

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, June 21, 1909.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 21, 1909, at 7:30 o'clock, in regular session, President Edward J. Stickelman in the chair.

Present: The Hon. Edward J. Stickelman, President of the Common Council, and 18 members, viz: Messrs Brown, Cottey, Hamlet, Wood, Davis, Eppert, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Portteus, Royse, Sullivan, Hofmann, Wright and Henry.

Absent, 2, viz: Messrs. Donavon, and Hilkene.

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

At 7:45 o'clock P. M. Messrs. Donavon and Hilkene entered the Council Chamber and took their seats.

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 9, 1909.

*To the President and Members of the Common Council:*

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

General Ordinance No. 16, 1909. "An ordinance approving a certain

contract granting to Frank E. Casady and Horace G. Casady the right to lay and maintain a sidetrack or switch from the Belt Railway tracks across the first alley east of the Belt Railway tracks \* \* \*."

General Ordinance No. 17, 1909. "An ordinance approving a certain contract granting the Lake Erie & Western Railroad Company the right to lay and maintain a sidetrack or switch from the Lake Erie & Western Railroad Company's tracks across Thirtieth street \* \* \*."

General Ordinance No. 18, 1909. "An ordinance laying off and dividing the territory of the City of Indianapolis into park districts."

General Ordinance No. 19, 1909. "An ordinance dividing the City of Indianapolis, Indiana, into six councilmanic districts and defining boundaries thereof."

General Ordinance No. 20, 1909. "An ordinance requiring the Lake Erie & Western Railroad Company and the Chicago, Indianapolis & Louisville Railway Company to erect and maintain safety gates for the protection of the public at certain street crossings, fixing a time when the same shall take effect and providing a penalty for the violation thereof."

Appropriation Ordinance No. 16, 1909. "An ordinance appropriating the sum of \$8,000 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 17, 1909. "An ordinance appropriating the sum of \$3,700 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 18, 1909. "An ordinance appropriating the sum of \$6,500 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 19, 1909. "An ordinance providing for the appropriation of \$600 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 20, 1909. "An ordinance appropriating the sum of \$2,000 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 21, 1909. "An ordinance providing for the appropriation of \$25,000 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 13, 1909.

*To the President and Members of the Common Council:*

GENTLEMEN: I return herewith with my approval General Ordinance No. 22, 1909, the same being "An ordinance providing for the inspection of scales, weights and measures in the City of Indianapolis, Indiana;

providing for the appointment of an Inspector of Scales, Weights and Measures, and defining his duties and compensation; providing penalties for the violation thereof, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 21, 1909.

*To the President and Members of the Common Council:*

GENTLEMEN: There will be submitted to your honorable body, at this evening's session, an ordinance regulating the running and operation of locomotives, trains and cars on the lines of steam railroads in the City of Indianapolis, such ordinance being the result of conferences heretofore had with representatives of the Indianapolis railroads, and with the members of the Railroad Commission of Indiana.

The rates of speed fixed in the ordinance submitted are in accordance with the recommendations of the Railroad Commission, and are, in my opinion, in every way satisfactory from the standpoint of the people.

In order that you may be informed of the various steps taken prior to the submission of this ordinance I am enclosing herewith (marked "Exhibit A") a communication from the Railroad Commission of Indiana, under date of June 7th, and also a communication (marked "Exhibit B") addressed to the Hon. W. J. Wood, chairman of the Railroad Commission, such communication having been forwarded to Mr. Wood by Mr. Shane, chief inspector.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
Mayor.

EXHIBIT A.

RAILROAD COMMISSION OF INDIANA,  
INDIANAPOLIS, IND., June 7, 1909.

*Hon. C. A. Bookwalter, Mayor of Indianapolis, and the Common Council of said City, Indianapolis, Indiana:*

DEAR SIR: The Railroad Commission has had under consideration the proposed speed limit ordinance, submitted to it by you, as applicable to the movement of trains, engines and cars operated with steam within the corporate limits of the City of Indianapolis, and pursuant to your verbal request to Chairman Wood, submits its recommendations, together with a report of Chief Inspector Shane relative to trainmen's ability to control moving trains at different rates of speed as well as other information of a pertinent nature.

The demand of the public for speed in transportation of passengers, and freight as well, is recognized to be most insistent. Indeed, so great is the demand that the high rate of speed necessarily maintained to meet it, especially in cities and towns, has increased very greatly the hazard to the public using the streets and thoroughfares of the municipality.

It is, therefore, proper that the city, and especially of the size and importance of the capital of Indiana, should regulate the speed of trains which are constantly moving over its streets and public places.

The ordinance submitted at the conference recently held between representatives of the city and railroads, and attended by a member of this commission, is fair and reasonable in its terms and provisions, with the exception that the limit of speed prescribed for districts two and three is too great in the judgment of the commission. It is, therefore, courteously recommended that sections seven and eight of the proposed ordinance be amended so that the speed limit of the Second District shall be fixed at not more than twenty miles per hour, and in the Third District at not more than twenty-five miles per hour.

At these limits the speed would be such as to allow a train to pass through the city by the longest route in less than thirty minutes, even where there is no track elevation, and where such elevations obtain in less time, as no limit is prescribed in such instances.

It is believed that no higher speed should be demanded either on the part of the traveling public or the railroads. The attention of the commission has frequently been called to casualties happening in the City of Indianapolis at grade crossings of the railroads centering here, and in almost every instance on account of the high speed of the trains prevailing at the points of collision.

It will be observed from the inspector's report that tests recently made show that it requires a distance of 601 feet and 17 seconds in time to stop a train running forty miles per hour, while running at a speed of twenty-five miles an hour it can be stopped in 194 feet and 10 seconds of time. The difference in favor of lesser rate is very marked and much safer. It is suggested that the very great per cent of fatalities occurring at street crossing collisions have been when trains were running at a high rate of speed.

The commission does not, however, undertake to recommend as to minute detail, as your honor and the City Council are much more familiar with the various localities traversed by the roads, and better qualified to judge of proper location of distance as effected by the ordinance, but the recommendations are limited to the rate of speed that should prevail in the different districts when bounded substantially as in the ordinance. It is conceded by everyone who has given the subject any consideration that the City of Indianapolis is in urgent need of a new ordinance upon this subject, and the enactment of one containing just and reasonable restrictions will receive general approval.

Yours very truly,

RAILROAD COMMISSION OF INDIANA,  
CHAS. B. RILEY, *Secretary*.

#### EXHIBIT B.

*Hon. W. J. Wood, Chairman:*

DEAR SIR: I return to you herewith proposed ordinance intended to regulate the speed of trains within the corporate limits of the City of Indianapolis. I attach also a map of the city and have shown on said map, in heavy blue lines, the boundaries as given in Section 2 of the proposed ordinance and denominated District No. 1, and have shown, in heavy red line, the boundaries as set forth in Section 3, said territory to be known as District No. 2. (The four corners of these boundaries are marked with a blue cross.) All of the balance of the city, outside of this last named boundary, as set forth in Section 4, is termed District No. 3. In compliance with your verbal request I submit the following:

At a recent test made with an engine and five coaches, at which your-

self and Commissioner Dowling attended, it was shown that a train running at a speed of 12 miles per hour made an emergency stop in 29 feet, using four seconds of time. The same train, at a speed of 15 miles per hour, was stopped in 45 feet, using five seconds of time. At 25 miles per hour the train was stopped in 10 seconds, and run 194 feet. At 35 miles per hour it was stopped in 13 seconds, running 260 feet. At 40 miles per hour the stop was made in 17 seconds, the train running 601 feet. At 46 miles per hour it required 672 feet to make the stop in about 20 seconds of time.

It was conceded that these tests were made under average conditions, and were very reliable.

It will be noticed that in the first two rates of speed, that of 12 miles per hour, where the train was stopped in 29 feet, and that of 15 miles per hour, where the stop was made in 45 feet, the time and distance was such that it would seem, and your inspector is of the opinion, that where the trainmen are on the lookout and are alert an accident can almost to a certainty be avoided. But at the rate of 25 miles per hour, where it requires 194 feet to make the stop, and all rates of speed above that, there are conditions and circumstances where the train could not be stopped in time to prevent a collision. For instance, where the track is badly obstructed, or a passing train on an adjoining track and persons walk or drive onto a track in front of an approaching train, and from behind an obstruction, whether it be stationary or a moving train, it is hardly probable that the train will be stopped in time. A vehicle in an emergency might clear a track in ten seconds, but the chances would probably be against them. After going over all the tracks entering into the city, over which through trains may run, I feel like exceptions might be taken to the speed fixed in the proposed ordinance along the tracks of the Monon and the Lake Erie from Twenty-first street north to Western avenue, and on the Louisville division of the Pennsylvania from Morris street to the Belt; through the town of Irvington where they have crossings, the Cleveland division of the Big Four from the boundary of District No. 3 to Brightwood, and through such places as are thickly settled along the Belt.

It will be remembered at a recent accident in which a man and his son were killed and his wife was injured, it occurred on Twenty-fourth street, and it was said that the train was not going at a speed exceeding thirty miles per hour.

Personally, I am of the opinion that a speed of twelve miles per hour in the First District, twenty miles per hour in the Second District, twenty-five miles per hour in the Third District would be more reasonable and consistent, especially since Section 10 of the proposed ordinance provides that no restriction is placed upon the speed of engines or trains over any of the tracks where there are no grade crossings.

I cannot refrain from calling attention to the fact that very much will depend upon the engineer and the fireman being ever on the lookout in passing over grade crossings and prepared to make an emergency stop on the shortest possible notice, and exercising better judgment when they see a train moving on a parallel track that is blocking a crossing and they know that it is highly probable that the people are being held back that will, in their anxiety, rush across immediately the crossing is cleared. Under such circumstances extra caution should be used.

I believe also in a campaign of education, and an endeavor to impress the public with the importance of self-preservation.

Respectfully submitted,

A. SHANE,  
*Chief Inspector.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., June 17, 1909.

*To the President and Members of the Common Council:*

GENTLEMEN: I return herewith, without my approval, General Ordinance No. 21, 1909, the same being "An ordinance regulating the use of automobiles upon the streets, alleys and public highways of the City of Indianapolis."

I am in full accord with the provisions of this ordinance which compel the display of lights upon all automobiles; that prohibit the running of the machinery of such vehicles while the same are standing in any street, alley or public place without an attendant; that provide that all such vehicles shall be equipped with a sufficient modern and improved muffler, which shall be kept closed at all times when such vehicle is in motion; that provide that all such vehicles shall be equipped with a sufficient pan or device that will prevent, in so far as possible, the dripping of oil or grease upon any street; that provide that no person under seventeen years of age shall operate such vehicles upon the streets or public highways of the city, but I am constrained to withhold my approval because of the fact that Section 4 of the ordinance, in my opinion, demands an impossibility of the owners and operators of these machines. Section 4 reads as follows:

"No person, firm or corporation shall use upon the streets, alleys or public highways of the City of Indianapolis, any automobile, motor vehicle, or other conveyance, carriage, wagon, engine or machine, the motor power of which shall be electricity, steam, gasoline, or any source of energy other than human or animal power, unless such vehicle shall be equipped with a sufficient pan or device that will prevent the dripping of oil or grease upon any street, alley or public highway in said city, and it is hereby forbidden and declared to be unlawful within the limits of the City of Indianapolis to suffer, or permit the escape, running or leaking or dripping of oils or greases on the streets of said city from any vehicle described or defined in this section."

I am sufficiently familiar with the use and operation of automobiles to know that it is an absolute impossibility for the operator of any machine to, at all times, prevent the dripping of some oil. Many of the wearing parts of these machines are so located that it is an engineering impossibility, combined with practicability, to protect all such parts and prevent all dripping. It occurs to me that the main purpose of this section sought to be served is to compel the protection of the engine parts and transmission with a suitable pan, and, in my opinion, when such protection is secured we have demanded of the operators of these machines all that in reason should be demanded.

In my opinion the ordinance should not become operative with these provisions contained therein, especially in view of the drastic penalties contained in Section 6. Under the provisions of such section an operator of a machine who might do everything possible to comply with the ordinance would still be at the mercy of any one who, for any reason, might see fit to bring action under the provisions of this ordinance, and, no option being given the court as to the infliction of workhouse penalties, many good people whose offense would not warrant such extreme punishment would be subject to imprisonment. Either this condition would follow or the very drastic character of the punishment provided for would result in the ordinance becoming a "dead letter," because of the unwillingness of the court to inflict a punishment which would not fit the offense.

In my opinion it will be an easy matter for the members of your honorable body, in conjunction with the users of automobiles, to pre-

pare an ordinance omitting these objections which I consider most vital.

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., June 21, 1909.

##### *To the President and Members of the Common Council:*

GENTLEMEN: I herewith submit a communication from the Department of Public Works, asking me to recommend the appropriation of the sum of \$20,000 for the construction of a public comfort station.

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

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

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., June 21, 1909.

##### *George T. Breunig, City Controller, City:*

DEAR SIR: You are respectfully requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$20,000 for the construction of a public comfort station, to be known as Public Comfort Station No. 1.

Respectfully yours,  
JOSEPH T. ELLIOTT,  
F. J. MACK,  
Board of Public Works.

#### REPORTS FROM STANDING COMMITTEES.

##### From the Committee on Elections:

INDIANAPOLIS, IND., June 21, 1909.

##### *To the President and Members of the Common Council:*

Your Committee on Elections, to which was referred General Ordinance No. 23, 1909, entitled "An ordinance to divide the City of Indianapolis, Indiana, into one hundred and twenty-one (121) precincts, defining the boundaries thereof and fixing a time when such ordinance shall take effect," begs leave to report that it has had the same under

consideration and recommends that said ordinance be amended as follows:

By striking out of Section 1 of said ordinance that part of said Section 1 defining the boundaries of the Fifth Precinct of the Tenth Ward, and also by striking out that part of said Section 1 defining the boundaries of the Sixth Precinct of the Tenth Ward, and inserting in lieu thereof the following, to-wit:

*Fifth Precinct.* All that part of the said city bounded as follows shall be and constitute the Fifth Precinct, Tenth Ward: Commencing in the center line of English avenue at its intersection with the center line of State avenue; thence south with the center line of State avenue to the center line of Woodlawn avenue; thence west with the center line of Woodlawn avenue to the center line of Laurel street; thence north with the center line of Laurel street to the center line of English avenue; thence east with the center line of English avenue to the center line of State avenue, the place of beginning.

*Sixth Precinct.* All that part of the said city bounded as follows shall be and constitute the Sixth Precinct, Tenth Ward: Commencing in the center line of English avenue at its intersection with the center line of Laurel street; thence south with the center line of Laurel street to the center line of Woodlawn avenue; thence west with the center line of Woodlawn avenue to the center line of Shelby street; thence north with the center line of Shelby street to the center line of English avenue; thence east with the center line of English avenue to the center line of Laurel street, the place of beginning.

After being so amended your committee recommends that said ordinance do pass.

Respectfully submitted,

W. O. BANGS.  
L. F. HENRY.  
OTTO HOFMANN.

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

#### From the Committee on Finance:

INDIANAPOLIS, IND., June 21, 1909.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 23, 1909, being "An ordinance appropriating the sum of \$100.00 to and for the Department of Finance, and fixing a time when the same shall take effect," beg leave to report that they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

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

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



**From the Committee on Finance:**

INDIANAPOLIS, IND., June 21, 1909.

*To the President and Members of the Common Council:*

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 22, 1909, being "An ordinance providing for the appropriation of \$1,500 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 they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

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

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

**INTRODUCTION OF APPROPRIATION ORDINANCES****By City Controller:**

Appropriation Ordinance No. 24—1909: An ordinance providing for the appropriation of twenty thousand dollars (\$20,000) to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of twenty thousand dollars (\$20,000) be, and the same is hereby appropriated out of any funds in the city treasury not otherwise appropriated, to and for the use of the Department of Public Works, to be expended by such department, or so much thereof as may be necessary, in the construction of a public comfort station to be known as Public Comfort Station No. 1.

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 Mr. Rhodes:

General Ordinance No. 25—1909: An ordinance to regulate the running and operation of locomotives, trains and cars on the lines of steam railroads in the City of Indianapolis, Indiana, fixing penalties for a violation of this act, providing for the publication of this ordinance, prescribing a time when this ordinance shall take effect and repealing Section 2 of an ordinance approved March 12, 1866, entitled "An ordinance to regulate the running of locomotives and cars in the City of Indianapolis, requiring flagmen to be stationed at certain railroad crossings, defining the duties of such flagmen, and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossing."

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That for the purposes of this ordinance the City of Indianapolis shall be and hereby is divided into three districts, to be known as "District No. 1," "District No. 2" and "District No. 3," respectively.

SEC. 2. District No. 1 shall consist of all that portion of the City of Indianapolis lying within the territory bounded on the north by the north line of Georgia street, bounded on the east by the east line of Delaware street, bounded on the south by the south line of Merrill street, and bounded on the west by the west line of Senate avenue.

SEC. 3. District No. 2 shall consist of all that portion of the City of Indianapolis lying within the territory bounded on the north by the north line of Twenty-first street, bounded on the east by the east line of State avenue and said east line of State avenue extended north and south in a straight line, bounded on the south by the south line of Morris and Prospect streets, and bounded on the west by the west line of Belmont avenue and said west line of Belmont avenue extended north and south in a straight line, exclusive of the territory included in District No. 1 as described in Section 2 hereof.

SEC. 4. District No. 3 shall embrace all that portion of the City of Indianapolis not embraced in Districts Nos. 1 and 2 as described in Sections 2 and 3 hereof.

SEC. 5. That it shall be unlawful for any locomotive engineer, conductor, or other person having a railroad engine, car or train of cars in charge, on the line of any steam railroad, to permit the same to be run or operated along, over or across any street, alley or other public place in the City of Indianapolis, within the limits of said District No. 1, at a greater rate of speed than twelve miles per hour.

SEC. 6. That it shall be unlawful for any locomotive engineer, conductor, or other person having a railroad engine, car or train of cars in charge, on the line of any steam railroad, to permit the same to be run or operated along, over or across any one of the following streets in said City of Indianapolis, to-wit: East Washington street, West Washington street, South Meridian street, Shelby street or South East street at a greater rate of speed than twelve miles per hour.

SEC. 7. That it shall be unlawful for any locomotive engineer, conductor, or other person having a railroad engine, car or train of cars in charge, on the line of any steam railroad, to permit the same to be run

or operated along, over or across any street, alley or other public place in the said City of Indianapolis within the limits of District No. 2 at a greater rate of speed than twenty miles per hour.

SEC. 8. That it shall be unlawful for any locomotive engineer, conductor, or other person having a railroad engine, car or train of cars in charge, on the line of any steam railroad, to permit the same to be run or operated along, over or across any street, alley or other public place in the said City of Indianapolis, within the limits of District No. 3, at a greater rate of speed than twenty-five miles per hour.

SEC. 9. The provisions of Sections 7 and 8 hereof shall not apply to East Washington street, West Washington street, South Meridian street, Shelby street or South East street. The operation of engines, cars or trains of cars over any one of said streets just named shall be governed by the provision of Section 6 of this ordinance.

SEC. 10. None of the provisions of this ordinance shall apply to streets, alleys or other public places where the railroad tracks are elevated, or where the grades of the tracks and the street, alley or other public place are separated. At such points there shall be no restrictions as to the speed at which engines, cars or trains of cars may be run or operated.

SEC. 11. Any person found guilty of violating any one of the foregoing sections or provisions of this ordinance shall, upon conviction in any court of competent jurisdiction, be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment for any period not exceeding ten days.

SEC. 12. That Section 2 of an ordinance approved March 12, 1866, entitled "An ordinance to regulate the running of locomotives and cars in the City of Indianapolis, requiring flagmen to be stationed at certain railroad crossings; defining the duties of such flagman and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossing," be and the same is hereby repealed.

SEC. 13. This ordinance shall be in full force and effect at the expiration of thirty days from its publication, once each week for two consecutive weeks in the Indianapolis Commercial, a newspaper of general circulation printed in said City of Indianapolis.

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

By Mr. Rhodes:

General Ordinance No. 26—1909: An ordinance requiring persons driving or operating automobiles or motorcycles upon the streets, alleys and public highways of the City of Indianapolis to obtain a license; providing penalties 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, That it shall be unlawful for any person to drive or operate upon or along any street, alley or public place in the City of Indianapolis any automobile, motorcycle or similar vehicle, unless the person in charge or control thereof shall have first procured a license so to do from the City Controller of said city, for which the sum of one dollar (\$1.00) shall be paid. The City Controller is hereby authorized to issue such license only upon the presentation of a permit properly signed by the Board of Public Safety.

SEC. 2. For the purpose of this ordinance the terms or names "automobiles," "motorcycles" and "other similar vehicles" wherever and whenever used in this ordinance shall be held to embrace and mean, and are hereby defined to mean any vehicle driven or propelled upon or along the streets, alleys or other public ways of the City of Indianapolis, the motive power of which is electricity, compressed air, naphtha, gasoline, kerosine or steam: Provided, however, that nothing herein shall apply to the operation of any locomotive, trolley car or other vehicle used by any steam or street railway upon or along any track or tracks owned or lawfully used by any steam or street railway company.

SEC. 3. Any person desiring a license as an operator of such vehicle shall file a written application therefor with the Board of Public Safety, stating his name and address, and shall present satisfactory evidence of his ability and capacity as such operator. If the Board be satisfied that he is a proper and safe person to act as such operator a permit for such a license shall be issued: Provided, that no such permit shall be issued to any person under the age of 17 years. Any such operator shall, within five days, notify the Board of Public Safety of any change of address, and such operator shall, whenever requested by the police authorities, disclose and furnish his name and address, and the number of his license.

SEC. 4. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00), to which may be added imprisonment not to exceed six months in the Marion County jail or workhouse; and the court finding any person guilty of violating any statute of the State or ordinance of this city relating to automobiles or motor vehicles, as herein defined, may revoke said person's license: Provided, that when any person shall be found guilty for a third time of violating any statute of this State or ordinance of this city relating to automobiles or motor vehicles, as herein described, said third conviction shall operate to revoke the license taken out by such person under the provisions hereof, and if such person shall thereafter be found guilty of violating any of the provisions of this ordinance he shall be fined not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00), and shall also be imprisoned in the Marion County jail or workhouse not less than fifteen days, nor more than six months.

SEC. 5. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper, having a general circulation in the City of Indianapolis, Indiana.

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

**By Mr. Rhodes:**

General Ordinance No. 27—1909: An ordinance regulating the distribution of hand bills, circulars and other advertising matter, 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 or persons to scatter circulars, hand bills or other advertising matter upon the streets, sidewalks or public places of said city, or upon the porches or lawns of

any person or persons within said city without the consent of the owner or occupant of said premises.

SEC. 2. Any one violating the provisions of this ordinance shall be fined in any sum not less than \$2.00 nor more than \$10.00.

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 Commercial, a newspaper of general circulation in the City of Indianapolis, Indiana.

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

By Mr. Rhodes:

General Ordinance No. 28—1909: An ordinance regulating the use of automobiles and motor vehicles upon the streets, alleys and public highways of the City of Indianapolis, and providing penalties 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 leave standing in a public street, alley or highway within the limits of the City of Indianapolis, from one-half hour after sunset to one-half hour before sunrise, any automobile, motor vehicle or other conveyance, carriage, wagon, engine or machine, the motor power of which shall be electricity, steam, gasoline, or any source of energy other than human or animal power, unless there shall be kept burning on the front of said vehicle at least one white light visible for a distance of not less than two hundred feet, and on the rear of said vehicle at least one red light visible for a distance of not less than two hundred feet.

SEC. 2. No person, driver or operator, in charge of any automobile or motor vehicle, or carriage described in Section 1 of this ordinance, shall permit the machinery of said vehicle to run while such vehicle is standing in any street, alley or public highway within said city without an attendant for a longer period of time than five minutes at any one time.

SEC. 3. No person, firm or corporation shall use upon the streets, alleys or public highways of the City of Indianapolis any automobile, motor vehicle, other conveyance, carriage, wagon, engine or machine, the motor power of which shall be steam, gas or gasoline, or any like source of energy, unless such vehicle shall be equipped with a sufficient modern and improved muffler to prevent noise from the exhaust of the engine or engines of such vehicle, and said muffler shall be kept and remain closed by the person operating or in charge of such vehicle at all times when such vehicle is in motion.

SEC. 4. No person under seventeen years of age shall operate upon the streets or public highways of the City of Indianapolis, any automobile, motor vehicle, or other conveyance, carriage, wagon, engine or machine, the motor power of which shall be electricity, steam, gasoline, or any source of energy other than human or animal power.

SEC. 5. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not less than one (\$1.00) dollar or more than one hundred (\$100.00) dollars, to which may be added imprisonment not to exceed six months in the Marion County

jail or workhouse, and upon a second conviction for such offense said person, firm or corporation shall be fined not less than twenty-five (\$25.00) dollars, to which may be added imprisonment not to exceed six months in the Marion County jail or workhouse, and upon a third conviction for such offense said person, firm or corporation shall be fined not less than fifty (\$50.00) dollars, to which shall be added imprisonment for a period of not less than thirty days in the Marion County jail or workhouse.

SEC. 6. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper, having a general circulation in the City of Indianapolis, Indiana.

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

#### ORDINANCES ON SECOND READING.

Mr. Bangs called for General Ordinance No. 23, 1909, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 23, 1909, be amended as recommended by the committee. Carried.

Mr. Bangs moved that General Ordinance No. 23, 1909, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 23, 1909, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President Edward J. Stickelman.

Noes, none.

Mr. Rhodes called for Appropriation Ordinance No. 22, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 22, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 22, 1909, was read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President Edward J. Stickelman.

Noes, none.

Mr. Rhodes called for Appropriation Ordinance No. 23, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 23, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 23, 1909, was read a third time and passed by the following vote:

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

Noes, none.

INDIANAPOLIS, IND., June 21, 1909.

*To Edward J. Stickelman, Esq., President Common Council City of Indianapolis:*

DEAR SIR: I hereby tender you my resignation as a member of the Common Council from the Seventh Ward to take effect June 22, 1909.

Respectively yours,

WENDELL O. BANGS.

Mr. Eppert moved the Council act as a Committee of the Whole on the resignation of Mr. Bangs, and report at the next regular meeting.

Mr. Royse moved to adjourn.

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

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

Ayes, 6, viz.: Messrs. Brown, Cottey, Wood, Rhodes, Royse and Donavon.

Noes, 14, viz.: Messrs. Hamlet, Davis, Eppert, Neukom, Smither, Uhl, Hartmann, Portteus, Sullivan, Hofmann, Hilkene, Wright, Henry and President Edward J. Stickelman.

The motion of Mr. Eppert was then called for.

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

The roll was called and the motion of Mr. Eppert was carried by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Davis, Eppert, Neukom, Smither, Rhodes, Uhl, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President Edward J. Stickelman.

Noes, 3, viz.: Messrs. Brown, Hamlet and Wood.

On motion of Mr. Donavon, the Common Council at 8:45 o'clock P. M., adjourned.

*Edw. J. Stickelman*

President.

ATTEST:

*James M. Nulty*

City Clerk.

