, Kappes & Nalner's South Meridian Street Addition to the City of Indianapolis.

Rock street from a point opposite the middle of lot 104 in second section of Thomas Taggart's Second Addition to the City of Indianapolis, to its westerly terminus.

A 15-foot alley adjoining lot 101 in second section of Thomas Taggart's Second Addition to the City of Indianapolis and lying between the south side of Rock street and the north end of Brooker street.

A fifteen foot alley lying between the east line of Brooker street and a point opposite the east line of lot 96 in second section of Thomas Taggart's Second Addition to the City of Indianapolis, said Railway to provide a fifteen foot alley along the east side of said lot 96, connecting with the aforesaid alley.

Brooker street from the north line of Homestead street to the northern terminus of Brooker street.

Homestead street from a point opposite the east line of lot 40 in Thomas Taggart's Addition to the City of Indianapolis, to the westerly terminus of Homestead street.

A 15-foot alley lying between the east side of Daisy street and a point opposite the east line of lot 27 in Thomas Taggart's Addition to the City of Indianapolis, said Railway to provide a 15-foot alley along the east side of said lot 27, connecting with the aforesaid alley.

Daisy street between the north line of Raymond street and the northerly terminus of Daisy street.

A 10-foot alley lying between the south line of Raymond street and the south line of lot 12, in block 1 of Braden's Riverside Addition to the City of Indianapolis, said Railway to provide a 15-foot alley on the south side of said lot 12 connecting with the aforesaid alley.

Vassie street between the south line of Raymond street and the north line of Norman street.

Norman street from the west line of Vassie street to the westerly terminus of Norman street.

A 10-foot alley in blocks 2 and 4 of Braden's Riverside Addition extending from the south line of lot 12 of block 4, to the north end of said alley in block 2, said Railway to provide a 15-foot alley along the south side of said lot 12 connecting with the aforesaid alley.

All of Burford street north of Romaine street.

A 10-foot alley in block 3 of Braden's Riverside Addition between the north line of Romaine street and the northerly terminus of said alley.

Romaine street between the west line of Burford street and the westerly terminus of Romaine street.

A 10-foot alley in block 8 of Braden's Riverside Addition between the south line of Romaine street and the south line of lot 9 in the block aforementioned, said Railway to provide a 15-foot alley along the south side of said lot 9, connecting with the aforesaid alley.

Oscar street between the south line of lot 26, in block 8 of Braden's Riverside Addition and the northerly terminus of Oscar street.

A 10-foot alley in block 9 of Braden's Riverside Addition between the north line of Carlton street and the south line of Romaine street.

Carlton street between the west line of Oscar street and the westerly terminus of Carlton street.

A 10-foot alley in block 13 of Braden's Riverside Addition from the south line of Carlton street to the south line of lot 3, said Railway to provide a 15-foot alley along the south line of said lot 3.

A 10-foot alley in block 10 of Braden's Riverside Addition between the north line of Carlton street and the northerly terminus of said alley.

Belt street between the south line of lot 31, in block 13, of Braden's Riverside Addition and the northerly terminus of Belt street.

A 10-foot alley in block 12 of Braden's Riverside Addition lying between the north line of Southern avenue and the south line of Carlton street.

Rueckner street between the north line of Southern avenue and the northerly terminus of Rueckner street.

Said Railway shall improve Church street from the south line of Minnesota street to Adler street without expense to the City in the same manner and extent that Senate avenue is now improved between said points.

The vacation of said streets and alleys to be subject to the right of said City to maintain any sewers located therein.

(5) At least ten days prior to the commencement of the work of construction over any public street the plans and specifications therefor shall be submitted to the City Engineer of the City for his examination, and if found in accordance with the provisions of this ordinance insofar as this ordinance contains specific provisions, or if they shall be satisfactory to the City Engineer in regard to matters and details which by this ordinance are left to his discretion, such plans shall be approved by him and after such approval thereof all the work outlined and included therein shall be constructed in strict conformity therewith.

(6) Permission and authority are hereby given to the Railway whenever the same shall be necessary in the prosecution of the work it is herein authorized or required to perform, to obstruct temporarily any public street, avenue or alley to such extent and for such length of time as may be approved by the City Engineer, and it is also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and alleys during the construction of its said elevated railroad, subject to like approval of the City Engineer.

(7) When the said railroad shall have been constructed in accordance with the provisions of this ordinance, from time to time, as soon as the same shall be ready for use, then and thereupon all provisions of the ordinances of the City relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, and the ringing of bells and the obstruction of crossings, shall not be applicable to that part of the said railroad which shall be elevated above the streets or alleys in accordance with this ordinance. *Provided, however.* This ordinance is not to be construed as a waiver or surrender by the City of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated.

(8) The entire expense of the construction of the tracks of the Railway into the City of Indianapolis and of altering the grade of Merrill street and Raymond street, shall be borne by the said Indianapolis Southern Railway.

(9) After the construction required by this ordinance the Railway shall be under no obligation to construct, improve or repair the streets or alleys which its tracks shall not at grade occupy, traverse or cross; nor shall the Railway be required to construct or repair culverts, ditches, drains or sewers in or under streets or alleys, the drainage of which shall not be affected by the construction, maintenance or operation of the tracks of the railroad of the Railway in or upon the same.

(10) The provisions of Article 11 of said contract-ordinance dated March 17, 1902, shall not operate to compel the Railway to grant the right to any other company to use the side-tracks, spur tracks, yards or stations of the Railway in the City of Indianapolis, but shall operate only to require the Railway to permit to other companies the use of its

main tracks and passing tracks necessary to the use of its main tracks. The Railway shall at all times be entitled to sufficient use of its main and passing tracks to accommodate its own traffic, and to this extent the use of its tracks by other companies shall at all times be subject to such sufficient use of its own tracks by the Railway. The Railway shall be under no obligation to increase the number of its main or passing tracks in order to provide accommodations for the traffic of other companies. The compensation to be received by the Railway for the use of its main or passing tracks by other companies shall be such as is usual and customary under similar circumstances between railroad companies, and shall in no event be less than the Railway would be entitled to receive if such use of the said tracks were acquired by condemnation proceedings on behalf of the other companies acquiring such use of such main or passing tracks.

(11) Except as altered or amended by this ordinance the provisions of the said ordinance No. 20, 1902, shall be and continue binding and of full effect.

(12) This contract shall take effect and be in full force from and after the date of its approval and ratification by ordinance of the Common Council of the said City.

*In Witness Whereof.* The said parties have hereunto set their hands this 3d day of May, 1905.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,

JACOB WOESSNER,

DAVID WALLACE,

Board of Public Works of said City.

JOHN W. HOLTZMAN,

Mayor.

INDIANAPOLIS SOUTHERN RAILWAY,

By JOHN C. WELLING,

President.

W. G. BOWEN,

Secretary.

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

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the foregoing contract and agreement made and entered into on the 3d day of May, 1905, by the City of Indianapolis by and through its Board of Public Works, with the Indianapolis Southern Railway, be, and the same is, hereby in all things ratified, confirmed and approved, and said Indianapolis Southern Railway is granted all rights, privileges and franchises as is in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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

By Mr. Shea (by request):

General Ordinance No. 43—1905: An ordinance regulating the sanitary conditions of property, fixing 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 owner, lessee or tenant of any rooming or tenement house or residence in said city,

to permit the accumulation of house dirt, rubbish, filth, refuse or unsanitary matter in the rooms and halls thereof; or to permit the rooms thereof to become over-crowded with tenants or roomers, badly ventilated or in an unsanitary condition; or to permit large numbers of roomers or tenants to occupy any apartment or room thereof; or to permit one room to be occupied by more than one family; or to permit more than two adults to occupy any room the floor area of which is less than one hundred and twenty (120) square feet; nor more than one additional adult for each additional ninety (90) square feet of floor space of such room; said rooms to be separated by tight partition walls extending to the ceiling and each of the rooms to be well ventilated.

Sec. 2. The Department of Public Health and Charities shall have the right to inspect, or cause to be inspected, any and all tenement, rooming houses or residences in said city for the purpose of seeing that the provisions of this ordinance are carried into effect; and shall serve a notice, on the tenant or occupant to abate said nuisance, within ten days, and at expiration of said ten days if said nuisance be not abated by said tenant or occupant, then the agent or owner shall be served with a notice to abate said nuisance within five days; and any owner, lessee or tenant of any rooming, tenement house, or residence in said city violating the provisions hereof shall, upon conviction, be fined in any sum not less than five dollars nor more than fifty dollars, and each ten days continuance of the violation of any of the provisions of this ordinance shall constitute a separate offense.

Said owner shall immediately upon receipt of written notice to abate the nuisance, proceed to abate the same and shall not be liable to conviction and fine upon submitting to the City Sanitarian evidence that he has entered into a contract to have said nuisance abated at the earliest possible date or has taken the necessary legal steps to obtain possession of the property at the earliest date possible.

And said Department of Public Health and Charities shall further notify any person or persons occupying such room contrary to the regulations hereof, of the provisions of this ordinance and if the person or persons so notified shall continue to live in said room or rooms contrary to the provisions hereof, then such person or persons so notified shall be deemed guilty of violating the provisions of this ordinance and upon conviction thereof be fined in any sum not less than five dollars nor more than fifty dollars.

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 Sentinel, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

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

Mr. Gasper moved to refer back to the call for Appropriation Ordinances. Carried.

By Mr. Eppert :

Appropriation Ordinance No. 15—1905: An ordinance fixing the salaries of Engineers at the Police Station, and appropriating one hundred and twenty (\$120.00) dollars for such increase during the remainder of the year 1905.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Engineers at the Police Station shall each receive a salary at the rate of two dollars and fifty cents (\$2.50) per day, payable monthly.



Sec. 2. That there be and is hereby appropriated to the Department of Public Safety one hundred and twenty dollars (\$120.00) to cover the above increase in salaries for the balance of the year 1905.

Sec. 3. This ordinance shall be in force from and after its passage and approval of the Mayor of the City of Indianapolis.

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

By Mr. Eppert:

General Ordinance No. 44—1905: An ordinance concerning a license fee for bicycles.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That from and after passage of this ordinance no license fee shall be exacted of any owner of any bicycle used on the streets of said city.

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

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

By Mr. Fishback (by request):

General Ordinance No. 45—1905: An ordinance licensing and regulating junk stores or second-hand stores (except second-hand furniture stores); prescribing a penalty for the violation thereof; repealing conflicting ordinances 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 it shall be unlawful for any person, firm or corporation to conduct, maintain or engage in the business of keeping a junk store or second-hand store (except it be a second-hand furniture store), unless such person, firm or corporation shall have first paid the license fee to the City Treasurer and procured a license therefor, as in this ordinance prescribed.

Sec. 2. Every person, firm or corporation conducting, maintaining or engaging in the business of keeping a junk store or second-hand store (except a second-hand furniture store) shall pay to the City Treasurer an annual license fee of twenty-five dollars (\$25.00), and upon the presentation of the receipt therefor from the said City Treasurer to the City Controller, it shall be the duty of the said City Controller to issue to such person, firm or corporation the license applied for. Such license shall be designated "Second-hand Store License," or "Junk Store License," as the case may be. Said license shall bear date from January 1 each year, and no reduction shall be made for any part of the year already elapsed at the time of making application for such license.

Sec. 3. It shall be the duty of every person, firm or corporation who, or which conducts, maintains or engages in the business of keeping a junk store or second-hand store, (except a second-hand furniture store), to keep a book in which shall be plainly written with ink, in the English language, at the time of each purchase, an accurate and true description of the goods, articles and things purchased, the amount paid therefor, with the name, age and residence, together with a true description of the person or persons from whom such purchase is made; and no entry made in such book shall be erased, obliterated or defaced.

Sec. 4. The said book, as well as the articles, things or goods pur-

chased, shall at all reasonable times be open to the inspection of the Superintendent of Police, or any member of the police force of said city, designated by the Superintendent of Police for such purpose.

Sec. 5. It shall be the duty of every person, firm or corporation, conducting, maintaining or engaging in the business of keeping a junk store or second-hand store (except a second-hand furniture store), to make out and deliver to the Superintendent of Police, each day before the hour of 12 o'clock, noon, a legible and correct copy or report from the book required by Section 2 of this ordinance, to be kept, plainly written with ink in the English language, showing all the goods, articles or things purchased during the preceding day, together with the time of the day when the same was received or purchased, the amount paid therefor, with the name, age and residence, together with a true description of the person or persons from whom such purchase was made, and in no case shall such personal property be disposed of within twenty-four hours from the time of filing such report with the Superintendent of Police, as herein provided, except upon written permission of such Superintendent for that purpose. Such report shall be made upon a form to be approved by the said Superintendent of Police.

Sec. 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 7. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars (\$100.00).

Sec. 8. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in said City of Indianapolis.

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

By Mr. Fishback (by request):

General Ordinance No. 46—1905: An ordinance regulating the sale and use of toy fire arms, torpedoes, dynamite and other nitro-explosive compounds.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person to place any torpedo or explosive powder containing potassium chlorate or other highly explosive substance upon the rail or rails of any street railway or steam road in the City of Indianapolis, providing, however, nothing herein contained shall be construed as prohibiting railway employes from placing torpedoes upon the rails for the purpose of a signal or warning to trains.

Sec. 2. It shall be unlawful for any person to set off or explode any fire cracker, torpedo, dynamite, nitro-explosive compounds or other explosive substance in or upon the street, alley or other public places in the City of Indianapolis.

Sec. 3. It shall be unlawful for any dealer to retail to minors any fire crackers, torpedoes, toy pistols, toy cartridge pistols, blank cartridge pistols, or any toy fire arms, or explosive containing any dynamite, nitro-explosive compound or potassium chlorate.

Sec. 4. It shall be unlawful for any person to set off or explode any dynamite or other nitro-explosive compound within one thousand feet of any dwelling, store room or other building in the City of Indianapolis.

Sec. 5. Any person violating any of the provisions of this ordi-

nance shall be fined in any sum less than twenty-five (\$25.00) dollars.

Sec. 6. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel.

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

By Mr. Fishback (by request):

General Ordinance No. 47—1905: An ordinance protecting public morality, decency, peace and order.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person or persons, association or club to hold or give a dance to which the public or the members of any club or association are invited, within the City of Indianapolis on the first day of the week commonly called Sunday.

Sec. 2. It shall be unlawful for any person, firm or corporation to permit the use of any room or rooms in any building in the City of Indianapolis, owned or leased by such person, firm or corporation, for dancing on the first day of the week commonly called Sunday.

Sec. 3. Any person or persons violating the provisions of this ordinance shall be fined in any sum not exceeding ten dollars.

Sec. 4. This ordinance shall be in force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, 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 Morals.

Mr. Gasper moved to refer back to the Introduction of Appropriation Ordinances. Carried.

By the City Controller:

INDIANAPOLIS, IND., May 15, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Building Inspector, requesting an appropriation of \$1,400.00 for additional assistance in his office. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,  
City Controller.

INDIANAPOLIS, IND., May 15, 1905.

Mr. J. P. Dunn, City Controller:

Dear Sir: I hereby request that you recommend an appropriation of \$1,400.00 for additional help for the office of the Inspector of Buildings.

The duties imposed by the new building ordinance make it necessary that this office be provided with sufficient help to carry out its provisions.

The present force being inadequate, and the proceeds of the office being amply sufficient to make it self-sustaining with the help asked for, and that the purposes of the law in protecting the people who pay for building license may be fully met, I most respectfully request your recommendation.

Respectfully,  
GEO. W. STANLEY,  
Inspector of Buildings.

Which was read.

By Mr. Cooper:

Appropriation Ordinance No. 16—1905: An ordinance appropriating fourteen hundred (\$1,400.00) dollars to the Department of Public Safety for the payment of salaries.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and hereby is appropriated from the funds of the city not otherwise appropriated the sum of fourteen hundred (\$1,400.00) dollars to the use of the Department of Public Safety to be expended as follows:

For salary of Elevator Inspector and an additional Assistant Inspector of Buildings, until December 31, 1905, the sum of \$1,400.00.

Sec. 2. The salary of the Elevator inspector shall be twelve hundred (\$1,200.00) dollars per annum payable monthly.

The salary of the Second Assistant Inspector of Buildings shall be twelve hundred (\$1,200.00) dollars per annum payable monthly.

Sec. 3. 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.

#### MISCELLANEOUS BUSINESS.

Under this head the Chair stated that he had received a communication from the committee in charge of the Memorial Day exercises asking that a committee be appointed to represent the Common Council on the general committee. The Chair then appointed Messrs. Uhl, Murray and Shea to act as such committee.

#### ORDINANCES ON SECOND READING.

Mr. Gasper called for Appropriation Ordinance No. 12, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 12, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 12, 1905, was read a third time and lost by the following vote:

Ayes, 10, viz.: Messrs. Cottey, Fishback, Gasper, Hofmann, Murray, Shea, Uhl, Wahl, Wolsiffer and Wright.

Noes, 10, viz.: Messrs. Cooper, Crall, Davis, Eppert, Linus, Moriarity, Rhodes, Storm, Sullivan and President James H. Billingsley.

Mr. Gasper called for Appropriation Ordinance No. 13, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 13, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1905, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Cooper called for General Ordinance No. 39, 1905, for second reading. It was read a second time.

Mr. Cooper moved that General Ordinance No. 39, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 39, 1905, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, 1, viz.: Mr. Storm.

Mr. Cooper called for General Ordinance No. 40, 1905, for second reading. It was read a second time.

Mr. Cooper moved that General Ordinance No. 40, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 40, 1905, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Linus,

Moriarity, Murray, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer and Wright.

Noes, 5, viz.: Messrs. Fishback, Gasper, Hofmann, Storm and President James H. Billingsley.

Mr. Uhl moved to refer back to Miscellaneous Business, Carried.

Mr. Uhl moved that a committee be appointed to consider the question of the establishment of public bath houses, confer with the City Controller relative thereto, and report back to the Council. Carried.

The Chair appointed Messrs. Uhl, Rhodes and Moriarity.

On motion of Mr. Cooper the Common Council, at 8:45 o'clock, P. M., adjourned.

*J. H. Billingsley*

President.

ATTEST:

*W. M. Fogarty*

City Clerk.

