

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, February 6, 1911.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 6, 1911, at 7:30 o'clock, in regular session, President John Blumberg in the chair.

Present: The Hon. John Blumberg, President of the Common Council, and 8 members, viz: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Stilz and Troy.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., January 17, 1911.

To the President and Members of the Common Council:

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

Appropriation Ordinance No. 87, 1910, being "An ordinance appropriating the sum of \$300.00 to and for the use of the Department of Finance, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 88, 1910, being "An ordinance appropriating the sum of \$121.93 to and for the use of the Department of Finance, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 90, 1910, being "An ordinance appropriating the sum of \$1,800.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 4, 1911, being "An ordinance appropriating the sum of \$500.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Very truly yours,

S. L. SHANK,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., February 1, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I am enclosing herewith with my approval the following ordinances:

General Ordinance No. 3, 1911, being "An ordinance providing for the transfer of \$4,000.00 from a certain fund to a certain fund in and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 2, 1911, being "An ordinance appropriating the sum of \$2,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 3, 1911, being "An ordinance appropriating the sum of \$3,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 6, 1911, being "An ordinance appropriating the sum of \$185.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 7, 1911, being "An ordinance appropriating the sum of \$1,288.90 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 9, 1911, being "An ordinance appropriating the sum of \$9,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 11, 1911, being "An ordinance appropriating the sum of \$1,825.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 16, 1911, being "An ordinance appropriating the sum of \$9,800.00 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

I have the honor to remain,

Very truly yours,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the City Treasurer, Mr. Fishback, requesting me to recommend an appropriation of \$314.70, to and for the use of the Department of Finance.

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

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

TREASURER'S OFFICE,
CITY OF INDIANAPOLIS
AND COUNTY OF MARION,
INDIANAPOLIS, IND., January 31, 1911.

Harry Wallace, City Controller, City:

DEAR SIR: I enclose you herewith my vouchers and receipts for legal services paid in the two suits, one brought by me in the Circuit Court as City Treasurer, and one brought against me as City Treasurer in Room 3, Superior Court, which cases involved the right of Robinson and Schare to remove and take away the card index system of the Barrett law assessment books of the City of Indianapolis. You can readily see the significance of these suits and what they would have meant to the City of Indianapolis, as whose officer I was compelled to litigate them.

The removal of these card index systems would have thrown the work of collecting the special assessments of the city into confusion and would have made this work practically impossible. By this litigation, the decision of the Circuit Court being sustained by the unanimous opinion of the Supreme Court, the card index system and the right to continue to use it, has been saved to the City of Indianapolis. I feel that it is fair that my legal expenses incurred by this litigation should be paid by the city. In addition to these expenses I paid \$14.70 for the printed brief filed in the Supreme Court, making a total of \$314.70, for which an appropriation should be made.

Very truly,

FRANK S. FISHBACK.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the honorable Judge of the Police Court requesting me to recommend an appropriation of \$37.85 for services rendered by Johnson and Metcalf, to and for the use of the Department of Finance.

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

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

CITY COURT OF THE
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., February 4, 1911.

Harry Wallace, City Controller, City:

DEAR SIR: I am sending you herewith ordinance prepared by Mr. Lamkin providing for the appropriation of \$37.85 for Johnson and Metcalf in reporting the housing cases in the west end of the city. There were forty-four (44) cases brought in by the Health Department, and in order for the court to arrive at a proper conclusion in the matter, it was necessary to have the evidence reduced to writing.

Mr. Metcalf of this firm did the work, covering five separate sessions of court, and rendered a very reasonable bill.

Trusting that you will recommend the appropriation, I remain,

Yours very truly,

JAMES A. COLLINS,
City Judge.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Safety requesting me to recommend an appropriation of \$5,000.00 to the fund for the payment of "Automobile Patrol Wagon."

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

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 1, 1911.

Harry Wallace, City Controller, City:

DEAR SIR: At a meeting of the Board of Public Safety, held this date, it was decided to request you to please ask the Common Council to appropriate for the use of the Police Department, under a fund to be known as "Automobile Patrol Wagon," the sum of five thousand dollars (\$5,000.00) for the purchase of a new automobile patrol wagon, to replace the one now in use and fast wearing out, which is costing too much to keep in running order.

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

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend the passage of an ordinance appropriating the sum of \$1,045.00 to pay for the construction of a fire cistern in Drover street, north of Kentucky avenue, and a fire cistern at Naomi and Linden streets.

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

Respectfully submitted,
HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 6, 1911.

Harry Wallace, City Controller, City:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$1,045.00 to pay for the construction of a fire cistern in Drover street, north of Kentucky avenue, and a fire cistern at Naomi and Linden streets.

These cisterns have been completed, and the appropriation from which they were to be paid for having lapsed, it will be necessary for us to have a new appropriation.

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

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit to you herewith a bond issue for \$110,000.00 prepared by City Attorney for the Board of Public Health and Charities, and at the request of said Board, I recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

From Board of Public Health and Charities:

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I beg to say that an officer of this Department inspected Sellers farm on January 31, 1911, and reports that conditions are satisfactory.

Yours very truly,

C. S. WOODS,
Secretary Board of Health.

From City Attorney:

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., January 28, 1911.

To the President and Members of the Common Council:

GENTLEMEN: In reply to communication from Edward A. Ramsay, City Clerk, of date January 20, 1911, referring to petition of chauffeurs seeking to provide for some system of examination of persons using motor power vehicles, beg to advise you that under the State law no municipality possesses the power to require of the owner or operator of an automobile a license for its operation. It might be possible to draft an ordinance providing for an examination of those authorized to operate motor vehicles, but without some license feature or penalty clause the regulation would be impossible of enforcement, and as under the present State law the licensing of such persons would be an invalid provision, it would seem that there would not be a very effective way of enforcing any examination regulation.

It is impossible for us, from this petition as presented, to determine definitely what is desired by the petitioners. The power to issue a permit, even after examination, would ordinarily be an invalid provision, and ineffective unless it has coupled with it some penalty provision or license feature.

It is our opinion that an ordinance might be drawn, but that it would hardly be effective unless you could attach the ordinary regulation of a

license, which would make it invalid. We would much prefer to take the matter up with the parties who are seeking to present the matter, and get their more definite ideas before determining whether or not their proposed plan would be valid or invalid.

Respectfully submitted,

MERLE N. A. WALKER,
City Attorney.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 89, 1910, being "An ordinance appropriating \$25,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that said ordinance be amended by striking out of the title and Section 1 the words and figures "twenty-five thousand dollars (\$25,000.00)" and inserting in lieu thereof the words and figures "twenty thousand dollars (\$20,000.00)," and when said ordinance is so amended, we would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
CHARLES F. COPELAND.
GEORGE B. RUBENS.
FRANK E. MCCARTHY.

Nonconcurring.

GEORGE L. DENNY.

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

The roll was called and the majority report was concurred in by the following vote:

Ayes, 6, viz.: Messrs. McCarthy, Copeland, Rubens, Owen, Troy and President John Blumberg.

Noes, 3, viz.: Messrs. Johnson, Denny and Stilz.

From the Committee on Finance:

INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 17, 1911, being "An ordinance appropriating the sum of \$1,092.64 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
CHARLES F. COPELAND.
GEORGE B. RUBENS.
GEORGE L. DENNY.
FRANK E. MCCARTHY.

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

From the Committee on Finance:

INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 12, 1911, being "An ordinance appropriating the sum of \$700.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN.
CHARLES F. COPELAND.
GEORGE L. DENNY.
FRANK E. MCCARTHY.
GEORGE B. RUBENS.

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

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., February 6, 1911.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Fees and Salaries, to whom was referred General Ordinance No. 99, 1910, being "An ordinance abolishing the positions of the assistant superintendent of streets and sewers and the

assistant foreman of repairs of permanently improved streets, as amended by ordinance approved July 17, 1907, General Ordinance Record 12, page 463, and creating the positions of first assistant superintendent and second assistant superintendent of streets and sewers, fixing the salaries for the same, fixing a time when the same shall take effect, and repealing all ordinances in conflict herewith," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

CHARLES B. STILZ.
 FRED C. OWEN.
 GEORGE B. RUBENS.
 JAMES E. TROY.
 WILLIAM H. JOHNSON.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 18—1911: An ordinance appropriating the sum of \$1,045.00 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 ten hundred forty-five dollars (\$1,045.00) be and is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to pay for the construction of a fire cistern in Drover street, north of Kentucky avenue, and a fire cistern at Naomi and Linden streets.

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

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

By City Controller:

Appropriation Ordinance No. 19—1911: An ordinance appropriating the sum of \$5,000.00 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of five thousand dollars (\$5,000.00) be and is hereby appropriated out of any moneys in the city treasury not

otherwise appropriated, to and for the use of the Department of Public Safety, the amount appropriated herein to be added to and form a part of the fund known as "Automobile Patrol Wagon."

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

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

By City Controller:

Appropriation Ordinance No. 20—1911: An ordinance appropriating \$37.85 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 thirty-seven dollars and eighty-five cents (\$37.85) 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, the sum herein appropriated to be used for the payment of the bill of Johnson and Metcalf, court reporters, for services rendered in the City Court.

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. 21—1911: An ordinance appropriating the sum of \$314.70 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 three hundred fourteen dollars and seventy cents (\$314.70) be and is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Finance, the amount appropriated herein to be added to and form a part of the fund known as "Department of Finance."

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By City Controller:

General Ordinance No. 7—1911: An ordinance authorizing the sale of one hundred ten (110) bonds of one thousand (\$1,000) dollars each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used for the purpose of erecting and equipping a hospital for the City of Indianapolis; providing for the time and manner of advertising sales of bonds and of the receipt of bids for the same, together with the mode and terms of sale, and fixing a time when the same shall take effect.

WHEREAS, It is deemed necessary and proper and for the best interests of the City of Indianapolis and the inhabitants thereof to improve and better its condition with reference to proper and adequate health protection for the City of Indianapolis and its inhabitants, and for such purpose to purchase real estate, construct buildings thereon, completely equip and furnish with proper and necessary equipment and apparatus, to be used and devoted to the purposes of a city hospital.

WHEREAS, There are not now and will not be sufficient funds in the treasury of said city with which to meet the aforesaid expenditures for said health protection, and it being necessary for the City of Indianapolis to borrow the sum of one hundred and ten thousand (\$110,000) dollars, and to issue and sell its bonds in that amount, payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Controller of said city be and is hereby authorized, for the purpose of procuring money to be used for the purpose of providing better health protection for the City of Indianapolis, to prepare and sell one hundred and ten (110) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand (\$1,000) dollars each, which bonds shall bear date of....., 1911, and shall be numbered from one (1) to one hundred and ten (110), both inclusive; shall be designated as "City Hospital Bonds—1911;" shall mature on January 1, 1941; shall bear interest at the rate of four (4%) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July, of each year, beginning with July 1, 1911, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of July, 1911. Said bonds and interest coupons shall be negotiable and payable at..... Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic *fac-simile* of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Con-

troller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds, to register in a book kept for that purpose, all of said bonds so issued and negotiated in serial number, beginning with number one (1), giving also the date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA.
CITY OF INDIANAPOLIS,
MARION COUNTY, STATE OF INDIANA.
CITY HOSPITAL BONDS—1911.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on January..... at one thousand dollars in lawful money of the United States of America, together with interest thereon at the rate of four (4%) per cent. per annum from date until paid, the first interest payable on the..... of July,, and the interest thereafter payable semi-annually, on the..... day of January and July respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of one hundred and ten bonds, of one thousand dollars each, numbered from one to one hundred ten, both inclusive, of date of....., A. D., issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the city, on..... 19.... and an act of the General Assembly of the State of Indiana, entitled "An Act concerning municipal corporations," approved March 6, 1905.

It is hereby certified that all the conditions, acts, and things essential to the validity of this bond exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with, and that this bond is within every debt and other limit prescribed by the Constitution and the laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby revocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this the..... day of

.....
Mayor.
.....
City Controller.

Attest:
.....
City Clerk.

SEC. 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in the Indianapolis Sun and the Indianapolis Commercial, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisements shall describe said bonds with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer, for a sum of money which shall equal two and one-half (2½%) percentum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until 12 o'clock noon, on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2 p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part of any number thereof, to the highest and best bidder therefor; but said Controller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

SEC. 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for the purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to re-advertise said bonds for sale until said bonds are sold.

SEC. 5. In case any bid or proposal shall not be accepted, and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such nonpayment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to re-advertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder

shall fail to complete the purchase of bonds so awarded, and to pay for the same, within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SEC. 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect; and the proceeds derived from any sale or sales of bonds as herein authorized, shall be and hereby are appropriated to the use of the Department of Public Health and Charities, to be used for the purposes mentioned and described in Section 1 of this ordinance, and the City Controller is hereby authorized and directed to draw all proper and necessary warrants and to do whatever act may be necessary to carry out the provisions hereof.

SEC. 8. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By Mr. Rubens (by request):

General Ordinance No. 8—1911: An ordinance to amend Section 3 of an ordinance entitled "An ordinance to promote public health by regulating the sale of milk, requiring a license for the sale of the same, and prescribing a penalty for the violation thereof; providing for the publication thereof, and fixing a time when the same shall take effect," approved March 4, 1897.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Section 3 of an ordinance entitled "An ordinance to promote public health by regulating the sale of milk, requiring a license

for the sale of the same, and prescribing a penalty for the violation thereof; providing for the publication thereof, and fixing a time when the same shall take effect," approved March 4, 1897, be amended to read as follows:

"Section 3. A license to sell milk shall be issued by the City Controller upon the application of any person, firm or corporation desiring the same, provided said applicant shall present a certificate from the Department of Public Health and Charities that the said person, firm or corporation is a proper person to be entrusted with a permit to sell milk within the City of Indianapolis, and has complied with all the rules and regulations of the Department of Public Health and Charities. An annual license shall be issued to such applicant upon the payment of an annual fee of one (\$1.00) dollar, and such license must be kept conspicuously posted in the depot, store or dairy of the licensee. Every license shall be registered by the Department of Public Health and Charities, and shall be given a registered number for the depot, store or dairy of such licensee, and such licensee shall place upon each and every wagon engaged in the sale and delivery of milk in the City of Indianapolis the registered number of the dairy, store or depot to which it belongs. The depot, store, dairies, delivery wagons, cans, vessels and appurtenances of the business of the dealer in milk shall at all times be subjected to inspection by the Department of Public Health and Charities, and must conform to the rules and regulations of said department."

SEC. 2. All ordinances and parts of ordinances in conflict herewith are hereby and herein now repealed.

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

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

By Mr. McCarthy:

General Ordinance No. 9—1911: An ordinance transferring and vesting in the Department of Public Parks of the City of Indianapolis the real estate formerly constituting the Deaf and Dumb Asylum of the State of Indiana, situate in said city, to be improved and maintained by the Board of Park Commissioners as a public park, with full power of control and management thereof.

WHEREAS, The real estate in the eastern part of the City of Indianapolis, for many years occupied, owned and used by the State of Indiana for a deaf and dumb asylum, has been conveyed to the City of Indianapolis in accordance with agreement between said City of Indianapolis and State of Indiana; and

WHEREAS, Appropriation was made for the purchase of the same for park purposes; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the real estate conveyed to the City of Indianapolis by the State of Indiana, by deed dated December 4, 1907, formerly commonly known as the Deaf and Dumb Asylum grounds, and recently given the name of Willard Park, situate in the City of Indianapolis, Marion County, Indiana, and particularly described as follows:

Part of the west half of the southeast quarter of section six (6) and

part of the west half of the northeast quarter of section seven (7), all in township fifteen (15) north, range four (4) east, in Marion County, State of Indiana, described as follows:

Beginning at the southeast corner of the west half of the southeast quarter of section six (6) and running north with the east line of said west half of said southeast quarter one hundred and eighty-three and six-tenths (183.06) feet, to the south line of Washington street; thence westwardly with the south line of said Washington street twelve hundred and fifty-six and six-tenths (1,256.06) feet, to the east line of State street; thence south parallel to and seventy-five (75) feet east of the west line of the southeast quarter of section six (6) and the northeast quarter of section seven (7) four hundred and sixty-four and three-tenths (464.03) feet into said section seven (7); thence east twelve hundred and fifty-one and six-tenths (1,251.06) feet to the east line of the west half of the northeast quarter of said section seven (7), at a point three hundred and seventy-six and three-tenths (376.03) feet, south of the beginning point; thence north three hundred seventy-six and three-tenths feet (376.03) to the beginning, containing fourteen and seventy-one hundredths (14.71) acres, of which ten and eighty-one hundredths (10.81) acres are in said section seven, and three and ninety hundredths (3.90) acres are in said section six (6),

Be and the same is hereby placed under the government, management and control of the Department of Public Parks of said city, for the purpose and with the right upon the part of the Board of Park Commissioners of said city to improve and maintain the same as a public park; and said Board of Park Commissioners shall have full power, upon acceptance by it of said real estate for the purpose aforesaid, to govern, manage, maintain, regulate and direct the public use thereof as a park, and subject the same to its rules and regulations; subject, however, to the laws of the State of Indiana and the powers of the Common Council in relation thereto. All powers and rights herein conferred upon said board shall become effective when said State shall surrender possession of said real estate to said city.

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 Improvements.

By Mr. Denny (by request):

General Ordinance No. 10—1911: An ordinance creating the position of City Purchasing Agent, authorizing and directing the Board of Public Works to appoint such City Purchasing Agent, describing the powers and duties of such City Purchasing Agent, fixing his compensation, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That the position of a City Purchasing Agent be and the same is now created and established.

SEC. 2. It shall be the duty of said City Purchasing Agent to secure prices upon all supplies required by every department of the City of Indianapolis, investigate the prices of all materials and supplies required by every department of the City of Indianapolis, secure propositions and

offers from persons desiring to furnish materials and supplies to the City of Indianapolis and each and every one of its executive departments, to submit such propositions, offers and prices secured by him to each of the several departments of the City of Indianapolis, and upon such department requiring such materials and supplies, complying with the law with reference to the making and taking of bids and the letting of contracts, it shall be the duty of the said City Purchasing Agent to complete negotiations and investigate all bids and prices submitted, to each of said executive departments, and report to such executive departments as to the current prices of said materials and supplies sought to be furnished to the said city, and recommend to each of said departments, in writing, over his signature, the bid deemed by him to be the lowest and best, which bid, when so reported as above specified, shall be considered by the said executive department desiring to purchase such materials and supplies. It shall be further the duty of the said City Purchasing Agent to close and complete the terms of any contract for the purchasing of materials and supplies legally authorized by any executive department, and to inspect and certify as to the quality and character of the materials supplied and furnished under the contract, and certify in writing to the executive department making such purchases as to whether the materials furnished are in strict compliance with the provisions of the contract.

SEC. 3. It shall be the duty of the Board of Public Works to appoint such City Purchasing Agent, who shall serve for a term of four years, or until his successor shall have been named and designated by the said Board of Public Works, and the said Purchasing Agent, when so appointed, shall receive a salary of not to exceed three hundred (\$300) dollars per month, which sum shall be payable out of the general funds in the hands of the Treasurer of the City of Indianapolis, not otherwise specifically appropriated for other purposes.

SEC. 4. This ordinance shall be in force and effect from and after its passage.

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

By Mr. Owen:

General Ordinance No. II—1911: An ordinance to amend Sections 2 and 3 of an ordinance entitled "An ordinance providing for a clerk for the Detective Department, and establishing and fixing his compensation, repealing all ordinances in conflict herewith, and fixing a time when the same shall take effect," approved February 8, 1910.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Sections 2 and 3 of an ordinance entitled "An ordinance providing for a clerk for the Detective Department, and establishing and fixing his compensation, repealing all ordinances in conflict herewith, and fixing a time when the same shall take effect," approved February 8, 1910, be and the same is amended to read as follows:

"Section 2. The salary of such clerk shall be nine hundred (\$900) dollars per year, payable at the rate of seventy-five (\$75) dollars per month."

"Section 3. In order to provide funds to pay such salary the sum of nine hundred (\$900) dollars is hereby appropriated annually out of any funds in the city treasury not otherwise appropriated."

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

SEC. 3. This ordinance shall be in 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. Denny:

Special Ordinance No. 1—1911: An ordinance annexing certain territory to the City of Indianapolis, Indiana, defining the boundary thereof and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the boundary lines of the City of Indianapolis be, and the same are hereby extended, so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana:

Beginning at a point in the intersection of the center line of Forty-second street, running east with the center line of Illinois street; thence north with the center line of Illinois street one hundred and three and ninety-hundredths (103.90) feet to a point, the said point being six hundred and sixty-six (666) feet north of the center line of section fourteen (14), township sixteen (16) north, range three (3) east; thence west parallel with and six hundred and sixty-six (666) feet distant from the center line of said section fourteen (14) to the west line of said section fourteen (14), the same being the present corporation line of the City of Indianapolis; thence south with the west line of said section fourteen (14), six hundred and sixty-six (666) feet to the center line of said section fourteen (14); thence east with the center line of said section fourteen (14) to a point in the center line of Conser street; thence south with the center line of Conser street to the center line of Carleton avenue; thence east with the center line of Carleton avenue to the center line of Senate avenue; thence north with the center line of Senate avenue to a point one hundred and fifty (150) feet north of the north line of Fortieth street; thence east parallel with and one hundred and fifty (150) feet distant from the north line of Fortieth street to the west line of Capitol avenue; thence north with the west line of Capitol avenue one hundred and seventy (170) feet; thence east parallel with and three hundred and twenty (320) feet distant from the north line of Fortieth street to the east line of Kenwood avenue; thence south with the east line of Kenwood avenue one hundred and seventy (170) feet; thence east parallel with and one hundred and fifty (150) feet distant from the north line of Fortieth street to the center line of Illinois street; thence north with the center line of Illinois street to a point in the intersection of the center line of Illinois street with the center line of Forty-second street running east, being the place of beginning.

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

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

ORDINANCES ON SECOND READING.

Mr. Owen called for Appropriation Ordinance No. 89, 1910, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 89, 1910, be amended as recommended by the committee. Carried.

Mr. Owen moved that Appropriation Ordinance No. 89, 1910, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 89, 1910, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for Appropriation Ordinance No. 12, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 12, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 12, 1911, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Owen called for Appropriation Ordinance No. 17, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 17, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1911, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

Mr. Stilz called for General Ordinance No. 99, 1910, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 99, 1910, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 99, 1910, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Stilz, Troy and President John Blumberg.

Noes, none.

On motion of Mr. Copeland, the Common Council, at 9:10 o'clock P. M., adjourned.

ATTEST:

John Blumberg

 President.

Edward A. Ranney

 City Clerk.

