

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, May 20, 1907.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 20, 1907, at 7:30 o'clock, in regular session, President Frederick W. Eppert in the chair.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 17 members, viz.: Messrs. Cottey, Brown, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Royse, Donavon, Sullivan, Hilkene, Wright and Henry.

Absent, 3, viz.: Messrs. Neukom, Portteus and Hofmann.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT.
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 15, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith without my approval General Ordinance No. 31, 1907, being "An ordinance amending Section 1 of General Ordinance No. 119, 1906."

I am advised by the Corporation Counsel that this ordinance is invalid for two reasons: first, in making the location of the skating rink depend upon the consent of the property owners within a block or square, it delegates the legislative power of the Common Council

to the dwelling house property owners in the locality; and second, it gives the dwelling house property owners in the locality opportunity to discriminate as to persons to whom they might give consent to establish a skating rink. I am also advised by the Corporation Counsel that ordinances similar in this particular have been repeatedly declared invalid by the courts.

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., May 16, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith with my approval 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."

I approve this ordinance, not because I am satisfied with all of its provisions, because I do not feel that it provides an equitable arrangement of salaries in all instances, but because I recognize the fact that the increased cost of living has made it absolutely necessary for at least small increases to be given in order that we may secure the most competent help. While I am of opinion that existing inequalities have not been wholly remedied, I give my approval to this ordinance in the belief that these differences can be adjusted by future legislation.

I remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

At 8:05 o'clock p. m. Messrs. Neukom and Portteus entered the Council Chamber and took their seats.

REPORTS FROM CITY OFFICERS.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 17, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board to forward to your honorable body for consideration and action thereon the attached ordinance authorizing and empowering the Board of Public Works to

proceed with the improvement of Orange street, from the west property line of Shelby street to the east property line of Leonard street, with gravel roadway, cement walks and curb.

Yours respectfully,

BOARD OF PUBLIC WORKS.

Per F. J. NOLL, JR., Clerk.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 17, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board to forward to your honorable body for consideration and action thereon, the attached ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 17th day of May, 1907, between the City of Indianapolis, by and through its Board of Public Works, and The Terre Haute, Indianapolis & Eastern Traction Company, whereby said company is authorized to run and operate its inter-urban cars into said city along certain streets, and to carry passengers, mail, express matter, baggage and freight on such cars, in and upon the streets of the City of Indianapolis, and fixing the time when the same shall take effect.

Yours respectfully,

BOARD OF PUBLIC WORKS.

Per F. J. NOLL, JR., Clerk.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 16, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached ordinance authorizing and empowering the Board of Public Works to proceed with the improvement of Nineteenth street, from west property line of Meridian to east property line Illinois street, with asphalt roadway and brick gutters, as provided for by Improvement Resolution No. 5093.

Yours truly,

BOARD OF PUBLIC WORKS.

Per F. J. NOLL, JR., Clerk.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 20, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board of Public Works to forward to your honorable body for consideration and action thereon, the attached switch contract granting to C. W. Rossetter & Company the right to lay and maintain a sidetrack or switch from the sidetrack of

the Chicago, Indianapolis & Louisville Railway across Thirty-eighth street and in and along the first alley east of Winthrop avenue, to the property of your petitioners.

Yours respectfully,

BOARD OF PUBLIC WORKS,

Per F. J. NOLL, JR., Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Fees and Salaries:

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on Fees and Salaries, to which was referred General Ordinance No. 38, 1907, entitled "An ordinance fixing the salary of the assistant police surgeon in the City of Indianapolis, and fixing the time when the same shall take effect," beg leave to report that the same has been under consideration, and we recommend that said ordinance do pass.

Respectfully submitted,

CHAS G. DAVIS.

E. J. STICKELMAN.

J. L. DONAVON.

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

From the Committee on Finance:

INDIANAPOLIS, May 20, 1907.

To the President and Members of the Common Council:

GENTLEMEN—Your Finance Committee, to which was referred Appropriation Ordinance No. 5, entitled "An ordinance appropriating the sum of nine hundred dollars to and for the use of the Department of Public Parks, and fixing a time when the same shall take effect," begs leave to report that it has had said ordinance under consideration and recommends that the same do pass.

Respectfully submitted,

HARRY E. ROYSE.

W. O. BANGS.

JAS. F. SULLIVAN.

W. A. RHODES.

JACOB H. HILKENE.

J. H. HAMLET.

ALBERT E. COTTEY.

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

From the Committee on Sewers, Streets and Alleys:

To the President and Members of the Common Council:

GENTLEMEN—We, your committee on Sewers, Streets and Alleys, to which was referred General Ordinance No. 33, 1907, entitled "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-first street, from east property line of Central avenue to west property line of College avenue, with brick roadway," beg leave to report that we have same under consideration and recommend that said ordinance do not pass.

Respectfully submitted,

CILAS G. DAVIS.
ALBERT E. UHL.
LOUIS F. HENRY,
H. C. SMITHER.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 40—1907: An ordinance approving a certain contract granting C. W. Rossetter & Co. the right to lay and maintain a sidetrack or switch from the sidetrack of the Chicago, Indianapolis & Louisville Railway across Thirty-eighth street and in and along the first alley east of Winthrop avenue, to the property of your petitioners, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 17th day of May, 1907, C. W. Rossetter & 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, the undersigned, respectfully petition for permission to lay and maintain a sidetrack or switch extending from the sidetrack or switch of the Chicago, Indianapolis and Louisville Railway now located at or near the north line of Thirty-eighth street, across said Thirty-eighth street and continuing southwestwardly as follows: Beginning at the end of said Chicago, Indianapolis & Louisville Railway switch at a point on the north line of Thirty-eighth street, said point being one hundred and seventy-five feet, measured

along the north line of said street, east of the corner of said Thirty-eighth street and Winthrop avenue; running thence in a southwesterly direction and crossing said street and crossing the south line of said Thirty-eighth street at a point where said line crosses the first alley east of Winthrop avenue, and continuing in a southwesterly direction into and along said alley to a point one hundred and thirty-five (135) feet, more or less, south of the north line of Thirty-eighth street, to a point where said proposed switch crosses the west line of said alley and enters into and upon the property of your petitioners. The measurements given above are from the center line of said proposed switch. All of which is more clearly shown by the drawing attached hereto and made a part hereof and marked "Exhibit A."

C. W. ROSSETTER CO.,

By C. W. Rossetter.

Now Therefore, This agreement, made and entered into this 20th day of May, 1907, by and between C. W. Rossetter and 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 sidetrack or switch of the Chicago, Indianapolis and Louisville Railway at the north line of Thirty-eighth street, and across said street and into and along the first alley east of Winthrop Ave., in the City of Indianapolis, which is more specifically described in the petition of the said first party attached hereto and made a part of this contract, 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 Thirty-eighth street and said Alley 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 Thirty-eighth street and in and along the first alley east of Winthrop Avenue, 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 20th day of May, 1907.

C. W. ROSSETTER CO.,
By C. W. Rossetter,
Party of the First Part.

Witness:

CITY OF INDIANAPOLIS,
By
JOSEPH T. ELLIOTT, *Pres.*,
P. C. TRUSLER,
F. J. MACK,
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 Fees and Salaries.

By Board of Public Works:

General Ordinance No. 41—1907: An Ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 17th day of May, 1907, between the City of Indianapolis, by and through its Board of Public Works, and the Terre Haute, Indianapolis and Eastern Traction Company, whereby said Company is authorized to run and operate its interurban cars into said City along certain streets, and to carry passengers, mail, express matter, baggage and freight on such cars, in and upon the streets of the City of Indianapolis, and fixing the time when the same shall take effect.

Whereas, heretofore, to-wit: on the 17th day of May, 1907, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Terre Haute, Indianapolis and Eastern Traction Company, namely:

THIS AGREEMENT, made and entered into this 17th day of May, 1907, by and between the City of Indianapolis, Marion County, Indiana, (hereinafter called the city), by and through its Board of Public Works, party of the first part, and the Terre Haute, Indianapolis and Eastern Traction Company (hereinafter called the Company), a corporation duly organized and incorporated under and by virtue of the laws of Indiana, party of the second part,

WITNESSETH: That, Whereas, The said Terre Haute, Indianapolis and Eastern Traction Company has presented its written petition to the Board of Public Works of said City of Indianapolis, asking permission to be allowed to run and operate its interurban cars into said City over and across such streets and alleys as are intersected by its private right-of-way as described in said petition and along certain streets therein and hereinafter named, over the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, and to carry passengers, mail, express matter, baggage and freight through and into such city on such cars; and,

WHEREAS, By the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning street railroad companies in cities the population of which exceeds one hundred thousand; repealing all laws in conflict with this act, and declaring an emergency," which became a law without the Governor's signature, on the 3d day of March, 1899, the use of the said tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company shall be upon such conditions and under such regulations as the Board of Public Works and Common Council of such city shall prescribe.

Now, therefore, The said Board of Public Works of said City of Indianapolis, in consideration of the several agreements of the said company, party of the second part, hereinafter stipulated and set forth, does hereby (subject to the ratification and approval of the Common Council of said City) authorize and empower and permit the said Terre Haute, Indianapolis and Eastern Traction Company, subject to the conditions hereinafter prescribed and expressed, to construct and maintain its lines of interurban street railroad and to operate and run its cars over and across all streets and alleys in said city which are intersected by the private rights of way of said Company described in its said petition, and also to operate and run its cars upon and over

the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company now or hereafter laid and in use in the streets and avenues of said city hereinafter described. The said private rights of way and the tracks of said Indianapolis Street Railway Company and Indianapolis Traction and Terminal Company to be used by said Terre Haute, Indianapolis and Eastern Traction Company are described as follows, to-wit:

For cars operated on the line from Indianapolis to Plainfield, Greencastle, Brazil and Terre Haute:

From a point where said line reaches the western boundary of said city south of Oliver avenue extended eastward to said boundary, thence east in a private right of way parallel to and south of said Oliver avenue as extended and over and across all intervening streets and alleys to a point in Oliver avenue at the intersection of the Belt Railroad and said avenue, thence upon and over the tracks of said Indianapolis Street Railway Company and Indianapolis Traction and Terminal Company from the intersection of the Belt Railroad and Oliver avenue east in Oliver avenue to River avenue, thence northeast in River avenue to Kentucky avenue, thence northeast in Kentucky avenue to Capitol avenue, thence north in Capitol avenue to Market street, thence east in Market street to the Terminal Station, thence north into and through said station across Wabash street to Ohio street, thence west in Ohio street to Capitol avenue, thence south in Capitol avenue to Kentucky avenue, thence southwest in Kentucky avenue to River avenue, thence southwest in River avenue to Oliver avenue, thence west in Oliver avenue to the intersection of the Belt Railroad, thence west in and from Oliver avenue to said private right of way, and west in said right of way to the western boundary of said city.

For cars operated on the line from Indianapolis to Danville:

Beginning at the point where the Danville line of the Terre Haute, Indianapolis and Eastern Traction Company reaches the western boundary of said city in the center of Big Eagle creek, thence southeast in a private right of way over and across all streets and alleys intersected by said right of way to a point in West Washington street five hundred and twenty (520) feet west of the west line of Tibbs avenue, thence over and upon the tracks of the Indianapolis Street Railway Company and Indianapolis Traction and Terminal Company east in West Washington street to Capitol avenue, thence north in Capitol avenue to Market street, thence east in Market street to, in and through the Terminal Station across Wabash street to Ohio street, thence west in Ohio street to Capitol avenue, thence south in Capitol avenue to Washington street, thence west in Washington street to the said point five hundred and twenty (520) feet west of the west line of Tibbs avenue, thence in said private right of way to the west corporation line of said city in the center of Big Eagle Creek.

And for cars operated on its said line from Indianapolis to Richmond:

From the eastern boundary of the city over and upon the tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company west in East Washington street to Delaware street, thence north in Delaware street to Ohio street, thence west in Ohio street to the passenger and freight stations of the Traction and Terminal Company between Capitol avenue and Illinois street, thence south to, in and through said stations across Wabash street to Market street, thence west in Market street to Capitol avenue, thence north in Capitol avenue to Ohio street, thence east in Ohio street to Delaware street, thence south in Delaware street to East Washington street, thence east in East Washington street to the eastern boundary of said city.

The cars may be operated in the reverse direction from that above given in said Capitol avenue, Market and Ohio streets if more convenient in going in and out of the passenger and freight terminals of the Traction and Terminal Company.

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

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

And that, for the purpose of storing, cleaning and repairing its cars, when necessary, the said company, party of the second part, may also run the same over the tracks of said Indianapolis Street Railway Company and of said Indianapolis Traction and Terminal Company, subject to the conditions hereinafter set forth, as follows: By the most direct route by which tracks are provided to reach the storage barns and shops of said Indianapolis Street Railway Company and said Indianapolis Traction and Terminal Company, located upon Washington street, west of White River, in said City of Indianapolis.

The above grant is made upon the following express conditions:

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

2. The said company, party of the second part, shall charge five cents for a single fare between any two points in said city on its lines, and any passenger who shall pay a single fare of five cents shall be entitled to ride in the car upon which he took passage to any point on the line of such company, within such city, as follows: if on an incoming car to the terminal point, and if on an outgoing car to the corporate limits of said city: *Provided, however*, That said company shall not discriminate, either in fares or freight rates, in any manner whatsoever against passenger or freight traffic to or from the City of Indianapolis, in favor of any other point on the line of railroad operated by said company.

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

The right is expressly reserved to the said Board of Public Works to fix time schedules for the running of all the cars of said company, party of the second part, passing on and over the streets of said city, to the end that there shall be uniformity and regularity in the running of all the cars of the several companies in said city, and also prompt and efficient service: *Provided*, That said company shall, between the hours of 6 o'clock a. m. and 11 o'clock p. m., run, at least, one car every two hours.

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

Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company at such crossings, or other places in said city.

5. The said company, party of the second part, may at all times carry in its passenger cars, or in suitable compartments thereof, provided for such purpose, or in mail, express or freight cars of a style and pattern to be approved by the Board of Public Works, such baggage belonging to its passengers, being transported in such passenger cars, as is usually allowed to be carried by passengers in steam railroad companies' cars, and also the United States mail, and such express matter and merchandise as may be enclosed in boxes, crates and parcels, so as to be easily handled, and so as not to be unsightly in appearance or offensive to sight or smell, and also such packages and parcels as are usually carried and delivered by messenger service: *Provided*, That no live animals (except hunting dogs) shall be carried in any such cars or in any such compartment at any time; and, *Provided, further*, That all baggage (other than hand baggage), express matter, parcels, and articles of merchandise carried as aforesaid shall be delivered at the station and terminals herein referred to, for distribution, and that in no case shall any such baggage (other than hand baggage) or any express matter, parcels or merchandise be loaded or unloaded in or upon any of the streets, alleys, avenues or public grounds of said city, except at said station or terminals. *Provided, also*, That fowls, properly secured in boxes or coops, may be carried in said cars between the hours of 12:30 a. m. and 4:30 a. m.

6. The said company, party of the second part, shall not be permitted under any circumstances to transport in its cars through or over the streets, alleys or avenues of such city, live animals of any kind, other than hunting dogs. Said company, subject to the conditions hereinafter prescribed, shall be permitted to haul and handle freight other than that designated in section 5, when a station or terminal for the receipt and delivery of freight shall have been provided. After such terminal or station shall have been provided, the said company may deliver freight, other than live animals, not of a character offensive to sight or smell, into such station or terminal, where the same may be held for delivery to any part of said city, or for transfer to steam railroad lines, or to the lines of other suburban or interurban companies which may be able to transport the same under any ordinance regulating such transportation. Until such station or terminal for the receipt and delivery of freight shall have been provided, said company, for the purpose of loading and unloading its cars, shall have the right, by first securing the consent of the Indianapolis Street Railway Company and said Indianapolis Traction and Terminal Company, to stand said cars upon some line of "dead track" of said Indianapolis Street Railway Company or said Indianapolis Traction and Terminal Company: *Provided*, That the selection of such "dead track" shall be first approved by said Board of Public Works: and *provided further*, that such cars shall not be allowed to stand more than fifteen (15) minutes at any one time in loading or unloading.

The right is hereby expressly reserved by the Board of Public Works and Common Council of said city, to regulate by order or ordinance the carrying of freight, merchandise, or property of any kind described in sections 5 and 6 of this contract, through the streets, alleys and avenues of said city, and at any time during the term of this contract, to change the route of cars of said company, used exclusively for carrying mail, express or freight, over the lines and tracks of the Indianapolis Street Railway Company and the Indianapolis Traction and Terminal Company, but only in such a way that such route shall connect with the other part of the line on which said company enters the city, and at the same time connect with the station or terminal for the receipt and delivery of freight herein referred to.

7. The rates charged and collected by such company for the carriage of freight matter between Indianapolis and points on its line shall not exceed those charged and collected for the carriage of like freight matter between the same points by other common carriers of freight; and the rates charged and collected by such company for the carriage of express matter between Indianapolis and points on its lines shall not exceed those charged and collected for the carriage of like express matter between the same points by other common carriers of express matter.

Provided, however, That such company shall never be compelled to charge or collect less than eighty (80) per centum of the published rates charged for the carriage between the same points of freight or express matter, as the case may be, by other common carriers of freight or express matter between such points.

Provided, further, That the maximum rates which such company may charge hereunder shall not apply to freight of other classes than classes 1, 2, 3 and 4, as such classes are defined by the classification in use on January 1, 1902, by the railroad companies operating between Indianapolis and such other points, such classification being known as "Official Classification No. 22," copyrighted in 1902, by C. E. Gill, chairman.

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

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

10. If the said company, party of the second part, shall hereafter be permitted to construct any tracks within said city, or if hereafter any of the tracks of said company shall by annexation be brought within the limits of said city, then the said company or its assigns shall, when ordered so to do by the Board of Public Works, pave the space between all rails, including the space between its tracks where there are double tracks, switches or sidetracks, and for a distance of eighteen inches on the outside of the outside rails of its tracks, and shall at all times make all necessary repairs in such space, under such specifications, both as to material and manner, as may be provided by said Board, and under the supervision of the City Civil Engineer of said city. It is also agreed that said company, party of the second part, or its assigns, shall, in the construction and maintenance of any such track, construct and maintain the same in all respects in the same

manner as the Indianapolis Street Railway Company is required by contract and ordinance to construct and maintain its tracks within such city, and the obligation of said company, party of the second part, or its assigns, to pave, improve and repair the space between its tracks and for eighteen inches on the outside of the outside rails thereof shall be the same as the obligation of the said Indianapolis Street Railway Company to pave, improve and repair the space between its tracks under the provisions of its said contract with said city and the ordinance ratifying the same, which ordinance, passed by the Common Council of said city on the 7th day of April, 1899, is by reference made a part of this contract.

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

In case the said company, party of the second part, shall fail to comply with any of the foregoing agreements or stipulations contained

in this clause, concerning motive power, the kind of cars to be used, or the equipment, painting, decoration, heating, lighting or designating the same, or concerning life guards and appliances for the safety of passengers and employes, rails, roadbed or other stipulations herein contained concerning the operation, maintenance or construction of its line of street railway and cars, or in case said company shall fail to comply with any of the stipulations or provisions of this contract, and the Board of Public Works shall, by written notice, served on any officer of said company, require compliance with any such stipulation within a reasonable time therein fixed, and said company shall continue to fail and refuse, after any such period so fixed, to comply with any such provision or stipulation, or notice or order of the Board pertaining thereto, then said company shall forfeit to said city the sum of fifty dollars (\$50.00) for each day that it shall continue to violate any such provision or stipulation, which sum may be collected without relief from valuation or appraisement laws, either by suit on any bond which may be given by said company for the performance of the conditions of this contract or otherwise, by instituting any proper proceedings to recover said forfeiture, as the said Board may elect: *Provided*, That nothing herein contained shall be construed as an attempt to abridge or in any wise restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety, comfort or convenience of the public traveling on the cars of said company within said city, and also providing reasonable penalties for the violation thereof.

In further consideration of the grant herein and hereby made, said company, party of the second part, agrees and binds itself to pay to said city on the 1st day of January, 1908, and annually thereafter during the term of this franchise, the sum of one cent per round trip for each and every round trip made by any car of said company over the streets of said city during the year preceding said date, and in consideration of such agreement of said company to make said payments, and of said payments, said city undertakes and agrees that it will not at any time impose on or exact from said second party, its successors or assigns, or its or their property, or require to be paid by it or them any other sum or sums as or for a franchise or car tax or charge, or any other special tax or charge than those above provided to be paid, but nothing in this contract contained shall affect the liability of said company, its successors or assigns, to general taxation.

This contract shall take effect and be in force from and after the date of its approval and ratification by an ordinance of the Common Council, until the 7th day of April, 1933.

The limitation of time is one of the essential and governing conditions of this contract, and at the expiration of said period the rights of said company, party of the second part, to run or operate its cars within such city shall absolutely cease, and all rights under this contract shall terminate, and it shall be deemed and held a trespasser if it shall undertake to run or operate any car over any such street after that time.

Neither this contract nor any of the rights or privileges named therein shall ever be assigned or transferred by said company to any person, firm or corporation without the written consent of the said Board of Public Works, duly entered upon the records of said Board, first being given, and in the event of any such transfer or assignment without the said written consent of said Board of Public Works, then all rights and privileges of said company under the contract shall absolutely cease and become void, and said company shall be deemed and held a trespasser if it shall thereafter undertake to run or operate any car over any street or alley of said city.

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

12. The said company, party of the second part, before exercising any of the rights hereby granted, shall execute to the City of Indianapolis a good and sufficient bond in the sum of ten thousand dollars (\$10,000.00), with good and sufficient sureties to be approved by the said Board of Public Works, conditioned that the party of the second part shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sum of money, for which, under the terms of this contract, it may become liable to said city; and said bond shall be renewed from time to time during said period on the demand of the Board of Public Works of said city, whenever by reason of the insufficiency of the surety thereon or the impairment of the amount thereof by reason of the accumulation of unpaid penalties, forfeitures, judgments or other claims against said company, in favor of said city, the said Board deems such renewal necessary.

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

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

In Witness Whereof, said parties have hereunto set their hands and seals this 17th day of May, 1907.

CITY OF INDIANAPOLIS,
By JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,

Board of Public Works of said City.

C. A. BOOKWALTER,
Mayor.

TERRE HAUTE, INDIANAPOLIS AND
EASTERN TRACTION CO.,

Attest:

W. F. MILHOLLAND,
Secretary.

By ROBERT T. TODD,
President.

[SEAL.]

AND WHEREAS, Said contract and agreement has been submitted by said Board of Public Works of said City of Indianapolis to the Common Council of said city for its action thereon; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the foregoing contract and agreement made and entered into on the 17th day of May, 1907, by the City of Indianapolis, by and through its Board of Public Works, and the Terre Haute, Indianapolis and Eastern Traction Company, be and the same is hereby in all things ratified, confirmed and approved, and said Terre Haute, Indianapolis and Eastern Traction Company is hereby granted all rights, privileges and franchises as in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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

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

By Board of Public Works:

General Ordinance No. 42—1907: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Orange street, from west property line of Shelby street to east property line of Leonard street, with gravel roadway, cement walks and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of April, 1907, adopt Improvement Resolution No. 5078, 1907, for the improvement of Orange street, from west property line of Shelby street, to east property line of Leonard street, with gravel roadway, cement walks and curb.

WHEREAS, The said Board of Public Works did at the same time fix the 26th day of April, 1907, at 10 o'clock a. m., as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 11th day of April, 1907, and the 18th day of April, 1907, in the Indianapolis Sun, 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 26th day of April, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 26th day of April, 1907, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Orange street, and

WHEREAS, On the 8th day of May, 1907, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Orange street, from west property line of Shelby street, to the east property line of Leonard street, with gravel roadway, cement walks and curb, in accordance with Improvement Resolution No. 5078, 1907, adopted by the Board of Public Works on the 10th day of April, 1907.

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 Rules.

By Board of Public Works:

General Ordinance No. 43—1907: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Nineteenth street, from west property line of Meridian street to east property line of Illinois street, with asphalt roadway and brick gutters.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 12th day of April, 1907, adopt Improvement Resolution No. 5093, 1907, for the improvement of Nineteenth street, from the west property line of Meridian street to the east property line of Illinois street with asphalt roadway and brick gutters, and

WHEREAS, The said Board of Public Works did at the same time fix the 29th day of April, 1907, at 10 o'clock a. m., as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 13th day of April, 1907, and the 20th day of April, 1907, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 29th day of April, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 13th day of May, 1907, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Nineteenth street, and

WHEREAS, On the 15th day of May, 1907, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Nineteenth street, from west property line of Meridian street, to east property line of Illinois street, with asphalt roadway and brick gutters,

in accordance with Improvement Resolution No. 5093, 1907, adopted by the Board of Public Works on the 12th day of April, 1907.

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 Safety and Comfort.

By Board of Public Works:

General Ordinance No. 44—1907: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Julian avenue, from east property line of Downey avenue, to west property line of Ritter avenue, with brick roadway and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of April, 1907, adopt Improvement Resolution No. 5080, 1907, for the improvement of Julian avenue, from east property line of Downey avenue to west property line of Ritter avenue, with brick roadway and curb, and

WHEREAS, The said Board of Public Works did at the same time fix the 26th day of April, 1907, at 10 o'clock a. m. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 11th day of April, 1907, and the 18th day of April, 1907, in the Indianapolis Sun, 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 26th day of April, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 26th day of April, 1907, a written remonstrance was filed with the Board against the said improvement of Julian avenue, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 10th day of May, 1907, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance, and

WHEREAS, On the 10th day of May, 1907, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Julian avenue, from east property line of Downey avenue to west property line of Ritter avenue, with brick roadway and curb, in accordance with

Improvement Resolution No. 5080, 1907, adopted by the Board of Public Works on the 10th day of April, 1907.

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 Sewers, Streets and Alleys.

By Mr. Stickelman:

General Ordinance No. 45—1907: An ordinance regulating the keeping, operation and maintenance of intelligence offices and employment bureaus.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That no person, firm or corporation shall keep, operate, maintain, or have an intelligence office or employment bureau in the City of Indianapolis, for hire, or where a fee is charged either to applicants for employment or for help, without first obtaining a license for the same from the City Controller, for which license there shall be paid into the City Treasury the sum of fifty dollars per annum.

SEC. 2. The City Controller is hereby authorized and empowered to license, for a term of one year, any person or persons of the age of twenty-one years or over, and any firm or corporation, to keep, operate, maintain and have an intelligence office, or employment bureau, in the City of Indianapolis, upon payment into the City Treasury by such person, firm or corporation, of the license fee required in Section 1 of this ordinance: *Provided*, That the payment of such license fee shall be accompanied by a bond in the penal sum of \$500.00, duly executed to the City of Indianapolis, with one or more sureties thereon, to the approval of the City Controller, conditioned that the obligor will faithfully observe the duties, terms, conditions, and requirements of this ordinance, and the laws of the State of Indiana. Said license shall govern but one place of business, the exact location of which shall be stated therein, and it shall not be assignable except by the written consent of the City Controller endorsed thereon. No such intelligence office or employment bureau shall be located in any building or on any premises where intoxicating liquors are sold.

SEC. 3. Every person, firm or corporation who shall be licensed under this ordinance to conduct the business as herein provided, shall post and display in some conspicuous place in their office or place of business the license so issued, and on the front of such office or place of business shall display a sign exhibiting the name of such person, firm or corporation and the words "Licensed Intelligence Office" or "Licensed Employment Bureau" thereon.

SEC. 4. Every person, firm or corporation so licensed shall keep and maintain a record in which shall be daily entered, at the time of application, together with the date and amount of the fee paid and received, the name, residence, occupation and kind of employment sought, of any and every person who may apply for employment, and shall also keep and maintain a similar record in which shall be daily

entered, under proper date, the name, residence and kind of employment for which help is wanted, of any and every person, firm and corporation who may apply for help of any kind, and also the amount of the fee paid and received. And such books and records shall at all times be open to the inspection of the police department and other duly qualified executive officials of the City of Indianapolis.

SEC. 5. Any person, firm or corporation so licensed shall in no case collect, charge, or receive fees or compensation in excess of the following:

From each female seeking employment.....	\$0.50
From each male seeking employment.....	1.00
From each person applying for female help.....	.50
From each person applying for male help.....	1.00

In every case a receipt shall be given for the money paid to or received by such intelligence office or employment bureau, and in case no place of employment, or no help, as applied for, as the case may be, is obtained within six (6) days from the date of payment, then upon demand being made therefor, the money so paid and received shall forthwith be refunded to the applicant.

The above schedule of rates, however, shall only apply to positions, the salary or compensation for which shall be not more than \$30.00 per month. In case of positions, the compensation or salary for which shall be more than \$30.00 per month, the person, firm or corporation so licensed may enter into a written contract with any applicant for employment as to the amount of fee or compensation, but the amount or compensation so agreed upon shall in no instance exceed ten per cent (10 per cent) of one month's salary or compensation of such position.

SEC. 6. Every person, firm or corporation so licensed shall keep suspended in a conspicuous place in their office or place of business, where all persons may plainly see and read it, a copy of Sections 5, 7 and 8 of this ordinance, plainly printed in English and in German.

SEC. 7. No person, firm or corporation so licensed to keep, operate and maintain an intelligence office or employment bureau, shall in any case, either directly or indirectly, or through any other person or persons, publish or cause to be published, any false or fraudulent notice or advertisement, or give out any false information, or make any false promises concerning or relative to work, employment or help, to any person who may make application for employment or for help, or make use of any improper device, deceit, false representations, or false pretense whatever, for any improper purpose or for the purpose of obtaining fee, money, gratuity of value from any applicant, customer, or patron, or extort, take, demand or receive any article, fee or thing of value except such as are authorized by this ordinance.

SEC. 8. The term "applicant for employment" as used in this ordinance shall be construed to mean any and all persons, male and female, who may seek or apply for work of any lawful character, and "applicant for help" or "persons seeking help," shall mean any person firm or corporation seeking help or employes of any kind in any legitimate enterprise, profession, trade, business, or class of work; and nothing in this ordinance shall be construed to limit the meaning of the term "employment" to manual labor, but it shall include professional services, domestics, servants, clerks, mechanics, laborers, and any and all classes of employment, both male and female, and there shall be no restriction or distinction in any legitimate service or occupation.

SEC. 9. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not to exceed one hundred dollars (\$100.00) or imprisoned for a period not exceeding thirty (30) days, or both.

SEC. 10. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis.

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

By Mr. Cottey:

General Ordinance No. 46—1907: An ordinance amending Section 4 of an ordinance entitled "an ordinance concerning the compensation of all officers, head of departments, clerks, assistants, and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith," being General Ordinance No. 32, 1907, approved May 16, 1907.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 4 of an ordinance entitled "an ordinance concerning the compensation of all officers, heads of departments, clerks, assistants, and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith," being General Ordinance No. 32, 1907, approved May 16, 1907, be and the same is hereby amended to read as follows:

"SEC. 4. For the Department of Law:

Clause a. The corporation counsel of the city shall receive a salary at the rate of four thousand (\$4,000.00) dollars per annum

The city attorney shall receive a salary at the rate of twenty-five hundred (\$2,500.00) dollars per annum.

The assistant city attorney shall receive a salary at the rate of fifteen hundred (\$1,500.00) dollars per annum.

The stenographer of said department shall receive a salary at the rate of nine hundred (\$900.00) dollars per annum."

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 Fees and Salaries.

Mr. Rhodes, by request:

General Ordinance No. 47—1907: An ordinance requiring railroad companies to maintain street lights at street crossings in the City of Indianapolis where such companies run cars, engines or trains of cars in the night time, declaring certain conduct to con-

stitute a nuisance and providing a remedy therefor, repealing all ordinances in conflict herewith, 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 each and every railroad company running a car, engine, or train of cars over any street in the City of Indianapolis in the night time, shall be and is hereby required to maintain a street light at each and all of such street crossings, which light shall be kept lit at night, between one-half hour after sunset and one-half hour before sunrise, during the passage of every train, engine or car and for a period of not less than thirty minutes prior thereto, such light to be a clear and steady electric light of full intensity and power of the best and approved direct current open arc lamp using electrical energy represented by the flow of not less than 9.6 amperes of current under a difference of potential of not less than fifty (50) volts per lamp and consuming not less than 450 watts measured across the arc: *Provided, however,* That no railroad company shall be required to maintain a light of any different kind or greater candle power than that maintained by the city at other street crossings; and, *Provided, also,* That the provisions of this ordinance shall not apply to any streets where the tracks of such railroad company or companies cross on an elevated structure used by such company or companies exclusively; and, *Provided, further,* That this ordinance shall not be construed to require more than one such light at each crossing.

SEC. 2. The running, by any railroad company, of any car, engine or train of cars over any street in the night time, where such railroad company does not maintain a street light of the kind and character described and required in Section 1 of this ordinance, shall be deemed, and the same is hereby declared to constitute, a nuisance. In event any railroad company shall fail to remove or abate said nuisance at any street crossing within twenty (20) days after receiving notice by the Board of Public Works of said city so to do, said Board of Public Works may thereupon abate said nuisance by causing a street light of the kind and character described and required by Section 1 of this ordinance, to be kept and maintained at such street crossing, and may assess all actual expenses of the same against such railroad, which expenses said Board shall collect by placing them on the tax duplicate to be collected as other taxes of the city are collected, or by suit: *Provided, however,* That the remedy provided in this section shall be independent of, and additional to, any and all remedies afforded by statute or at law or equity for the enforcement of the provisions and requirements of Section 1 of this ordinance.

SEC. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 4. 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 Morals.

By Mr. Eppert:

General Ordinance No. 48—1907: An ordinance regulating the location and use of tents and other temporary structures upon open lots for the purpose of conducting business of selling refreshments.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person, firm or corporation, or any agent thereof, to erect, locate, use, maintain or occupy any tent, awning or other temporary shed or structure upon any open or vacant lot in the City of Indianapolis within two hundred (200) feet of any dwelling house used for residence purposes, or within one hundred (100) feet of any public street or alley, for the purpose of conducting or operating the business of selling at retail any ice cream, soda water, lemonade, popcorn, fruit, sandwiches, or any other articles of food or refreshment whatever.

SEC. 2. Any tent, awning, or any other temporary shed or structure so erected, located, used, maintained, or occupied in violation of this ordinance shall be deemed a nuisance, and may be abated as such. And it is hereby made the duty of the Building Inspector of the City of Indianapolis to abate the same as a nuisance by proper steps taken.

SEC. 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be fined in any sum not exceeding \$50.00, and every day said ordinance is violated shall constitute an additional offense.

SEC. 4. This ordinance shall be in full force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, a daily newspaper printed and published in the City of Indianapolis.

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

By Mr. Royse:

Special Ordinance No. 6—1907: An ordinance defining a part of the boundary line of the City of Indianapolis so as to extend the same and annexing to the City of Indianapolis certain territory contiguous thereto, providing for the publication 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, That the boundary lines of the City of Indianapolis be, and they are hereby extended so as to include the following described contiguous territory all in Marion County, Indiana, whether platted or not, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, State of Indiana, to-wit: All that territory embraced within and between the present boundary lines of the City of Indianapolis and the following described lines, to-wit: Commencing at the corporation line of said city at the intersection of the south line of Minnesota street and the west line of the right of way of the Belt Railroad; thence east to the east line of Keystone avenue; thence in a southeasterly direction to the south line of Iowa street at the intersection with Perkins avenue; thence east along the south line of Iowa street to the south line of the right of way of the C. C. C. & St. L. R. R.; thence in a northwestwardly direction along the south line of said right of way to the east line of Golay avenue; thence north along the east line of said avenue to a point where the south line of Hosbrook's Prospect

street addition if extended west would intersect said avenue; thence east along the south line of Hosbrook's Prospect street addition to the east line of Earhart street; thence north along the east line of Earhart street to a point forty feet south of the south line of section eight (8); thence east forty feet south of the south line of sections eight (8) and nine (9), township fifteen (15) north, range four (4) east, in Marion county, Indiana, to the east line of Emerson avenue; thence north along the east line of said avenue to the south line of English avenue; thence east along the south line of said avenue to the intersection of said line with the north line of the Brookville road and the corporate line of said city; thence following said present corporate line back to the place of beginning.

All of which said contiguous property shall hereafter form a part of said City of Indianapolis, Marion County, Indiana, and be within the jurisdiction of the city, and said territory is hereby consolidated with and made a part of said City of Indianapolis, Marion County, Indiana.

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

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

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 38, 1907, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 38, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 38, 1907, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 5, 1907, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 5, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 5, 1907, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Porteus, Royse, Donavon, Sullivan, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

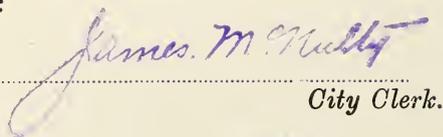
Mr. Davis called for General Ordinance No. 33, 1907, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 33, 1907, be stricken from the files. Carried.

On motion of Mr. Davis the Common Council, at 8:25 o'clock p. m., adjourned.


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President.

ATTEST:


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City Clerk.