

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, June 15, 1914.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 15, 1914, at 7:30 o'clock, in regular session, President John F. Connor in the chair.

Present: The Hon. John F. Connor, President of the Common Council, and eight members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Graham and Shea.

Mr. Miller moved that the reading of the journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 5, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 12, 1914, the same being an ordinance entitled, "An ordinance appropriating \$500.00 to the Department of Public Works for automobile maintenance."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 12, 1914.

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

GENTLEMEN—I have approved and signed Special Ordinance No. 2, 1914, the same being an ordinance entitled, "An ordinance ratifying, confirming and approving the contract entered into the 25th day of April, 1914, between the Merchants Heat and Light Company and the City of Indianapolis, Indiana, by its Mayor and Board of Public Works, for lighting public streets, places and buildings, and for furnishing electric current for power."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 5, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 18, 1914, the same being an ordinance entitled, "An ordinance appropriating the sum of one hundred and twenty-five (125) dollars to and for the use of the Department of Finance for the fund 'Electric Fans in the City Court,' and fixing the time when the same shall take effect."

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—I hand you herewith a letter from the City Engineer, Mr. Jeup, concerning the matter of an increase in the salary of the engineering chemist.

Mr. Underwood has been with the City of Indianapolis many years, and on account of the peculiar work in his department, has become an exceedingly valuable man to the city. It is a very hard matter to find a chemist who has had experience in the particular line that Mr. Underwood has followed. For more than ten years he has been engaged in the analysis of all material used for street paving and building purposes of the City of Indianapolis.

Should Mr. Underwood leave the city it would be utterly impossible to find another man of his ability and experience whose services could be had for the salary for which he has expressed his willingness to remain with

the city. When we take into consideration the fact that the engineering chemist is called upon to analyze all material used for paving purposes as well as all cement used in concrete structures in the city, you will at once realize the importance of having a man who not only possesses the ability to properly test these materials, but also a man whose honesty and integrity is absolutely unquestioned.

While I do not favor a general increase of salaries, yet there are special instances in which it is a matter of economy to make an increase, and where it is the case, and it meets with your approval, I do not hesitate to make the request.

I, therefore, earnestly recommend that an ordinance be introduced asking for a salary for the engineering chemist of \$2,400 per annum, and I hand you herewith an ordinance for that purpose.

Yours very truly,  
J. E. BELL,  
Mayor.

DEPARTMENT OF THE CITY CIVIL ENGINEER,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 15, 1914.

*Hon. Joseph E. Bell, Mayor, City of Indianapolis:*

DEAR SIR—Mr. C. H. Underwood, engineering chemist, called at my home Saturday evening and informed me that he had an offer of a position with a company furnishing asphalt, with the main office in Chicago at a salary practically double that which he is receiving from the city. Mr. Underwood has been connected with the city for over ten years, and his work has covered the testing of asphalts, cements, oils, block, brick, and at the present time includes the work at the Sewage Disposal Plant.

Should the city lose his services I feel that it would be a great loss to the city. Mr. Underwood agrees to stay provided his salary is increased to \$2,400 per annum. I would earnestly recommend that an ordinance be introduced increasing the salary of the engineering chemist from \$1,800 to \$2,400 per annum.

Very truly yours,  
B. J. T. JEUP,  
City Civil Engineer.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—I submit herewith letter from Mayor Bell, requesting the issue of \$45,000 of city bonds and appropriation of the proceeds to the De-

partment of Public Works, for construction of a retaining wall on Fall Creek, along Sutherland Avenue. I recommend the bond issue, and appropriation, and inclose ordinance for same.

Respectfully submitted,

J. P. DUNN,  
*City Controller.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 3, 1914.

*Mr. Jacob P. Dunn, City Controller, Indianapolis, Indiana:*

DEAR SIR—On account of the high waters of the spring of 1913, great damage was caused to the property along the east side of Fall Creek running northeast from College Avenue, the damage being so great as to wash away a part of the roadway of Sutherland Avenue, one of the streets of the city. As a result of the conditions produced by this flood, the waters of Fall Creek have continued to wash away the embankment on the east side of Fall Creek until the residences are being endangered, and the roadway of Sutherland Avenue will be entirely swept away if steps are not taken to construct a proper wall and stop the damage.

A conference was held some time ago with the Board of Park Commissioners concerning the construction of a proper wall for the safety of this locality. It is estimated that the cost of the construction of this wall will be about \$90,000. After a full consideration of the matter, it was decided that the cost of constructing this wall should be divided between the city generally and the Park Department. It was agreed that the sum to be paid by the city proper should be \$45,000, and the remainder of the cost divided between the property owners abutting upon the stream whose property is affected and the Park Board. Steps should be taken immediately to construct this wall during the present summer.

It will be necessary for the city to issue bonds to provide for the payment of the \$45,000, to be paid by the city proper.

I, therefore, ask that you make the proper request of the Common Council to appropriate the sum of \$45,000 for the construction of this wall, and for the passage of a proper ordinance authorizing the sale of bonds, or the making of the proper loan to provide for this sum of money.

Yours very truly,

J. E. BELL,  
*Mayor.*

From City Controller :

DEPARTMENT OF FINANCE,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—On June 1 I sent you a communication requesting an appropriation of \$2,196.42 for the payment of a claim of The Boys' Club Association against the city. The bill was incurred last year by the Recreation Department, which by an act of the last legislature was put under the Board of Public Health and Charities, and thus was put on an independent financial basis, with a tax levy of its own. This act took effect in

March, 1913, but the operation of the financial provisions was deferred to January 1, 1914. When I made the request for the appropriation I was of the opinion that the bill was payable from the general fund, but on further consideration and consultation with members of the Finance Committee and the City Attorney, it has been decided that it is properly chargeable to the Recreation Department of the Board of Health, and it has accordingly been paid. I therefore recommend that no further action be taken by the Council in this matter.

Respectfully submitted,

J. P. DUNN,  
*City Controller.*

From Board of Public Works :

DEPARTMENT OF PUBLIC SAFETY,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 15, 1914.

*Hon Common Council:*

GENTLEMEN—We herewith submit to you for your consideration and action thereon a certain contract between the City of Indianapolis and The Cincinnati, Indianapolis & Western Railway Company, wherein said company is granted permission to lay and maintain a sidetrack switch from a point near the west line of West Street and the south line of Georgia Street, across West Street, in a direction a little south of east, and connecting with existing tracks.

Yours very truly,

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

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance :

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 11, 1914, entitled, "An ordinance appropriating the sum of \$12,000 to the Department of Public Works for a bridge over Pleasant Run, at Minnesota Street," beg leave to report that we have had said ordinance under consideration, and recommend that said ordinance be amended by striking out the figures \$12,000 and substituting the figures \$10,000 instead, and that when so amended the ordinance be passed.

Respectfully,

EDWARD P. BARRY,  
THOMAS C. LEE,  
ED MCGUFF,  
AUBREY D. PORTER,  
EDWARD R. MILLER.

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 14, 1914, entitled, "An ordinance appropriating \$1,009.90 to the Board of Public Works for Automobile Insurance," beg leave to report that we have had said ordinance under consideration and recommend that said ordinance be amended by striking out the figures \$1,009.90 and substituting the figures \$970.70 instead, and that when so amended the ordinance be passed.

Respectfully,  
EDWARD P. BARRY,  
THOMAS C. LEE,  
AUBREY D. PORTER,  
ED MCGUFF,  
EDWARD R. MILLER.

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 15, 1914, entitled, "An ordinance appropriating \$2,196.42 to the Department of Finance for the payment of claims of the Boys' Club Association, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that said ordinance be stricken from the files.

Respectfully,  
EDWARD P. BARRY,  
ED MCGUFF,  
EDWARD R. MILLER,  
AUBREY D. PORTER,  
THOMAS C. LEE.

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 16, 1914, entitled, "An ordinance appropriating \$661.30 to the Department of Finance for additional payments of Brightwood sewer claims, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that said ordinance be passed.

Respectfully,  
EDWARD P. BARRY,  
ED MCGUFF,  
AUBREY D. PORTER,  
THOMAS C. LEE,  
EDWARD R. MILLER.

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 17, 1914, entitled, "An ordinance appropriating the sum of \$1,200 to the Board of Public Works for the payment of old claims incurred by the preceding administration, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully,  
EDWARD P. BARRY,  
ED MCGUFF,  
AUBREY D. PORTER,  
THOMAS C. LEE,  
EDWARD R. MILLER.

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 19, 1914, entitled, "An ordinance appropriating \$5,000 to the Department of Law for judgments, compromises and costs, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and recommend that said ordinance be passed.

EDWARD P. BARRY,  
THOMAS C. LEE,  
ED MCGUFF,  
AUBREY D. PORTER,  
EDWARD R. MILLER,

Mr. Barry moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Safety:

INDIANAPOLIS, IND., June 1, 1914.

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

GENTLEMEN—We, your Committee on Public Safety, to whom was referred General Ordinance No. 27, 1914, entitled, "An ordinance approving a certain contract granting Irvington Ice Company the right to lay and maintain a sidetrack or switch across Ritter Avenue, according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration and recommend it do pass.

THOMAS C. LEE,  
ED MCGUFF,  
W. T. YOUNG,  
MICHAEL J. SHEA,  
E. R. MILLER.

Mr. Lee moved that the report of the Committee be concurred in. Carried.



From the Committee on City's Welfare:

INDIANAPOLIS, IND., June 15, 1914.

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

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred General Ordinance No. 28, 1914, entitled, "An ordinance approving a certain contract granting Ford Motor Company the right to lay and maintain a sidetrack or switch across the first alley west of Oriental Street, according to blue print attached, in the City of Indianapolis," beg leave to report that we have had said ordinance under consideration and recommend that same do pass.

W. T. YOUNG,  
EDWARD MCGUFF,  
A. D. PORTER.

INDIANAPOLIS, IND., June 15, 1914.

*To the President and Members of the Common Council:*

GENTLEMEN—We, the undersigned members of the City's Welfare Committee, to whom was referred General Ordinance No. 28, the same being an ordinance granting the Ford Motor Company the privilege of laying a switch across the first alley west of Oriental Street at the Pennsylvania R. R. Company's track, beg leave to report as follows:

We found upon investigation that this switch was laid previous to the passage of the ordinance authorizing the same; we know that some one has exceeded their authority, and we believe they should be penalized.

Realizing that the Ford Motor Company plant is a valuable addition to our city, we recommend that the ordinance do pass.

Respectfully submitted,

MICHAEL J. SHEA,  
EDWARD R. MILLER.

Mr. Young moved that the majority report of the Committee be concurred in, which was carried by the following vote:

Ayes, 5, viz.: Messrs. Young, McGuff, Porter, Lee, Graham and President John F. Connor.

Noes, 3, viz.: Messrs. Barry, Miller and Shea.

Mr. Lee was excused from voting.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Mayor:

General Ordinance No. 34, 1914: An ordinance fixing the compensation of the engineering chemist, under that department of the Department of Public Works, known and designated as the Engineering Department.

Be it ordained by the Common Council of the City of Indianapolis, That:

SECTION 1. The Engineering Chemist in the Engineering Department of the Department of Public Works of the City of Indianapolis, shall receive as compensation for his services as such Engineering Chemist, a salary at the rate of twenty-four hundred (\$2,400) dollars per annum, payable as other salaries of city officials are paid.

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

SECTION 3. This ordinance shall be in force and effect immediately from and after its passage.

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

By the Board of Public Works:

## SWITCH CONTRACT

General Ordinance No. 35, 1914: An ordinance approving a certain contract granting The Cincinnati, Indianapolis & Western Railway Company the right to lay and maintain a sidetrack or switch from a point near the west line of West Street and the south line of Georgia Street, across West Street, in a direction a little south of east, and connecting with existing tracks, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore to-wit: On the 4th day of June, 1914, W. J. Holliday & Co. filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

## PETITION.

*To the Board of Public Works, City of Indianapolis:*

GENTLEMEN—The undersigned owners of real estate abutting on Georgia and West Streets, from at the southeast corner thereof, respectfully petition for the passage of a resolution providing for the construction of a railway switch beginning at a point near the west line of West Street and the south line of Georgia street, and extending across West Street, in a direction a little south of east, and connecting with existing tracks for the purpose of serving with switch facilities the business house of W. J. Holliday & Company.

(Signed) W. J. HOLLIDAY & Co.

NOW, THEREFORE, This agreement, made and entered into this 5th day of June, 1914, by and between the Cincinnati, Indianapolis & Western Railway Company, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH, That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from a point near the west line of West Street and the south line of Georgia Street, across West Street, and in a direction a little south of east, and connecting with existing tracks, in the City of Indianapolis, which is more specifically described as follows:

Commencing at a point in the west line of West Street, forty-nine (49) feet south of north line of Georgia Street—said point being the center of proposed sidetrack—thence eastwardly on a curve with a radius of 570 feet to the right, to a point in the east line of West Street, sixty-nine (69) feet south of north line of said Georgia Street, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

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

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects West and Georgia Streets shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of

said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 5th day of June, 1914.

THE CINCINNATI, INDIANAPOLIS & WESTERN RY. Co.  
Party of the First Part.

WITNESS:

J. A. SIMMONS.

By R. B. WHITE,  
*Superintendent.*

CITY OF INDIANAPOLIS.

By J. A. RINK,  
*President.*

JAS. E. TROY,  
GEO. B. GASTON,  
*Board of Public Works,*  
Party of the Second Part.

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

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

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

Which was read a first time and referred to the Committee on City's Welfare.

By the Board of Public Works :

General Ordinance No. 36, 1914: An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Kelly street from W. P. L. of Meridian street to E. P. L. of Bluff Road, with wooden block, asphalt, bituminous concrete or brick, under Improvement Resolution No. 7372, adopted May 8, 1914.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did, on the 8th day of May, 1914, adopt Improvement Resolution No. 7372, for the improvement of Kelly Street from W. P. L. of Meridian Street to E. P. L. of Bluff Road with wooden block, asphalt, bituminous concrete or brick pavement; and

WHEREAS, The said Board of Works did at the same time fix the 1st day of June, 1914, at 10 o'clock a. m. as the time to hear all persons interested, or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 13th day of May, 1914, and the 20th day of May, 1914, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 1st day of June, 1914, the Board having met in regular session, took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 1st day of June, 1914, a written remonstrance of a majority of the resident property owners was filed with the Board of Public Works against said improvement; and

WHEREAS, The Board of Works has submitted to the Common Council, for their consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the Board of Public Works of the City of Indianapolis, be and are hereby ordered to improve Kelly Street from W. P. L. of Meridian Street to E. P. L. of Bluff Road, with wooden block, asphalt, bitumi-

nous concrete or brick pavement, under Improvement Resolution No. 7372, adopted by the Board of Public Works on the 8th day of May, 1914.

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

Which was read a first time and referred to the Committee on City's Welfare.

By the City Controller:

General Ordinance No. 37, 1914: An ordinance authorizing the sale of forty-five bonds of one thousand (\$1,000) dollars each, of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used for the purpose of constructing a retaining wall on Sutherland Avenue; providing for the time and manner of advertising sales of bonds and of the receipt of bids for the same, together with the modes and terms of sale; and fixing a time when the same shall take effect, and appropriating the proceeds thereof.

WHEREAS, The undermining of Sutherland Avenue by the floods in Fall Creek in 1913, and prospective additional damage, make necessary the construction of a retaining wall along said avenue, the city's share of the expense of the same being estimated at forty-five thousand (\$45,000) dollars; and

WHEREAS, There are not now and will not be in the treasury of the city sufficient funds to meet said expense; and it is necessary for the city to issue and sell bonds of the amount of forty-five thousand (\$45,000) dollars for said purpose, payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law; therefore:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the City Controller of said city be and is hereby authorized, for the purpose of procuring money to be used in constructing a retaining wall along Sutherland Avenue, to prepare and sell forty-five (45) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000) dollars each, which bonds shall bear date of July 1, 1914, and shall be numbered from one (1) to forty-five (45) both inclusive; shall be designated as "Sutherland Avenue Bonds, 1914;" shall mature in amounts of \$15,000, on July 1, each, of 1917, 1918 and 1919; shall bear interest at the rate of four (4) per cent per annum, which interest shall be paid semi-annually on the first day of January and the first day of July of each year, beginning with January 1, 1915; and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of January, 1914. Said bonds and interest coupons shall be negotiable and

payable at ..... Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

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

No..... \$1,000.

UNITED STATES OF AMERICA.

CITY OF INDIANAPOLIS.

Marion County, State of Indiana.

SUTHERLAND AVENUE BONDS—1914.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws on January ....., at ....., one thousand dollars in lawful money of the United States of America, together with interest thereon at the rate of four (4) per cent per annum from date until paid, the first interest payable on the ..... of January, 1915, and the interest thereafter payable semi-annually on the first days of January and July respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of forty-five (45) bonds, of one thousand dollars each, numbered from one (1) to forty-five (45), both inclusive, of date of July 1, A. D., 1914, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the city on ....., 1914, and an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905.

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

IN WITNESS WHEREOF, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City

Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this the ..... day of .....

.....  
*Mayor.*

ATTEST:

.....  
*City Controller.*

.....  
*City Clerk.*

SECTION 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in the Indianapolis Sun and the Indianapolis Star, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisements shall describe said bonds with such minuteness and particularity as the City Controller may 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 of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make and when and where the bonds shall be delivered and paid for.

SECTION 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer, for a sum of money which shall equal two and one-half (2½) percentum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until 12 o'clock noon, on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2 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 of any number thereof, to the highest bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

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

SECTION 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason,



said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to re-advertise such bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment of the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

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

SECTION 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect; and the proceeds derived from any sale or sales of bonds as herein authorized shall be and hereby are appropriated to the use of the Department of Public Works, to be used for the purposes mentioned and described in Section 1 of this ordinance, and the City Controller is hereby authorized and directed to draw all proper and necessary warrants and to do whatever act may be necessary to carry out the provisions hereof. The said Department of Public Works is hereby directed to begin the construction of said retaining wall as soon as possible and to complete it by November 1, 1914.

SECTION 8. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By Mr. McGuff (by request) :

General Ordinance No. 38, 1914: An ordinance regulating pawn shops and second-hand stores, repealing conflicting ordinances, fixing a penalty for the violation thereof and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the business of pawn broking, as referred to and intended to be regulated by this ordinance, shall mean the lending of money on deposit or pledge of personal property or other valuable thing, with an agreement to sell the same back again at a stipulated price. The business of second-hand dealing as referred to and intended to be regulated by this ordinance shall mean the purchasing or selling of second-hand property of any description whatsoever.

SECTION 2. It shall be unlawful for any person, firm or corporation engaged in the business of pawnbroking to receive as a pawn, pledge or purchase, on any condition whatsoever, any article of personal property or other valuable thing, or to keep open such place of business between the hour of 6:30 o'clock p. m. on any day and the hour of 7 o'clock a. m. on the day following, except Sundays.

*Provided, however,* That any person, firm or corporation engaged in such business of pawnbroking may be permitted to keep open such place of business on Saturday of each week and on all the days during the week when the State Fair shall be held, and on all the days during the month of December, on which said days it shall be lawful to conduct and carry on such business between the hours of 7 o'clock a. m. and 11 o'clock p. m.

*Provided further,* That on any Sunday during the month of December, such place of business of pawnbroking may be permitted to keep open from 8 o'clock a. m. until 12 o'clock, noon, following.

SECTION 3. It shall be unlawful for any person, firm or corporation engaged in the business of second-hand dealing to transact or keep open such place of business for the transaction of such business between the hour of 6:30 o'clock p. m. of any day and the hour of 7 o'clock a. m. on the day following, except on Saturdays, and on all the days during Fair week, and on all the days during the month of December, except Sundays, on which said days it shall be lawful to conduct and carry on such business between the hours of 7 o'clock a. m. and 11 o'clock p. m.

SECTION 4. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That any person, persons, 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, nor less than five dollars, to which may be added imprisonment in the Marion County Work House for any term not exceeding ten days.

SECTION 6. This ordinance shall be in full force and effect from and after its passage, and publication over each week for two consecutive weeks in the Indianapolis Commercial, a daily 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 Parks.

ORDINANCES ON SECOND READING.

Mr. Barry called for Appropriation Ordinance No. 11, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 11, 1914, be amended as recommended by the Committee. Carried.

Mr. Barry moved that Appropriation Ordinance No. 11, 1914, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 11, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Barry called for Appropriation Ordinance No. 14, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 14, 1914, be amended as recommended by the Committee. Carried.

Mr. Barry moved that Appropriation Ordinance No. 14, 1914, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 14, 1914, was read a third time and passed by the following vote :

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Barry called for Appropriation Ordinance No. 15, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 15, 1914, be stricken from the files.

The roll was called and Appropriation Ordinance No. 15, 1914, was stricken from the files by the following vote :

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Barry called for Appropriation Ordinance No. 16, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 16, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 16, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Barry called for Appropriation Ordinance No. 17, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 17, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Barry called for Appropriation Ordinance No. 19, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 19, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 19, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Lee called for General Ordinance No. 27, 1914, for second reading. It was read a second time.

Mr. Lee moved that General Ordinance No. 27, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 27, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Young called for General Ordinance No. 28, 1914, for second reading. It was read a second time.

Mr. Young moved that General Ordinance No. 28, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 28, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

June 15, 1914.]

CITY OF INDIANAPOLIS, IND.

277

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

*John F. Connor*

*President.*

ATTEST:

*Thomas A. Riley*

*City Clerk.*

