

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
May 7, 1900. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 7, 1900, at 8 o'clock, in regular meeting.

Present, Hon. John H. Crall, President of the Common Council, in the chair, and 19 members, viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, McGrew; Negley, Reilly, Spiegel and Wheeler.

Absent 1, viz.:—Mr. Perrott.

The Clerk proceeded to read the Journal, whereupon Councilman Daller moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., April 20, 1900. }

To the President and Members of the Common Council:

Gentlemen—I have this day approved the following ordinances:

App. O. No. 3, 1900. An ordinance appropriating \$200 to the Department of Finance, to be expended towards defraying the expenses attending the proper observance of Memorial Day, May 30, 1900.

G. O. No. 11, 1900. An ordinance changing the name of Klondyke avenue to that of Division street.

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., May 7, 1900. }

To the President and Members of the Common Council:

Gentlemen—I respectfully recommend that the following appropriations be made:

Margaret Stehlin, widow of George Stehlin, sixty-one dollars and fifty cents (\$61.50), and Rike Weiss, widow of Paul T. Weiss, thirty-four dollars and thirty-seven cents (\$34.37), for rebate of liquor license held by George Stehlin and Paul T. Weiss, both deceased.

I further recommend that an appropriation of two thousand dollars (\$2,000) be made to the Board of Public Health and Charities for the suppression of contagious diseases, as requested by said Board, which request is herewith sent you.

Respectfully submitted,

E. M. JOHNSON,
City Comptroller.

CITY OF INDIANAPOLIS,
DEPARTMENT OF PUBLIC HEALTH AND CHARITIES,
INDIANAPOLIS, IND., May 5, 1900. }

Mr. E. M. Johnson, City Comptroller:

Dear Sir—The fund for the prevention of contagious diseases being again exhausted, we have to ask that you recommend an additional appropriation of \$2,000 for this fund. The last itemized statement furnished for the information of the Council showed a balance on hand of \$59; April 6th, appropriation, \$1,000; total \$1,059. Accompanying will be found a statement of expenditures since that time. Since the 1st of April we have had twenty-one cases and seventy-five people to care for, making necessary a number of quarantines corresponding to the number of cases.

Very respectfully,

F. A. MORRISON, *President.*
J. F. BENHAM.
E. D. MOFFETT.

E. D. CLARK, *Secretary.*

Items of Expense.

Amount paid for quarantine guards.....	\$294.00
Estimated amount due quarantine guards.....	343.00
Dr. C. E. Ferguson.....	144.00
Consolidated Coal and Lime Co., for coal.....	23.00
A. B. Meyer & Co., for coal.....	7.50
Home Stove Co., four stoves and pipe.....	18.00
Hogan Transfer Co., drayage.....	3.18
Indianapolis Tent and Awning Co., for tents.....	13.75
A. Kiefer Drug Co., for formaldehyde.....	27.00
Parke, Davis & Co., culture tubes.....	2.50
Syerup & Co., vegetables.....	4.50
Huntington & Page, sprayer.....	.75
Lizzie Schmidt, stove.....	1.00
Samuel Davis, meat.....	11.83
M. J. Stewart, groceries.....	60.00
Messler & Bowen, groceries.....	7.50
Nagelieson Bros., drayage.....	1.50
Lewis Wasson, guard, two days.....	3.50
New York Store, clothing.....	14.00
Estimated bills not yet presented.....	125.00
	\$1,105.51

Recapitulation.

Amount expended.....	\$1,105.51
Amount on hand April 1st.....	1,059.00
	\$46.51

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

REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works :

DEPARTMENT OF PUBLIC WORKS, }
 OFFICE OF THE BOARD, }
 INDIANAPOLIS, IND., May 7, 1900. }

To the President and Members of the Common Council:

Gentlemen—We refer to you herewith, for your consideration and action, all papers in the matter of paving with creosoted wooden blocks the roadway of Ohio street, from Noble street to Arsenal avenue, in the City of Indianapolis.

Very respectfully,

JOS. T. FANNING,
 ALBERT SAHM,
 JOS. W. SMITH,
Board of Public Works.

Which was read and referred to Committee on Sewers, Streets and Alleys.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Munro, on behalf of the Committee on Public Health, to which was referred:

G. O. No. 12, 1900. An ordinance regulating the removal of dead animals and animal matter from the City of Indianapolis, prescribing penalties for the violation thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., April 16, 1900.

Mr. President:

We, your committee to whom was referred G. O. No. 12, 1900, have carefully examined the same, and wish to offer the following amendment: Add to the last line in Section 2, "except stock yards and packing houses." When so amended, we recommend the passage of the ordinance.

Respectfully submitted,

JAMES R. MUNRO.

J. W. MCGREW.

WM. KAISER.

Which was read and concurred in.

Mr. Billingsley, on behalf of a majority of the Committee on Public Property and Improvements, to which was referred:

G. O. No. 3, 1900. An ordinance requiring corporations, companies, firms and individuals furnishing gas under the provisions of G. O. No. 14, 1887, to pay into the city treasury annually a tax of three (3) cents per foot on their gas mains laid or maintained within the limits of the City of Indianapolis, Indiana; providing a penalty for violation thereof; providing for publication, and fixing the time for its taking effect.

Made the following request:

Mr. President:

The majority of your Committee on Public Property and Improvements request further time for the consideration of G. O. No. 3, 1900.

J. H. BILLINGSLEY.

JAMES R. MUNRO.

Which was granted.

Mr. Perrott, absent at roll-call, arrived.

Mr. Wheeler, on behalf of a majority of the Committee on Investigation and Impeachment, made the following report:

INDIANAPOLIS, IND., May 7, 1900.

To the Common Council of the City of Indianapolis:

Gentlemen—Your standing Committee on Investigation and Impeachment, empowered to act therein as provided by ordinance approved January 15, 1894, and to whom was referred Resolution No. 1, adopted

January 15, 1900, calling attention to alleged violations of the City Charter by the Board of Safety, and by other departments of the present city government, respectfully submit the following report to your honorable body as the result of its investigation, and your committee ask that the same shall be filed and made a matter of record.

Item 1. Your committee respectfully shows that the Board of Safety of the City of Indianapolis, on the 23d day of January, 1899, as evidenced by the records of said Board, adopted the following order, to-wit:

"Patrolmen must not enter any saloon in the city in uniform, whether on duty or not, except in case they are ordered to do so by their superior officer, or in case there is fighting or other unlawful conduct being committed within the saloon that requires their presence in the line of duty."

And said Board strictly enforced the same; and the present Board of Safety of said city, composed of Charles C. Roth, Nelson J. Hyde and W. S. McMillen, have also adopted the same order, and strictly enforced it, which order your committee believes and charges is against the plain letter and spirit of the City Charter.

And your committee further charges that the action of the Board of Safety in strictly enforcing said order is a flagrant and scandalous violation of Section 102 of the City Charter, which provision is as follows:

"That it is hereby made the duty of said city police force, at all times within such city, and the members thereof are specially empowered to preserve peace, prevent crime, detect and arrest offenders, * * * carefully observe and inspect all places of business under license, or required to have the same, all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside, all lottery or policy shops, all gambling houses, cock-pits, dance houses, resorts, and to suppress and restrain all unlawful or disorderly conduct or practices, enforce and prevent the violation of all ordinances and laws in force in such city."

We therefore find, from the evidence before the committee, and charge, that the effect of such an order was, and necessarily is, to encourage crime instead of preventing it, and to protect willful violators of the law, instead of hunting them down and running them to justice.

We find from such investigation that the strict enforcement of said order destroyed the very object of the criminal statutes of our State, and annulled and held to naught the provisions of the Charter.

We further find and charge that, by reason of said order, gambling of all kinds, such as dice-shaking, crap games and poker playing, as well as immoral conduct of the most flagrant and disgraceful type, have a safe and sure retreat in the saloons of the city; while at the same time the young girls and boys of the city, who wander into those places out of the curiosity of childish innocence, have not the protection which the criminal laws of the State of Indiana and the provisions of the City Charter contemplated.

We therefore find and charge that the members of the Board of Safety of said city, heretofore individually named, acting in their official capacity, in the enforcement of said order, are guilty of knowingly violating the above provision of said Charter by reason of promulgating the said order and demanding its strict enforcement by the Superintendent of Police.

And we therefore report said official acts to the Common Council of said city as in contravention of the provisions of the City Charter, and sufficient ground for the impeachment of said Board of Safety.

Item 2. We further find from our investigation that E. M. Johnson, the City Comptroller, has, without any authority of law, used the money arising from the sale of bridge bonds—which bonds your honorable body, by virtue of the inherent power vested under the law so to

do, directed sold for the specific purpose of building bridges across Fall Creek—for the payment of the general and current expenses of the city government, thereby enabling the city administration, by the unwarranted and unlawful use of said funds, to bridge over what would otherwise be a large deficit in the city treasury. Mr. Johnson, the City Comptroller, stated under oath before your committee that his books showed that \$154,600.32, the amount of the bridge fund, was received for September 2, 1899, at which time there remained in the treasury of the park fund, unexpended for park purposes or improvement of parks, a balance of \$7,511.41, making a total balance for the specific purpose of building bridges and improving parks of \$161,511.73, and that the whole amount of cash balance standing to the credit of the city was \$188,215.10.

That on the 3d day of March following, his books only showed a cash balance of \$66,616.12, with \$18,500 of taxes then due the city, making a total, including all funds, specific and otherwise, of \$85,116.12, and he further stated to your committee that if there had been no specific appropriations for bridge purposes and park purposes, the city would have been compelled to have made a loan or quit paying the running expenses of the city.

Your committee therefore charges and presents that the City Comptroller has, by his own admission, suffered the appropriation for the item of expense of building said bridges to be drawn upon for another purpose than that for which it was specifically made, without authority given him by ordinance, which action of the City Comptroller, your committee charges and presents, is an open and flagrant violation of Section 54 of the City Charter, which provides, among other things in fixing the Comptroller's duties, "that he shall keep separate accounts for each specific item of appropriation made by the Council to each department, and require all warrants to state specifically against which of said items the warrant is drawn. Each account shall be accompanied by a statement in detail, in separate columns, of the several appropriations, the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance standing to the credit of the same. He shall not suffer any appropriation to be overdrawn, or the appropriation for one item of expense to be drawn upon for any other purpose, or by any department other than that for which the appropriation was specifically made, except on transfers authorized by ordinances."

We therefore present and charge that the official conduct of the Comptroller of said city, as herein set forth, is in direct conflict with the provisions of the City Charter, above stated, and is a good and sufficient cause for the removal of Mr. Johnson from the office of City Comptroller, and we therefore report these facts for your careful consideration.

Respectfully submitted and adopted by

W. H. WHEELER,
ALBERT DALLER,

Committee of Investigation and Impeachment.

Which was read.

Mr. Perrott, on behalf of a minority of the Committee on Investigation and Impeachment, made the following report:

To the President and Members of the Common Council:

The undersigned, a minority of your Committee on Investigation and Impeachment, respectfully reports that, pursuant to a resolution adopted

by the Common Council on January 15, 1900, which resolution reads as follows:

"Whereas, Section 96 of the Charter of the City of Indianapolis provides that no member of the fire or police forces of the city shall be removed for political causes; and

"Whereas, A large number of members of the fire and police forces of the city have recently been removed without trial or opportunity to make a defense; and

"Whereas, It is common report and openly stated in the newspapers of the city that said members of the fire and police forces were discharged on account of their political affiliations and preferences, and for no other apparent reasons; therefore, be it

"Resolved, That, acting under the authority vested in this Common Council by Section 27 of the Charter, that the Investigation and Impeachment Committee be and are hereby directed to investigate the dismissal of said members of the fire and police forces, to ascertain whether or not the provisions of the Charter have been in any way violated.

"And pursuant thereto said committee shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of said committee, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of Marion county.

"And said committee shall have the power to hold its meetings at any reasonable time or times, as it sees fit, and continue such meetings from time to time until its investigations have been completed, when it shall make a report to this Common Council."

Whereby said committee was directed to ascertain whether or not the provisions of the City Charter had been in any way violated by the discharge of certain members of the fire and police forces, your committee did investigate the discharge of the said members of the fire and police forces, and finds that the Charter was in no way violated by the discharge of said firemen and policemen.

That before the discharge of said policemen and firemen the Board of Public Safety made an investigation of their record, and upon the evidence then before them found that the discharge of said firemen and policemen was necessary for the betterment of the fire and police forces.

That in the discharge of said firemen and policemen the Board of Public Safety followed a precedent set by the Board of Public Safety and Superintendent George W. Powell under the administration of Mayor Denny.

That in the investigation conducted by your committee, the purpose for which the investigation was begun, as set forth in the resolution, was entirely forgotten by the majority members thereof, and the evidence which they endeavored to present was upon matters entirely foreign to the object of the resolution.

That among the things investigated outside the scope of the above resolution was an order of the Board of Public Safety made in January, 1899, whereby patrolmen were prohibited from entering saloons in uniform, except in the line of their duty when they had reason to believe that the law was being violated. The minority of your committee finds and reports that the said order of the Board of Public Safety was made for the betterment of the Police Department, and that the effect thereof has been to greatly lessen the number of cases wherein patrolmen have been guilty of drinking when on duty, and that said order in no way interfered with the patrolmen in their official duties. That the said order is not in violation of any provision of the City Charter. That

similar orders govern police forces of the leading cities of the United States, among which are Boston, Mass., New York City, Washington, D. C., Brooklyn, Philadelphia, Chicago, Cincinnati, Detroit, Mich., Milwaukee, Wis., St. Paul, Minn., Baltimore, Md., and Pittsburg, Pa. That the said order of the Board of Public Safety was adopted after a careful investigation by said Board of the workings of similar orders in other cities of the United States, in all of which cities the said orders have been found to operate for the betterment of the police forces.

The minority of your committee hereby protests against the report of the majority of the committee, wherein they recommend the impeachment of the members of the Board of Public Safety of the City of Indianapolis, as a rank injustice to the members of said Board that cannot be justified under any theory of the evidence presented to your committee.

CITY COMPTROLLER.

Your committee also made an investigation of the books of the City Comptroller to ascertain whether or not there had been a violation of that provision of the City Charter which provides that the City Comptroller "shall not suffer any appropriation to be overdrawn, or the appropriation for one item of expense to be drawn upon for any other purpose, or by any department other than that for which the appropriation was specifically made," and particularly to ascertain whether or not said provision had been violated in connection with the appropriation of money derived from the sale on September 1, 1899, of certain bridge bonds, from which had been realized the sum of \$154,000.

The minority of your committee finds that when said bonds were sold the money realized therefrom was paid into the city treasury and became a part of the cash balance therein. That no warrant was ever drawn by the City Comptroller upon the Bridge Fund, except what was properly chargeable against the same, and that no warrant was ever drawn upon the bridge appropriation except for bridge purposes, and that no warrant was ever drawn by the City Comptroller for any purpose except when there were funds in the city treasury available for the payment of such warrant.

That there were certain times since the sale of said bridge bonds when the cash balance in the city treasury was less than the amount of money derived from said bonds, but at none of said times was there any immediate need of money for bridge purposes, for the reason that the contractor had not yet finished the work of constructing such bridges.

When the said bridge bonds were sold and the proceeds derived therefrom paid into the city treasury, they became a part of the general moneys of the treasury, from which the general expenses of the city were payable in accordance with the appropriations made therefor. Such funds could be drawn upon at any time by the City Comptroller for any purpose.

By the collection of taxes and revenues from other sources the cash balance now in the city treasury is far in excess of the amount of money needed for the construction of bridges, and far in excess of the amount of money derived from the sale of bridge bonds. The work of constructing bridges, for which such bonds were sold, is now under way, and there are ample funds in the city treasury to pay for such bridges as the work progresses.

The theory upon which the majority of your committee bases its report, namely, that when an appropriation is made it requires that that amount of actual cash in the treasury be set aside and remain unexpended until the purpose for which the appropriation was made has been accomplished, would require the city to borrow hundreds of thou-

sands of dollars for the payment of current expenses when there were already hundreds of thousands of dollars lying idle in the treasury.

Under the policy followed by the City Comptroller, the provisions of the Charter governing his office have been strictly complied with and the taxpayers of the city saved many hundreds of dollars in interest for temporary loans. Under his management every obligation of the city has been paid at maturity, and every provision of the City Charter strictly followed.

The recommendation of the majority of your committee that Mr. E. M. Johnson, the City Comptroller, be removed from office is a gross injustice to that official, and is certainly prompted by none other than political motives.

Respectfully submitted,

SAM'L V. PERROTT,

Committee of Investigation and Impeachment.

Which was read.

Mr. Wheeler moved the adoption of the majority report.

Which motion was lost by the following vote:

AYES 10—viz.: Messrs. Billingsley, Daller, Evans, Kaiser, Keller, Megrew, Munro, Negley, Spiegel and Wheeler.

NOES 11—viz.: Messrs. Bernauer, Dickson, Higgins, Horan, Kelly, Knight, Moriarity, McGrew, Perrott, Reilly and President Crall.

APPROPRIATION ORDINANCES.

Under this order of business, the following ordinances were introduced:

By Mr. Megrew:

App. O. No. 5, 1900. An ordinance appropriating the sum of ninety-five dollars and eighty-seven cents (\$95.87) with which to pay certain claims made by virtue of Section 8 of an act entitled "An act to better regulate and restrict the sale of intoxicating, vinous and malt liquors," etc., approved March 11, 1895, 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 sum of ninety-five dollars and eighty-seven cents (\$95.87) be and the same is hereby appropriated to pay the following claims made under and by virtue of Section 8 of an act of the General Assembly of the State of Indiana, entitled "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895:

Margaret Stehlin, widow of George Stehlin, deceased, the sum of sixty-one dollars and fifty cents (\$61.50).

Rike Weiss, widow of Paul T. Weiss, deceased, the sum of thirty-four dollars and thirty-seven cents (\$34.37).

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 Committee on Finance.

By Mr. Megrew:

App. O. No. 6, 1900. An ordinance appropriating the sum of two thousand dollars (\$2,000) for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, 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 for the use of the Department of Public Health and Charities, to be credited to the fund known as "Contagious Disease Fund," the sum of two thousand dollars (\$2,000).

Sec. 2. An emergency existing for the immediate taking effect of this ordinance, the same shall be in force from and after its passage.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following ordinances were introduced:

By Board of Public Works:

G. O. No. 14, 1900. An ordinance authorizing the improvement of the roadway of Ohio street, in the City of Indianapolis, in Marion county, State of Indiana, from the east property line of Noble street to the west property line of Arsenal avenue, except the crossing of the tracks of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and the Lake Erie & Western Railway Company, and Pogue's Run, by grading and paving the roadway with creosoted wooden blocks, from curb to curb, to a uniform width of twenty-seven (27) feet, laid on a six (6) inch hydraulic cement stone concrete foundation, including the wings of the intersecting streets and alleys, together with the necessary marginal stone finish to the same, and curbing with stone the outer edges of the sidewalks, between the above-named points.

Whereas, Heretofore, to-wit, on the 2d day of March, 1900, the Board of Public Works of the City of Indianapolis, Indiana, deeming it necessary to improve Ohio street, in the City of Indianapolis, in Marion county, State of Indiana, from the east property line of Noble street to the west property line of Arsenal avenue, except the crossing of the tracks of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and the Lake Erie & Western Railway Company, and Pogue's Run, by grading and paving the roadway with creosoted wooden blocks, from curb to curb, to a uniform width of thirty (30) feet, laid on a six (6) inch hydraulic cement stone concrete foundation, including the wings of the intersecting streets and alleys, together with the necessary marginal stone finish to the same, and curbing with stone the outer edges of the sidewalks, between the above-named points, adopted a resolution to that effect, known and designated as Improvement Resolution No. 36, 1900; and

Whereas, Said Board caused the necessary specifications, profiles and drawings for said street improvement to be prepared and filed in their office, where they now are; and

Whereas, Said Board caused notice to be duly given of said resolution, ordering the improvement of said street, by publication thereof in

the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, county of Marion, State of Indiana, once each week for two consecutive weeks, namely, on the 5th and 12th days of March, 1900; and

Whereas, In the opinion of said Board, said street improvement is deemed necessary, and the total cost thereof shall be apportioned all as provided for in "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and in accordance with and pursuant to the provisions of all amendatory and supplemental acts thereto passed by the General Assembly of the State of Indiana; and

Whereas, Said Board met, according to said published notice, to-wit, in its office, Room No. 5, basement Marion County Court House, Indianapolis, Indiana, at 10 o'clock a. m. on the 21st day of March, 1900, to receive or hear remonstrances from persons interested in or affected thereby, if any there should be, against the improvement of said street; and

Whereas, At such meeting a remonstrance was duly filed with such Board by persons interested in or affected thereby against the improvement of said street; and

Whereas, Later, to-wit, on the 23d day of March, 1900, said Board, after duly considering such remonstrance, and being fully advised in the premises, did overrule the same at its regular meeting held on the 23d day of March, 1900, and thereupon took final action on said Improvement Resolution No. 36, 1900, modifying the same so as to reduce the width of the roadway of said Ohio street from thirty (30) feet to twenty-seven (27) feet, in all other respects confirming the same as adopted on March 2, 1900; and

Whereas, Later, to-wit, on April 2, 1900, and within ten days after final action was taken by said Board on said Improvement Resolution, one-half of all the resident freeholders abutting on said street along the line of said proposed street improvement filed with said Board their written remonstrance against such improvement, which remonstrance has been made a part of the records in the office of said Board; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the improvement of the roadway of Ohio street, from the east property line of Noble street to the west property line of Arsenal avenue, in the City of Indianapolis, as more fully described in the preamble hereto, and specifically shown by the profile and drawings now on file in the office of the Board of Public Works as referred to therein, be and the same is hereby specifically ordered, and Improvement Resolution No. 36, 1900, of said Board, as modified on March 23, 1900, and all its other acts in relation thereto, be and the same are now hereby, in all things, approved, confirmed, adopted and specifically ordered.

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

Which was read a first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Crall:

G. O. No. 15, 1900. An ordinance giving the name of Dewey avenue to the first alley west of Illinois street, running from McLean Place to Twenty-second street, 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 first alley west of Illinois street, located between McLean Place and Twenty-second street, be hereafter known as Dewey avenue.

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

Which was read a first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Negley :

G. O. No. 16, 1900. An ordinance providing for the cleaning of sidewalks and alleys of soil and other substances deposited from abutting property, providing for notice to abutting property owners, defining the method of cleaning sidewalks and alleys by the City of Indianapolis at the expense of abutting property owners and creating a lien for the expense of such cleaning, repealing all ordinances and parts of ordinances in conflict herewith, and fixing a time when this ordinance shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, State of Indiana, That whenever it shall come to the notice of the Board of Public Works of said city that any sidewalk or alley theretofore paved or improved with cement, brick, wooden block, bowlders, gravel or other permanent improvement, shall have become encumbered, littered or obstructed by any soil, clay, loam, gravel or other substance which shall have been deposited on such sidewalk or alley from any lot, parcel or tract of land abutting said sidewalk or alley by the settling, sinking or falling of any embankment or elevation abutting on such sidewalk or alley, it shall be the duty of said Board of Public Works to serve written notice upon the owner or owners of such lot, parcel or tract of land so abutting such sidewalk or alley to properly clean said sidewalk or alley of such soil, clay, loam or other substance or obstruction within five (5) days after the serving of such notice.

Sec. 2. Such notice shall be directed to the owner or owners of such lot, parcel or tract of land so abutting on said sidewalk or alley, and shall specifically set forth the name of the street on which said sidewalk abuts and the names of intersecting streets between which such cleaning is to be done, and the description of the lot, parcel or tract of land abutting on said sidewalk which is to be cleaned; and in case of any alley coming within the purview of this ordinance, such notice shall specifically set forth the names of the streets between which such alley runs laterally and the names of the cross streets between which such cleaning is to be done, and the description of the lot, parcel or tract of land abutting on said alley from which such soil, clay, loam or other substance or obstruction has been deposited as aforesaid; and shall also notify such owner or owners that if such cleaning is not done by such owner or owners within the time fixed in such notice, said cleaning will be done by the City of Indianapolis at the expense of such owner or owners, and that the city will, to reimburse her for such expense, acquire, hold and enforce a lien upon such lot, parcel or tract of land for the full amount of such expense and all costs which may be legally taxed in an action for the collection of the same.

Sec. 3. Such notice shall be served by reading or by a copy left at the last usual place of residence of such owner or owners, if such owner or owners reside in said city; and if such owner or owners be not residents of said city, a copy of said notice posted in some conspicuous place adjacent to said sidewalk or alley on said lot, parcel or tract of land,

shall be deemed a sufficient notice to such owner or owners for all intents and purposes of this ordinance.

Sec. 4. Said Board of Public Works shall make due return of the time, manner and form of service of said notice on the back of the same, and such notice and return shall be filed with the City Clerk and shall be by him recorded and preserved in his office.

Sec. 5. If such owner or owners shall fail or refuse to clean said sidewalk or alley as directed in said notice within the time fixed in said notice, the Board of Public Works shall at once proceed to have said sidewalk or alley, as the case may be, cleaned in as economical manner and method as the same can be properly done.

Sec. 6. Upon the completion of such cleaning by said Board of Public Works, such Board shall make out a true and correct estimate of the necessary actual cost of such cleaning, calculating only the time used in such cleaning and the wages paid for labor on the same, and shall file such estimate and assessment with the City Clerk; and from the time of filing of such estimate, calculated by hours and minutes, such estimate and assessment shall be a lien upon such lot, parcel or tract of land for the amount so estimated and assessed against the same, to the extent that taxes are a lien, and shall have the same preference over other demands. And thereafter, all proceedings instituted for the collection of such estimates and assessments shall be the same as those provided by law for the enforcement and collection of estimates and assessments for the improvement of streets, alleys and sidewalks in cities incorporated under the general laws of the State of Indiana governing cities of one hundred thousand population or more.

Sec. 7. No informality or defect in any of the proceedings provided for herein, nor the setting aside of any foreclosure or sale made by virtue of the provisions of this ordinance, shall discharge the lien hereinbefore provided for, but the same shall remain and be a lien upon such lot, parcel or tract of land until the cost and expense of cleaning herein provided for shall have been fully paid and satisfied.

Sec. 8. The City Clerk shall keep a record in his office, properly indexed alphabetically as to names, of all estimates and assessments made hereunder; and on the payment to him of the full amount of any such estimate and assessment before suit is brought on the same, he shall issue to such owner or owners paying the same a written acquittance and satisfaction of such lien, and shall enter such satisfaction also upon the margin of the record of such lien as kept in his office.

Sec. 9. Nothing in this ordinance shall be construed so as to prevent any owner or owners of any such lot, parcel or tract of land from cleaning such sidewalk or sidewalks, alley or alleys, at any time before the expiration of the time limit in such notice as herein provided, at his own expense: Provided, Such cleaning shall be done to the approval and satisfaction of the said Board of Public Works.

Sec. 10. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 11. 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 Daily Sentinel, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

Which was read a first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Negley :

G. O. No. 17, 1900. An ordinance to prohibit the throwing of posters, hand-bills, placards, newspapers or other advertising matter in yards,

doorways and entrances of private dwellings, providing a penalty for its violation, 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, firm or corporation, to throw, place or deposit any printed or written advertising poster, placard, hand-bill, book, pamphlet, newspaper or other advertising matter in, on or about the yard, entrance, doorway or premises of any private dwelling-house, tenement or apartment house in the City of Indianapolis, without having first secured the consent of the occupants of such private dwelling-house, tenement or apartment house so to do.

Sec. 2. Nothing in this ordinance shall be construed so as to prevent the placing of newspapers of general circulation on such premises for regular subscribers thereof by duly authorized carriers and newsboys: Provided, Such newspapers be placed on the porch, steps or entrance to such private dwelling, tenement or apartment house.

Sec. 3. Any person or persons, firm or corporation, violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding five dollars (\$5), and each separate act done in violation of this ordinance shall be considered a separate offense thereunder.

Sec. 4. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication once each week for two consecutive weeks in the Indianapolis Daily Sentinel, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

Which was read a first time and referred to Committee on Public Safety and Comfort.

By Mr. Bernauer (by request):

G. O. No. 18, 1900. An ordinance changing the name of Daugherty street to that of Woodlawn avenue.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of that street in said city now known as Daugherty street be and the same is hereby changed to that of Woodlawn avenue, which shall hereafter be the name of such street.

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

With the following petition:

INDIANAPOLIS, IND., April 19, 1900.

To the Common Council of the City of Indianapolis:

Gentlemen—We, the undersigned, respectfully show that we are residents and owners of property in and along Daugherty street, in the City of Indianapolis, which street extends from South East street east to Virginia avenue.

We respectfully ask your honorable body to pass an ordinance changing the name of said Daugherty street to that of Woodlawn avenue. We ask the change of this name for the reason that Woodlawn avenue is on a line with Daugherty street, and the residents are very anxious to have the name Daugherty street dropped and Woodlawn avenue inserted.

We further represent that there is no opposition whatever on the part of the residents owning property upon said street to this proposed change of name.

[Signed by twenty-two property owners.]

Which was read a first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Bernauer (by request).

G. O. No. 19, 1900. An ordinance regulating breweries, brewery agencies and depots; regulating the sale and storage of the products of breweries; regulating the location of breweries, brewery agencies and depots; providing a license and a method of procuring the same; fixing penalties, and providing 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, firm, association, company or corporation to establish, conduct or maintain in said city, or within four (4) miles of the corporate limits thereof, any brewery, or depot, or agency of any brewery, without first procuring a license so to do, as hereinafter provided. Every person or persons, firm, association, company or corporation establishing, conducting or maintaining in said city, or within four (4) miles of the corporate limits thereof, a brewery or breweries, depot or depots, or agency or agencies of any brewery, shall pay to said city the sum of one thousand dollars (\$1,000) for each such brewery, depot or agency so established, conducted or maintained, which sum of one thousand dollars (\$1,000) shall be the annual city license fee to be paid by such brewery; depot or agency.

Sec. 2. That it shall be unlawful for any person or persons, firm, association, company or corporation to establish, conduct or maintain in said city any brewery, or depot, or any agency of any brewery, or other malt or intoxicating liquors, the product of any brewery, at wholesale, where such beer or other malt or intoxicating liquors, the product of any brewery, is manufactured, stored, sold or distributed to be kept or used for sale at retail, or to be sold, distributed or delivered to any retailer of any such liquors, within the said City of Indianapolis, or within four (4) miles of the corporate limits thereof, without first procuring a license so to do, as hereinafter provided. Every person or persons, firm, association, company or corporation establishing, conducting or maintaining in said city, or within four (4) miles of the corporate limits thereof, a brewery or breweries, depot or depots, agency or agencies of any brewery for the manufacture, storage, sale or distribution of any beer or other malt or intoxicating liquors the product of any brewery where such beer or other malt or intoxicating liquors the product of any brewery is manufactured, sold, distributed or delivered to be sold or kept for sale at retail, or to be sold, distributed or delivered to any retailer of any such liquors, within the said City of Indianapolis, or within four (4) miles of the corporate limits thereof, shall pay to said city the sum of one thousand dollars (\$1,000) for each such brewery, depot or agency so established, conducted or maintained, which sum of one thousand dollars (\$1,000) shall be the annual city license fee to be paid by such brewery, depot or agency: Provided, That each such brewery, depot or agency shall only be required to pay one annual license fee of one thousand dollars (\$1,000).

Sec. 3. Any person or persons, firm, association, company or corporation desiring to establish, conduct or maintain in said city, or within

four (4) miles of the corporate limits thereof, any such brewery, depot or agency, shall make application to the Comptroller of such city for license therefor. Such applicant shall set out in his application the name and location of the brewery, depot or agency whose product is to be sold, stored or distributed, and a description of the premises whereon the brewery, agency or depot is proposed to be established and maintained, and the name of the agent located in the City of Indianapolis (if there be an agent). Such applicant shall pay to the City Treasurer, before or at the time of making his application, the sum of one thousand dollars (\$1,000), and shall deposit with the City Comptroller a receipt from the Treasurer of said city for the said sum of one thousand dollars (\$1,000), the amount of license fee. Thereupon it shall be the duty of the Comptroller to issue a license to such applicant for one (1) year, stating in such license the name of the brewery whose product is to be stored, sold or distributed, the location of the brewery, depot or agency obtaining the license, and giving the date of the expiration of such license. Such license shall be signed by the Mayor and Comptroller of said city.

Sec. 4. Said City Comptroller shall keep a register of the names of such person or persons, firm, association, company or corporation, depot or agency receiving from said city license for any such purpose, with the date when issued, and the expiration, and the location of the brewery, depot or agency licensed.

Sec. 5. No brewery, depot or agency of any brewery shall be established, maintained or operated within three hundred (300) feet of any church or school house within the limits of the said City of Indianapolis; and no license shall be issued to any such person to locate any such brewery, depot or agency within said three hundred (300) feet of any church or school house.

Sec. 6. It shall be unlawful for any person or persons maintaining, operating or conducting any such brewery, depot or agency of any brewery within the corporate limits of the City of Indianapolis, or within four (4) miles thereof, to sell, barter, give or deliver any beer, malt or other intoxicating liquors manufactured, stored or held at any such brewery, depot or agency, to any person who is required by the ordinance of the City of Indianapolis to procure a license to conduct the business of retailing intoxicating liquors, and who at the time of any such sale, gift or delivery shall not have in force a license from such city as a retailer. Any person violating the provisions of this section shall, upon conviction, be fined not less than one (1) nor more than twenty (20) dollars for each offense.

Sec. 7. It shall be the duty of every person receiving a license under the provisions of this ordinance to report to the Comptroller of the City of Indianapolis, in writing and under oath, at least every six months, the names of all persons resident or doing business within the City of Indianapolis, to whom he shall have sold, bartered, given or delivered any beer, malt or other intoxicating liquors the product of any such brewery, stored or held at any such depot or agency within the sixty (60) days last preceding such report, or since the last prior report. And any person violating any of the provisions of this section shall, upon conviction, be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense. And upon a second conviction of a violation of the provisions of this section it shall be the duty of the Comptroller to revoke the license of the person so convicted.

Sec. 8. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars (\$50) for each offense, except where other penalties are specifically provided in this ordinance; and each day any brewery, depot or

agency of any brewery shall be established, conducted or maintained without a license as required by this ordinance, shall constitute a separate offense hereunder.

Sec. 9. All ordinances and parts of ordinances heretofore adopted in conflict with, or within the purview of the provisions of this ordinance, are hereby repealed.

Sec. 10. This ordinance shall take effect and be in force from and after its passage and due publication according to law.

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

By Mr. Higgins:

G. O. No. 20, 1900. An ordinance prohibiting bicycle riders or any other persons riding in vehicles from holding to street cars while in motion, providing 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 riding upon a bicycle or in any vehicle to ride along the side of any street car and hold to said car while the said car is in motion in and along any street or public place in the City of Indianapolis, and any person violating the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding twenty-five dollars.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis.

Which was read a first time.

Mr. Daller moved that the constitutional rules be suspended for the purpose of placing G. O. No. 20, 1900, on its final passage.

Which motion prevailed by unanimous vote.

On motion of Mr. Higgins, G. O. No. 20, 1900, was then read a second time, ordered engrossed, read a third time, and passed by the following vote:

AYES 21—viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

MISCELLANEOUS BUSINESS.

Mr. Higgins offered and moved the adoption of the following resolution:

Resolution No. 6, 1900—

Be it resolved by the Common Council of the City of Indianapolis, Indiana, That permission and authority are hereby given to the Gentry Dog and Pony Show to exhibit the said show at any place outside of

the area bounded by North street, East street, South street and West street within the City of Indianapolis during the season of 1900, by the payment of the usual license fee provided for such show and exhibition; and said show is hereby authorized to give its exhibition without first procuring the written consent of the resident voters within one square of the place where such show and exhibition are given.

Which was read and adopted by the following vote:

AYES 21—viz.: Messrs. Bernauer, Billingsley, Daller, Dickson, Evans, Higgins, Horan, Kaiser, Keller, Kelly, Knight, Megrew, Moriarity, Munro, McGrew, Negley, Perrott, Reilly, Spiegel, Wheeler and President Crall.

NOES—None.

Mr. Megrew (by request) submitted the following communication:

To the Common Council of the City of Indianapolis:

Gentlemen—The undersigned would respectfully represent that lot 14 in Fiscus' subdivision of the east half ($\frac{1}{2}$) block twenty-one (21) in Johnson heirs' addition to the City of Indianapolis, was assessed March 11, 1875, for street opening (Rohampton street) the sum of sixty-six dollars (\$66). That at the time of said assessment said lot was owned by one Benjamin F. Brown, who had no notice thereof. I am the present owner of said lot. That said assessment is unpaid, and is a cloud upon my title. That said assessment is recorded in Record 85, page 321, of Mortgages in the Recorder's office of Marion county, Indiana, and because said assessment is illegal, I would respectfully ask your honorable body to direct the City Clerk to cancel of record said assessment made against said lot 14 as aforesaid.

Very respectfully,

ISAAC L. BLOOMER.

Which was read and referred to Committee on Finance.

On motion of Mr. Higgins, the Common Council, at 8:55 o'clock, p. m., adjourned.

Geo. H. Crall

 President.

ATTEST:

John F. Caskin

 City Clerk.