

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, May 18, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 18, 1908, at 7:30 o'clock, in regular session, President William J. Neukom in the chair.

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

Absent, 1, viz.: Mr. Eppert.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 6, 1908.

To the President and Members of the Common Council:

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

General Ordinance No. 22, 1908, being "An ordinance providing for

the transfer and re-appropriation of the sum of \$45,000, heretofore appropriated to the Department of Public Works, to and for the use of the Department of Public Parks, and fixing a time when the same shall take effect."

General Ordinance No. 33, 1908, being "An ordinance ratifying, confirming and approving the certain contract, made and entered into on the 15th day of April, 1908, between the City of Indianapolis and the Indianapolis Hauling Company, for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis, and fixing the time when the same shall take effect and the period it shall remain in force."

General Ordinance No. 35, 1908, being "An ordinance defining junk peddlers; providing for the licensing thereof in the City of Indianapolis, Indiana, and fixing a penalty for the violation thereof."

General Ordinance No. 36, 1908, being "An ordinance providing for the licensing, regulation and duties of junk dealers; prescribing a penalty for the violation thereof; repealing conflicting ordinances, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 16, 1908, being "An ordinance appropriating the sum of five hundred dollars to and for the use of the Department of Public Works."

Appropriation Ordinance No. 18, 1908, being "An ordinance appropriating the sum of \$11,700 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Resolution No. 4, 1908.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., May 5, 1908.

To the President and Members of the Common Council:

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

General Ordinance No. 28, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley east of Park avenue from Seventeenth street to Nineteenth street, with brick roadway."

General Ordinance No. 32, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley west of Delaware street from the north property line of Twentieth street to the south property line of Twenty-first street, with brick roadway."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., May 18, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I herewith present a communication from the Board of Park Commissioners requesting me to recommend the appropriation of the sum of \$17,000.00 with which to purchase a tract of land, in the eastern part of the city, commonly known as the Ellenberger Woods, for park purposes.

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

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC PARKS.
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 6, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: The Board of Park Commissioners at a special meeting held this date instructed me to request you to recommend to the Common Council an appropriation of \$17,000.00 for the purchase of a tract of land commonly known as the Ellenberger Woods, in the eastern part of the city.

Very truly,

Board of Park Commissioners,

BLYTHE Q. HENDRICKS,
Secretary.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 18, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to your Honorable Body, for consideration and action thereon, the enclosed ordinance authorizing and empowering the Board of Public Works to proceed with the following described improvements:

Improvement Resolution No. 5527, for the improvement of Sixteenth

street, from the C., C., C. & St. L. Ry. to the east property line of Northwestern avenue, with brick roadway and curbing.

Improvement Resolution No. 5535, for the improvement of Catterson street (first alley east of Illinois street), from north property line of Sixteenth to south property line of Twenty-first streets, with brick roadway.

Very respectfully,

BOARD OF PUBLIC WORKS.

F. J. NOLL, JR.,
Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., May 18, 1908.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Contracts and Franchises, to whom was referred General Ordinance No. 37, 1908, being "An ordinance authorizing and empowering the Board of Public Works to improve West street (west side), from Ray street to Morris street, with cement walks, beg leave to report that we have said ordinance under consideration and would recommend that the same do pass."

Respectfully submitted,

E. J. STICKELMAN.
JACOB H. HILKENE.
JAS. F. SULLIVAN.
OTTO HOFMANN.
JOHN F. WOOD.
CHAS. L. HARTMANN.
J. H. HAMLET.

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

From the Committee on Finance:

INDIANAPOLIS, IND., May 18, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 20, 1908, entitled "An ordinance providing for the appropriation of the sum of \$20,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect,

begs leave to report that it has had the same under consideration and recommends that said ordinance be amended as follows: "Strike out the figures \$20,000.00 in the title of said ordinance and insert in lieu thereof the figures \$10,000.00; also strike out the words and figures twenty thousand (\$20,000.00) dollars in lines two and three of Section 1, and inserting in lieu thereof the words and figures "ten thousand (\$10,000.00) dollars," and after being so amended your committee recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
BENJ. A. BROWN.
W. A. RHODES.
H. C. SMITHER.
W. O. BANGS.
FAY WRIGHT.
JOHN L. DONAVON.

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

From the Committee on Finance:

INDIANAPOLIS, IND., May 18, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred General Ordinance No. 46, 1908, entitled "An ordinance authorizing the sale of certain personal property, belonging to the City of Indianapolis, and fixing a time when the same shall take effect," begs leave to report that it has had said ordinance under consideration and recommends that the same do pass.

Respectfully submitted,

HARRY E. ROYSE.
BENJ. A. BROWN.
W. A. RHODES.
H. C. SMITHER.
W. O. BANGS.
FAY WRIGHT.
JOHN L. DONAVON.

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

From the Committee on License:

To the President and Members of the Common Council:

GENTLEMEN: Your License Committee, to whom was referred General Ordinance No. 45, 1908, entitled "An ordinance defining and declaring who

shall be deemed pawn brokers, providing for the licensing and regulation of the same, fixing a license fee therefor, fixing a time when the same shall take effect, and providing a penalty for the violation thereof," begs leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

W. O. BANGS.
JOHN F. WOOD.
W. A. RHODES.
HARRY E. ROYSE.
JOHN L. DONAVON.
JACOB H. HILKENE.
OTTO HOFMANN.

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

From the Committee on License:

To the President and Members of the Common Council:

GENTLEMEN: Your License Committee, to whom was referred General Ordinance No. 44, 1908, entitled "An ordinance providing for the regulation and duties of second-hand dealers; providing a penalty for the violation thereof; and repealing all ordinances in conflict therewith," begs leave to report that we have had same under consideration and recommend that the same do pass.

Respectfully submitted,

W. O. BANGS.
JOHN F. WOOD.
W. A. RHODES.
HARRY E. ROYSE.
JOHN L. DONAVON.
JACOB H. HILKENE.
OTTO HOFMANN.

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

From the Committee on License:

To the President and Members of the Common Council:

GENTLEMEN: Your License Committee, to whom was referred General Ordinance No. 38, 1908, entitled "An ordinance prohibiting the sale or display of slung shots, knucks and other similar weapons, providing a penalty for the violation thereof, and fixing a time when the same shall

take effect," begs leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

W. O. BANGS,
JOHN F. WOOD.
W. A. RHODES.
HARRY E. ROYSE.
JOHN L. DONAVON.
JACOB H. HILKENE.
OTTO HOFMANN,

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

From the Committee on Railroads:

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Railroads, to whom was referred General Ordinance No. 6, 1908, being "An ordinance approving a certain contract granting E. C. Atkins & Company the right to lay and maintain switches or side tracks across Capitol avenue," beg leave to report that it has had same under consideration and recommend that same do pass.

Respectfully submitted,

JOHN F. WOOD.
BENJ. A. BROWN.
W. O. BANGS.

Mr. Wood moved that the report of the committee be concurred in. Motion lost.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 21—1908: An ordinance appropriating the sum of \$17,000.00 to and for the use of the Board of Park Commissioners, 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 there be, and is hereby, appropriated out of any moneys in the city treasury not otherwise appropriated, the sum of seventeen thousand (\$17,000.00) dollars to and for the use of the Board of Park Commissioners of said city, the same (or so much thereof as may be necessary) to be expended in the purchase, for park purposes exclusively, of the certain tract of land lying in the eastern part of said

city consisting of about twenty-five (25) acres, more or less, and commonly known as the Ellenberger Woods.

The City Controller is hereby authorized and directed to draw his warrant on the General Fund of said city for the amount herein appropriated and credit such amount to the General Park Fund.

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.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 47—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Catterson street (first alley east of Illinois street), from the north property line of Sixteenth street to the south property line of Twenty-first street, with brick roadway.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 13th day of April, 1908, adopt Improvement Resolution No. 5535, 1908, for the improvement of Catterson street (first alley east of Illinois street), from the north property line of Sixteenth street to the south property line of Twenty-first street, with brick roadway, and

WHEREAS, The said Board of Public Works did at the same time fix the 29th day of April, 1908, at 10 o'clock a. m. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 14th day of April, 1908, and the 21st day of April, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 29th day of April, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 7th day of May, 1908, a written remonstrance was filed with the Board against the said Improvement of Catterson street (first alley east of Illinois street), and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 13th day of May, 1908, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

WHEREAS, On the 13th day of May, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of In-

dianapolis, Indiana, that the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Catterson street (first alley east of Illinois street), from the north property line of Sixteenth street to the south property line of Twenty-first street, with brick roadway, in accordance with Improvement Resolution No. 5535, 1908, adopted by the Board of Public Works on the 13th day of April, 1908.

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 Railroads.

By Board of Public Works:

General Ordinance No. 48—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Sixteenth street from the C., C., C. & St. L. Ry. to the east property line of Northwestern avenue, with brick roadway and curbing, and

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of April, 1908, adopt Improvement Resolution No. 5527, 1908, for the improvement of Sixteenth street from the C., C., C. & St. L. Ry. to the east property line of Northwestern avenue, with brick roadway and curbing, and

WHEREAS, The said Board of Public Works did at the same time fix the 27th day of April, 1908, at 10 o'clock a. m. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 11th day of April, 1908, and the 18th day of April, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 27th day of April, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 27th day of April, 1908, a written remonstrance was filed with the Board against the said Improvement of Sixteenth street, and the same was referred to the City Civil Engineer for investigation and report; and

WHEREAS, On the 6th day of May, 1908, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

WHEREAS, On the 8th day of May, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Sixteenth street from the C., C., C. & St. L. Ry. to the east property line of North-

western avenue, with brick roadway and curbing, in accordance with Improvement Resolution No. 5527, 1908, adopted by the Board of Public Works on the 10th day of April, 1908.

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 Permanent Improvements.

By President Neukom:

General Ordinance No. 49—1908: An ordinance regulating the sale of milk; providing a penalty for the violation 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 it shall be unlawful for any person, firm or corporation to sell or offer for sale, dispose of, exchange or deliver, or with the intent so to do as aforesaid, have in his or their possession, care, custody or control, milk, unless the same is in glass bottles as delivered by the producer or dealer, and the cap or other cover closing said bottles has the producer's or dealer's name printed thereon; provided, however, that the provisions of this ordinance shall not apply to restaurants, eating houses and places of like character where milk is consumed upon the premises.

SEC. 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine not to exceed fifty dollars, to which may be added for a second offense, imprisonment of not to exceed thirty days.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, a newspaper printed and published within the City of Indianapolis.

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

ORDINANCES ON SECOND READING.

Mr. Stickelman called for General Ordinance No. 37, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that General Ordinance No. 37, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No 37, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 20, 1908, for second reading. It was read a second time.

Mr Royse moved that Appropriation Ordinance No. 20, 1908, be amended as recommended by the committee. Carried.

Mr. Royse moved that Appropriation Ordinance No. 20, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 20, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for General Ordinance No 46, 1908, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 46, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 46, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Bangs called for General Ordinance No. 38, 1908, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 38, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 38, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Bangs called for General Ordinance No. 44, 1908, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 44, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 44, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon,

Sullivan, Hofmann, Hilkené, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Bangs called for General Ordinance No. 45, 1908, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 45, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 45, 1908, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Hilkené moved to adjourn.

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

The roll was called and the motion of Mr. Hilkené was lost by the following vote:

Ayes, 8, viz.: Messrs. Davis, Smither, Rhodes, Royse, Donavon, Sullivan, Hilkené and Henry.

Noes, 12, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Bangs, Uhl, Stickelman, Hartmann, Portteus, Hofmann, Wright and President William J. Neukom.

Mr. Wood called for General Ordinance No. 6, 1908, for second reading. It was read a second time.

Mr. Sullivan moved that General Ordinance No. 6, 1908, be stricken from the files.

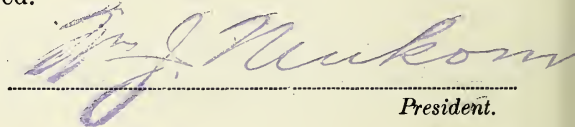
Mr. Wood called for the "ayes" and "noes."

The roll was called and General Ordinance No. 6, 1908, was stricken from the files by the following vote :

Ayes, 12, viz.: Messrs. Hamlet, Davis, Smither, Rhodes, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

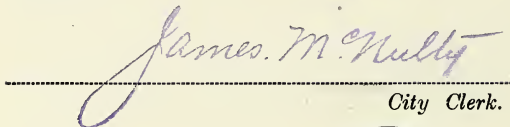
Noes, 8, viz.: Messrs. Brown, Cottey, Wood, Bangs, Uhl, Stickelman, Hartmann and President William J. Neukom.

On motion of Mr. Hamlet, the Common Council at 8:55 o'clock P. M., adjourned.



President.

ATTEST:



City Clerk.

