

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, December 18, 1911.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 18, 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., December 6, 1911.

To the President and Members of the Common Council, City:

GENTLEMEN: I am returning herewith, with my approval, the following Ordinances:

General Ordinance No. 83, 1911, being an ordinance approving a certain contract granting the Indianapolis Union Railway Company the right to lay and maintain a sidetrack or switch from the Belt Railroad across Martindale Avenue and Sheldon Street, according to blue print attached, in the City of Indianapolis, Indiana.

General Ordinance No. 84, 1911, being an ordinance providing for the transfer of \$150.00 from a certain fund to a certain fund in and for the use of the Department of Law and fixing a time when the same shall take effect.

Appropriation Ordinance No. 77, 1911, being an ordinance appropriating the sum of \$3,500.00 to and for the use of the Department of Public Safety and fixing a time when the same shall take effect.

Appropriation Ordinance No. 89, 1911, being an ordinance appropriating the sum of \$1,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

Appropriation Ordinance No. 90, 1911, being an ordinance appropriating the sum of \$4,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

Appropriation Ordinance No. 91, 1911, being an ordinance appropriating the sum of \$1,000.00 to and for the use of the Department of Public Works and fixing a time when the same shall take effect.

Appropriation Ordinance No. 98, 1911, being an ordinance appropriating the sum of \$23,757.23 to and for the use of the Department of Law and fixing a time when the same shall take effect.

I have the honor to remain,

Very truly yours,

S. L. SHANK,

Mayor, City of Indianapolis.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., December 18, 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 the transfer of the following sums:

\$437.82 from the Board of Public Safety Accounts, under a fund known as "Public Bath Houses" to the Police Force Accounts, under a fund known as "Automobile, Maintenance and Repairs."

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

Respectfully submitted,

HARRY R. WALLACE,

City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., December 14, 1911.

Mr. Harry R. Wallace, City Controller:

DEAR SIR: At a meeting of the Board of Public Safety, held December 13th, it was decided to request you to please ask the Common Council to transfer the following funds:

\$437.82 from the Board of Public Safety Accounts, under a fund known as "Public Bath Houses" to the Police Force Accounts, under a fund known as "Automobile, Maintenance and Repairs."

Respectfully yours,

BOARD OF PUBLIC SAFETY,

WM. E. DAVIS, *President.*

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., December 18, 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 the following transfers:

\$200.00 from the Gas and Electric Lights Fund to the Horseshoeing Fund.

\$200.00 from the Gas and Electric Lights Fund to the Repairs to Apparatus Fund.

I submit herewith an ordinance providing for the amount of the transfers requested and recommend their passage.

Respectfully submitted,

HARRY R. WALLACE,

City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., December 14, 1911.

Mr. Harry R. Wallace, City Controller:

DEAR SIR: At a meeting of the Board of Public Safety, held December 13th it was decided to request you to please ask the Common Council to make the following changes in the Fire Force Funds to meet obligations of December:

Transfer \$200.00 from "Gas and Electric Lights" to "Horseshoeing" Fund.

Transfer \$200.00 from "Gas and Electric Lights" to "Repairs to Apparatus" Fund.

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

From City Controller:

DEPARTMENT OF FINANCE,
 OFFICE OF CITY CONTROLLER.
 INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith an ordinance asking for the transfer of \$500.00 from "Miscellaneous Expense of City Offices" Fund to the "Blank Books, Printing and Incidental" Fund, and recommend its passage.
 Respectfully submitted,

HARRY R. WALLACE,
City Controller.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
 OFFICE OF THE BOARD.
 INDIANAPOLIS, IND., December 11, 1911.

The Honorable Members of Common Council, Indianapolis, Indiana:

GENTLEMEN: We herewith submit to you for your consideration and action thereon an ordinance ratifying, confirming and approving a certain contract entered into on the 11th day of December, 1911, by and between the City of Indianapolis, by and through its Board of Public Works, and Jesse T. Moorman of the City of Winchester, County of Randolph, and State of Indiana, for the collection and disposition of garbage and the disposition of night soil for the City of Indianapolis, for a period of six years from May 26, 1912.

Respectfully,

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

From Board of Public Health and Charities:

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.
 INDIANAPOLIS, IND., December 11, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: The Department of Public Health and Charities here-

by submits the expenditures and balances of the City Hospital for the month of November, 1911:

	<i>Expense.</i>	<i>Balances.</i>
Drugs -----	\$391 53	\$ 57 57
Dry goods -----	604 10	592 04
Electrical supplies -----	10 80	94 98
Engine room supplies -----	39 18	187 58
Furniture and fixtures -----	180 00	410 03
Fuel -----	480 08	-----
Flower Mission Hospital -----	68 50	154 61
Gas -----	35 28	53 36
Hardware -----	64 25	84 33
Horse shoeing -----	10 00	91 00
Incidentals -----	103 51	158 98
Laundry supplies -----	-----	158 80
Nurses fund -----	743 83	1,455 54
Paints and painting -----	82 80	163 22
Plumbing supplies -----	65 74	140 09
Provisions -----	2,534 61	2,544 22
Printing and stationery -----	3 00	101 04
Queensware -----	41 85	56 14
Repairs to building -----	61 85	172 05
Salaries -----	2,762 66	3,162 13
Stable supplies -----	48 53	-----
Surgical supplies -----	152 76	98 77
Telephone -----	-----	11 56
Tuberculosis fund—		
Hospital (clinic, \$96.54) -----	235 80	363 24
Automobile -----	-----	125 00
Pathological laboratory -----	2 21	397 87
Contagious disease fund (out of B. of H. fund) -----	75 00	-----
 Total -----	 \$8,797 87	

Total number of patients treated during the month of November, 1911 ----- 7,650

\$8,797.87 ÷ 7,650 = \$1.15, average cost of one patient per day.

Very truly yours,

C. S. Wood.

Balances that remain in the various funds of the City Board of Health on December 11, 1911:

Printing and stationery -----	\$ 07
Cutting weeds -----	218 52
Board of Health and transportation -----	150 24
Incidentals -----	6 74
Laboratory -----	105 69
Contagious disease fund -----	87
Public charity -----	1,200 00
Salaries -----	2,183 42
Telephones -----	92 58
Food and milk inspection -----	800 25
Shelter House fund -----	369 20
Supplies "sick babies" -----	-----
Recreation fund -----	114 40
School health fund -----	26
City Dispensary -----	1,000 00

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 87, 1911, being "An ordinance providing for the transfer of \$75.00 from a certain fund to a certain fund in and for the use of the Department of Public Health and Charities 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 88, 1911, being "An ordinance providing for the transfer of \$1,618.52 from certain funds to certain funds in and for the use of the Department of Public Health and Charities 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 be amended by striking out all of said ordinance and inserting in lieu thereof the following:

General Ordinance No. 88, 1911, an ordinance providing for the transfer of \$218.52 from a certain fund to a certain fund in and for the use of the Department of Public Health and Charities 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 two hundred eighteen dollars and fifty-two cents (\$218.52) be, and the same is hereby transferred from a certain fund to a certain fund as follows towit:

From the Weed fund to the Salary fund.....\$218.52

All to and for the use of the Department of Public Health and Charities.

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

And when said ordinance is so amended we 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred General Ordinance No. 91, 1911, being "An ordinance concerning licenses for motor vehicles and fixing a time when the same shall take effect," and fixing a penalty therefor, beg leave to report that we have had said ordinance under consideration and would recommend that the same be amended by striking out all of Section 2, after the word "provided" and when said ordinance is so amended we 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 92, 1911, being "An ordinance appropriating the sum of \$9,500.00 to and for the use of the Department of Public Safety 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 94, 1911, being "An ordinance appropriating the sum of \$2,100.00 to and for the use of the Department of Public Safety 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 not 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 95, 1911, being "An ordinance appropriating the sum of \$30.00 to and for the use of the Department of Public Safety 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 97, 1911, being "An ordinance appropriating the sum of \$2,187.90 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 99, 1911, being "An ordinance appropriating the sum of \$258.93 to and for the use of the Department of Finance 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred

Appropriation Ordinance No. 100, 1911, being "An ordinance appropriating the sum of \$209.61 to and for the use of the Department of Finance 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 Finance:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 101, 1911, being "An ordinance appropriating \$6,800.00 to and for the use of the Finance Department 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., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN: We, your Committee on Fees and Salaries, to whom was referred General Ordinance No. 81, 1911, being "An ordinance to amend paragraph 3, clause b, section 2, of General Ordinance No. 32, 1907, approved May 16, 1907, 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,

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

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

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Fees and Salaries, to whom was referred General Ordinance No. 89, 1911, being "An ordinance fixing the compensation for the chief clerk to the superintendent of streets 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,

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

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

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council of the City of Indianapolis:

GENTLEMEN: We, your Committee on Fees and Salaries, to whom was referred General Ordinance No. 69, 1911, being "An ordinance to amend General Ordinance No. 83, 1910, entitled an ordinance fixing the salary and compensation of the employes of the City Hall 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 be amended by striking out of line 6 in paragraph D of Section 1, the words and figures seventy-five cents (75c) and inserting in lieu thereof the words and figures one dollar (\$1.00), also strike out of line one in paragraph F. of Section 1, the word "seven" and insert in lieu

thereof the word "eight" and when said ordinance is so amended we would recommend that the same do pass.

Respectfully submitted,

CHARLES B. STILZ,
WM. H. JOHNSON,
GEORGE B. RUBENS,
JAMES E. TROY.

Non-concurring:

FRED C. OWEN.

Mr. Stilz moved that the majority report of the committee be concurred in. Which carried by the following vote:

Ayes, 5, viz.: Messrs. Johnson, Rubens, Denny, Stilz and Troy.

Noes, 4, viz.: Messrs. McCarthy Copeland, Owen and President John Blumberg.

From the Committee on Ordinances:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council:

GENTLEMEN: The Committee on Ordinances, to whom was referred General Ordinance No. 73, 1911, entitled: "An ordinance amending Sections 273, 274 and 275 of Part XXX of General Ordinance No. 34, 1904, being 'An ordinance providing for all matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures and appurtenances thereof, erected or to be erected in the City of Indianapolis,' fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would respectfully report that we recommend the passage of an ordinance similar to the provisions of said General Ordinance No. 73, 1911, by increasing the salary of the Smoke Inspector to \$1,500.00; by authorizing two deputies to said Smoke Inspector, at a salary of \$1,200.00 per annum each, and by authorizing the appointment of one stenographer, at a salary of \$600.00 per annum, for the Building Inspector and Smoke Inspector, and further providing for the fees for examining plants, etc., as provided in said General Ordinance No. 73, 1911, but we find that said General Ordinance No. 73, 1911, can not well be amended in accordance with the conclusions of your committee, as above stated, but that a separate ordinance had better be introduced therefor. We, therefore, respectfully recommend that said General Ordinance No. 73, 1911, do not pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
FRANK E. MCCARTHY,
CHARLES B. STILZ.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinances, to which was referred General Ordinance No. 63, 1911, entitled: "An ordinance restricting the use of horns, sirens and other signal instruments upon motorcycles, automobiles and other motor vehicles; providing penalties for the violation thereof and fixing the time when the same shall take effect," beg leave to report we have had said ordinance under consideration and that we have received a written opinion from the City Attorney to the effect that said ordinance, as drawn, would be invalid. We, therefore, respectfully recommend that said ordinance do not pass.

Respectfully submitted,

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

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council:

GENTLEMEN: The following members of your Committee on Ordinances, to which was referred General Ordinance No. 36, 1911, entitled: "An ordinance concerning the regulation of passengers on street cars," beg leave to report that we have had said ordinance under consideration and respectfully recommend that the same do pass.

Respectfully submitted,

GEORGE L. DENNY,
CHARLES B. STILZ.

Mr. Denny moved that the minority report of the committee be concurred in, which motion lost by the following vote:

Ayes, 3, viz.: Messrs. Johnson, Denny and Stiltz.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., December 18, 1911.

To the President and Members of the Common Council:

GENTLEMEN: The following members on your Committee on Ordinances, to which was referred General Ordinance No. 36, 1911, entitled: "An ordinance concerning the regulation of passengers on street cars," beg leave to report that we have had said ordinance under consideration and respectfully recommend that the same do not pass.

Respectfully submitted,

FRED C. OWEN,
CHARLES F. COPELAND,
FRANK E. MCCARTHY.

Mr. Owen moved that the majority report of the committee be concurred in, which motion carried by the following vote:

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 93—1911: An ordinance confirming and approving the certain contract, made and entered into the 11th day of December, 1911, between the City of Indianapolis and Jesse T. Moorman, 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 full force.

WHEREAS heretofore, to-wit: on the 11th day of December, 1911, the City of Indianapolis by and through its Board of Public Works, entered into the following contract and agreement with Jesse T. Moorman, of the city of Winchester, County of Randolph, and State of Indiana, to-wit:

THIS AGREEMENT made and entered into this the 11th day of December, 1911, by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Works, party of the first part, and Jesse T. Moorman of the City of Winchester, County of Randolph and State of Indiana, 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 on the 6th day of March, 1905, does hereby

agree to pay to the said Jesse T. Moorman, party of the second part, the sum of forty-eight thousand dollars (\$48,000.00) per year for a term of six (6) years from and after the 26th day of May, 1912, payable in equal quarterly installments of twelve thousand dollars (\$12,000.00) on the first days of January, April, July and October of each year, during said six 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 at the time of the execution of this contract 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 15th day of November, 1911, under which the bid of the party of the second part was submitted and accepted, which specifications and general stipulations are hereby made a part of this contract and which reads as follows:

MISCELLANEOUS SPECIFICATIONS NO. 131.

NOTICE TO CONTRACTORS, AND SPECIFICATIONS FOR THE CONTRACT FOR THE COLLECTION, REMOVAL, DELIVERY AND DISPOSAL OF GARBAGE AND DEAD ANIMALS, AND FOR THE DISPOSAL OF NIGHT SOIL IN THE CITY OF INDIANAPOLIS, IND.

GARBAGE.

NOTICE TO CONTRACTORS.

Notice is hereby given by the Board of Public Works of the City of Indianapolis, Indiana, that sealed proposals will be received by it, at its office in the City Hall Building, until the hour of 10 o'clock a. m., on the 6th day of December, 1911, for a contract for the collection, removal, delivery and disposal of garbage and dead animals, and for the disposal of night soil in the City of Indianapolis, Indiana, for a period of one (1) year, and a period of six (6) years, according to the specifications therefor now on file in the office of said Board.

Each bid must be accompanied by a certified check in the sum of twenty thousand (20,000) dollars, made payable to the Board of Public Works of the City of Indianapolis, Indiana, the same to be the property of the City of Indianapolis should the successful bidder fail or refuse to enter into a contract with the City of Indianapolis, according to the true intent and meaning of the specifications aforesaid, said amount to be so paid as liquidated damages to the City of Indianapolis, because of any such failure or refusal.

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

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, hotels, sanatoria, hospitals, fish stores and stands, restaurants, eating and apartment houses.

3. Garbage shall be collected at all places in the city, except at public markets, from May 1st to November 1st, during each year of the

existence of this contract, at least three times a week; from November 1st to May 1st, during each year of the existence of this contract, at least 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. It is understood that collections of garbage from apartment houses shall be obligatory on the contractor, and the owners shall provide and maintain garbage receptacles on the ground floor of said apartment houses, which receptacles shall be watertight, 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 the 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 watertight vessels, tanks or boxes, mounted on two or four wheels, which shall, when containing garbage or matter capable of 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 vehicles, 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 days 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 con-

tractor 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, boarding house keeper, 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 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; and vessels, tanks or receptacles to be perfectly watertight, 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 passage ways 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 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 purpose 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 may 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 house-

holders, tenants, hotel keepers, boarding house 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 owner 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 shall be the exclusive judge 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 on the bond to carry out the provisions of such contract to the satisfaction of 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 contractor 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 therefor 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 all garbage collected, so far as practicable, through the alleys in the city, not making use of the prominent business or resident 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 services 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, 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. The plan of disposal in use must be approved by the Board of Public Health and Charities. The said Board of Public Health and Charities shall report to the Board of Public Works when said contractor is disposing of the garbage in a manner prejudicial to public health or interest, and shall be sole judge of this condition. Said Board of Works may then declare this contract null and void, or assess penalties, or both, in like manner as if the contractor had forfeited or refused to accept the contract, and the bondsman of the contractor may be called upon to fulfill the contract, or the city itself may undertake the work, the cost of which shall be assessed against the contractor, and to be retained from any moneys owing to him by the city, or his bondsman be called upon to pay the same.

22. Each bidder shall submit with his bid his 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, Jan-

uary, 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 expense thereof, and the amount of such cost shall be deducted from the amounts due said 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 fifty thousand dollars (\$50,000.00) 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 by the 26th day of May, 1912.

28. The contract shall be in force and effect for a period of one (1) or six (6) years from May 26, 1912, as may be determined by the Board of Public Works after receipt of proposals, 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 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 collected, as to the intervals between the collection 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 infringement 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 passage ways 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, in the City Hall building, until the hour of 10 o'clock a. m., on the 6th day of December, 1911, 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 15th of November, 1911.

(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 award-

ing 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 purpose herein contemplated.

(4) Each bidder or firm of bidders shall accompany his or their bid with an affidavit that such bidder or bidders have not directly or indirectly entered into any combination, collusion, undertaking or agreement with any other bidder or bidders to maintain the price of any work or service bid upon, or to be done or furnished under the proposed contract, or to prevent any 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 twenty thousand (20,000) 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 sixty (60) 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 which will be furnished by the Board of Public Works, on application.

(9) Bids may be submitted, stating a price per year for a one-year period or a price per year for a period of six (6) years, or both.

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

C. A. SCHRADER,

CHARLES L. HUTCHINSON,

E. J. O'REILLY,

Board of Public Works.

Adopted, this the 15th day of November, 1911.

The first payment under this contract shall be made on the first day of July, 1912, and shall cover the period from May 26th, 1912, to June 30th, 1912, at said rate of twelve thousand dollars (\$12,000.00) per quarter: Provided, that any additional amounts to be paid on account of the extension of the corporate limits of said city, under

Specifications No. 20 and any action of said Board of Public Works that may be had thereunder, shall also be added to said quarterly sum of \$12,000.00 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 (\$50,000.00) to be approved by the Board of Public Works of said City of Indianapolis, upon the condition that the said party of the second part, his successors or assigns, shall faithfully, at all times, discharge the requirements of this contract, and comply with all its terms and provisions.

It is further agreed that in case of the party of the second part, his successors or assigns, violating any of the terms, conditions or obligations herein contained, then and in that case, 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, 1912, and end on the 26th day of May, 1918.

It is further agreed by the party of the second part, that he will accept from said party of the first part the said sum of forty-eight thousand dollars (\$48,000.00) per year (with such additional amounts as will become due for additional work covered by added territory, as defined in Specification No. 20) for each of the six years, respectively, beginning on said 26th day of May, 1912, 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 Jesse T. Moorman, 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 the 11th day of December, 1911.

CITY OF INDIANAPOLIS,

by

C. A. SCHRADER,

CHARLES L. HUTCHINSON,

E. J. O'REILLY,

*Board of Public Works, party of
the first part.*

JESSE T. MOORMAN,

*Contractor, party of the second
part.*

Approved:

S. L. SHANK,

Mayor.

And, Whereas, said contract and agreement has been submitted by the 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, that the foregoing contract and agreement made and entered into on the 11th day of December, 1911, by the City of Indianapolis, by and through its Board of Public Works, and the said Jesse T.

Moorman, be, and the same is hereby, in all things ratified, confirmed and approved.

SECTION 2. 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 Public Service.

By City Controller:

General Ordinance No. 94—1911: An ordinance providing for the transfer of \$437.82 from a certain fund to a certain fund, in 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 four hundred thirty-seven dollars and 82-100 (\$437.82), be, and the same is hereby transferred from "Public Bath Houses" fund to the "Automobile, Maintenance and Repairs" fund. All to and for the use of the Department of Public Safety.

SECTION 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:

General Ordinance No. 95—1911: An ordinance providing for the transfer of \$400.00 from a certain fund to certain funds in 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 four hundred dollars (\$400.00) be, and the same is hereby transferred from a certain fund to certain funds, as follows, to-wit:

From the "Gas and Electric Lights" fund to the "Horseshoeing" fund	\$200 00
From the "Gas and Electric Lights" fund to the "Repairs to Apparatus" fund	200 00

All to and for the use of the Department of Public Safety.

SECTION 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:

General Ordinance No. 96—1911: An ordinance providing for the transfer of \$500.00 from a certain fund to a certain fund, in 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 five hundred dollars (\$500.00) be, and is hereby transferred from the "Miscellaneous Expense of City Offices" fund to the "Blank Books, Printing and Incidental" fund. All to and for the use of the Department of Finance.

SECTION 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 Mr. Denny:

General Ordinance No. 97—1911: An ordinance approving the sale to Joseph Rilus Eastman for the sum of \$85,000 of lot numbered four (4), in Siter, Price and Company's sub-division of lots numbered one (1), two (2) and three (3) in square numbered thirty-seven (37) of the Donation Lands of the City of Indianapolis, Marion County, Indiana, belonging to the City of Indianapolis, now being used by the City of Indianapolis for public and governmental purposes, and directing the conveyance thereof to the purchaser.

WHEREAS, Heretofore on the 21st day of November, 1910, by General Ordinance 87, 1910, the Board of Public Works of the City of Indianapolis, for and on behalf of the City of Indianapolis, were authorized to alienate and convey by warranty deed the following described real estate situated in the City of Indianapolis, Marion County, Indiana, to wit: Lot numbered four (4), in Siter, Price and Company's subdivision of lots one (1), two (2), and three (3), in square thirty-seven (37) of the Donation Lands of the City of Indianapolis, for not less than the full appraised value of said real estate, and,

WHEREAS, Subject and pursuant to said ordinance the judge of the Circuit Court of Marion County was requested to appoint appraisers for said real estate and did appoint the same, who appraised said real estate at the sum of \$75,000.00, and,

WHEREAS, Said Board of Public Works pursuant to such authority has offered said property for sale and has received a bid therefor from Joseph Rilus Eastman in the sum of \$85,000.00, and is now desirous to have said sale confirmed and to receive express authority to convey said real estate to said purchaser. Therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis that the City of Indianapolis by and through its Board of Public Works and through its Mayor and City Clerk is hereby authorized to alienate and convey by warranty deed to Joseph Rilus Eastman, the following described real estate situated in the City of Indianapolis, Ma-

tion County, Indiana, to-wit: Lot numbered four (4) in Siter, Price and Company's subdivision of lots one (1), two (2), and three (3), in square thirty-seven (37), of the Donation Lands of the City of Indianapolis, Marion County, Indiana, in consideration of the payment therefor of the sum of \$85,000.00.

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

Which was read a first time.

Mr. Denny moved that the rules be suspended and General Ordinance No. 97, 1911, be placed upon its passage.

The roll was called and the motion was lost for want of a unanimous vote, as follows:

Ayes, 6, viz.: Messrs. Johnson, McCarthy, Copeland, Demy, Stiltz and President John Blumberg.

Noes, 3, viz.: Messrs. Rubens, Owen and Troy.

General Ordinance No. 97, 1911, was thereupon referred to the Committee on Ordinances.

By Mr. Stiliz:

General Ordinance No. 98—1911: An ordinance to amend Sections 3 and 12 of the ordinance entitled: "Ordinance providing for the inspection of scales, weight and measures in the City of Indianapolis, Indiana, providing for the appointment of the inspector of scales, weights and measures and defining his duties and compensation; providing penalties for the violation thereof and fixing the time when the same shall take effect," approved June 20, 1902, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Section 3, ordinance of June 20, 1902, entitled, "An ordinance providing for an inspector of scales, weights and measures in the City of Indianapolis, Indiana, providing for the appointment of inspector of scales, weights and measures and defining his duties and compensation; providing penalties for the violation thereof and fixing the time when the same shall take effect," and the same is hereby amended to read as follows:

That Section 3, of said ordinance of June 20, 1902, be amended to read as follows:

That there shall be appointed by the Mayor of the City of Indianapolis, Indiana, a competent person as city sealer of weights and

measures who shall hold his office until his successor is appointed and qualified. That vacancies shall be filled by the Mayor for any unexpired term. The duty of the City Sealer shall be to preserve and safely keep the standards provided for him by the city and when required to deliver them to the Mayor or such other persons as may be appointed to receive them and to faithfully perform the several duties of said office, and before he shall enter upon the duties of his office he shall qualify as required by the law of the State of Indiana. He shall also give bond to the City of Indianapolis, Indiana, in the penal sum of \$2,000, with approved securities conditioned for the faithful performance of all duties pertaining to this office as City Sealer of Weights and Measures and for the safe return of the City property.

That Section 12 of said ordinance of June 20, 1902, be amended to read as follows: "The City Sealer of Weights and Measures shall receive from the City as compensation for its services the sum of \$1,500 per annum payable monthly.

This ordinance shall take effect from and after its passage and publication once each week for two consecutive weeks in a newspaper of general circulation printed in the City of Indianapolis, Indiana.

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

MISCELLANEOUS BUSINESS.

By Mr. Denny:

Resolution No. 5, 1911:

WHEREAS, Thomas W. Palmer has entered into a certain contract with the City of Indianapolis, through its Board of Public Works, to prepare an official map showing all the streets and alleys of said city, and

WHEREAS, Said Palmer has also entered into a contract with the Board of County Commissioners of the County of Marion to prepare an official map showing all the roads and highways of Marion County outside of the corporate limits of the City of Indianapolis, and

WHEREAS, Said Palmer has practically completed said map for said City and said county, which said map has been exhibited to the members of the Common Council of Indianapolis and appears to be in all things satisfactory and correct.

Now therefore, Be it resolved by the Common Council of the City of Indianapolis, Indiana, that said map above referred to be, and the same is hereby accepted and confirmed as the official map of the City of Indianapolis, Indiana.

Which was read.

Mr. Denny moved that the rules be suspended and Resolution No. 5, 1911, be placed upon its passage. Carried.

Mr. Denny called for Resolution No. 5, 1911, for second reading. It was read a second time.

Mr. Denny moved that Resolution No. 5, 1911, be adopted.

The roll was called and Resolution No. 5, 1911, was adopted by the following vote:

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

Noes, none.

ORDINANCES ON SECOND READING.

Mr. Owen called for General Ordinance No. 87, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 87, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 87, 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 General Ordinance No. 88, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 88, 1911, be amended as recommended by the committee. Carried.

Mr. Owen moved that General Ordinance No. 88, 1911, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 88, 1911, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Denny, Owen, Troy and President John Blumberg.

Noes, 1, viz.: Mr. Stilz.

Mr. Owen called for General Ordinance No 91, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 91, 1911, be amended as recommended by the committee. Carried.

Mr. Copeland moved that the Council take a recess of five minutes. Carried.

At 9:20 o'clock P. M. President Blumberg called the Council to order.

Mr. Owen moved that General Ordinance No. 91, 1911, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 91, 1911, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. McCarthy, Rubens, Denny, Owen, Stiltz, Troy and President John Blumberg.

Noes, 2, viz.: Messrs. Johnson and Copeland.

Mr. Owen called for Appropriation Ordinance No. 92, 1911 for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 92, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 92, 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. 94, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 94, 1911, be stricken from the files. Carried.

Mr. Owen called for Appropriation Ordinance No. 95, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 95, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 95, 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. 97, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 97, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 97, 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. 99, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 99, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 99, 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. 100, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 100, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 100, 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. 101, 1911, for second reading. It was read a second time.

Mr. Owen moved that Appropriation Ordinance No. 101, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 101, 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. 81, 1911, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 81, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 81, 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. 89, 1911, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 89, 1911, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 89, 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. 69, 1911, for second reading. It was read a second time.

Mr. Stilz moved that General Ordinance No. 69, 1911, be amended as recommended by the committee.

The roll was called and the motion to amend carried by the following vote:

Ayes, 5, viz: Messrs. Johnson, Rubens, Denny, Stilz and Troy.

Noes, 4, viz.: Messrs. McCarthy Copeland, Owen and President John Blumberg.

Mr. Stilz moved that General Ordinance No. 69, 1911, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 69, 1911, was read a third time and passed by the following vote:

Ayes, 5, viz: Messrs. Johnson, Rubens, Denny, Stilz and Troy.

Noes, 4, viz.: Messrs. McCarthy Copeland, Owen and President John Blumberg.

Mr. Owen called for General Ordinance No. 48, 1911, for second reading.

Mr. Stilz moved that the committee be given further time to report on General Ordinance No. 48, 1911, which motion carried by the following vote:

Ayes, 6, viz.: Messrs. Johnson, Rubens, Denny, Stilz, Troy and President Blumberg.

Noes, 3, viz.: Messrs. McCarthy, Copeland and Owen.

Mr. McCarthy called for General Ordinance No. 47, 1911, for second reading.

Mr. Stilz moved that the committee be given further time to report on General Ordinance No. 47, 1911. Carried.

Mr. Denny called for General Ordinance No. 63, 1911, for second reading. It was read a second time.

Mr. Denny moved that General Ordinance No. 63, 1911, be stricken from the files. Carried.

Mr. Owen called for General Ordinance No. 36, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 36, 1911, be stricken from the files.

The roll was called and General Ordinance No. 36, 1911, was stricken from the files 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.

Mr. Denny called for General Ordinance No. 73, 1911, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 73, 1911, be stricken from the files.

The roll was called and General Ordinance No. 73, 1911, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Johnson, McCarthy, Copeland, Rubens, Owen, Stilz, Troy and President John Blumberg.

Noes, 1, viz.: Mr. Denny.

On motion of Mr. McCarthy, the Common Council, at 10:00 o'clock P. M., adjourned.

John Blumberg
President.

ATTEST:

Edward A. Ramsay
City Clerk.

