

AN ORDINANCE

Entitled An Ordinance Providing for the Issuance of Bonds and the Creation of an Executive Board Under the Provisions of an Act of the Legislature of the State of Florida, entitled "An Act Extending and Enlarging the Territorial Limits and the Powers of the City of Gainesville, a Municipal Corporation Organized and Existing in Alachua County, Florida, and Providing for the Exercise of those Powers."

Be it Ordained by the Mayor and City Council of the City of Gainesville, Florida:

Section 1. The Mayor and the City Council of the City of Gainesville, in their corporate capacity, under authority of an Act of the Legislature of the State of Florida, entitled "An Act Extending and Enlarging the Territorial Limits and the Powers of the City of Gainesville, a Municipal Corporation Organized and Existing in Alachua County, Florida, and Providing for the Exercise of those Powers," approved on the 9th day of May, A. D. 1905, hereby provide by ordinance for the issuance, from time to time, as hereinafter provided, of bonds of said city, to be known as "Public Utility Bonds of the City of Gainesville," to the amount of One Hundred Fifteen Thousand Dollars. The principal and interest of said bonds shall be payable in gold coin of the United States of the present standard of weight and fineness, and for the payment thereof, principal and interest, the entire taxable property of said city and the public utilities acquired and owned by said city shall stand pledged by this ordinance. Each of said bonds shall be of the following denomination, viz: One Thousand Dollars. Said bonds shall be dated the 1st day of January, A. D. 1906, and each of said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually, at the end of periods of six months from the date of the bond. The principal of said bonds shall become due and payable at the following times and upon the following dates, viz: Thirty-five of said bonds of the denomination of One Thousand Dollars shall become due and payable in fifteen years from the date thereof; Forty of said bonds of the denomination of One Thousand Dollars shall become due and payable in twenty-five years from the date thereof; and Forty of said bonds of the denomination of One Thousand Dollars shall become due and payable in thirty-five years from the date thereof. Said bonds, and the interest thereon shall be payable at the office of the City Treasurer of said city. The proceeds arising from the sale of said bonds, at not less than par value, and the purposes for which the issue of bonds proposed to be issued by this ordinance shall be used are the following, viz: The monies arising from the sale of fifty of said bonds, or so much thereof as may be necessary, shall be used to acquire, construct, own and operate a system of sewerage for said city. The monies arising from the sale of fifty of said bonds, or so much thereof as may be necessary, shall be used for the purpose of acquiring, owning, constructing and operating an electric light plant for said city, and for the extension and improvement of said electric light plant. The monies arising from the sale of ten of said bonds shall be used for the purpose of opening, widening, extending or improving the streets of said city. The monies arising from the sale of five of said bonds shall be used for the purpose of acquiring, owning, constructing and operating a public hospital in and for said city. Provided, however, that none of said bonds shall be issued until after the issuance thereof, under the provisions of this ordinance, shall have been approved by a majority of the votes cast by the qualified electors of said city, at a special election which shall be held for that purpose on the 10th day of October, A. D. 1905, in accordance with this ordinance.

Sec. 2. The Mayor and the City Council shall levy and collect annually such special tax on the taxable property within the corporate limits of said city as may be necessary to pay the interest on said bonds, and to provide a sinking fund for the payment of said bonds.

Sec. 3. Said bonds shall be printed or engraved, with interest coupons attached, payable as by this ordinance provided. Said bonds shall be signed by the Mayor, countersigned by the President of the City Council, and attested by the City Clerk, and shall bear the corporate seal of said city, and the interest coupons shall bear an engraved, or printed, fac-simile of the signature of the City Treasurer. When said bonds shall have been so signed and sealed, they shall be turned over to the Board

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of Public Works, who shall be Trustees for said bonds, and shall be by said Board offered for sale to the highest and best bidders for cash, on sealed bids; but said Board shall have and reserve the right to reject any and all bids, and shall not sell any of said bonds for less than par value. The proceeds for the sale of said bonds, as soon as received by the said Board, shall be deposited in a depository selected by said Board and kept by them in a separate account, to be drawn out only for the purposes for which said bonds are authorized by this ordinance to be issued, upon warrants approved by the Board of Public Works and signed by the Chairman, and countersigned by the Secretary of said Board.

Sec. 4. Said bonds shall be payable to bearer and shall be delivered by said Board only after being countersigned by the Chairman and Secretary of said Board; whereupon said bonds shall become payable to the lawful bearer thereof. It shall be the duty of the Board of Public Works, as Bond Trustees, when any bond is sold or issued by them, to register the same in a book to be kept for that purpose. The said Board shall keep an accurate account of all bonds and coupons outstanding, and of all such as may be paid.

Sec. 5. For the further protection of the citizens of Gainesville, and of the holders of said bonds, the members of said Board of Public Works, as Bond Trustees, shall be required to give bond, or bonds, conditioned for the faithful performance of all duties devolving upon them under the provisions of this ordinance, said bonds to be fixed by ordinance and approved by the City Council.

Sec. 6. The Treasurer, or other agents or officers collecting or receiving money from any assessment, tax or other source, to be applied to the payment of said bonds, or any of them, or to the sinking fund or interest thereon, or any portion thereof, shall each make, on the first day of each month, and every month, written report in duplicate of the amount of money collected or received from each person, and of all payments by him made under the provisions of said ordinance. One of said reports shall, on or before the third day of the same month, be filed with the City Clerk, and the other with the Secretary of the Board of Public Works.

Sec. 7. It shall be the duty of the City Treasurer, or other agents or officers receiving or accounting for bonds or coupons redeemed, paid or purchased, to cancel the same when received, in the presence of the person from whom he shall receive them, and to deliver all such bonds and coupons to said Trustees, together with the report above mentioned, each month.

Sec. 8. The City Treasurer, by and with the advice and direction of the Board of Public Works as Bond Trustees, shall, from time to time, apply all monies which shall come into his hands as a redemption or sinking fund to the purchase of said bonds, at their market value, or shall, under the same direction, invest said money in bonds of the United States, or of the State of Florida, or in such other bonds or securities, or in such other manner as shall be approved by said Trustees and as may seem to them advisable.

Sec. 9. It shall be the duty of the Board of Public Works, on or before the first day of July of each and every year, to report to the City Council the number of said bonds outstanding, with an estimate of the amount necessary to be raised for interest and sinking fund, which statement and estimate shall serve as a basis of assessment by the City Council for the ensuing year for that purpose.

Sec. 10. The Mayor of the City of

Gainesville is hereby directed to issue his proclamation calling a special election to be held in said city on the 10th day of October, A. D. 1905, to determine whether the issuance of bonds proposed by this ordinance to be issued shall be approved by a majority of the votes cast by the qualified electors of said city at said special election, and said proclamation and this ordinance shall be published in a newspaper printed in said city at least once each week for four consecutive weeks, the beginning of such publication being made immediately upon the adoption and approval of this ordinance. At said special election the question of the issuance of bonds to the amount of One Hundred Fifteen Thousand Dollars, and for the purposes proposed in and by this ordinance, shall be submitted to the qualified electors of said city for their approval; that each qualified elector shall have an opportunity to vote for or against the question of the issuance of said bonds for the purposes proposed, and each elector shall cast a paper ballot. Each elector desiring to vote for or against the approval of the issue of bonds for One Hundred Fifteen Thousand Dollars, for the purposes mentioned in this ordinance, may vote a paper ballot containing the words: "For Public Utility Bonds One Hundred Fifteen Thousand Dollars," or "Against Public Utility Bonds One Hundred Fifteen Thousand Dollars," and each of said ballots shall be counted as a ballot approving or disapproving, as the case may be, the issuance of the bonds for the purposes mentioned in this ordinance. The said special election shall be called, held, conducted and the returns thereof canvassed, as nearly as may be practicable, in compliance with the rules, regulations and ordinances governing and controlling the general city elections of said city.

Sec. 11. The City Council shall prepare and furnish all necessary blanks and ballots, and shall make all necessary preparation for said special election, and shall pay for same out of the proper fund in the treasury. The ballots to be used in said election shall be substantially in the following form:

Official Ballot.
Special Bond Election.
City of Gainesville.
October 10th, A. D. 1905.

Make a cross (X) mark before the word "For" or the word "Against," accordingly as you approve or disapprove of the issuance of bonds as proposed.

Vote for one:
For Public Utility Bonds
One Hundred Fifteen Thousand Dollars

Against Public Utility Bonds
One Hundred Fifteen Thousand Dollars

Sec. 12. If the issuance of the bonds, as herein proposed and submitted to be approved by the qualified electors be approved by a majority of the votes so cast, then the bonds so proposed to be issued shall be authorized, and from time to time shall be sold and delivered, as the proceeds are needed for the purposes for which they are authorized.

Sec. 13. There is hereby created by this ordinance a Board of Public Works. Said Board of Public Works shall consist of five members, and the same shall be the permanent Executive Board of said City, and said Board shall be Trustees for the bonds proposed to be issued by this ordinance. The members of said Board of Public Works shall each hold office for the term of five years and until their successors are elected and qualified; provided, however, that the members of the first Board shall be W. W. Hampton, H. F. Dutton, P. M. Colson, W. N. Wilson and S. J. Thomas, who shall enter upon the duties of their office immediately upon the approval by the qualified electors of the proposed issue of bonds, and shall continue in office until June 1st, 1906, and until their successors are qualified. Their successors shall be elected by the qualified electors of said City, one member of said Board at each regular municipal election, to take office the 1st June next after said election. Provided, however, that at the regular municipal election in and for said city on the second Tuesday in April, 1906, there shall be elected at said election five members of said Board, to take their office on the 1st June next after said election, and the person at said election receiving the highest number of votes for said office shall hold office for five years, the person receiving the next highest number of votes for said office shall hold for four years, the person receiving the third highest number of votes for said office shall hold for three years, the person receiving the fourth highest number of votes for said office shall hold for two years, and the person receiving the fifth highest number of votes for said office shall hold for one year, and at each succeeding regular municipal election said members shall be elected as hereinbefore provided. At the regular municipal election in April, 1906, it shall be necessary to vote for five persons for said Board of Public Works in order to con-

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\$37.00 Washington, D. C., and return. On sale daily. Limit October 31, 1905.

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stitute a valid or legal ballot in so far as the same relates to said Board. The Board shall fill vacancies in its membership until the next regular municipal election, at which election said vacancy shall be filled for the unexpired term, and the person so elected to fill said vacancy shall take his seat immediately upon his election and qualification. The duties of said Board shall be to receive said bonds as soon as the same are printed or engraved and executed, and to sell the same at not less than par, as provided by this ordinance, and to dispose of the proceeds for the purposes for which said bonds are issued. Said Board shall have the control, supervision and management of the construction, acquisition and operation of the said sewerage system proposed and provided for by this ordinance, and the control and management of the electric light plant and of the extension of same proposed and provided for by this ordinance, and said Board shall have the control, supervision, management and operation of any and all public utilities acquired, constructed or operated, and of all improvements made by or with the monies and funds arising out of and proceeding from the sales of the bonds proposed to be issued by this ordinance. The Mayor and City Council may, by subsequently passed ordinance or ordinances, provide for and prescribe such other and further executive duties and powers of said Board as may be deemed by said Council advisable and from time to time may be rendered necessary. Said Board shall make its own rules, and elect a Chairman and Secretary, and appoint such committees, and remove or change the same, by a vote of a majority of said Board, at any time. All contracts to be signed by said Board, or other papers necessary to be signed by same, shall be signed by the Chairman and Secretary, and attested by a common seal to be adopted by said Board. Said Board shall adopt a common seal.

Sec. 14. The members of said Board shall receive no compensation. Three members of said Board shall constitute a quorum for the transaction of business. The ayes and noes shall be called and entered upon a journal upon the passage of every resolution or order for the expenditure of money. Said Board shall, by rules, provide for the holding of regular and called meetings. Members of said Board shall have a right to take part in all proceedings and deliberations of the City Council on all questions relating to matters under their charge, but without the right to vote. Said Board shall not employ or contract with any of its members. No member of said Board, or other person, whether in the employment of the Board or otherwise, shall have power to create any liability on account of the Board, or of the funds under its control, except by express authority of the Board conferred at a meeting duly and regularly convened.

Sec. 15. The said Board of Public Works shall have exclusive power to employ such heads of departments, engineers, clerks, superintendents, laborers and other persons, as it may deem necessary for the execution of its duties in connection with any and all utilities and improvements said Board has control and supervision of under and by the terms of this ordinance, or may have by subsequently passed ordinance or ordinances, and shall fix their compensation, and any of them may be discharged by a majority of the Board, at its discretion.

Sec. 16. Any member of said Board may be removed from office for incompetency, inefficiency, neglect of duty, or misconduct in office, by the affirmative vote of three members of said Board, approved by the City Council.

Sec. 17. Upon the approval by the electors of the issuance of the bonds provided for and proposed to be issued by this ordinance the bonds shall be executed and delivered to the Board of Public Works, as Bond Trustees, and said Board shall, from time to time, or all at one time, sell the same in compliance with the provisions of this ordinance, and as said Board may deem advisable, and deposit the money in a designated de-

pository, or depositories, which may be required to give special bond.

Sec. 18. In the event that any part of the proceeds of the sale of said bonds proposed by this ordinance to be issued shall not be necessary to defray the purposes herein provided for, the proceeds of said bonds are to be used, from such part of the proceeds of said bonds as the monies not so needed may be used for the purpose of improving the streets and parks of said city, and to construct, own, acquire and operate a gas plant for said City, as may be deemed advisable by said Board.

Sec. 19. The Board of Public Works shall have exclusive power to make all improvements and expenditures under this ordinance which shall cost less than Two Hundred Dollars, and shall let all contracts of Two Hundred Dollars and over to the lowest responsible bidder, unless otherwise directed by this ordinance; provided, that said Board shall have and reserve the right to reject any and all bids, and in the discretion of said Board it shall be deemed advisable.

Sec. 20. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. 21. That this ordinance shall take effect immediately upon its passage and approval by the Mayor.

Passed in open session of the City Council on this 4th day of September, A. D. 1905. A. M. CUSHMAN,

President pro tem City Council.
Attest: J. M. DELL, City Clerk.
Approved by me this 5th day of September, A. D. 1905.

G. K. BROOME,
Acting Mayor.
Attest: J. M. DELL, City Clerk.

Notice of Election.

Under and by virtue of the power and authority vested in me, G. K. Broome, Acting Mayor of the City of Gainesville, Florida, do hereby call a special election to be held in said City on the 10th day of October, A. D. 1905, for the purpose of submitting the question of the issuance of the bonds of said City to the amount of ONE HUNDRED FIFTEEN THOUSAND DOLLARS for the various purposes named and specified in and provided for by the ordinance hereto appended and published herewith, and to determine whether or not the issuance of the bonds provided for and proposed in and by said ordinance shall be approved by a majority of the votes cast by the qualified electors of said City at said special election.

The polling place for said election shall be in the rear of the Municipal building on East Main and Monroe streets.

The polls shall open at 8 o'clock a. m. and close at sun down of said day.

W. L. Hill, W. S. McDowell and B. A. Robertson are hereby appointed inspectors, and F. X. Miller, clerk of said election.

Witness my hand and the seal of said City on this 5th day of September, A. D. 1905. G. K. BROOME,

Acting Mayor.
Attest: J. M. DELL, City Clerk.

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