

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, November 20, 1911.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 20, 1911, at 7:30 o'clock, in regular session, President John Blumberg in the chair.

Present: The Hon. John Blumberg, President of the Common Council, and 6 members, viz: Messrs. Johnson, Copeland, Rubens, Owen, Stilz and Troy.

Absent, 2, viz.: Messrs. McCarthy and Denny.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT.
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., November 10, 1911.

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

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

General Ordinance No. 65, 1911, being an ordinance to protect life by providing for the erection and maintenance and protection of warning signs about deep and dangerous holes and excavations in streams; providing penalties for the violation thereof and fixing the time when the same shall take effect.

General Ordinance No. 75, 1911, being an ordinance providing for the transfer of \$3,500.00 from a certain fund to a certain fund in and for the use of the Department of Public Works and fixing a time when the same shall take effect.

Appropriation Ordinance No. 88, 1911, being an ordinance appropriating the sum of \$250.00 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect.

General Ordinance No. 71, 1911, being an ordinance approving a certain contract granting the International Metal Polish Company the right to lay and maintain a sidetrack or switch from the Belt Railroad across Quill Street, according to blue print attached, in the City of Indianapolis, Indiana.

I have the honor to remain,

Very truly yours,
S. L. SHANK,
Mayor City of Indianapolis.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Law requesting me to recommend the transfer of \$150.00 from the Change of Venue fund to the Judgments, Compromises and Costs fund.

I submit herewith an ordinance providing for the amount of the transfer requested and recommend its passage.

Respectfully submitted,
HARRY R. WALLACE,
City Controller.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., November 20, 1911.

Hon. Harry R. Wallace, City Controller, City:

DEAR SIR: Kindly have transferred from the Change of Venue appropriation one hundred and fifty (\$150.00) dollars, to the appropriation for Judgments, Compromises and Costs, and oblige.

Very truly yours,
MERLE N. A. WALKER,
City Attorney.

From City Controller:

OFFICE OF CITY CONTROLLER.
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

I submit herewith a communication from the Department of Public Works requesting me to recommend an additional appropriation of \$1,000.00 to the fund known as "Street Maintenance and Repairs (unimproved) Salaries and Wages."

I submit herewith an ordinance providing for the amount of the appropriation requested and recommend its passage.

Respectfully submitted,
HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 17, 1911.

Mr. Harry R. Wallace, City Controller, Indianapolis, Indiana:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of one thousand dollars (\$1,000.00) to the fund known as Street Maintenance and Repairs (unimproved) Salaries and Wages.

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

STREET DEPARTMENT,
OFFICE OF SUPERINTENDENT OF STREETS.
INDIANAPOLIS, IND., November 16, 1911.

To the Board of Public Works:

GENTLEMEN: On account of so many complaints as to the condition of the unimproved streets I find that we will need one thousand dollars (\$1,000) to complete the work for the season.

Therefore I would ask for an additional appropriation of the above amount to the fund known as Street Maintenance and Repairs (unimproved) Salaries and Wages.

Respectfully,
JOS. L. HOGUE,
Superintendent of Streets.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Depart-

ment of Public Safety requesting me to recommend an appropriation of \$9,500.00 to the "Fire Force Pay-Roll," fund.

I submit herewith an ordinance providing for the amount of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 20, 1911.

Mr. Harry R. Wallace, City Controller:

DEAR SIR: At a meeting of the Board of Public Safety, held this date, it was decided to request you to please ask the Common Council to appropriate for the use of the Fire Force, under a fund known as "Fire Force Pay-Roll" the sum of nine thousand five hundred dollars (\$9500.00) the amount of deficit in this fund, caused by cuts in the Budget in 1910.

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

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works, requesting me to recommend an appropriation of \$10,000.00 to the fund for "Sweeping and Cleaning of Streets" (salaries and wages).

I submit herewith an ordinance providing for \$4,000.00 of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., October 16, 1911.

Mr. Harry R. Wallace, City Controller, Indianapolis, Indiana:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating an additional ten thousand dollars (\$10,000.00) to the fund for Sweeping and Cleaning of Streets (Salaries and Wages).

Respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an additional appropriation of \$1,000.00 to the fund for "Bridge Construction and Repairs."

I submit herewith an ordinance providing for the amount of the appropriation requested, and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 17, 1911.

Mr. Harry R. Wallace, City Controller, Indianapolis, Indiana:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of one thousand dollars (\$1,000.00) to the fund for Bridge Construction and Repairs.

Respectfully,

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

STREET DEPARTMENT,
OFFICE OF SUPERINTENDENT OF STREETS.
INDIANAPOLIS, IND., November 16, 1911.

To the Board of Public Works:

GENTLEMEN: I would ask for an additional appropriation of one thousand dollars (\$1,000.00) to the fund of Bridge Construction and Repairs. Owing to the increased amount of work this season I find that we will be short in this fund, and with the amount named above we can complete the work for the year in this department.

Respectfully,

JOS. L. HOGUE,
Superintendent of Streets.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., November 20, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Depart-

ment of Public Safety, requesting me to recommend an appropriation of \$5,000.00 under a fund to be known as "Emergency Automobile."

I submit herewith an ordinance providing for the amount of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 16, 1911.

Mr. Harry R. Wallace, City Controller:

DEAR SIR: At a meeting of the Board of Public Safety, held November 15th, it was decided to request you to please ask the Common Council to appropriate for the use of the Police Department, under a fund to be known as "Emergency Automobile," the sum of five thousand dollars (\$5,000.00), this to be used in the purchase of a new Emergency Auto as the one now in use is absolutely dangerous to the lives of our officers.

Respectfully yours,

BOARD OF PUBLIC SAFETY,
WM. E. DAVIS,
President.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 7, 1911.

To the Honorable Members of the Common Council, Indianapolis, Indiana:

GENTLEMEN: I am directed by the Board to submit to you for your consideration and action thereon, the enclosed ordinance ratifying and confirming a certain contract entered into the 6th day of November, 1911, by and between the Board of Public Works and the John Guedelhoefer Wagon Company, granting to the said Company the right to lay and maintain a sidetrack or switch in McGill street as described in said contract and blue print attached.

Respectfully,

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

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., November 14, 1911.

To the Honorable Members of the Common Council, Indianapolis, Indiana:

GENTLEMEN: I am directed by the Board to submit to you for your consideration and action thereon, the enclosed ordinance ratifying and

confirming a certain contract entered into the 13th day of November, 1911, by and between the Board of Public Works and The Indianapolis Union Railway Company, granting to the said Company the right to lay and maintain a sidetrack or switch across Martindale Avenue and Sheldon Street from the Belt Railroad, as described in said contract and blue print herewith attached.

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

From Board of Public Health and Charities:

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., November 10, 1911.

To the President and Members of the Common Council:

GENTLEMEN: The Department of Public Health and Charities hereby submits the expenditures and balances of the City Hospital for the month of October, 1911:

	<i>Expenses.</i>	<i>Balances.</i>
Drugs -----	\$320.78	\$449.10
Dry goods -----	69.42	1296.14
Electrical supplies -----	69.47	305.78
Engine room supplies -----	10.20	26.76
Furniture -----	18.50	840.03
Fuel -----	414.42	480.08
Flower Mission Hospital -----	107.89	223.11
Gas -----	32.16	338.64
Hardware -----	20.90	148.58
Horseshoeing -----	6.75	101.00
Incidentals -----	136.87	12.49
Laundry supplies -----	193.72	158.80
Nurses fund -----	727.13	2199.37
Paints and painting -----	258.85	246.02
Plumbing supplies -----	62.42	205.83
Provisions -----	2484.05	5078.83
Printing and stationery -----	67.25	4.04
Queensware -----	40.42	97.99
Repairs to buildings -----	232.87	233.00
Salaries -----	2754.96	5924.79
Stable supplies -----	221.76	48.53
Surgical supplies -----	28.25	1.53
Telephones -----	28.50	11.56
Tuberculosis fund—		
Hospital (clinic \$129.94) -----	178.16	695.58
Automobile -----	-----	125.00
Pathological Laboratory -----	13.58	400.08
Contagious disease fund (B. of H.) -----	85.91	-----
Total expense -----	\$8585.19	

Total number of patients treated during the month of October, 1911—
 7175. $\$8585.19 \div 7175 = \1.19 . Average cost of one patient per day.

Yours very truly,
 C. S. Woods.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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. 86, 1911, being an ordinance entitled "An Ordinance appropriating the sum of \$3,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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. 87, 1911, being an ordinance entitled "An Ordinance appropriating the sum of \$5,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that we have said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 74, 1911, being an ordinance entitled "An Ordinance providing for the transfer of \$500.00 from a certain fund to a certain fund in and for the use of the Department of Public Safety and fixing a time when the same shall take effect," beg leave to report that we have said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 76, 1911, being an ordinance entitled "An Ordinance providing for the transfer of \$600.00 from certain funds to certain funds in and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect," beg leave to report that we have said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 77, 1911, being "An Ordinance providing for the transfer of \$3,000.00 from a certain fund to a certain fund in and for the use of the Department of Public Works and fixing a time when

the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,
 FRED C. OWEN,
 CHARLES F. COPELAND,
 GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 78, 1911, being "An Ordinance providing for the transfer of \$500.00 from a certain fund to a certain fund in and for the use of the Department of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,
 FRED C. OWEN,
 CHARLES F. COPELAND,
 GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., November 20, 1911.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 79, 1911, being "An Ordinance providing for the transfer of \$500.00 from a certain fund to a certain fund in and for the use of the Department of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,
 FRED C. OWEN,
 CHARLES F. COPELAND,
 GEORGE B. RUBENS.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 89—1911: An ordinance appropriating the sum of \$1,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one thousand dollars (\$1,000.00) be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be added to and form a part of the fund known as "Street Maintenance and Repairs (unimproved) Salaries and Wages."

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

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

By City Controller:

Appropriation Ordinance No. 90—1911: An ordinance appropriating the sum of \$4,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of four thousand dollars (\$4,000.00) be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be added to and form a part of the fund known as "Sweeping and Cleaning of Streets" (Salaries and Wages).

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

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

By City Controller:

Appropriation Ordinance No. 91—1911: An ordinance appropriating the sum of \$1,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

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

Indianapolis, Indiana, That the sum of one thousand dollars (\$1,000.00) be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be added to and form a part of the fund known as "Bridge Construction and Repairs."

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

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

By City Controller:

Appropriation Ordinance No. 92—1911: An ordinance appropriating the sum of \$9,500.00 to and for the use of the Department of Public Safety and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of nine thousand five hundred dollars (\$9,500.00) be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Safety, the amount appropriated herein to be added to and form a part of the fund known as "Fire Force Pay-Roll."

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

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

By City Controller:

Appropriation Ordinance No. 93—1911: An ordinance appropriating the sum of \$5,000.00 to and for the use of the Department of Public Safety and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of five thousand dollars (\$5,000.00) be, and is hereby appropriated out of any moneys in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Safety, the amount appropriated herein to be known as the "Emergency Automobile" fund.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 82—1911: An ordinance approving a certain contract granting the John Guedelhoefer Wagon Company the right to lay and maintain a sidetrack or switch from the west side of McGill Street, at the east end of the lot, at the place where the Illinois Central switch now touches the southeast corner of the lot, extension to run thirty-one (31) feet in front and across the lot according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 28th day of October, 1911, the John Guedelhoefer Wagon Company filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: We respectfully petition your Honorable Body for permission to extend the track of the Illinois Central thirty-one (31) feet across the end of our lot, track running from south to north. The switch of the Illinois Central is now in McGill Street and up to the southeast end of our lot. It is on this track that we desire to connect the extension. We file herewith a plat of said ground, showing the present location and the desired extension.

NOW, THEREFORE, This agreement, made and entered into this 6th day of November, 1911, by and between the John Guedelhoefer Wagon 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 the west side of McGill Street, at the east end of the lot, at the place where the Illinois Central switch now touches the southeast corner of the lot, extension to run thirty-one (31) feet in front and across the lot, in the City of Indianapolis, which is more specifically described as follows:

(See plat for complete description) 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 space to be occupied by said tracks 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 sidetrack 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 6th day of November, 1911.

JOHN GUEDELHOEFER WAGON Co.,
Per BERNARD J. GUEDELHOEFER, *Treasurer*,
Party of the First Part.

CITY OF INDIANAPOLIS, --
By C. A. SCHRADER, *President*,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works,
Party of the Second Part.

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

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

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

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

By Board of Public Works:

General Ordinance No. 83—1911: An ordinance approving a certain contract granting The Indianapolis Union Railway Company the right to lay and maintain a sidetrack or switch from the Belt Railroad across Martindale Avenue and Sheldon Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 8th day of November, 1911, The Indianapolis Union Railway Company filed its 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 respectfully petition your honorable body for the right to extend its side track (now located west of Martindale Avenue) eastwardly parallel with and 13 feet center to center north of the main track across Martindale Avenue and Sheldon Street.

The part of said side track now in Martindale Avenue in shape of a switch lead to be taken up. Respectfully submitted,

THE INDIANAPOLIS UNION RAILWAY COMPANY,
By A. A. ZION,
Superintendent.

Now, THEREFORE, This agreement, made and entered into this 13th day of November, 1911, by and between The Indianapolis Union 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 The Belt Railroad across Martindale Avenue and Sheldon Street in the City of Indianapolis, which is more specifically described as follows:

Beginning in the west line of Martindale Avenue at a point 13 feet north of the most northerly of the two main tracks of the Belt Railroad; thence eastwardly a distance of 1230 feet parallel with and 13 feet north of said main track and crossing Martindale Avenue and Sheldon Street, hereby covenants and fully binds itself, its successors, legal representatives and assigns, that in consideration of the grant of the privileges and authority herein given, it 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 Martindale Avenue and Sheldon Street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in 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 itself 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 sidetrack or switch across Martindale Avenue and Sheldon

Street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 13th day of November, 1911.

THE INDIANAPOLIS UNION RAILWAY COMPANY,
By A. A. ZION, *Superintendent*,
Party of the First Part.

CITY OF INDIANAPOLIS,
By C. A. SCHRADER, *President*.
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works,
Party of the Second Part.

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

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

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

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

By City Controller:

General Ordinance No. 84—1911: An ordinance providing for the transfer of \$150.00 from a certain fund to a certain fund in and for the use of the Department of Law and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one hundred fifty dollars (\$150.00) be, and the same is hereby transferred from the Change of Venue fund to the Judgments, Compromises and Costs fund. All to and for the use of the Department of Law.

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

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

By Mr. Rubens:

General Ordinance No. 85—1911: An ordinance prescribing the penal sum for the bond of the City Treasurer.

WHEREAS, It is provided by an act of the General Assembly of the

State of Indiana, entitled "An act to amend Section Two Hundred and Seven (207), of an act entitled 'An act concerning municipal corporations,' approved March 6, 1905," approved March 6th, 1909, and being Acts 1909, page 289, it is provided as follows:

"The bond of said County Treasurer, ex officio City Treasurer, shall be in such sum with such sureties as the Common Council may by ordinance determine, to the approval of such Common Council," and

WHEREAS, Carl Von Hake was at the general election held in the county of Marion, State of Indiana, November, 1910, duly elected to the office of Treasurer of Marion County, Indiana, ex officio Treasurer of the City of Indianapolis, and

WHEREAS, He has executed a certain bond in favor of the City of Indianapolis in the penal sum of three hundred thousand dollars (\$300,000.00) with the Equitable Surety Company of St. Louis, Mo., a corporation, as surety, and has tendered same to the Common Council of said city for its approval.

BE IT ORDAINED by the Common Council of the City of Indianapolis as follows:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the amount of the bond of the County Treasurer acting ex officio in the capacity of City Treasurer of the City of Indianapolis, is hereby fixed for a period not to exceed two (2) years from January 1st, 1912, in the penal sum of three hundred thousand dollars, payable to the City of Indianapolis.

SEC. 2. Be it ordained by the Common Council of the City of Indianapolis, that the bond of Carl Von Hake in the penal sum of three hundred thousand dollars (\$300,000.00) as above, with the Equitable Surety Company of St. Louis, Mo., a corporation, as surety, is hereby in all things confirmed and approved. Said bond shall be filed with the City Controller as provided by law.

Sec. 3. This ordinance shall take effect and be in force from and after its passage.

Which was read a first time.

Mr. Owen moved that the rules be suspended and General Ordinance No. 85, 1911, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiltz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 85, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 85, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 85, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

ORDINANCES ON SECOND READING.

Mr. Owen called for Appropriation Ordinance No. 86, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 86, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 86, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for Appropriation Ordinance No. 87, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 87, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 87, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiliz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 74, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 74, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 74, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiliz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 76, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 76, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 76, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiliz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 77, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 77, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 77, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 78, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 78, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 78, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for General Ordinance No. 79, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 79, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 79, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiliz, Troy and President John Blumberg.

Noes, none.

Mr. Stizz moved to take up General Ordinance No. 62, 1911, which had been laid on the table at the last regular meeting held on November 6, 1911.

Which motion carried.

MR. PRESIDENT—I move that General Ordinance No. 62, 1911, being "An ordinance amending Clause 'A' of Section 7 of General Ordinance No. 32, 1907, being an ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis, Ind., and repealing all laws and ordinances in connection herewith, and fixing a time when the same shall take effect; that the same be further amended by striking out of Section seven (7), Clause 'A,' the words and figures fifteen hundred (1,500) dollars and inserting in lieu thereof the words and figures thirteen hundred and twenty (1320) dollars as salary for the chemist.

Respectfully submitted,

CHARLES B. STILZ.

Motion carried.

Mr. Stiliz moved that General Ordinance No. 62, 1911, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 62, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Johnson, Copeland, Rubens, Owen, Stiliz, Troy and President John Blumberg.

Noes, none.

Mr. Stiliz moved that the rules be suspended and Appropriation Ordinance No. 90, 1911, be placed upon its passage.

The roll was called and the motion to suspend the rules lost for want of a unanimous vote, as follows:

Ayes, 4, viz.: Messrs. Johnson, Owen, Stiliz and President John Blumberg.

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

On motion of Mr. Copeland, the Common Council, at 8:35 o'clock P. M., adjourned.

John Blumberg

President.

ATTEST:

Edward A. Ramsay

City Clerk.

