

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
November 21, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 21, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 18 members, viz.: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent—2, viz.: Messrs. Clark and Crall.

The Clerk proceeded to read the Journal, whereupon Councilman Madden moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

On motion of Mr. Moffett, the Council took a recess of five minutes.

The Council re-convened at 8:10 o'clock.

REPORTS FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., November 21, 1898. }

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

Gentlemen—I respectfully recommend that an appropriation of ninety-three dollars and fifteen cents (\$93.15) be made to William M. Arnold, administrator of the estate of Jacob Heid, deceased.

This is the proportionate share of a liquor license fee for the unexpired part of the year, to-wit: October 22, 1898, to March 7, 1899; which license had been issued to said deceased Jacob Heid. See act of the General Assembly of the State of Indiana, 1895, page 251.

Respectfully submitted,

E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Accounts and Claims.

Communication from City Comptroller:

DEPARTMENT OF FINANCE. }
OFFICE OF CITY COMPTROLLER, }
INDIANAPOLIS, IND., November 21, 1898. }

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

Gentlemen—I enclose an ordinance authorizing the issuing of refunding bonds to the amount of one hundred ten thousand dollars (\$110,000). These bonds are issued to refund a loan of one hundred ten thousand dollars (\$110,000) made in 1889, in which an option was provided for payment at the expiration of ten (10) years. The ten years will expire January 1, 1899. The bonds issued in 1889 bear four per centum interest. By taking advantage of the option they may be refunded at three and one-half per centum interest, thereby saving the city five hundred fifty dollars (\$550) per annum in interest. The refunding bonds will be for a period of ten (10) years, so that there will be no change in the condition of the loan except an anticipated reduction of interest.

Respectfully submitted,

E. M. JOHNSON,
City Comptroller.

Which was read and referred to Committee on Finance.

Communication from City Comptroller:

DEPARTMENT OF FINANCE. }
OFFICE OF CITY COMPTROLLER, }
INDIANAPOLIS, IND., November 21, 1898. }

To the President and Members of the Common Council:

Gentlemen—Referring to the attached communications addressed to me by the Board of Public Works, I beg leave to recommend that the sum of \$4,200 be transferred from the fund for East Market improvements and the sum of \$450 be transferred from the fund for Street Repair Accounts, with which to pay the claims specified.

An ordinance on the above lines is submitted herewith for your consideration.

Very respectfully,

E. M. JOHNSON,
City Comptroller.

DEPARTMENT OF PUBLIC WORKS. }
OFFICE OF THE BOARD, }
INDIANAPOLIS, IND., November 21, 1898. }

Mr. E. M. Johnson, City Comptroller:

Dear Sir—We beg to ask that you recommend an appropriation to the fund for payment of assessments of the sum of \$2,350. This sum is

made necessary by the improvement of streets abutting city property. There are now due the following sums for assessments made against city property:

| | |
|---|---------|
| For the roadway of Bellefontaine street..... | \$10.51 |
| For the roadway of Gray street..... | 416.31 |
| For the roadway of first alley south of Pearl street..... | 301.30 |
| For the roadway of Fifteenth street..... | 658.08 |
| For extras, Market and Gray streets..... | 42.00 |
| For the roadway of Morris street..... | 950.08 |

Total\$2,378.28

There is now a balance of \$54.39 in the above mentioned fund, which will, with the additional amount asked for, prove sufficient to pay the assessments referred to.

Very respectfully,
 M. A. DOWNING,
 W. SCOTT MOORE,
 T. J. MONTGOMERY,
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS. }
 OFFICE OF THE BOARD, }
 INDIANAPOLIS, IND., November 21, 1898. }

Mr. E. M. Johnson, City Comptroller:

Dear Sir—We beg to recommend that there be appropriated for the purpose of paying the expenses of experts in the investigation of the plant of Indianapolis Water Company, the sum of \$2,300, with which to pay the following expenses:

| | |
|---|------------|
| For services of John W. Hill, Water Works expert..... | \$2,200.00 |
| For services of John F. Geis, chemical analysis..... | 100.00 |

Please make the proper recommendation to the Council.

Very respectfully,
 M. A. DOWNING,
 W. SCOTT MOORE,
 T. J. MONTGOMERY,
Board of Public Works.

Which were read and referred to Committee on Finance.

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS. }
 OFFICE OF THE BOARD, }
 INDIANAPOLIS, IND., November 21, 1898. }

To the President and Members of the Common Council:

Gentlemen—We submit to you herewith, for your consideration and action, ordinances annexing certain territory to the City of Indianapolis. These ordinances provide for the annexation of land lately acquired

for park purposes and for the annexation of certain territory north of Fall Creek between Meridian street and Central avenue.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

Which was read and referred to Committee on Finance.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., November 21, 1898. }

To the President and Members of the Common Council:

Gentlemen—We send you herewith, for your consideration and action thereon, an ordinance approving a certain contract granting the Peoria & Eastern Railway Company the right to lay and maintain certain railway tracks across West Washington street, Decatur street and the first alley north of Washington street.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

Which was read and referred to Committee on Railroads.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Costello, on behalf of the Committee on Finance, to which was referred:

G. O. No. 66, 1898. An ordinance authorizing the transfer of twenty-five hundred and five dollars and twenty-five cents (\$2,505.25) from funds other than those to which this sum was originally appropriated.

Made the following report:

INDIANAPOLIS, IND., November 21, 1898.

Mr. President:

Your Committee on Finance, to which was referred G. O. No. 66, 1898, have considered the same and recommend its passage.

JAS. H. COSTELLO.
E. D. MOFFETT.
EDWARD E. BERNAUER.
JAMES W. MCGREW.
W. F. SMITH.
RICHARD MERRICK.
ROBERT M. MADDEN.
J. R. ALLEN.

Which was read and concurred in.

Mr. Costello, on behalf of the Committee on Finance, to which was referred :

G. O. No. 67, 1898. An ordinance authorizing the transfer of certain sums to other funds than those for which they were originally appropriated, and fixing the time when the same shall take effect.

Made the following report :

INDIANAPOLIS, IND., November 21, 1898.

Mr. President :

Your Committee on Finance, to which was referred G. O. No. 67, 1898, have considered same and recommend that it be passed.

JAS. H. COSTELLO.
EDWARD E. BERNAUER.
E. D. MOFFETT.
J. W. MCGREW.
W. F. SMITH.
RICHARD MERRICK
ROBERT M. MADDEN.
J. R. ALLEN.

Which was read and concurred in.

Mr. Rauch, on behalf of the Committee on Public Safety and Comfort, to which was referred :

G. O. No. 42, 1898. An ordinance requiring the Lake Erie & Western Railroad Company and the Chicago, Indianapolis & Louisville Railroad Company to station and maintain one flagman at the crossing of Twentieth street by the tracks of said companies, and fixing a time for its taking effect.

Made the following report :

INDIANAPOLIS, IND., November 21, 1898.

Mr. President :

Your Committee on Public Safety and Comfort, to which was referred G. O. No. 42, 1898, recommend that the same be amended by striking out the words, "at all times during each day" and inserting therefor the words "from six o'clock a. m., till six o'clock p. m. each day," and when so amended that the same do pass.

ALBERT E. RAUCH.
W. F. SMITH.
E. D. MOFFETT.
T. A. BOWSER.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

Under this order of business, the following ordinance was introduced :

By Mr. Costello :

App. O. No. 10, 1898. An ordinance appropriating the sum of ninety-three dollars and fifteen cents (\$93.15), with which to pay certain claims made by virtue of Section 8, of an act entitled "An act to better reg-

ulate and restrict the sale of intoxicating, vinous and malt liquors," etc., approved March 11, 1895, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the sum of ninety-three dollars and fifteen cents (\$93.15) be and the same is hereby appropriated to pay the following claim made under and by virtue of Section 8 of an act of the General Assembly of the State of Indiana, entitled "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895: William M. Arnold, administrator of the estate of Jacob Heid, deceased.

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 Committee on Accounts and Claims.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Mr. Costello:

G. O. No. 68, 1898. An ordinance authorizing the transfer of four thousand six hundred and fifty dollars (\$4,650) from funds other than those to which it was originally appropriated, and making the same available to the use of the Department of Public Works, and fixing a time when the same shall take effect.

Whereas, By Appropriation Ordinance No. 17, 1897, and Appropriation Ordinance No. 3, 1898, certain sums were appropriated for the use of the Department of Public Works, and

Whereas, It appears that the sum of four thousand two hundred dollars (\$4,200), the amount appropriated by said Appropriation Ordinance No. 3, 1898, to be expended for East Market improvements, and the sum of four hundred and fifty dollars (\$450) of the amount appropriated by said Appropriation Ordinance No. 17, 1897, to be expended for Street Repair Accounts, will not be needed for said purposes; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be and is hereby authorized and directed, out of the moneys heretofore appropriated for the use of the Department of Public Works, to be expended for East Market improvements, to transfer and charge from said fund the sum of four thousand two hundred dollars (\$4,200) and to transfer and charge from the fund for Street Repair Accounts the sum of four hundred and fifty dollars (\$450), as follows

To the fund for payment of experts in the investigation of the plant of the Indianapolis Water Company, the sum of two thousand three hundred dollars (\$2,300).

To the fund for payment of assessments, the sum of two thousand three hundred and fifty dollars (\$2,350).

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 Committee on Finance.

By Mr. Harston:

G. O. No. 69, 1898. An ordinance changing the name of Rural street to Laporte avenue.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of the street running north from Washington street to the corporation line of the City of Indianapolis, Indiana, and running south from Washington street to English avenue, in the City of Indianapolis, Indiana, the same being the first street east of Eastern avenue, which street has formerly been known as Rural street, be and the same is hereby changed to Laporte avenue, and all of the street heretofore known and designated as Rural street be hereafter known and designated as Laporte 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 Committee on Sewers, Streets and Alleys.

By Board of Public Works:

G. O. No. 70, 1898. An ordinance annexing certain territory to the City of Indianapolis, 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 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, and the State of Indiana, to-wit:

Beginning at the center of Thirty-first street at the center of the canal, thence extending in a southeasterly direction along the center line of the canal to its intersection with the center line of Schurman avenue extended north; thence south along the center line of Schurman avenue, said center line being the present west corporation line of the City of Indianapolis, to the center of Miller avenue; thence west along the center line of Miller avenue to the center line of Clara street; thence south along the center line of Clara street to the center of Eighteenth street; thence east along the center line of Eighteenth street to the center of Schurman avenue; thence south along the center line of Schurman avenue and its extension south to a point nine hundred ninety-two and two-tenths (992.2) feet north of the center line of Grandview avenue; thence west and parallel to the center line of Grandview avenue and along the present corporation line of the City of Indianapolis to the center line of the first road west of White river, known as Lafayette road; thence in a northwesterly direction along the center line of said road to the north line of Clark & Mick's second addition to Haughville; thence west along the said north line of Clark & Mick's second addition to Haughville to the east line of Bismark avenue; thence north along the east line of Bismark avenue and its extension north to the east line of the first road west of White river; thence in a northwesterly direction following the east line of said road to the east line of the Myers free gravel road; thence following the east line of the Myers free gravel road to the north line of section twenty-two (22), township sixteen (16) north, range three (3) east; thence east along said section line to the east line of the right-of-way of the canal; thence in a southerly direction following the east line of the right-

of-way of the canal to the center line of Thirty-first street; thence west to the center line of the canal and 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 Sentinel, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

By Board of Public Works:

G. O. No. 71, 1898. An ordinance annexing certain territory to the City of Indianapolis, 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 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, and the State of Indiana, to-wit:

Beginning at the center of Thirty-eighth street at the center line of Meridian street; thence extending south along the center line of Meridian street to the center line of Thirty-fourth street; thence east along the center line of Thirty-fourth street to the center line of Delaware street; thence south along the center line of Delaware street to the center of Thirty-second street; thence west along the center line of Thirty-second street to a line that would intersect the center line of Pennsylvania street extended northward; thence south along the extension of said center line and the center line of Pennsylvania street to the south bank of Fall creek; thence following the meanderings of the south bank of Fall creek in a northeasterly direction to the center line of Thirtieth street; thence extending west along the center line of Thirtieth street to the center line of Central avenue; thence north along the center line of Central avenue to the center line of Thirty-eighth street; thence west along the center line of Thirty-eighth street to the center line of Meridian street, 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 Sentinel, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

By Mr. Costello:

G. O. No. 72, 1898. An ordinance authorizing the issue and sale of one hundred and ten (110) refunding bonds of one thousand dollars (\$1,000) each of the City of Indianapolis, in order to raise money to take up and refund certain bonds bearing date of January 1, 1889, and which will become due January 1, 1909, but which, by their terms, are payable on and after January 1, 1899, aggregating one hundred and ten thousand dollars (\$110,000); prescribing the time and manner of advertising the sale 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;

providing the time and manner of payment of said outstanding bonds, and providing for the refunding of the indebtedness 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, 1889, amounting in the aggregate to the sum of one hundred and ten thousand dollars (\$110,000), bearing interest at 4 per cent. per annum, payable semi-annually, issued under and by authority of G. O. No. 47, 1888, approved October 24, 1888, which bonds will become due January 1, 1909, but which are payable on and after January 1, 1899; 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 one hundred and ten thousand dollars (\$110,000) 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; and

Whereas, It is necessary to refund said indebtedness; 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 one hundred and ten thousand dollars (\$110,000), which indebtedness is represented by one hundred and ten outstanding bonds of said city, bearing date of January 1, 1889, issued under and by authority of G. O. No. 47, 1888, approved October 24, 1888, which bonds will become due January 1, 1909, but which are payable on and after January 1, 1899.

Sec. 2. That the head of Department of Finance is hereby directed and authorized, for the purpose of refunding the said indebtedness of one hundred and ten thousand dollars (\$110,000), to prepare and sell one hundred and ten (110) new bonds of the City of Indianapolis, Marion county, Indiana, of the sum of one thousand dollars (\$1,000) each, which bonds shall bear date of January 1, 1899; shall be designated "Indianapolis Refunding Bonds of 1899;" shall bear interest at the rate of three and one-half (3½) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July of each year, and said installments 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 ten years from the first day of January, 1899, and shall be signed by the Mayor and City Comptroller 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 Comptroller. 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.

UNITED STATES OF AMERICA,
CITY OF INDIANAPOLIS,
STATE OF INDIANA, MARION COUNTY.
INDIANAPOLIS REFUNDING BOND OF 1899. 10 YEARS.

For value received, the City of Indianapolis, Indiana, promises to pay to the bearer one thousand dollars (\$1,000) in lawful money of the United States of America, on the first day of January, one thousand nine hundred and nine (1909), 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 cancellation 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 one hundred and ten bonds, numbered from 1 to 110, each inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued by said City of Indianapolis by, in and pursuant to an ordinance duly and legally passed by the Common Council of said city on the day of, 1898, and approved by the Mayor of said city on the day of, 1898, 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 all 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.

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 whereof, the Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Comptroller, and the seal of said city to be affixed hereto and attested by the City Clerk, this first day of January, eighteen hundred and ninety-nine.

Attest: Mayor.

..... City Clerk.

[Seal.] City Comptroller.

The interest warrants or coupons attached to said bonds shall be authenticated by the signature of the Mayor and City Comptroller engraven 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 advertisement shall describe such bonds with such minuteness and particularity as the City Comptroller 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 Comptroller 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 Comptroller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of William H. Schmidt, City Treasurer, for a sum of money which shall equal two and one-half per centum. of the face or par value of the bonds bid for or proposed to be purchased. The City Comptroller shall continue to receive all bids or proposals therefor at the office of the City Comptroller until twelve o'clock noon on the fifteenth day of December, 1898, 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 Comptroller 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 Comptroller 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 Comptroller 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 the 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 Comptroller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Comptroller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to proceed 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 Comptroller 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 bid-

der 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 Comptroller 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 banking house of Winslow, Lanier & Co., in the City of New York, on the twenty-eighth day of December, 1898, 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 Comptroller, 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 Comptroller 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 one hundred and ten outstanding bonds hereinbefore described, and to the expense of issuance, sale and delivery of the bonds herein provided for, and the City Comptroller is hereby authorized to draw all proper and necessary warrants, and to do whatever act may be necessary to carry out the provisions of this ordinance.

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

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

By Board of Public Works:

G. O. No. 73, 1898. An ordinance approving a certain contract granting the Peoria & Eastern Railway Company the right to lay and maintain certain railway tracks across West Washington street, Decatur street, and the first alley north of Washington street running east and west parallel to Washington street, in the City of Indianapolis, under stipulated terms and conditions.

Whereas, Heretofore, to-wit, on the 21st day of November, 1898, the Board of Public Works of the City of Indianapolis made and entered into a certain contract with the Peoria & Eastern Railway Company, which contract is as follows:

Whereas, On the 21st day of November, 1898, the Peoria & Eastern Railway Company filed their petition before the Board of Public Works of the City of Indianapolis as follows:

INDIANAPOLIS, IND., November 21, 1898.

Board of Public Works, City of Indianapolis:

Gentlemen—The Peoria & Eastern Railway Company herewith petitions your honored body and asks for permission to change one track now crossing Washington street, near Decatur street, in the following

manner: The track marked "A" on plat attached, being a lead track running across Washington street, is to be removed, and the track marked "B," running straight across Washington street, is to be substituted therefor. Track "B" is to extend across Decatur street and the first alley running east and west, north of Washington street, as shown by plat attached. This change avoids much switching in Washington street, and causes the removal of one frog and one switch in Washington street, and substitutes a straight track therefor.

Yours truly,

J. A. BARNARD,
General Manager.

Now, therefore, This agreement, made and entered into this 21st day of November, 1898, by and between the Peoria & Eastern Railway Company, party of the first part, and the City of Indianapolis, county of Marion, State of Indiana, by and through its Board of Public Works, party of the second part:

Witnesseth, That the said party of the first part, being desirous of securing the right-of-way across Washington street, Decatur street and the first alley north of Washington street, in the City of Indianapolis, to lay and maintain a railroad track as per petition and plat herewith filed and made a part of this contract, hereby covenants and agrees and fully binds itself, its successors, legal representatives and assigns, that in consideration of the granting of the privileges and authority herein given, it will lay, construct and maintain said railway track upon the terms and conditions hereinafter set forth, viz.:

First. Said track 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.

Second. Said track shall be laid on 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 the grade of any street or alley intersecting said tracks, which may from time to time be hereafter established, whenever so ordered in writing by said Board.

Third. The party of the first part hereby agrees and binds itself to plank and keep in proper repair, to the satisfaction of the party of the second part, the tracks herein provided to be laid and maintained at the points where the same shall cross all public streets and alleys, and shall at all times be free from defects or obstructions of any kind. No car or cars shall be permitted to obstruct such street or alley crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, but they shall at no time be stopped or detained thereon in such a manner as to obstruct public travel.

Fourth. In case the said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective, of which facts the said Board shall be the exclusive judge, it shall be the duty of the said party of the first part to promptly repair the same, and, failing in which, after a notification in writing of ten 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.

Fifth. The said party of the first part hereby agrees and binds itself to hold the said second party harmless from any and all claims for damages growing out of the existence, maintenance or use of said tracks, and to pay any judgment with costs that may be on that account rendered against the party of the second part.

Sixth. It is herein expressly understood and agreed that this consent and permission is granted to said first party only in consideration of its removing, at the time said track across Washington street marked "B" on the plat herewith is constructed, the track marked "A," and, in case of its failure to so remove said track marked "A," the said party of the second part reserves the right to order the use of any and all of the tracks herein referred to discontinued and removed.

Seventh. Any violation of any provision of this instrument by said party of the first part, or by anyone for it, or at its instance or permission, shall operate as an absolute forfeiture of all of the provisions and authority granted or given by this contract; provided, however, the same may be terminated at the pleasure of said Board without cause.

Eighth. Said track shall be located as follows: Beginning at a point on the north line of the first alley south of Washington street and extending southward across said alley, Decatur street and Washington street to a point 180 feet east of the east line of Decatur street, as indicated by Exhibit "A," hereto attached.

The said party of the second part, by virtue of an 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 in consideration of the things hereinbefore set forth, hereby gives, grants and duly vests the said party of the first part the right to lay and maintain the track as prayed for in the petition and as shown by the plat attached, marked Exhibit "A." which petition and plat are made a part of this contract.

In witness whereof we have hereunto set our hands this 21st day of November, 1898.

PEORIA & EASTERN RAILWAY COMPANY,
By J. A. BARNARD,
General Manager.

CITY OF INDIANAPOLIS,
By M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

Whereas, Said contract has been submitted by said Board 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 said contract above set forth be and the same is hereby in all things confirmed and approved.

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 Committee on Railroads.

By Mr. McGrew (by request):

G. O. No. 74, 1898. An ordinance regulating the cleaning of vaults and the removal of night soil and other noxious matter, providing penalties for the violation thereof, 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 to clean any privy vault by removing the contents thereof, or to haul or remove any such contents along or through any of the streets, alleys or avenues of said city, between the hours of 4 o'clock a. m. and 8 o'clock p. m. of any day.

Sec. 2. It shall be unlawful for any person to haul or convey any night soil or other contents of privy vaults through any of the streets, alleys or avenues of said city at any time except in air-tight vessels, carts or wagons.

Sec. 3. It shall be unlawful for the owner of any cart, vessel or wagon, used in the collection of night soil or other noxious and ill-smelling matter, to permit such vessel, cart or wagon to stand or remain, when not in use, in any place where any resident of the said city shall or may be annoyed by the smells arising therefrom.

Sec. 4. Any person violating any of the provisions of this ordinance shall, on conviction therefor, be fined in any sum not exceeding twenty-five dollars.

Sec. 5. This ordinance shall take effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper having a general circulation in said city.

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

By Mr. Moffett (by request):

G. O. No. 75, 1898. An ordinance to further promote the public health of the City of Indianapolis by prohibiting the practice of spitting upon sidewalks and in other public places, fixing a penalty for the violation thereof, and providing 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 to spit upon any sidewalk within the limits of the City of Indianapolis, or upon the floors or steps of any public building within said city, or upon the floors, steps or platform of any railroad station therein, or upon the floors of entrances leading to any public buildings therein situate.

Sec. 2. Any person violating any of the provisions of Section 1 of this ordinance shall, on conviction therefor, be fined in any sum not less than one nor more than five dollars.

Sec. 3. This ordinance shall be in force from and after its passage and after its publication once each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper having a general circulation in said city.

With the following communication:

To the City Council of Indianapolis:

Sirs—Deeming the prevalent habit of expectorating upon sidewalks and upon the floors of public buildings a most serious menace to health, on account of the dissemination through the air of disease germs thus resulting, we do hereby beg that your respected body act favorably upon the accompanying ordinance, and thus check an evil now most offensive as well as obtrusive, and one which must result in the constant propagation of ill health and disease. To multiply reasons would be to imply

that arguments were necessary, whereas we believe that the ordinance must appeal to the best sentiments of every one of your honorable body. We therefore trust this ordinance to your favorable consideration, and subscribe ourselves,

Very respectfully yours,

MEMBERS OF THE SANITARY SOCIETY OF INDIANAPOLIS.

MRS. GEORGE MERRITT,
President.

MRS. HENY COE,
HESTER M. McCLUNG,
Secretaries.

MRS. J. GEO. STILZ,
Treasurer.

MRS. T. C. DAY,
Chairman Committee.

November 8, 1898.

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

MISCELLANEOUS BUSINESS.

The following communication was read:

TERRE HAUTE, IND., October 28, 1898.

To the Mayor and Common Council:

Gentlemen--At a meeting of our City Council a committee was selected to correspond with the various cities in the State to organize a State Municipal League for mutual benefit. This organization to take up questions in regard to city government, such as necessary laws to be passed by our Legislature. Also to call a meeting and have a State convention, composed of committees sent by these various cities, to meet shortly at some place to organize the League and prepare ourselves to meet the Legislature this coming year.

We have had personal interviews with several cities who are favorable to State League organization, and would like to see your city a charter member of the League. With the exception of three cities in this State, the cities are operating under a charter granted in 1850, and we think that times have changed sufficiently to necessitate reforms such as would benefit all cities in the State.

If you think favorably of this, we would like for your City Council to appoint a committee to meet similar committees of various cities throughout the State at the organization of this League. An early date to be selected for the organization of the League.

An early reply would greatly oblige.

Yours respectfully,

HENRY C. STEEG,
Mayor.

P. B. WALSH,
H. T. SCHLOSS,
HERBERT BRIGGS,
Committee.

On motion of Mr. Costello, the communication was referred to Committee on Rules.

ORDINANCES ON SECOND READING.

On motion of Mr. Rauch, the following entitled ordinance was taken up and read a second time:

G. O. No. 42, 1898. An ordinance requiring the Lake Erie & Western Railroad Company and the Chicago, Indianapolis & Louisville Railroad Company to station and maintain one flagman at the crossing of Twentieth street by the tracks of said companies, and fixing a time for its taking effect.

Mr. Rauch moved that the amendment to G. O. No. 42, 1898, as recommended by the Committee on Public Safety and Comfort, be adopted.

Which motion prevailed.

On motion of Mr. Rauch, G. O. No. 42, 1898, was then ordered engrossed as amended, read a third time, and passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

On motion of Mr. Costello, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

G. O. No. 66, 1898. An ordinance authorizing the transfer of twenty-five hundred and five dollars and twenty-five cents (\$2,505.25) from funds other than those to which this sum was originally appropriated.

And was passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

On motion of Mr. Costello, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

G. O. No. 67, 1898. An ordinance authorizing the transfer of certain sums to other funds than those for which they were originally appropriated, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 19—viz: Messrs. Allen, Bernauer, Bowser, Colter, Costello, Harston, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.


NAYS—None.

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

ATTEST:



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President



City Clerk