

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, June 4, 1906.

The Common Council of the City of Indianapolis, met in the Council chamber, Monday evening, June 4, 1906, at 7:30 o'clock, in regular session, President Frederick W. Eppert in the chair.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 15 members, viz: Messrs. Brown, Hamlet, Wood, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royle, Sullivan, Hofmann, Hilken and Wright.

Absent, 5, viz.: Messrs. Cottey, Davis, Hartmann, Donavan and Henry.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 23, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 26, 1906, being "an ordinance providing for the transfer of certain funds heretofore appropriated to the Department of Public Health and Charities."

I have the honor to remain,

Very truly yours,
CHARLES A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 23, 1906.

To the President and Members of the Common Council:

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

Appropriation Ordinance No. 7, 1906, being "an ordinance appropriating the sum of \$1,000 to and for the use of the Finance Department."

Appropriation Ordinance No. 6, 1906, being "an ordinance appropriating \$200 to the Department of Finance to defray the expenses of Memorial Day."

General Ordinance No. 27, 1906, being "an ordinance regulating the distribution of medicine, and providing a penalty for the violation thereof."

I have the honor to remain.

Very truly yours,

CHARLES A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 22, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 19, 1906, being "an ordinance approving a certain contract granting E. C. Atkins & Company the right to lay and maintain a side-track or switch along Eddy street, across Henry street, in the City of Indianapolis."

I also return with my approval General Ordinance No. 20, 1906, being "an ordinance approving a certain contract granting Albert Minter the right to lay and maintain a side-track or switch across California street in the City of Indianapolis."

Yours very truly,

CHARLES A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., May 26, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 14, 1906, being "an ordinance to insure better protection of buildings from fire," etc.

I have the honor to remain,

Yours very truly,

CHARLES A. BOOKWALTER,
Mayor.

At this time Messrs. Cottey and Davis entered the Council Chamber and took their seats.

REPORTS FROM CITY OFFICERS.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 25, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board to forward to you the attached ordinance ratifying, confirming and approving a certain contract made and entered into on the 21st day of May, 1906, between the City of Indianapolis and the Indianapolis Sanitary Company, for the collection, delivery and disposal of garbage, dead animals, and for the disposal of night soil; and fixing the time when same shall take effect and remain in force, for your consideration and action thereon.

Yours truly,

BOARD OF PUBLIC WORKS,
Per Frank J. Noll, Jr., *Clerk.*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 18, 1906.

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 an ordinance authorizing the Board of Public Works to improve Park avenue from Twenty-first street to Sutherland avenue with asphalt roadway.

A petition having been filed, signed by a large number of the property-owners on the street for the improvement of said street with asphalt, the Board adopted a resolution for asphalt; and on the day of hearing a petition was filed asking the Board to modify said resolution so as to provide for bitulithic pavement. The improvement of this street is considered a public necessity, and for fear of being enjoined by the Courts, and endless delay on account of same, the Board has overruled this petition; and asks that your Honorable Body grant to them the right to make said improvement with asphalt.

Yours truly,

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

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 31, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you the attached ordinance authorizing the Board to improve Roosevelt avenue from Columbia avenue to Arsenal avenue, with cement walks. The citizens of Brightwood at a meeting held in the office of the Board recently, urged the Board to make improvements in that section of the city. This is the first matter that has been up since that time, and there has been a majority of the resident property-owners file a remonstrance against the improvement of this street, and the Board realizing this improvement to be a public necessity, asks your Honorable Body to assist them in making said improvement.

Yours truly,

BOARD OF PUBLIC WORKS,
Per Frank J. Noll, Jr., *Clerk.*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 2, 1906.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you ordinances for your consideration and action thereon, authorizing the Board to make the following improvements:

Twenty-second street, from Central avenue to College avenue, with brick roadway.

Twenty-second street, from College avenue to C., I. & L. Ry., with brick roadway.

First alley west of Central avenue, from Twenty-third to Twenty-fourth streets, with brick roadway.

The Board considers these very necessary improvements, and trusts that same will meet with your approval.

Respectfully yours,

BOARD OF PUBLIC WORKS,
Per Frank J. Noll, Jr., *Clerk.*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., May 28, 1906.

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, ordinances authorizing the Board of Public Works to make the following improvements:

Scioto street, from the north property line of St. Clair street to the south property line of St. Joseph street, with brick roadway and curbing.

First alley east of New Jersey street, from the north line of Twentieth street to the south line of Twenty-first street.

Seventeenth street, from west line west sidewalk of Martindale avenue to Lake Erie & Western Ry. tracks, with cement walks and curbing.

First alley east of Central avenue, from the north property line of Nineteenth street to the south property line of Twentieth street, with brick roadway.

Dorman street, from north property line of Michigan street to the south property line of Tenth street, except crossing of the bridge over Pogue's Run and St. Clair street, with brick roadway and curbing.

New York street (north side), from the west property line of Highland avenue to the east line of the second alley west of Dorman street, with cement walks, curbing and graded lawns.

Remonstrances have been filed against the improvement of these streets, but a large number of the property-owners are anxious that they be improved, and property-owners on street adjoining which have been improved have urged the Board to see that these streets are also improved. The Board feels that the locations are such that the improvement of these streets is a public necessity, and that the property is valuable enough to stand the cost of said improvements.

Yours truly,

FRANK J. NOLL, JR.,
Clerk of the Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., June 4, 1906.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 28, 1906, was referred, recommend that Section one of the same be amended so as to read as follows:

"SECTION I. Be it ordained by the Common Council of the City of Indianapolis, That Section one (1) of the above entitled ordinance be and the same is hereby amended to read as follows:

"SECTION I. 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."

And that when so amended recommend that the same do pass.

Respectfully submitted,

J. H. HAMLET.
JOHN F. WOOD.
WM. J. NEUKOM.
OTTO HOFMANN.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 29—1906: An ordinance ratifying, confirming and approving the certain contract, made and entered into on the 21st day of May, 1906, between the City of Indianapolis and the Indianapolis Sanitary Company, for the collection, delivery and disposal of garbage and dead animals, and for the disposal of night soil, and fixing the time when the same shall take effect and remain in force.

WHEREAS, *heretofore, to-wit:* On the 21st day of May, 1906, the City of Indianapolis, by and through its Board of Public Works, entered into the following contract and agreement with the Indianapolis Sanitary 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 this 21st day of May, 1906, 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 Sanitary 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 Sanitary

Company, party of the second part, the sum of fifty-two thousand dollars (\$52,000) per annum, for a term of five (5) years from and after the 26th day of May, 1907, payable in equal quarterly installments of \$13,000, on the first days of January, April, July and October of each year, during said five years, as full payment for the collection, delivery and disposal of all garbage and dead animals accumulating within the corporate limits of the City of Indianapolis, as the same shall be defined and exist on the 26th day of May, 1907, and the disposal of night soil, in all respects as defined in the Specifications adopted by the Board of Public Works of the City of Indianapolis, on the 2d day of May, 1906, under which the bid of the party of the second was submitted and accepted, which Specifications and general stipulations are hereby made a part of this contract, and which read as follows:

SPECIFICATIONS.

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

2. The word "garbage," wherever used herein, shall be taken to mean all organic household waste, offal, animal and vegetable matter, such as has been prepared for or intended to be used as food, or shall have arisen in the preparation of food. The contract shall also be construed to mean that the contractor shall collect, remove and dispose of all garbage from commission houses, wholesale and retail grocery stores, public markets, hotels, sanatoria, hospitals, fish stores and stands, restaurants, eating and apartment houses.

3. Garbage shall be collected at all places in the city from May 1st to November 1st, during each year of the existence of this contract, three times a week; from November 1st to May 1st, during each year of the existence of this contract, twice each week; *Provided, however,* That collections from commission houses, hotels, hospitals, fish stores and stands, restaurants and eating houses shall be made each day, and from public markets each market day, immediately after the close of market hours. It is understood that collections of garbage from apartment houses shall not be obligatory on the contractor, unless the owners shall provide and maintain garbage receptacles, on the ground floor of said apartment houses, which receptacles shall be water-tight and air-tight, easy of access to the collector, and easy to empty, the size, plan of construction and location of which receptacles shall be approved by the Board of Public Health and Charities, and which shall be at all times kept free from all offense to sight or smell, and from unsanitary conditions.

4. The exclusive right and privilege of collecting, removing and disposing of all garbage and dead animals in the City of Indianapolis, will be given to the successful bidder, under the contract to be entered into between said City and said successful bidder, and said contract will provide that no other person shall carry, convey, or transport through the streets, alleys or public places of the city, any such material, without being subjected to the penalties prescribed by the laws of the State and ordinances of said City, or the rules of the Health Departments of said State and City. And the City agrees, on her part, to prevent, as far as may be lawful, any person other than the contractor, from gathering, hauling, removing, or carrying any garbage or dead animals within the City limits.

5. The contractor in the collection and removal of the garbage under the contract to be made shall, for said purpose, provide himself with water-tight vessels, tanks or boxes, mounted on two or four wheels, which shall, when containing garbage or matter giving off noxious odors, be securely and tightly covered on top in a manner to be approved by the Board of Public Health and Charities, so as to prevent the contents or any odor

escaping therefrom, and when unloaded, after the delivery of each load to the desiccating plant, each vessel, wagon or tank shall be thoroughly washed and disinfected to the satisfaction of the Board of Public Health and Charities, and the vehicles drawing such vessel, box or tank shall be at all times so loaded and driven that none of the material shall fall upon the ground, run out or spill therefrom. All vehicles carrying such vessels, tanks or boxes shall have on both sides thereof a sign with the words "City Contractor Garbage Cart" or "City Contractor Garbage Wagon," painted thereon, together with the number of the vehicle, to be at all times plain and unobscured, in black letters not less than four inches in length, on white background; the number of the wagon to be selected and registered in the office of the Board of Public Health and Charities.

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 (30) days after beginning 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 a sufficient equipment to collect and remove all garbage and dead animals 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 collections from houses 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 of this contract, 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 dimensions, and shall contain such extracts of the City's ordinances governing the responsibility of the producer of garbage, the responsibility of the collector for removal, etc., and such recommendations and rules as the Board of Public Health and Charities may desire to place on said card.

8. It will be the duty of every resident householder, tenant, hotel-keeper, boardinghouse-keeper, retail dealer, 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 vessels, tanks or receptacles for holding garbage, said vessels, tanks or receptacles to be perfectly water-tight, and so kept, with a handle or handles on the outside, and provided with a tightly-fitting cover, which cover shall not be removed except when absolutely necessary, or such other design of vessel, tank or receptacle can be used as shall be approved by the Board of Public Health and Charities. Said vessels, tanks or receptacles shall be kept or placed in the rear of the house, or in the basement areas or passageways most accessible to be collected, and never upon the street, alley, sidewalk or other public place, and shall be of a capacity of not less than one bushel nor more than three (3) bushels. All such vessels, tanks or receptacles 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 pur-

pose authorized, shall in any manner interfere with said vessels, tanks or receptacles 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, tanks or receptacles 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 garbage 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 garbage, 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 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 will be the duty of the Board of Public Health and Charities to investigate all complaints made of failures on the part of the householders, tenants, hotel-keepers, boardinghouse-keepers, all parties or persons occupying dwellings within the City of Indianapolis, commission houses, wholesale and retail dealers, sanatoria, hospitals, fish stores and stands, restaurants, eating houses and owners of apartment houses to comply with the provisions of the ordinance requiring the placing of vessels, tanks or receptacles 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 both telephones. 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 or their duly authorized agent, 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 relet 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 garbage and household waste 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 may 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 garbage 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 estimates of the amount of work to be done and sum due therefore at the end of each quarter of the fiscal year, and the sum so estimated and 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 garbage 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 practicable, all garbage collected through the alleys in the city, not making use of the prominent business or residence streets. In all cases of dispute regarding the using of an alley or street as an avenue for the hauling of garbage, the Board of Public Health and Charities shall decide which route to haul upon. Said Board shall notify the contractor or his agents in writing of its decision, and said Board shall investigate and report to the Board of Public Works each case wherein the contractor or his agent or agents, after the above due notice in writing, repeat the offense, and said Board of Public Works shall impose for each offense a fine of not less than \$1.00 nor more than \$5.00 for the first offense at any one place, nor less than \$5.00 nor more than \$10.00 for any subsequent offense at the same place, which amount shall be withheld from the contractor when settlement is made.

20. Whenever, after the contract for the collection, removal and disposal of garbage 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 collections of garbage 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 contract for the collection, removal and disposal of garbage.

21. Garbage must be disposed of in a sanitary manner, by the reduction method, not prejudicial to the public health. The process must be not only not offensive or noisome in its operation, but must also be effective and sanitary in the destruction or reduction of garbage.

22. Each bidder shall submit with his bid drawings distinctly and clearly showing his method by which it is intended to dispose of the garbage and dead animals; but no bid will be considered that contemplates the dumping of such material either within or without the corporate limits of the City, or of feeding the same to animals.

23. Each bidder must satisfy himself by his own observations and figures, as to the quantity of work to be done, and must bid to collect, remove and dispose of all garbage and dead animals, regardless of the quantity.

24. The contractor shall dispose of all night soil delivered to him at the

plant established and maintained for that purpose, during the hours from six o'clock A. M. and six o'clock P. M., during the months of May, June, July, August, September and October, and from seven A. M. and five P. M., during the months of November, December, January, February and March. The Board of Public Health and Charities shall prescribe in what manner said night soil shall be disposed of. And should the contractor fail to dispose of the same in the manner prescribed by said Board, it (said Board) shall have the right to cause said night soil to be so disposed of and charge said contractor with the expenses thereof, and the amount of such cost shall be deducted from the amounts due such contractor under his bid.

25. If the contractor so desires it, the City of Indianapolis shall furnish free of rent such portion of the land owned by the City of Indianapolis and known as "Sellers' Farm" as may be necessary for the maintenance and operation of a plant: *Provided, however,* That the contractor may furnish his own ground nearer to the City of Indianapolis, such location to be approved by the Board of Public Works and the Board of Public Health and Charities of said City.

26. The 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 freeholder 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.

27. The contractor shall agree to complete a plant, together with all equipment, vehicles and other equipment contemplated in these specifications, within six months after the contract shall have been approved by the Common Council of the City of Indianapolis.

28. The contract shall be in force and effect for a period of five (5) years from May 26, 1907, and in said contract it shall be provided and stipulated that at any time not less than three (3) nor more than six (6) months before the expiration of said contract the City shall have the option under any authority conferred by law to become the purchaser of all the tangible property constituting the plant and equipment of the contractor for the collection, removal and disposal of garbage and dead animals, and for the disposal of night soil, by the payment to the contractor, or his successors or assigns, the fair market value of such tangible property, and in case of the said City, through its proper officers, and the said contractor, his successors or assigns are unable to agree as to the fair market value of said tangible property, the same shall be determined by three (3) citizens of Indiana, who shall be freeholders and voters, one of whom shall be chosen by the Mayor of said City, one by the said contractor, his successors or assigns, and the third by the person who shall then be judge of the Circuit Court of Marion County, Indiana, and the finding of said committee as to such value shall be binding upon both said City and said contractor, his successors or assigns, and such City will, by the terms of said contract, be bound to pay, and the said contractor, his successors or assigns bound to receive, the said amount as the purchase price of said tangible property: *Provided,* That nothing contained herein nor in said contract shall be so construed as to compel said City to purchase said property unless it, by its officers, elects to have the market value of the same appraised as hereinbefore provided.

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 garbage shall be col-

lected, as to the intervals between the collections of the garbage, and the mode of doing the same.

3. If the 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 agents, to the superintendents 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 order 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 in relation to obstructing streets, keeping open passageways and protecting the same where exposed, maintaining signals, and generally to obey all 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 injury 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 or reasonable police ordinances, or of the Board of Health and Charities to adopt necessary and reasonable rules or regulations in the interest of the 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, Room 5, Court House basement, until the hour of 10 o'clock A. M. on the 18th day of May, 1906, for the collection, removal, delivery and disposal of all garbage and dead animals, and for the disposal of night soil, according to the specifications and stipulations therefor on file in the office of said Board, and adopted on the 2d day of May, 1906.

2. Proposals must be signed by the bidders 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 any 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 services bid upon, or to be done or furnished under the proposed contract, or to prevent any other bidder or bidders from bidding, or to induce any bidder or bidders to refrain from bidding on such contract and 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 responsible 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 (\$5,000) dollars, 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 (10) 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 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 "Proposal for the Collection, Removal and Disposal of Garbage and Dead Animals, and for the Disposal of Night Soil, from 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, for the term of five years, stating the price per year for said period.

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

[SEAL.]

Approved, May 2, 1906.

JOSEPH T. ELLIOTT.

P. C. TRUSLER.

F. J. MACK.

Board of Public Works.

The first payment under this contract, shall be made on the first day of July, 1907, and shall cover the period from May 26th to June 30, 1907, at said rate of \$13,000 per quarter: *Provided*, That any additional amounts to be paid on account of the extension of the corporate limits of said City, under Specification 20 and any action of said Board of Public Works that may be had thereunder, shall also be added to said quarterly sum of \$13,000, 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 of said City, 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 terms and provisions.

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 parties 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, delivery and disposal of garbage and dead animals, and the disposal of night soil, under the terms and conditions of this contract, shall begin on the 26th day of May, 1907, and end on the 26th day of May, 1912.

It is further agreed by the party of the second part, that it will accept from said party of the first part, said sum of \$52,000 per annum (with such additional amounts as will become due for additional work covered by added territory, as defined in Specification number 20), for each of the five years, respectively, beginning on said 26th day of May, 1907, in full for said collection, delivery and disposal of garbage and dead animals, and for the disposal of night soil, 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 Sanitary 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, this 21st day of May, 1906.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER.

F. J. MACK.

Board of Public Works.

INDIANAPOLIS SANITARY COMPANY,

By S. E. Rauh,

President.

ATTESTS

F. M. BACHMAN,
Secretary.

Know All Men by These Presents, That the Indianapolis Sanitary Company, as principal, and Samuel E. Rauh and Frederick M. Bachman, as sureties, all of the County of Marion and State of Indiana, are held and firmly bound unto the City of Indianapolis, Marion County, Indiana, in the penal sum of fifty thousand dollars (\$50,000), for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators and assigns, firmly by these presents.

The conditions of this bond are that,

WHEREAS, The above bounden Indianapolis Sanitary Company, did, on the 21st day of May, 1906, enter into a certain contract with the City of Indianapolis, by and through its Board of Public Works, for the collection, delivery and disposition of garbage and dead animals, and the disposition of night soil, of and for the City of Indianapolis, Indiana; and

WHEREAS, By the terms of said contract the said Indianapolis Sanitary Company is not to abandon said contract, but is to proceed in good faith to carry out the undertakings assumed by it, as set forth in said contract; now

Therefore, If said Indianapolis Sanitary Company does not abandon or violate the terms of said contract, but shall proceed in good faith according to the conditions and provisions of the same, to carry out the under-

takings assumed by it, according to the true intent and meaning thereof, then this obligation shall be void; otherwise to be and remain in full force and effect.

Witness, Our hands and seals, this 25th day of May, 1906.

INDIANAPOLIS SANITARY COMPANY,

By S. E. Rauh,
President.

[SEAL.]

ATTEST:

F. M. BACHMAN,
Secretary.

S. E. RAUH.

F. M. BACHMAN.

STATE OF INDIANA, MARION COUNTY, SS.:

Before me, the undersigned Notary Public of said County and State, personally appeared Samuel E. Rauh and Frederick M. Bachman, who, on their own behalf, as sureties, acknowledged the execution of the foregoing bond, and also said Samuel E. Rauh, as President of the Indianapolis Sanitary Company, for and on behalf of said Company, acknowledged the execution of said bond by said Indianapolis Sanitary Company, all on this 25th day of May, 1906.

Witness, My hand and Notarial seal, the day and year above written.

My commission expires January 1, 1910.

[SEAL.]

CHARLES A. CARTER,
Notary Public.

Approved, May 25, 1906:

JOSEPH T. ELLIOTT.

P. C. TRUSLER.

F. J. MACK.

Board of Public Works.

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 21st day of May, 1906, by the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Sanitary Company, be, and the same is hereby, in all things ratified, confirmed and approved.

SEC. 2. This ordinance shall be in effect from and after its passage and approval by the Mayor.

Referred to Committee on Contracts and Franchises.

By Board of Public Works:

General Ordinance No. 30—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Park avenue from the north property line of Twenty-first street to the south property line of Sutherland avenue, with asphalt roadway, brick gutters and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of April, 1906, adopt Improvement Resolution No. 4493, 1906, for the improvement of Park avenue, from the north property line of Twenty-first street to the south property line of Sutherland avenue, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty-five (25) feet laid on a six (6)

inch gravel concrete foundation; curbing the outer edges of the roadway; grading and paving the gutters with brick to a uniform width of thirty (30) inches laid on a six (6) inch gravel concrete foundation; grading and paving in a similar manner the wings of intersecting streets and alleys to widths shown on plan, constructing the necessary inlets and placing marginal stones where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of May, 1906, 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 19th day of April, 1906, and the 26th day of April, 1906, 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 4th day of May, 1906, the Board having met in regular session, and a petition to modify said Resolution so as to provide for bitulithic pavement having been filed, the Board postponed further action, pending the investigation of said petition; and

WHEREAS, On the 17th day of May, 1906, the City Civil Engineer filed his written report, stating that a majority of the resident property-owners had signed said petition; and

WHEREAS, On the 18th day of May, 1906, the said Board of Public Works took final action, confirming said resolution as originally adopted, overruling said petition, and 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 Park avenue, from the north property line of Twnty-first street to the south property line of Sutherland avenue, by grading and paving the roadway with asphalt from gutter line to gutter line to a uniform width of twenty-five (25) feet laid on a six (6) inch gravel concrete foundation; curbing the outer edges of the roadway; grading and paving the gutters with brick to a uniform width of thirty (30) inches laid on a six (6) inch gravel concrete foundation grading and paving in a similar manner the wings of intersecting streets and alleys to widths shown on plans, constructing the necessary inlets and placing marginal stones where shown on plans, in accordance with Improvement Resolution No. 4493, 1906, adopted by the Board of Public Works, on the 18th day of May, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 31—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Roosevelt avenue, (northwest side) from east curb line of Columbia avenue to west curb line of Arsenal avenue, with cement walks, as provided for by Improvement Resolution No. 4488.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 16th day of April, 1906, adopt Improvement Resolution No. 4488 1906, for the improvement of Roosevelt avenue (northwest side),

from the east curb line of Columbia avenue to the west curb line of Arsenal avenue, by grading and paving the sidewalks with cement to a uniform width of six (6) feet placed next to the property line and grading the lawns.

WHEREAS, The said Board of Public Works did at the same time fix the 2d day of May, 1906, 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 17th day of April, 1906, and the 24th day of April, 1906, 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 2d day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 2d day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Roosevelt avenue, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 21st day of May, 1906, 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 28th day of May, 1906, 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 Roosevelt avenue from the east curb line of Columbia avenue to the west curb line of Arsenal avenue, by grading and paving the sidewalks with cement to a uniform width of six (6) feet placed next to the property line and grading the lawns, in accordance with Improvement Resolution No. 4488, 1906, adopted by the Board of Public Works on the 16th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 32—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-second street, from east property line of Central avenue to west property line of College avenue, except crossing of Park avenue and Broadway, with brick roadway, brick gutters and curb, as provided for by Improvement Resolution No. 4511.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 27th day of April, 1906, adopt Improvement Resolution No. 4511, 1906, for the improvement of Twenty-second street, from the east property line of Central avenue to the west property line of College avenue, except the crossings of Park avenue and Broadway, by grading and paving the roadway with brick laid on a six (6) inch gravel concrete foundation, including the wings of intersecting streets and alleys, to a uniform width of twenty-seven (27) feet from curb line to curb line, except where otherwise shown on plans, and curbing the outer edges of the roadway; placing

the necessary marginal stones where shown on plans; constructing inlets and catch basins; resetting inlets and laying drain pipe twelve (12) inches in diameter, all as shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 14th day of May, 1906, 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 April, 1906, and the 5th day of May, 1906, 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 14th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 14th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Twenty-second street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 28th day of May, 1906, 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 1st day of June, 1906, 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 Twenty-second street, from the east property line of Central avenue to the west property line of College avenue, except the crossing of Park avenue and Broadway, by grading and paving the roadway with brick laid on a six (6) inch gravel concrete foundation, including the wings of intersecting streets and alleys, to a uniform width of twenty-seven (27) feet from curb line to curb line, except where otherwise shown on plans; curbing the outer edges of the roadway; placing the necessary marginal stones where shown on plans; constructing inlets and catch basins; resetting inlets and laying drain pipe twelve (12) inches in diameter, all as shown on plans, in accordance with Improvement Resolution No. 4511, 1906, adopted by the Board of Public Works on the 27th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 33—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Central avenue, from the north property line of Nineteenth street to the south property line of Twentieth street, with brick roadway, as provided for by Improvement Resolution No. 4495.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of April, 1906, adopt Improvement Resolution No. 4495, 1906, for the improvement of the first alley east of Central avenue, from the north property line of Nineteenth street to the south property line of Twentieth street, by grading and paving the roadway with

brick from property line to property line to a uniform width of thirteen and thirty-three hundredths (13.33) feet, laid on a six (6) inch gravel concrete foundation; except one and one-half ($1\frac{1}{2}$) inches on each side being marginal plank and placing the necessary marginal stones where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of May, 1906, 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 the said time for hearing was published on the 19th day of April, 1906, and the 26th day of April, 1906, 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 4th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 4th and 11th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of first alley east of Central, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 21st day of May, 1906, 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 21st day of May, 1906, 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 the first alley east of Central avenue, from the north property line of Nineteenth street to the south property line of Twentieth street, by grading and paving the roadway with brick from property line to property line to a uniform width of thirteen and thirty-three hundredths (13.33) feet, laid on a six (6) inch gravel concrete foundation, except one and one-half ($1\frac{1}{2}$) inches on each side being marginal plank and placing the necessary marginal stones where shown on plans, in accordance with Improvement Resolution No. 4495, 1906, adopted by the Board of Public Works on the 18th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 34—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Dorman street, from the north property line of Michigan street to the south property line of Tenth street, except the crossing of the bridge over Pogue's Run and St. Clair street, as provided for in Improvement Resolution No. 4492.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of April, 1906, adopt Improvement Resolution No. 4492, 1906, for the Improvement of Dorman street, from the north property line of Michigan street to the south property line of Tenth street,

except the crossing of the bridge over Pogue's Run and St. Clair street, by grading and paving the roadway with brick from curb line to curb line to a uniform width of twenty-four (24) feet, laid on a six (6) inch gravel concrete foundation; grading and paving in a similar manner the wings of intersecting streets and alleys; curbing the outer edges of the roadway; laying necessary drain, constructing manholes, catch basins and inlets; resetting inlets, and placing necessary marginal stones, all as shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of May, 1906, 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 10th day of April, 1906, and the 26th day of April, 1906, 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 4th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 14th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Dorman street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 17th day of May, 1906, 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 21st day of May, 1906, 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 Dorman street, from the north property line of Michigan street to the south property line of Tenth street, except the crossing of the bridge over Pogue's Run and St. Clair street, by grading and paving the roadway with brick from curb line to curb line to a uniform width of twenty-four (24) feet, laid on a six (6) inch gravel concrete foundation; grading and paving in a similar manner the wings of intersecting streets and alleys; curbing the outer edges of the roadway; laying necessary drain; constructing manholes, catch basins and inlets; resetting inlets, and placing the necessary marginal stones, all as shown on plans, in accordance with Improvement Resolution No. 4492, 1906, adopted by the Board of Public Works on the 18th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 35—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve New York street, north side, from the west property line of Highland avenue to the east line of the second alley west of Dorman street, as provided for by Improvement Resolution No. 4507, with cement sidewalk, curb and graded lawns.

WHEREAS, The Board of Public Works of the City of Indianapolis, In-

diana, did on the 23d day of April, 1906, adopt Improvement Resolution No. 4507, 1906, for the improvement of New York street, "north side," from the west property line of Highland avenue to the east line of the second alley west of Dorman street, by grading and paving the sidewalks with cement to a uniform width of four (4) feet placed next to the curb; curbing the outer edges of the roadway; placing the necessary single walk stones at the street and alley intersections, bouldering same and grading the lawns.

WHEREAS, The said Board of Public Works did at the same time fix the 9th day of May, 1906, 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 24th day of April, 1906, and the 1st day of May, 1906, 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 May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 9th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of New York street, "north side," and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 24th day of May, 1906, 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 25th day of May, 1906, 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 New York street, "north side," from the west property line of Highland avenue to the east line of the second alley west of Dorman street, by grading and paving the sidewalks with cement to a uniform width of four (4) feet placed next to the curb; curbing the outer edges of the roadway; placing the necessary single walk stones at the street and alley intersections, bouldering same and grading the lawns, in accordance with Improvement Resolution No. 4507, 1906, adopted by the Board of Public Works on the 23d day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 36—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Scioto street, from the north property line of St. Clair street to the south property line of St. Joseph street, as provided for by improvement Resolution No. 4491.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 18th day of April, 1906, adopt Improvement Resolution No. 4491, 1906, for the improvement of Scioto street, from the north property line of St. Clair street to the south property line of St. Joseph street,

except the crossing of Pratt street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation to a uniform width of twenty (20) feet from curb line to curb line; grading and paving in a similar manner the wings of intersecting alley; curbing the outer edges of the roadway, constructing inlets and placing marginal stones where shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 4th day of May, 1906, 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 19th day of April, 1906, and the 26th day of April, 1906, 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 4th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 4th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Scioto street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 21st day of May, 1906, 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 21st day of May, 1906, 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 Scioto street, from the north property line of St. Clair street to the south property line of St. Joseph street, except the crossing of Pratt street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation to a uniform width of twenty (20) feet from curb line to curb line; grading and paving in a similar manner the wings of intersecting alley; curbing the outer edges of the roadway, constructing inlets and placing marginal stones where shown on plans, in accordance with Improvement Resolution No. 4491, 1906, adopted by the Board of Public Works on the 18th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 37—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of New Jersey street, from the north line of Twentieth street to the south line of Twenty-first street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation from property line to property line, to a uniform width of fifteen (15) feet, except one and one-half (1½) inches on each side being oak marginal plank, and placing the necessary marginal stones.

WHEREAS, The Board of Public Works of the City of Indianapolis, In-

diana, did on the 20th day of April, 1906, adopt Improvement Resolution No. 4500, 1906, for the improvement of the first alley east of New Jersey street, from the north line of Twentieth street to the south line of Twenty-first street, by grading and paving the roadway with brick laid on a six (6) inch gravel concrete foundation from property line to property line to a uniform width of fifteen (15) feet, except one and one-half ($1\frac{1}{2}$) inches on each side being oak marginal plank, and placing the necessary marginal stones.

WHEREAS, The said Board of Public Works did at the same time fix the 7th day of May, 1906, 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 21st day of April, 1906, and the 28th day of April, 1906, 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 7th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 16th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of first alley east New Jersey street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 21st day of May, 1906, 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 21st day of May, 1906, 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 the first alley east of New Jersey street, from the north line of Twentieth street to the south line of Twenty-first street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation from property line to property line to a uniform width of fifteen (15) feet, except one and one-half ($1\frac{1}{2}$) inches on each side being oak marginal plank, and placing the necessary marginal stones, in accordance with Improvement Resolution No. 4500, 1906, adopted by the Board of Public Works on the 20th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 38—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Seventeenth street, from west line west sidewalk of Martindale avenue to Lake Erie & Western Ry. tracks, with cement walks and curbing, as provided for by Improvement Resolution No. 4489.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 16th day of April, 1906, adopt Improvement Resolution No. 4489, 1906, for the improvement of Seventeenth street, from the west line of the west sidewalk of Martindale avenue to the Lake Erie & Western

Railroad tracks, by grading and paving the sidewalks with cement to a uniform width of five (5) feet placed next to the curb; curbing the outer edges of the roadway; placing the necessary single walk stones at the street and alley intersections, bouldering same and grading the lawns.

WHEREAS, The said Board of Public Works did at the same time fix the 2d day of May, 1906, 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 17th day of April, 1906, and the 24th day of April, 1906, 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 2d day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 8th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Seventeenth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 18th day of May, 1906, 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 23d day of May, 1906, 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 Seventeenth street, from the west line of the west sidewalk of Martindale avenue to the Lake Erie & Western Railroad tracks, by grading and paving the sidewalks with cement to a uniform width of five (5) feet placed next to the curb; curbing the outer edges of the roadway; placing the necessary single walk stones at the street and alley intersections, bouldering same and grading the lawns, in accordance with Improvement Resolution No. 4489, 1906, adopted by the Board of Public Works on the 16th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 39—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve first alley west of Central avenue, from north property line of Twenty-third street to south property line of Twenty-fourth street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 20th day of April, 1906, adopt Improvement Resolution No. 4498, 1906, for the improvement of first alley west of Central avenue, from the north property line of Twenty-third street to the south property line of Twenty-fourth street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation from property line to property line to a uniform width of fifteen (15) feet, except one and one-half inches on each side being oak marginal plank, and placing the necessary marginal stones.

WHEREAS, The said Board of Public Works did at the same time fix the 7th day of May, 1906, 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 21st day of April, 1906, and the 28th day of April, 1906, 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 7th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 5th and 16th days of May, 1906, written remonstrances were filed with the Board against the said Improvement of first alley west of Central avenue, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 1st day of June, 1906, 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 1st day of June, 1906, 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 the first alley west of Central avenue, from the north property line of Twenty-third street to the south property line of Twenty-fourth street, by grading and paving the roadway with brick, laid on a six (6) inch gravel concrete foundation from property line to property line to a uniform width of fifteen (15) feet, except one and one-half inches on each side being oak marginal plank, and placing the necessary marginal stones, in accordance with Improvement Resolution No. 4498, 1906, adopted by the Board of Public Works on the 20th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Board of Public Works:

General Ordinance No. 40—1906: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-second street, from the east property line of College avenue to the C. I. & L. R. R. tracks, with brick roadway and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 27th day of April, 1906, adopt Improvement Resolution No. 4509, 1906, for the improvement of Twenty-second street, from the east property line of College avenue to the Monon Railroad tracks, by grading and paving the roadway with brick from curb line to curb line to a uniform width of twenty-seven (27) feet, same to be laid on a six (6) inch gravel concrete foundation; paving in a similar manner to widths shown on plans, the wings of intersecting streets and alleys; placing the necessary marginal stones; curbing the outer edges of the roadway and constructing inlets, all as shown on plans.

WHEREAS, The said Board of Public Works did at the same time fix the 14th day of May, 1906, at 10 o'clock A. M. as a date to hear all persons in-

terested 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 April, 1906, and the 5th day of May, 1906, 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 14th day of May, 1906, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 14th day of May, 1906, a written remonstrance was filed with the Board against the said improvement of Twenty-second street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 1st day of June, 1906, 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 1st day of June, 1906, 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 Twenty-second street, from the east property line of College avenue to the Monon Railroad tracks, by grading and paving the roadway with brick from curb line to curb line to a uniform width of twenty-seven (27) feet, same to be laid on a six (6) inch gravel concrete foundation; paving in a similar manner to widths shown on plans, the wings of intersecting streets and alleys; placing the necessary marginal stones; curbing the outer edges of the roadway and constructing inlets, all as shown on plans, in accordance with Improvement Resolution No. 4509, 1906, adopted by the Board of Public Works on the 27th day of April, 1906.

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

Referred to Committee on Sewers, Streets and Alleys.

By Mr. Uhl:

General Ordinance No. 41—1906: An ordinance establishing and declaring certain parts of Capitol avenue in the City of Indianapolis, to be a boulevard under the control and management of the Board of Park Commissioners.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That that portion of the street known as Capitol avenue, between its intersection with the north line of Vermont street, and the south line of Thirty-eighth street, be and the same is hereby established and declared to be a boulevard, and shall be under the exclusive government, management and control of the Board of Park Commissioners of said City, subject to the laws of the State, and to the powers of the Common Council in relation thereto.

SEC. 2. The provisions of this ordinance shall be in force and effect from and after the first day of October, 1906.

Referred to Committee on Public Property and Improvements.

MISCELLANEOUS BUSINESS.

INDIANAPOLIS, June 2, 1906.

To the President and Members of the Common Council:

I wish to thank you for your kind resolution, your token of respect to the memory of my dear husband, James W. McGrew. How true they are, "a loving husband, an honest citizen and a true friend has been taken." God alone knows why. I appreciate very much your words of kindly sympathy.

Respectfully,

OLIVE E. MCGREW.

ORDINANCES ON SECOND READING.

Mr Hamlet called for General Ordinance No. 28, 1906, for second reading. It was read a second time.

Mr. Hamlet moved that General Ordinance No. 28, 1906, be ordered engrossed as amended by the committee, read a third time and placed upon its passage. Carried.

General Ordinance No. 28, 1906, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Sullivan, Hofmann, Hilkene, Wright and President Frederick W. Eppert.

Noes, none.

On motion of Mr. Wright, the Common Council, at 7:55 o'clock, P. M., adjourned.

Fred. W. Eppert

 President.

ATTEST:

James M. Nulty

 City Clerk.

