

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, January 20, 1908

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, January 20, 1908, at 7:30 o'clock, in regular session, President William J. Neukom in the chair.

Present: The Hon. William J. Neukom, President of the Common Council, and 19 members, viz: Messrs. Brown, Cottey, Hamlet, Wood, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon. Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 1, viz.: Mr. Davis.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., January 20, 1908.

To the President and Members of the Common Council:

GENTLEMEN: There will be submitted to your honorable body at this evening's meeting an ordinance authorizing the sale and conveyance of the real estate and personal property belonging to the City of Indianapolis, known as the Haughville Town Hall. This real estate has been a source of dead loss to the city every year since the annexation of the town of Haughville. The rentals secured from the buildings have never been

enough to pay the expense of the up keep. I earnestly urge early favorable action on such ordinance.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., January 20, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works, requesting the appropriation of the sum of \$30,400.00 for the collection, removal and disposal of ashes, sweepings, tin cans, bottles, etc.

I submit herewith an ordinance providing for the appropriation asked for, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., January 17, 1908.

George T. Breunig, City Controller:

You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$30,400 for the collection, removal and disposal of ashes, sweepings, tin cans, bottles, etc.

Yours respectfully,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., January 20, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith present a petition from Mrs. Lillie Harmening, asking for the refunding of \$133.57, on city liquor license No. 267, issued June 3, 1907, to Edward Harmening, since deceased.

I submit herewith an ordinance appropriating the amount due, and recommend its passage.

Respectfully submitted,
GEO. T. BREUNIG,
City Controller.

State of Indiana, Marion County:

Lillian Harmening does hereby petition to the City of Indianapolis, for the amount of unexpired license on the saloon of the late Edward Harmening, located at No. 10 North Delaware street, who died June 14th, 1907, leaving a will naming the said Lillian Harmening executrix of his estate. The said city license No. 267 was issued for the sum of \$250.00 on June 3d, 1907, to expire on May 31st, 1908, and the said petitioner asked for the amount of the unexpired license from November 19th, 1907, to June 1st, 1908, to-wit: 195 days, amounting to \$133.57, and said petitioner closed the business in said saloon on November 18th, 1907.

LILLIE HARMENING.
Lillian Harmening, who being first duly sworn, on her oath says that the matters and facts set forth in the foregoing petition are true.

LILLIE HARMENING.

Subscribed and sworn to this 8th day of January, 1908.

FRANK E. GATES.
Notary Public.

My commission expires October 8, 1908.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., January 20, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached switch ordinance, granting to E. C. Atkins & Company the right to lay and maintain a sidetrack or switch from, on, over and across South Capitol avenue and the first alley east of Capitol avenue.

Yours truly,

BOARD OF PUBLIC WORKS.
F. J. NOLL, JR.,
Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., January 20, 1908.

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 approving a certain contract granting to the Cleveland, Cincinnati,

Chicago & St. Louis Railway Company the right to lay and maintain additional tracks across Belmont avenue, in the City of Indianapolis.

Yours truly,

BOARD OF PUBLIC WORKS,
F. J. Noll, Jr.,
Clerk.

INTRODUCTION OF APPROPRIATION ORDINANCES

Appropriation Ordinance No. 1—1908: An ordinance appropriating the sum of seven hundred and fifty (\$750) dollars to and for the use of the Department of Public Works.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana: That the sum of \$750 be, and the same is hereby appropriated to the use of the Board of Public Works of said city, to be expended in refunding to certain bidders upon public improvements the amount of their certified checks which were forfeited to the city by reason of their failure to enter into contract for the work bid upon, they being the lowest bidders; provided, however, that no money shall be refunded to any such bidder on account of any check forfeited to the city, unless judgment has been recovered by him against the city for said amount, or unless the bid made by him for which said check was forfeited shall, in the opinion of said Board, have been made clearly by mistake.

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 Finance.

By City Controller:

Appropriation Ordinance No. 2—1908: An ordinance appropriating the sum of \$133.57 to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana. That the sum of one hundred thirty-three dollars and fifty-seven cents (\$133.57) be, and the same is hereby, appropriated out of any moneys in the city treasury, not otherwise appropriated to and for the use of the Department of Finance, to be used in the payment of the claim of Mrs. Lillie Harmening, widow and executrix of the estate of Edward Harmening, deceased, being the amount due said widow for the unexpired term of city retail liquor license, No. 267, issued to said Edward Harmening on June 3, 1907, such claim being in accordance with the provisions of Section 8, of an Act of the General Assembly of the State of Indiana, entitled, "An Act to better regulate and restrict the sale of liquors," etc. Approved March 11, 1895.

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 Finance.

By City Controller:

Appropriation Ordinance No. 3—1908: An ordinance appropriating the sum of \$30,400.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana. That the sum of thirty thousand four hundred (\$30,400.00) dollars be, and the same is hereby appropriated, out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, to be used by said board in paying the cost of collecting, removing, and disposing of the ashes, sweepings, tin cans, bottles, etc., within the City of Indianapolis, as the boundaries thereof are now defined or may hereafter be enlarged, during the present calendar year, 1908.

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 Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.**By Board of Public Works:**

General Ordinance No. 1—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Ray street from west property line of West street to east property line of Dakota street, with brick roadway and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 27th day of November, 1907, adopt Improvement Resolution No. 5398, 1907, for the improvement of Ray street, from the west property line of West street to the east property line of Dakota street, with brick roadway and curbing, and

WHEREAS, The said Board of Public Works did at the same time fix the 13th day of December, 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 28th day of November, 1907, and the 5th day of December, 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 13th day of December, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 18th day of December, 1907, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Ray street; and

WHEREAS, On the 20th day of December, 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 Ray street from the west property line of West street to the east property line of Dakota street, with brick roadway and curbing, and in accordance with Improvement Resolution No. 5398, 1907, adopted by the Board of Public Works on the 27th day of November, 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 Property and Improvement.

By Board of Public Works:

General Ordinance No. 2—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Bates street from west property line of Shelby street to west property line of State avenue, with cement walks, approach walks and curbing.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 22d day of November, 1907, adopt Improvement Resolution No. 5392, 1907, for the improvement of Bates street from west property line of Shelby street to west property line of State avenue, with cement walks, approach walks and curb; and

WHEREAS, The said Board of Public Works did at the same time fix the 9th day of December, 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 23d day of November, 1907, and the 30th day of November, 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 9th day of December, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 18th day of December, 1907, a written remonstrance was filed with the Board against the said improvement of Bates street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 27th day of December, 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 27th day of December, 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 Bates street

from the west property line of Shelby street to the west property line of State avenue, with cement walks, approach walks and curb, in accordance with Improvement Resolution No. 5392, 1907, adopted by the Board of Public Works on the 22d day of November, 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 Property and Improvement.

By Board of Public Works:

General Ordinance No. 3—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Belmont avenue, from south property line of Washington street to Vandalia railroad tracks, with graded roadway and walks.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 2d day of December, 1907, adopt Improvement Resolution No. 5402, 1907, for the improvement of Belmont avenue, from south property line of Washington street to Vandalia railroad tracks, with graded roadway and walks, and

WHEREAS, The said Board of Public Works did at the same time fix the 18th day of December, 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 3d day of December, 1907, and the 10th day of December, 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 18th day of December, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 26th day of December, 1907, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Belmont avenue; and

WHEREAS, On the 27th day of December, 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 on 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 Belmont avenue, from the south property line of Washington street to the Vandalia railroad tracks, with graded roadway and walks, in accordance with Improvement Resolution No. 5402, 1907, adopted by the Board of Public Works on the 2d day of December, 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 Board of Public Works:

General Ordinance No. 4—1908: An ordinance ratifying, confirming and approving the certain contract, made and entered into on the 6th day of January, 1908, between the City of Indianapolis and the Indianapolis Hauling Company, for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis, and fixing the time when the same shall take effect and the period it shall remain in force.

WHEREAS, Heretofore, to-wit: On the 27th day of December, 1907, Charles Gemmer and James R. Henry, composing the firm of Gemmer and Henry, submitted the lowest proposal to the Board of Public Works of the City of Indianapolis, for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis, under the specifications and notice to contractors, on file in the office of the Board of Public Works, calling for proposals for such collection, removal and disposal of ashes and sweepings for a period of ten years; and

WHEREAS, After due consideration by said Board of Public Works, the proposal of said Gemmer and Henry, of \$30,400 a year for each of said ten (10) years, was by it found to be the lowest and best; and

WHEREAS, Said Gemmer and Henry have, since submitting their said proposal, duly incorporated the "Indianapolis Hauling Company," under the laws of the State of Indiana, for the purpose of substituting said incorporated company for themselves, in entering into said contract; and

WHEREAS, Said Indianapolis Hauling Company, by and through its proper officers, does now present itself before said Board of Public Works, offering to enter into a formal contract with the City of Indianapolis, in accordance with the specifications on which proposals were submitted, on said 27th day of December, 1907, on the proposal of said Gemmer and Henry, and said Board has agreed to the substitution of said Indianapolis Hauling Company for said Gemmer and Henry, and to enter into such contract with said Indianapolis Hauling Company, for and on behalf of the City of Indianapolis; and

WHEREAS, Heretofore, to-wit: On the 6th day of January, 1908, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indianapolis Hauling Company, a corporation organized and existing under and by virtue of the laws of the State of Indiana, to-wit:

THIS AGREEMENT, Made and entered into on this 6th day of January, 1908, by and between the City of Indianapolis, in Marion County, Indiana, by and through its Board of Public Works, party of the first part, and the Indianapolis Hauling Company, party of the second part,

Witnesseth: That the party of the first part, under and by virtue of the powers conferred upon it by the Act of the General Assembly of the State of Indiana, entitled "An Act concerning municipal corporations," approved March 6, 1905, does hereby agree to pay to the said Indianapolis Hauling Company, party of the second part, the sum of thirty thousand, four hundred dollars (\$30,400) per annum, for a term of ten (10) years from and after the date of the taking effect of this contract, payable in equal quarterly installments of \$7,600, on the first days of January, April, July and October of each year, during said ten (10) years, as full payment for the collection, removal and disposal of all ashes and sweepings, as defined in said specifications, accumulating within the present corporate limits of the City of Indianapolis. Payments for collecting and removing ashes and sweepings from any additional territory, which may be annexed to said city, after the taking effect of this contract, shall be paid for in accordance with Specification 20, under which the proposal of said Gemmer and Henry was submitted and accepted (and on which this contract is

made with the party of the second part), which specifications and general stipulations are hereby made a part of this contract, and which read as follows:

SPECIFICATIONS.

1. The contractor shall collect and remove all ashes and sweepings, as defined in these specifications, accumulating within the present corporate limits of the City of Indianapolis, and in any extensions thereof.

2. The word "ashes" wherever used herein shall be taken to mean the unconsumed residue from all material used as fuel in other than steam, hot water, or power plants, and taken from stoves, furnaces, or fire places in dwellings, flat buildings, and public buildings, and institutions belonging to the City of Indianapolis, other than school houses and other property of the school city, wherever the same may be found; providing the term "steam, hot water, or power plants" as used herein shall not be construed to apply to steam, hot water or power plants installed in private residences or flat buildings containing not more than four apartments, and used exclusively for the benefit of such residences or flat buildings. And the word "sweepings" wherever used herein shall be taken to mean all sweepings, including paper, cans, bottles, wall paper, fabrics, shoes, discarded tinware, iron, and other similar material from residences wherever found; provided, however, that such ashes and sweepings shall not contain any garbage, building material, dirt, plastering, grass, weeds, or such like matter.

3. Ashes and sweepings shall be collected at all above mentioned places in the city from the first day of May until the first day of November, each year during the existence of this contract, once each two weeks; from the first day of November until the first day of May, during each year of the existence of this contract, collections shall be made once each week; and such collections shall be made once each week during the entire year it required in writing by the Board of Public Health and the Board of Public Works.

4. The Board of Public Works of said city shall have power to grant permission to any person, persons, firm or corporation, or to the contractor, to remove his or their own ashes, provided they are delivered and removed to such point as may be agreed upon by the contractor and the Board of Public Health, and in the manner provided for in these specifications; provided, however, that no ashes shall be deposited or left within the corporate limits of said city, except clean ashes containing no rubbish or decaying, or putrescent matter, nor unless such clean ashes shall be moistened before depositing so as to prevent dust; and provided, also, that all sweepings and all ashes containing sweepings or otherwise unclean, shall at all times be removed by the contractor beyond the corporate limits of the city.

5. The contractor for the collection, removal and disposal of ashes and sweepings under this contract to be made, shall, for said purpose, provide himself with tight vessels, tanks or boxes of ample capacity, mounted on two or four wheels, which shall be securely and tightly covered on top with canvas or tarpaulin, or in such other manner to be approved by the Board of Health, so as to prevent the contents thereof from escaping or being blown about; and each vessel, tank or box, when unloaded after the delivery of each load to the point of disposal, shall be so cleaned that no ashes or sweepings shall remain therein; and the vehicles drawing any such vessel, tank, or box, shall be at all times so loaded and driven that none of the material may escape. The vehicles drawing or carrying such vessel, tank, or box, shall have on both sides thereof, a sign with the words "City Contractor Ash Cart," or "City Contractor Ash Wagon" painted thereon, together with the number of the vehicle, in black letters not less than four inches in height, on white

background, the number of the wagon to be selected and registered in the office of the Board of Public Health and Charities, and the equipment shall always be maintained in a first class condition.

6. The contractor, before beginning collection under this contract, shall divide the city into districts, and shall deliver to the Board of Public Health and Charities a list of the boundaries of each district, and the day of the week on which he plans to make collections. The Board of Public Health and Charities may, within thirty days after the beginning of such collections according to such districts, make such changes, alterations and additions thereto, as may, in the judgment of said Board be necessary to insure the efficiency and thoroughness of such collections. Thereafter, on November 1st, and April 1st, in each year of this contract, such contractor shall revise such districts and deliver such revised list to the Board of Public Health and Charities, which may, for thirty (30) days make such changes, alterations or additions to such districts as, in the judgment of said board, may be necessary to insure the efficiency and thoroughness of such collections. Nothing in this provision shall be construed to mean that the contractor shall not at all times furnish good and sufficient equipment to collect and remove all ashes and sweepings as hereinbefore provided. The contractor shall not be permitted to depart from the time fixed for collection, except by obtaining the written consent of the Board of Public Health and Charities, the object being that all collection from residences and flat buildings in each district shall be made on certain days, and as nearly at the same hour of the day as possible.

7. The contractor will furnish each householder on May 6th, and November 6th of each year, with a printed list of the days on which he will make collections, stating in such list the time of day, as nearly as possible, when such collections will be made. The printed list shall be on cardboard not less than eight inches by ten inches in dimension, and shall contain such information incident to such collectors as the Board of Public Health and Charities shall desire.

8. It will be the duty of every resident householder, tenant, boarding-house-keeper, and all parties or persons occupying dwellings within the City of Indianapolis, under a proper ordinance or ordinances enacted, or to be enacted by the Common Council, to provide or cause to be provided, and at all times to keep or cause to be kept, or provided, portable covered vessels or boxes for holding ashes or sweepings, said vessels or boxes to be of proper construction, and kept, with handles on the outside, said vessels or boxes to be of a size to be easily handled by two men. Said vessels or boxes shall be kept or placed in the rear of the house, or in the passageway most accessible to be collected, and never upon the street, alley, sidewalk or other public place, unless there is no other place to put such receptacle, and shall be of a capacity of not less than one bushel. All such vessels or boxes shall be accessible to the collector, when called for, and if removed by him shall be returned by him to said place, or places, without unnecessary delay, and no person, except for such purpose authorized, shall in any manner interfere with said vessels or boxes or the contents thereof. In case of dispute, the Board of Public Health and Charities shall decide as to the location to be selected for the placing of vessels or boxes by the owner or tenant.

9. The contractor for collection will be required to furnish to the Board of Public Health and Charities immediate notice of the failure of any householder to have all ashes and sweepings ready for collection on the day set for such collection.

10. Upon complaint or complaints, having been made of a failure on the part of the contractor to properly collect ashes or sweepings, or of disposing unclean ashes within the city, or of any other violation of these specifications, it will be the duty of the Board of Public Health and Charities to investigate such complaint, or complaints, and, if in its judgment,

such failure to collect was solely the fault of the contractor, it shall report such violation, or violations, of the contract to the Board of Public Works, who shall, upon the next succeeding allowance made to the contractor for work done, deduct a sum not less than \$1.00, and not exceeding \$5.00 for each and every violation so reported, and the contractor will be required to relinquish all right, title and interest in and to such deduction.

11. It shall be the duty of the Board of Public Health and Charities to investigate all complaints made of failures on the part of householders to comply with the provisions of the ordinance requiring the placing of vessels or boxes for emptying by the contractor, and to prosecute all offenders under such provisions.

12. The contractor shall provide himself with an office, conveniently located, and furnished with a telephone. A clerk shall be regularly employed to answer all complaints made and to promptly dispose of the same.

13. The Board of Public Works and the Board of Public Health and Charities shall be the exclusive judges as to whether the terms and conditions of the contract are being complied with. The Board of Public Works, upon the written complaint of the Board of Public Health and Charities that the terms of the contract are not being complied with, shall call upon the sureties upon the bond, to carry out the provisions of such contract to the satisfaction of the Board of Public Health and Charities and the Board of Public Works, and on their failure so to do, after a written notice by the Board of Public Works of five days, the city, by and through its Board of Public Works shall have the right to declare the contract null and void, and to re-let the work or any part thereof, and such annulment shall not entitle the contractor to any claim for damages on account thereof, nor shall it affect the right of the city to recover damages which may arise from such failure; or, instead, the Board of Public Works shall have the power to provide for the collection and removal of such ashes and sweepings as it may deem best for the interest of the city. The cost of such collection and removal shall be paid from any sum to which said contractor would have been entitled had he completed the contract, and when that sum shall be exhausted, then out of any money which shall be appropriated for such purposes by the Common Council, until the term for which the contract was originally made shall have expired, and the City of Indianapolis shall be entitled to maintain a suit in any court of competent jurisdiction against said contractor and his sureties to recover the money so appropriated, expended and paid out, and in such suit the amount of the city's recovery shall be such sum as it was compelled to expend in order to procure the collection and removal of ashes and sweepings which the contractors should have collected and removed under the contract.

14. The contractor shall pay any judgment which may be taken against said city, either alone or jointly with said contractor, on account of any injury or damage to persons or property by reason of the carrying out of this contract caused by the fault of the contractor: Provided, That if the city is sued alone for such injury or damages, due notice to the contractor to appear and defend said action shall be given.

15. A proper contract to the approval of the Board of Public Works shall be entered into, and all the terms and conditions of said contract and specifications shall be binding upon the parties, their successors and assigns.

16. The Board of Public Works, subject to the terms and conditions of the contract, shall make and allow quarterly payments of the amount due therefor at the end of each quarter of the fiscal year, and the sum so allowed shall thereupon be due and payable to the contractor, and said board shall issue to the contractor a proper voucher therefor.

17. The contractor shall give to the residents of said city and county,

preference in the employment of all labor necessary in performing the contract, and failing to do so shall forfeit to said city the sum of five dollars for each failure to observe this stipulation.

18. The contractor shall report to the Board of Public Health and Charities, at the end of each month, the amount of ashes and sweepings collected, making, at the same time, any other suggestions he may desire to make or giving such other information as may be required by said Board of Public Health and Charities.

19. The contractor shall be required to haul, so far as possible, all ashes and sweepings collected through the alleys in the city, not making use of the prominent business or residence streets, and subject to the control and supervision of the Board of Public Health and Charities.

20. Whenever, after the contract for the collection, removal and disposal of ashes and sweepings shall have been in force and effect, there shall be annexed to the City of Indianapolis any additional territory, the Board of Public Works may order and direct the contractor to begin and continue to collect ashes and sweepings within such annexed territory, according to the terms and conditions of the specifications hereinbefore provided, and the amount of compensation for such additional service shall be determined in proportion to the area annexed to said city, and the area of said city at the date of the beginning of such contracts for the collection, removal, and disposal of ashes and sweepings.

21. All ashes and sweepings shall, upon being removed, become the property of the contractor, and he shall find places for their disposal within thirty days after this contract is approved by the Common Council, subject to the approval of the Board of Public Health and the Board of Public Works.

22. Contractor shall furnish bond in the sum of \$50,000 for the faithful performance of his contract. Such bond shall be executed by a responsible surety company or two freeholders residents of the City of Indianapolis, each of said freeholders to qualify as the owner of real estate in Marion County, Indiana, in the sum of twice the value of the amount of such bond.

23. Contractor shall agree to complete all equipment, vehicles and other equipment contemplated in these specifications within thirty days after the contract shall have been approved by the Common Council of the City of Indianapolis.

24. The contract shall be in force and effect for a period of ten (10) years.

GENERAL STIPULATIONS.

(1) The contractor shall not assign or transfer the contract or sublet any of the work embraced in it without the consent of the Board of Public Works.

(2) The contractor shall conform to the directions of the Board of Public Health and Charities as to the time in which the ashes and sweepings shall be collected, as to the interval between the collection of the ashes and sweepings and the mode of doing the same.

(3) If any machine or machines intended for use are patented, the bidder must exhibit proof of his right to use the machine or machines in the City of Indianapolis and will further be required to execute a bond of indemnity holding the city harmless from any suits for infringements of patent which may arise under the contract.

(4) Whenever the contractor is not present on the work orders will be given by the Board of Public Health and Charities, or its duly authorized agent, to the superintendent or overseers who may have immediate charge thereof, and shall by them be received and strictly obeyed. And if any person employed on the work shall refuse or neglect to obey the directions of the Board of Public Health and Charities, or its duly authorized agents, in anything relating to the work, or shall appear to the

said Board of Public Health and Charities to be incompetent, disorderly or unfaithful, he shall upon the orders of said Board of Public Health and Charities be at once discharged and not again employed on any part of the work.

(5) The contractor shall be required to observe all city ordinances relating to the obstructing of streets, keeping open passageways and protecting the same where exposed, and maintaining signals and generally to obey all the laws and ordinances; and said contractor shall agree to indemnify and save harmless the City of Indianapolis from all suits and actions of every kind and description brought against the city for or on account of any injuries or damages received or sustained by any party or parties, or by or from the contractor, his servants or agents in the fulfillment of the contract; and it shall be further agreed that so much of the money due to the contractor under and by virtue of the contract as shall be considered necessary by the Board of Public Works may be retained until all suits or claims for damages as aforesaid shall have been settled and evidence to that effect furnished to the satisfaction of said Board of Public Works.

(6) To prevent all disputes and litigation, it shall be further agreed by the parties to said contract that the Board of Public Health and Charities shall in all cases determine the amount or quantity of the work which is to be paid for under the contract, and it shall, with the aid of the Board of Public Works decide all questions which may arise relative to the execution of the contract on the part of the contractor, and its estimates and decisions shall be final and conclusive.

(7) Nothing in these specifications shall be construed as a waiver or surrender by the city of any of its police powers, or of the right of the Common Council, at any time hereafter, to pass necessary and reasonable police ordinances, or of the Board of Public Health and Charities to adopt necessary and reasonable rules or regulations in the interest of public health and welfare in relation to any of the matters contained in these specifications, or in any contract based upon these specifications.

INSTRUCTIONS TO BIDDERS.

(1) Bids will be received by the Board of Public Works of the City of Indianapolis, Indiana, at its office, Majestic Building, until the hour of 10 o'clock a. m. on the 27th day of December, 1907, for the collection, removal and disposal of all ashes and sweepings, according to the specifications and stipulations therefor on file in the office of said Board and adopted on the 16th day of December, 1907.

(2) Proposals must be signed by the bidder submitting them with their signatures in full. Any one signing a proposal as the agent of another or others, must file with it legal evidence of his authority so to do.

(3) The Board of Public Works reserves the right, prior to awarding the contract, to require the names of all persons connected with the bidder that it may determine the reliability and standing of all such persons and their ability to conform to the requirements of the proposed contract.

Should the successful bidder not be incorporated at the time the contract is awarded, such bidder may, before such contract is entered into, incorporate under the laws of Indiana for the purposes herein contemplated.

(4) Each bidder or firm of bidders shall accompany his or their bid with an affidavit that such bidder or bidders have not directly or indirectly entered into any combination, collusion, undertaking or agreement with any other bidder or bidders to maintain the price of any work or service bid upon, or to be done or furnished under the proposed contract, or to prevent any bidder or bidders to refrain from bidding on such contracting work, and that such bid is made without regard or reference to any

other bid or bids, and without any agreement, understanding or combination either directly or indirectly, with any other person or persons with reference to such bidding in any way or manner whatever.

(5) All prices must be written in words as well as figures.

(6) Each bidder must furnish with his bid a certified check on some reputable bank doing business in the City of Indianapolis made payable to the order of the Board of Public Works in the amount of five thousand dollars (\$5,000.00), which sum shall be forfeited to the City of Indianapolis as liquidated damages in case the bidder submitting the same shall be awarded the contract and shall not execute the same within ten (10) days after the acceptance of the bid, and furnish the bond required within ten days after the approval of the contract by the Common Council of the City of Indianapolis by ordinance and the taking effect of the same.

(7) In case the contract be not awarded to the bidder, or be not approved by ordinance of the Common Council as aforesaid within ninety (90) days after the approval of said contract by the Board of Public Works, or if so awarded and approved and the contract and bond duly executed, said certified check shall be returned to the bidder on request or demand.

No bid will be considered by the Board of Public Works which is not accompanied by such certified check.

(8) Proposals must be in sealed envelopes addressed to the Board of Public Works of the City of Indianapolis, Indiana, and endorsed "Proposals for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis." Such proposals must be on the form of bidding sheet attached hereto, which will be furnished on application to the Board of Public Works.

(9) Bids shall be submitted in a lump sum, stating the price per year.

(10) The Board of Public Works reserves the right to reject any or all bids

Approved December 16th, 1907.

JOSEPH T. ELLIOTT,
President.

P. C. TRUSLER,
F. J. MACK,

Board of Public Works of the City of Indianapolis, Indiana.

The first payment under this contract shall be made on the first day of the commencement of the quarter after the taking effect of this contract, and shall cover the period from the day on which the same takes effect, up to the beginning of said next quarter thereafter, as above provided, at said rate of \$7,600 per quarter:

Provided, That any additional amounts to be paid on account of the extension of the corporate limits of said city, in accordance with Specification 20 aforesaid, under any action of said Board of Public Works that may be had thereunder, shall also be added to said quarterly sum of \$7,600. from quarter to quarter.

It is further agreed that said party of the second part shall file a bond in the sum of fifty thousand dollars (\$50,000), to be approved by the Board of Public Works, payable to the City of Indianapolis, upon the condition that the said party of the second part, its successors or assigns, shall, at all times, faithfully discharge the requirements of this contract, and comply with all of its items and provisions. Said bond shall be so filed and approved before the taking effect of this contract.

It is further agreed that in case the party of the second part, its successors or assigns, shall violate any of the terms, conditions or obligations herein contained, then, and in that event, the Board of Public Works of the City of Indianapolis, may, at its option, cancel this contract,

and the same shall become null and void; and in such event a right of action for a breach of the contract shall immediately accrue upon the bond of said party of the second part, and the amount mentioned in said bond shall be deemed due the City of Indianapolis, Indiana, as liquidated damages for violation of the terms of this contract, and the City of Indianapolis shall be entitled to judgment upon said bond for the full amount thereof.

It is further agreed and understood that the collection and removal of ashes and sweepings, under the terms and conditions of this contract, shall begin thirty (30) days after the approval by the Mayor of the ordinance of the Common Council, confirming and ratifying this contract.

It is further agreed by the party of the second part, that it will accept from said party of the first part, the said sum of \$30,400 per annum (with such additional amounts as will become due for additional work covered by added territory, as defined in Specification No. 20), for each of the ten (10) years, respectively, beginning on said thirtieth day after the approval of said ordinance, as aforesaid, in full for said collection, removal and disposal of said ashes and sweepings, as defined and stipulated in said specifications above set out.

To each and all of the terms, provisions and conditions of this contract, the City of Indianapolis, party of the first part, by and through its Board of Public Works, and the Indianapolis Hauling Company, party of the second part, do fully agree and bind themselves, their successors and assigns.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, in duplicate, on this 6th day of January, 1908.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER,

F. J. MACK,

Board of Public Works.

INDIANAPOLIS HAULING COMPANY,

By JAMES R. HENRY,

President.

Attest:

CHARLES GEMMER,

Secretary.

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 6th day of January, 1908, by the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Hauling Company, be, and the same is hereby in all things ratified, confirmed and approved, and the same shall immediately become effective and go into full force thirty (30) days after the approval hereof by the Mayor.

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

By Mr. Hartmann:

General Ordinance No. 5—1908. An ordinance regulating the use of the streets of the City of Indianapolis for funeral processions and funeral parades, fixing the district in which funeral processions and funeral

parades are prohibited, providing penalties for the violation of the same, repealing all conflicting ordinances, providing for the publication thereof, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall hereafter be unlawful for any undertaker, funeral director, or other person or persons in charge of any funeral procession or funeral parade to cause such procession or parade to march, pass, or drive in, on, along or across Washington street, between Illinois and Pennsylvania streets, Pennsylvania street between Washington and Ohio streets, Ohio street between Pennsylvania and Illinois streets and Illinois street between Ohio and Washington streets, or any portion of a public street within that territory of the City of Indianapolis lying between Washington and Ohio streets and Illinois and Pennsylvania streets. *Provided, however,* That where a death may occur, or funeral services are conducted from a church or morgue within that territory of the City of Indianapolis lying between Washington and Ohio streets and Illinois and Pennsylvania streets, it shall not be considered as unlawful for the funeral procession or funeral parade to pass out of or through such described territory.

SEC. 2. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00).

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

SEC. 4. This ordinance shall be in force from and after its passage and publication for two weeks successively, one day each week, in the Indianapolis Sun.

INDIANAPOLIS, IND., Dec. 23, 1907.

Mr. Charles L. Hartmann, Councilman-at-Large, City:

DEAR SIR—We enclose herewith "an ordinance regulating the use of the streets of the City of Indianapolis for funeral processions." This ordinance has been passed upon by the board of directors of the Commercial Club at their last regular meeting, and this committee has been instructed to present this to the Common Council of the City of Indianapolis, through the proper channels.

The chairman, therefore, addresses this communication to you, knowing you personally and believing that you will do all in your power to have it adopted.

Any information or assistance that this committee can give you is hereby offered.

Thanking you in advance for any assistance, we remain,

Yours truly,

B. W. DUCK, *Chairman,*

Special Committee appointed by the Board of Directors of the Commercial Club.

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

By Board of Public Works:

General Ordinance No. 6—1908: An ordinance approving a certain contract granting E. C. Atkins & Company the right to lay and maintain

a sidetrack or switch from, on, over and across South Capitol avenue and the first alley east of South Capitol avenue, more fully set out and described in the within petition and according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 20th day of January, 1908, E. C. Atkins & Company, by its president and assistant treasurer, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—We petition your Honorable Board to grant us the right to lay and maintain a side track or switch on, over and across South Capitol avenue and on, over and across the first alley east of South Capitol avenue, more fully described and set out as follows:

From a point beginning at a point in the center line of the railroad tracks now located in South Capitol avenue three hundred and eighteen (318) feet south of the south property line of Henry street, then extending on, over and across the east side of said Capitol avenue in a northeasterly direction on a curved line curving to the right with a radius of one hundred and sixty feet, to the east property line of said Capitol avenue, crossing said east property line of said Capitol avenue at a point one hundred and eighty-eight (188) feet south of the south property line of Henry street. Also, on, over and across the first alley east of South Capitol avenue in a northeasterly direction, crossing said alley as aforesaid at a point on the west side of said property line of said alley, one hundred and thirty (130) feet south of the south property line of said Henry street, and on the east side of said property line of said alley, one hundred and twenty-two (122) feet south of the south property line of said Henry street, said crossing being at an angle of approximately sixty (60) degrees.

Also on, over and across the west side of South Capitol avenue, beginning at a point in the center line of the railroad tracks now located in South Capitol avenue at a point one hundred and sixty (160) feet south of the south property line of South street, extending on, over and across the west side of said South Capitol avenue in a southwesterly direction on a curved line, curving to the right with a radius of one hundred (100) feet to the west property line on said South Capitol avenue, crossing said property line on said South Capitol avenue at a point one hundred and eighteen (118) feet north of the north property line of said Henry street. The blue prints hereto attached are hereby made a part of this description.

E. C. ATKINS & COMPANY,
H. C. ATKINS, *President*,
F. C. GARDNER, *Ass't Treas.*

Now, therefore, This agreement, made and entered into this 20th day of January, 1908, by and between E. C. Atkins & 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, on, over and across South Capitol avenue and on, over and across the first alley east of South Capitol avenue, in the City of Indianapolis, which is more specifically described as follows:

From a point beginning at a point in the center line of the railroad tracks now located in South Capitol avenue three hundred and eighteen (318) feet south of the south property line of Henry street, then extending on, over and across the east side of said Capitol avenue in a

northeasterly direction on a curved line curving to the right with a radius of one hundred and sixty feet, to the east property line of said Capitol avenue, crossing said east property line of said Capitol avenue at a point one hundred and eighty-eight (188) feet south of the south property line of Henry street. Also on, over and across the first alley east of South Capitol avenue in a northeasterly direction, crossing said alley as aforesaid at a point on the west side of said property line of said alley one hundred and thirty (130) feet south of the south property line of said Henry street, and on the east side of said property line of said alley, one hundred and twenty-two (122) feet south of the south property line of said Henry street, said crossing being at an angle of approximately sixty (60) degrees.

Also on, over and across the west side of South Capitol avenue beginning at a point in the center line of the railroad tracks now located in South Capitol avenue at a point one hundred and sixty (160) feet south of the south property line of South street, extending on, over and across the west side of said South Capitol avenue in a southwesterly direction on a curved line, curving to the right with a radius of one hundred (100) feet to the west property line on said South Capitol avenue, crossing said property line on said South Capitol avenue at a point one hundred and eighteen (118) feet north of the north property line of said Henry street. The blue prints hereto attached are hereby made a part of this description, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

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

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

(3) The crossing where said track intersects 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 concernng municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provision stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 20th day of January, 1908.

E. C. ATKINS & COMPANY,
By H. C. ATKINS, *President*,
Party of the First Part.

CITY OF INDIANAPOLIS,
By 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 ou Railroads.

By Board of Public Works:

General Ordinance No. 7—1908: An ordinance approving a certain contract granting to the Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain additional tracks across Belmont avenue, in the City of Indianapolis, Indiana.

THIS INDENTURE, Made and entered into by and between the City of Indianapolis, in the State of Indiana, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, a consolidated corporation under the laws of the States of Indiana and Ohio, witnesseth:

First. The City of Indianapolis, by its Board of Public Works, in consideration of the covenants and agreements hereinafter set forth to be by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company kept and performed, and subject to the terms and conditions herein specified, hereby grants to said Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right and privilege of constructing, maintaining and operating across Belmont avenue, in the City of Indianapolis, the three tracks shown in red upon the blue print hereto attached as an exhibit marked "A" and made part hereof.

Second. In consideration of the premises, said Cleveland, Cincinnati, Chicago & St. Louis Railway Company hereby covenants and agrees that the rights and privileges as above granted shall be exercised and enjoyed in the following manner and upon the following terms and conditions, to-wit:

Said tracks shall be constructed at the present grade of Belmont avenue, under the supervision and to the satisfaction and approval of the Board of Public Works of the City of Indianapolis, and shall be so constructed and as long as Belmont avenue continues to be a public street at the crossing of said tracks, shall be so maintained as to be safe for the passage of persons on foot, in vehicles, or otherwise, and shall be kept in repair and free from obstructions or defects of any kind. For the purpose of making said tracks safe, they shall at all times be subject to the orders of said Board of Public Works, and when ordered in writing by said Board, they shall be raised or lowered to conform to any grade of Belmont avenue which may from time to time be established. No car or cars shall be permitted to obstruct the crossing on Belmont avenue at said tracks, or to be thereon, except for such time as may be absolutely necessary in being moved back and forth on said tracks, and cars shall at no time be stopped and detained on any of said tracks in such manner as to obstruct travel on Belmont avenue. The space between said tracks on Belmont avenue shall be planked or paved to the entire satisfaction of said Board of Public Works, and in case said crossings, or any of them get out of repair, or need reconstruction, or become in any way defective, of which fact said Board of Public Works shall be the exclusive judge, it shall be the duty of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to promptly repair the same, failing in which, after notification in writing of ten days, said Board of Public Works shall do, or cause the same to be done, at the expense of said railway company, and for such expense and cost said railway company shall be liable.

Three. Said railway company hereby binds itself to hold the City of Indianapolis harmless against any and all claims for damages growing out of the construction, maintenance or use of said tracks across Belmont avenue, and to pay any judgments with costs that may on that account be rendered against said city or said Board of Public Works.

Fourth. Any violation of any of the provisions of this indenture by the said railway company, or by anyone for it, at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the rights and privileges granted by this indenture, and upon such violation the Board of Public Works of said City of Indianapolis may cause said tracks to be removed at once, and the fact that such violation shall constitute a full defense to any action to prevent such removal, or to recover damages therefor.

Fifth. Should the City of Indianapolis at any time, pursuant to the

authority conferred upon it by law, order the separation of grades at said crossing at Belmont avenue, the said railway company hereby covenants and agrees that it will either remove the three tracks which by the terms of this indenture it is authorized to construct, maintain and operate across Belmont avenue, or will bear the entire cost of the said three tracks as it may elect to retain.

IN WITNESS WHEREOF, The parties hereto have caused this indenture to be executed in duplicate, the City of Indianapolis by its Board of Public Works, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, by its proper officers, all done this 10th day of January, 1908.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER,

Board of Public Works.

CLEVELAND, CINCINNATI, CHICAGO &
ST. LOUIS RAILWAY COMPANY,

By H. F. HOUGHTON,

General Superintendent.

Approved as to legal form.

FREDERICK E. MATSON,

Corporation Counsel.

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

By Board of Public Works:

General Ordinance No. 8—1908: An ordinance authorizing the sale and conveyance of certain real estate and personal property belonging to the City of Indianapolis.

WHEREAS, The Department of Public Works desires to sell and convey the real estate known as lot 31 and the north half of lot 32 in Haugh & Co's subdivision of block 9 in Holmes' West End addition in the City of Indianapolis, together with all personal property located thereon, which real estate and personal property is no longer needed by the City of Indianapolis; and

WHEREAS, On the 10th day of January, 1908, appraisers were appointed by the judge of the Marion Circuit Court, said appointment of appraisers and report submitted by them being as follows:

IN THE MARION CIRCUIT COURT.

STATE OF INDIANA COUNTY OF MARION, SS.:

In the matter of sale of certain
real estate and personal property,
by the City of Indianapolis.

APPOINTMENT OF APPRAISERS.

Comes now the Department of Public Works of the City of Indianapolis, by Frank J. Noll, Jr., clerk, and shows the court that said department de-

sires to sell and convey certain property belonging to the City of Indianapolis, and that said board has adopted a resolution as follows, to-wit:

"WHEREAS, The real estate known as lot 31 and the north half of lot 32 in Haugh & Co.'s sub. of block 9 in Holmes' West End addition, and personal property located thereon, is no longer needed by the City of Indianapolis; and

WHEREAS, It is desired and deemed best to have an appraisalment made and offer said property for sale.

Be it Resolved, That the clerk of the Board be and is hereby instructed to petition the judge of the Circuit Court to appoint three appraisers to fix a value on said real estate and personal property.

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works."

(Adopted this 10th day of January, 1908.)

And the court being duly advised in the premises, does now hereby appoint Robert F. Emmett, E. S. Boardman and W. P. Canfield as such appraisers, who shall make such inventory and appraisalment and return same, under oath, to the Mayor of the City of Indianapolis.

HENRY CLAY ALLEN,
Judge of Marion Circuit Court.

STATE OF INDIANA COUNTY OF MARION, SS.:

In the matter of sale of certain real estate and personal property by the City of Indianapolis.

APPRAISEMENT.

The undersigned, having been duly sworn on oath, depose and say:

That having been duly appointed by the judge of the Circuit Court in and for the county and state aforesaid, to make an appraisalment and sworn valuation of certain real estate and personal property inventoried by the Board of Public Works for the purpose of making a sale of same, we do now hereby honestly and truly appraise the real estate known as lot 31 and the north half of lot 32 in Haugh & Co.'s subdivision of block 9 in Holmes' West End addition, and personal property located thereon, as being of the fair and reasonable value of twenty-five hundred (\$2,500.00) dollars.

Dated this 17th day of January, 1908.

R. F. EMMETT,
E. S. BOARDMAN,
W. P. CANFIELD,
Appraisers.

Subscribed and sworn to before me this 17th day of January, 1908.

FRANK J. NOLL, JR.,
Notary Public.

My commission expires March 3, 1910.

APPROVAL BY THE MAYOR.

I, Charles A. Bookwalter, mayor of the City of Indianapolis, do hereby approve the foregoing proceedings and contemplated sale of the real estate and personal property herein inventoried, and also approve the appraisalment and sworn valuation made by said appraisers.

Dated this 17th day of January, 1908.

C. A. BOOKWALTER,
Mayor.

AND, WHEREAS, The foregoing appraisalment and contemplated sale of property has been submitted to the Common Council of the City of Indianapolis, Indiana, for its consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said appraisalment be and is hereby approved, and that the sale of said property be authorized for a sum not less than the appraised value.

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 Finance.

By Mr. Bangs:

General Ordinance No. 9—1908: An ordinance amending "clause d" in Section 2 and "clause f" in Section 6 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," approved May 16, 1907.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That certain paragraphs in "clause d" in Section 2 and "clause f" in Section 6 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," approved May 16, 1907, be and the same are hereby amended to read as follows:

"Clause d, Section 2. The sergeant-at-arms of the Common Council shall receive a salary at the rate of four hundred (\$400) dollars per annum."

"Clause f, Section 6. The secretary to the superintendent shall receive a salary at the rate of twelve hundred (\$1,200) dollars per annum."

The lieutenant of detectives shall receive a salary at the rate of fourteen hundred (\$1,400) dollars per annum.

The clerk of detectives shall receive a salary at the rate of twelve hundred (\$1,200) dollars per annum.

The police matrons shall each receive a salary at the rate of nine hundred (\$900) dollars per annum.

The telephone operators shall each receive a salary at the rate of two dollars and seventy-five cents (\$2.75) per day.

The Bertillon clerk shall receive a salary at the rate of twelve hundred (\$1,200) dollars per annum.

The custodian of the police station shall receive a salary at the rate of two dollars and seventy-five cents (\$2.75) per day.

The engineers at the police station shall receive a salary at the rate of two dollars and seventy-five cents (\$2.75) per day.

SEC. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 3. 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 Mr. Donavon:

General Ordinance No. 10—1908: An ordinance prohibiting the manufacture, storage and sale of certain explosive and inflammable products.

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 to construct, maintain, or operate any structure, building, or appurtenance thereto, within the corporate limits of said city for the manufacture, storage or sale of any elastic fluid or gas, which in its nature or composition shall be more highly explosive or combustible than merchantable illuminating gas, free from non-inflammable or poisonous qualities, in all respects of the highest standard of purity, and of not less than 18-candle light power.

SEC. 2. Any person, firm, or corporation violating the provisions of this ordinance shall be subject to a fine of not less than ten dollars (\$10.00), or more than fifty dollars (\$50.00), for each violation thereof, and each day's maintenance and operation of such plant or structure shall be deemed a separate violation of this ordinance.

SEC. 3. This ordinance shall be effective from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, of Indianapolis, Indiana.

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

By Mr. Stickelman:

General Ordinance No. 11—1908: An ordinance to amend Section 1 of an ordinance, entitled "An ordinance to amend Section 1 of an ordinance entitled An ordinance regulating the location, erection and maintenance or the establishment and maintenance of livery and feed stables, hereafter erected or established in the City of Indian-

apolis, fixing a penalty for the violation thereof, and fixing a time when the same shall take effect," approved December 15, 1905, and fixing a time when the same shall take effect," approved June 2, 1906.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Section 1 of the above entitled ordinance be, and the same is hereby amended to read as follows: Section 1. That Section (1) of an ordinance entitled "An ordinance regulating the location, erection and maintenance or the establishment and maintenance of livery and feed stables, hereafter erected or established, in the City of Indianapolis, fixing a penalty for the violation thereof, and fixing a time when the same shall take effect, approved December 15, 1905, be and the same is hereby amended as follows: Section 1. That it shall hereafter be unlawful for any person, partnership or corporation to locate, build and erect, or to establish and maintain any livery or feed stable within the City of Indianapolis, within sixty feet of any lot on which there is a dwelling house used for residence purposes; provided, however, that nothing herein shall be construed to prohibit any person, partnership or corporation from maintaining a stable, feed or sales barn for animals owned by him or them when said stable, feed or sales barn is for temporary use only.

SEC. 2. This ordinance shall be in full force and effect from and after its publication two weeks in the Indianapolis Sun.

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

By Mr. Royse:

General Ordinance No. 12—1908: An ordinance regulating the construction and regulation of moving picture theaters, and for the licensing of persons to operate moving picture machines and prescribing a penalty for the violation thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That all rooms or buildings which have heretofore been erected for the use in the operation of, or which may hereafter be erected for, or used in the operation of moving picture machines, shall be inspected and approved by the inspector of buildings of said city before the same shall be so used. Every room used for such purpose shall be on the ground floor of such building, and shall front on a public highway, and in no case shall there be a means of connection from said room to any other room or building, nor shall any other business be operated or conducted in such room. All exterior walls shall be of some incombustible material. The entire floor of the auditorium, foyer and the exits to the street shall be constructed of fireproof material throughout, or if joist construction is used in said floor, the space between such joise must be filled with fireproof material. Every room used for such purpose shall have at least one exit in addition to the main or front entrance to said room, which exit shall open direct into a street, alley, or courtyard, free from obstruction with direct access therefrom and to a public highway in said city. The doorways of the main entrance to such room shall be not less than five feet in width and all additional doorways shall be not less than three feet in width. All doors must open outward and shall not be

locked while the building is open to the public. Each exit shall be clearly indicated on the inside thereof by illuminated red signs with the word "exit" thereon in letters not less than six inches in height. No aisle shall be less than three feet in width. All seats shall be not less than thirty-one inches from back to back and not less than twenty inches in width, from center to center of the arms thereof and shall be firmly secured to the floor. No camp chairs or stools shall be used in said room. There shall be placed in a box or compartment in which said moving picture machine is operated, a three gallon chemical fire extinguisher, which shall be charged at least once in each year.

SEC. 2. It shall be unlawful for any person, firm, corporation, or individual to use, maintain, or operate any moving picture machine in such moving picture theater, or any regular theater, unless the person so operating the same shall first submit to an examination before the Board of Examiners, consisting of the inspector of buildings, the electrical inspector and the President of the Common Council of the City of Indianapolis touching his qualification thereon and receiving a license so to do.

SEC. 3. All persons having submitted to such examination and having satisfied such board of his qualifications as aforesaid, shall, upon the payment of the sum of five dollars to the Controller of said city, receive a license entitling and permitting him to operate such machine for a period of one year.

SEC. 4. Every moving picture machine so used for the purpose aforesaid must be enclosed in a fireproof booth or compartment, which booth or compartment shall be equipped with fireproof magazines for the top and bottom rolls of such machine. Extra films must be kept in metallic boxes with tight fitting covers. All wiring apparatus for electricity in the use of such machines shall be constructed in conformity with the National Electric Code in existence at the time of the installation of such wiring. Any person violating any of the provisions of this ordinance shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, to which may be added imprisonment for a period not exceeding six months.

SEC. 5. 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 said city.

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

By Mr. Royse:

General Ordinance No. 13—1908: An ordinance regulating the covering of hot air, steam and hot water pipes in buildings in the City of Indianapolis.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That all hot air, steam, or hot water pipes used or maintained in any building, structure, or appurtenance thereof within the City of Indianapolis, Indiana, whenever such pipes are by an ordinance of such City required to be covered, and the material of such cover is not designated by such ordinance, shall be covered with standard fire resisting covering, either by magnesium carbonite, calcium carbonite with binders of asbestos fibre, or asbestos fibre and sheet coverings.

SEC. 2. All persons violating this ordinance shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication according to law.

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

By Mr. Royse:

General Ordinance No. 14—1908: An ordinance providing for the construction of fire escapes, and stairways, and exits in certain buildings erected or to be erected in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That all buildings, three stories or more in height, used for the retail sale of goods, shall be provided with at least two stairways or fire-escapes from each floor and with at least two street exits. All exits from said buildings and the stairways above the first floor shall be clearly indicated by illuminated red signs with the word "exit" thereon in letters not less than six (6) inches long. Fire escape doors or windows shall be indicated by illuminated red signs with the words "fire-escape" thereon in letters not less than six (6) inches long.

SEC. 2. Any person violating this ordinance shall be subject to a fine of not less than five dollars (\$5.00), or more than one hundred dollars (\$100.00), for each violation thereof, to which may be added imprisonment for a period not exceeding six months.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication according to law.

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

By Mr. Bangs:

Special Ordinance No. 1—1908: An ordinance changing the names of certain streets in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the names of certain streets in the City of Indianapolis are hereby changed as follows:

Rural street, being that Rural street first street west of Oxford street, between Twenty-fifth street and Twenty-eighth street, changed to James street;

Harlan street, being the first street west of St. Paul street between English avenue and Southeastern avenue, changed to Price street;

Dupont street, running southeast through Canby place, and J. W. Murphy's Southeast addition, changed to Grace street;

Alabama street, from Terrace avenue to the second alley south, changed to Kennington street.

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 Ordinances.

By Mr. Portteus:

Special Ordinance No. 2—1908: An ordinance changing the name of Harvey street in the City of Indianapolis, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of the street known as Harvey street, extending from Ohio street to New York street is hereby changed to Dickson avenue.

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

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

MISCELLANEOUS BUSINESS.

By Mr. Donavon:

Resolution No. 1—1908:

WHEREAS, By an ordinance of the City of Indianapolis, in effect since June 20, 1904, it is ordained by said ordinance, as follows:

"SEC. 282. The Board of Health and Charities of the City of Indianapolis is hereby authorized, empowered and directed to appoint an Inspector of Plumbing and House Drainage, who shall be a practical plumber residing in the City of Indianapolis, and shall be required to pass an examination as to his qualifications by a board of three (3) practical plumbers engaged in the plumbing business and residing in the said city, said examining board to be selected by the Board of Health of said city.

"SEC. 283. Said Inspector shall serve during the incumbency of the said Board of Health and Charities who made the appointment, or until his successor is appointed and shall qualify. The Mayor shall issue to said Inspector a certificate of appointment, and the person named therein shall take the oath of office to be indorsed on said appointment, to support the Constitution of the United States, the Constitution of the State of Indiana, and the City Charter of the City of Indianapolis, and to faithfully and impartially discharge the duties of his office to the best of his skill and ability, which certificate and oath shall be filed with the City Clerk. Such appointee shall thereupon execute his bond to the City of Indianapolis to the approval of the Mayor in the sum of one thousand (\$1,000.00) dollars, with at least two freehold sureties, or with some ap-

proved surety companies, payable to the City of Indianapolis and conditioned on the faithful performance of all duties required of the incumbent of said office, which bond, after being so approved, shall be filed with the City Controller, who shall make a true copy thereof, and file the same with the City Clerk, whereupon a commission shall be issued to the said Inspector of Plumbing and House Drainage, signed by such Mayor, and attested by the said Clerk under the seal of the city.

"SEC. 284. The salary of such Inspector shall be fifteen hundred (\$1,500.00) dollars a year, payable quarterly out of the funds of the said city, at the same time and in the same manner that the elective officers of said city are paid."

AND WHEREAS, By Section 286 of said ordinance, it is further ordained: "Said board of examiners shall, as soon as may be after their appointment, meet at such time and place, as the Board of Health and Charities may designate, and at such other times as may be necessary, and proceed to carry out the provisions of this ordinance. Said board shall examine applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied, as to the competency of any such applicant, the City Controller shall, upon the presentation of such certificate, issue a license to such person to engage in the business of plumbing in the City of Indianapolis.

"Said examinations shall be in writing and record of questions and answers shall be kept. In event of there being any question as to the character or fairness of such examination, the same shall be referred to a committee of three persons, one chosen by the President of the Board of Health, one by the party questioning the act of the examining board, and the third party, a referee, selected by the two as above chosen. The decisions shall be submitted to the Board of Health in writing, and shall be final and conclusive. The referee or umpire thus chosen shall be entitled to a fee not exceeding five dollars (\$5.00) a day or a fractional part thereof, when employed in such matter.

"A fee for such examination and license shall be five dollars (\$5.00). All fees shall be paid into the office of the City Controller. In case of a firm, combination of persons or corporations engaged in the business of plumbing desiring to take out license, one member of such firm, combination or corporation, may elect to take out license in the manner indicated and which license shall entitle said firm, combination or corporation to do business in the City of Indianapolis."

AND, By Section 287 of said ordinance a bond of one thousand dollars (\$1,000.00) is required of all plumbers for the faithful performance of their duties, and

WHEREAS, The aforesaid ordinance was enacted for the purpose of protecting the city and its citizens against the operations of incompetent plumbers, and if put into effect would be of great public benefit, and

WHEREAS, The City Council in enacting said ordinance did by Section 286 aforesaid, provide for a fee of five dollars to be paid said city by such plumbers, thus providing a revenue to cover the expense of carrying out the provisions of said ordinance, and

WHEREAS, Although said ordinance if put into execution and effect would be of great benefit to the city and citizens and would yield a large revenue to the city, yet the City Controller has failed and neglected to recommend among the appropriations recommended, any item of appropriation necessary to carry out the provisions of said ordinance, thus making said ordinance ineffective and of no avail, and depriving the city and the citizens thereof, of the beneficial provisions of the same, and

WHEREAS, It is the desire of the City Council of the City of Indianapolis that the provisions of said ordinance be enforced, now, therefore,

Be it Resolved, That the City Controller of the City of

Indianapolis be, and is hereby requested to recommend to the City Council the appropriation of a sum of money sufficient to enable the officers designated in said ordinance, to put said ordinance into operation and enforce its provisions as they are ordained by said ordinance aforesaid, and that the City Controller be informed of this action.

Which was read and referred to the Committee on Public Health.

By Mr. Cottey:

Resolution No. 2—1908:

WHEREAS, Notice in writing has been served upon the several members of the Common Council by the Furnas Office and Bank Furniture Company, by its attorneys, Doan and Orbison, the same being dated January 11th, 1908, that said company, as successor to the L. C. Thompson Manufacturing Company, holds a judgment against the city in the sum of thirty-three hundred dollars (\$3,300.00) with costs, which judgment was rendered in the Boone Circuit Court on the 25th day of May, 1906; and

WHEREAS, In said written notice said company makes demand upon this Common Council to levy, collect and appropriate the necessary sum for the payment of said judgment, together with the accrued interest thereon and costs, and to instruct the City Controller of said city to draw a warrant for said sum so appropriated in favor of said Furnas Office and Bank Furniture Company.

Now Therefore, Be it resolved that this Common Council do not levy, collect and appropriate any sum whatever for the payment of said judgment, and do not instruct the City Controller of said city to draw a warrant in payment of said judgment, and that no steps whatever be taken in compliance with the aforesaid notice and demand of said Furnas Office and Bank Furniture Company.

Which was read and referred to the Committee on Judiciary.

ORDINANCES ON SECOND READING.

Mr. Royse called for General Ordinance No. 115, 1907, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 115, 1907, be stricken from the files.

Mr. Uhl called for the "ayes" and "noes."

The roll was called and General Ordinance No. 115, 1907, was stricken from the files by the following vote:

Ayes, 12, viz.: Messrs. Wood, Bangs, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 8, viz.: Messrs. Brown, Cottey, Hamlet, Eppert, Smither, Rhodes, Uhl and Hartmann.

On motion of Mr. Royse, the Common Council at 8:20 o'clock P. M., adjourned.

W. J. Neukom

President.

ATTEST:

James McNulty

City Clerk.

