

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,
MONDAY, June 17, 1907.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 17, 1907, at 7:30 o'clock, in regular session, President Frederick W. Eppert in the chair.

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

Absent, 2, viz.: Messrs. Bangs and Henry.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, INDIANA, June 13, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith without my approval General Ordinance No. 47, 1907, the same being "An ordinance requiring railroad companies to maintain street lights at street crossings in the city of Indianapolis where such companies run cars, engines or trains of cars in the night time."

This ordinance while meeting with my entire approval has been rendered unnecessary by the action of the railroad companies in entering into an agreement with the city of Indianapolis by which such companies obligate themselves to pay to the city treasury 30 per cent. of the cost of the maintenance of all lights now established or which may be established on any crossing of such railroads. The agreement between the companies and the city was entered into by the Board of

Public Works and myself after consultation with Corporation Counsel Matson, in the belief that an amicable adjustment of the matter would better serve the interests of the people than would long continued litigation which at the best would be doubtful in results.

The statute under which this ordinance was drawn only authorized the city to demand such lights at the expense of the railroad companies for thirty minutes during the passage of every train, engine or car, and prior thereto, and as it would prove to be a practical impossibility to determine just when these lights should be in service, it was deemed best by the members of the Board and myself that the settlement outlined above should be made. I desire to call the attention of the members of your Honorable body to the fact that under the terms of the agreement the city will secure 30 per cent of the cost of the maintenance of lights not only upon crossings which are in constant use during the night time, but also at all crossings on lines which are not used at any time between the hours specified in the ordinance. I sincerely trust that the settlement made by the Board of Public Works and myself will meet with the approval of your honorable body, as I firmly believe it to be in the best interests of the people that this question should be thus advantageously settled without the long delays incident to litigation.

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,

INDIANAPOLIS, INDIANA, June 13, 1907.

To the President and Members of the Common Council.

GENTLEMEN—I return herewith with my approval General Ordinance No. 45, 1907, being “An ordinance regulating the keeping, operation and maintenance of intelligence offices and employment bureaus.”

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., June 5, 1907.

To the President and Members of the Common Council:

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

General Ordinance No. 29, 1907, being “An ordinance prohibiting the removal, breaking or destruction of any seal placed upon any well by order of the Department of Public Health and Charities of the city of Indianapolis, Indiana, and providing a penalty for the violation thereof.”

General Ordinance No. 34, 1907, being “An ordinance authorizing and empowering the Board of Public Works of the city of Indianapolis,

Indiana, to improve Bellefontaine Street from NPL Twenty-third Street to NPL Twenty-fifth Street with asphalt roadway and brick gutters."

General Ordinance No. 42, 1907, being "An ordinance authorizing and empowering the Board of Public Works of the city of Indianapolis, Indiana, to improve Orange Street from WPL Shelby Street to EPL Leonard Street with gravel roadway, cement walks and curb."

General Ordinance No. 43, 1907, being "An ordinance authorizing and empowering the Board of Public Works of the city of Indianapolis, Indiana, to improve Nineteenth Street from WPL Meridian Street to EPL Illinois Street with asphalt roadway and brick gutters."

I have the honor to remain,

Very truly yours,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, INDIANA, June 17, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I herewith submit communication from the Board of Public Safety, asking for the transfer of \$2000.00 to the "Building Repairs" fund, \$600.00 from the "Mounted Police Horse Feed" fund and \$1,400.00 from the "Mounted Police Equipment" fund, all in Police Force accounts.

I herewith submit an ordinance making the transfers as requested and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 13, 1907.

Geo. T. Breunig, Esq., City Controller, Indianapolis, Ind.:

DEAR SIR—At a meeting of the Board of Public Safety, held June 12, 1907, I was instructed to request you to please ask the Common Council to transfer the following funds in the Police Department:

\$1,400.00 from the Mounted Police Equipment Fund.

\$600.00 from the Mounted Police Horse Feed Fund.

Total of \$2,000.00 to the Building Repairs Fund.

This is found to be absolutely necessary to place a new roof on the Station House, it being beyond repairs, and for changes that must be made in the Police Court Room.

Respectfully yours,

JOHN B. WOOD,
Secretary.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 10, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached switch ordinance, granting to Coburn Timber Company the right to lay and maintain a switch from the Monon tracks across Twenty-third Street into lots Nos. 85, 86, 87 and 88, south side of Twenty-third Street, west side of the railroad tracks.

Respectfully yours,
BOARD OF PUBLIC WORKS,
Per F. J. NOLL, JR., Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 10, 1907.

To the President and Members of the Common Council:

GENTLEMEN—I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached ordinance authorizing and empowering the Board of Public Works to proceed with the improvement of Audubon Road, from south side P. C. C. & St. L. Ry. tracks to north side C. H. & D. Ry. tracks, with brick roadway and curbing, as provided for by I. R. No. 5124.

Yours truly,
BOARD OF PUBLIC WORKS,
Per F. J. NOLL, JR., Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., June 17, 1907.

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on Fees and Salaries, to which was referred, General Ordinance No. 52, 1907, entitled "An Ordinance to amend section five of General Ordinance No. 32, 1907, entitled "An Ordinance concerning the compensations of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis,

Indiana, and repealing all ordinances in conflict therewith," approved May 16, 1907, beg leave to report that we have had the same under consideration and recommend the said Ordinance do pass.

Respectfully submitted,

CHAS G. DAVIS.

E. J. STICKELMAN.

J. L. DONAVON.

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

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., June 17, 1907.

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on Fees and Salaries, to which was referred, General Ordinance No. 50, 1907, an Ordinance amending clauses "b" and "f" of Section five of an ordinance entitled, "An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants, and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith." being General Ordinance No. 32, 1907, approved May 16, 1907, beg leave to report that we have had the same under consideration, and recommend that said Ordinance do pass.

Respectfully submitted,

CHAS. G. DAVIS.

E. J. STICKELMAN,

JOHN L. DONAVON.

Mr. Davis moved that the report of the committee be concurred in.

Mr. Rhodes moved that further consideration of the report be laid over until next regular meeting.

Mr. Davis moved to lay the motion of Mr. Rhodes on the table, and called for the ayes and noes. The motion to table was lost by the following vote:

Ayes, 7, viz.: Messrs Davis, Stickelman, Portteus, Donavon, Sullivan, Hofmann and Hilkene.

Noes, 12, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Neukom, Smither, Rhodes, Uhl, Hartmann, Royse, Wright and President Frederick W. Eppert.

The motion of Mr. Rhodes was then put and carried.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., June 17, 1907.

To the President and the Members of the Common Council:

GENTLEMEN—We, your Committee on Fees and Salaries, to which was referred General Ordinance No. 40, 1907, entitled, "An ordinance approving a certain contract granting C. W. Rosseter & Co. the right to lay and maintain a sidetrack or switch from the sidetrack of the Chicago, Indianapolis and Louisville Railway across Thirty-eighth Street and in and along the first alley east of Winthrop Ave., to the property of your petitioners, according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had same under consideration, and recommend that said Ordinance do not pass.

Respectfully submitted,

CHAS. G. DAVIS.
JOHN L. DONAVON.
E. J. STICKELMAN.

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

From the Committee on Finance.

INDIANAPOLIS, IND., June 17, 1907.

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

GENTLEMEN—Your Finance Committee to which was referred General Ordinance No. 53, 1907, entitled "An ordinance providing for the transfer of six hundred dollars from certain fund to a certain fund in and for the use of the Department of Public Safety, and fixing a time when the same shall take effect," begs leave to report that it has had the same under consideration and recommends that the same do pass.

Respectfully submitted,

HARRY E. ROYSE.
ALBERT E. COTTEY.
J. H. HAMLET.
W. A. RHODES.
JAS. F. SULLIVAN.
JACOB H. HILKENE.

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

From the Committee on Finance:

To the President and Members of the Common Council:

GENTLEMEN—Your Committee on Finance, to whom was referred General Ordinance No. 39, 1907, having had the same under consideration, beg leave to report as follows:

We recommend that as an amendment to said ordinance, as introduced, the following be substituted:

“An ordinance relating to the licensing, taking and regulating all shops, inns, taverns, hotels or other places where intoxicating liquors are kept for sale to be used in, or drunk upon the premises; and regulating, restraining such shops, inns, hotels, or other places aforesaid, defining and designating the places, locality, room, building or other place where such liquors may be kept or sold and declaring an emergency.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person to sell, barter, or give away any intoxicating liquors within the corporate limits of the City of Indianapolis, without first procuring a license from the City Comptroller of the City of Indianapolis, as hereinafter provided.

SEC. 2. Before any person shall engage in the business of selling intoxicating liquors within the corporate limits of the City of Indianapolis he shall make application to the City Comptroller of said City of Indianapolis for a license to carry on such business, and in such application he shall state his name, age, residence, with his place of residence and occupation for the two years immediately preceding the making of such application, and shall in such application describe the premises wherein and whereon he desires to carry on such business, giving a particular description of the real estate, the building, the street number and the various entrances to such room, and shall state whether any other business is to be carried on in the same room or in connection with such business, and shall pay to the Comptroller one dollar as a filing fee for the filing of such application, and upon such application being filed with said Comptroller, and the fee for filing being paid, the Comptroller shall certify said application to the Common Council of said city, and upon the said Common Council being satisfied with the fitness of the applicant and with the place where such intoxicating liquors are proposed to be sold, the Council aforesaid shall by resolution approve such application, and thereupon such applicant shall pay to the City Comptroller for the City of Indianapolis the sum of two hundred and fifty dollars (\$250.00) as a license fee for one year, and the Comptroller shall upon such payment being made, issue a license to such applicant for the sale of intoxicating liquors on the premises described in the application, but until such application for license is approved by the Common Council of said city, a license shall not issue.

SEC. 3. No license hereunder shall be issued for any longer period nor for any shorter period than one year.

SEC. 4. Any person violating any of the provisions of this ordinance shall be fined in any sum not less than fifty dollars and not exceeding two hundred and fifty dollars, to which may be added

imprisonment in the county jail for any period not exceeding thirty days, and each violation shall constitute and be a separate offense.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this ordinance, therefore the same shall be in full force and effect from and after its passage and the publication thereof for two weeks in a daily newspaper of general circulation printed and published in the City of Indianapolis."

And that as so amended by said substitute, that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.
JACOB H. HILKENE.
ALBERT E. COTTEY.
W. A. RHODES.

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

From the Committee on Ordinances:

INDIANAPOLIS, INDIANA, June 13, 1907.

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

GENTLEMEN—Your Committee on Ordinances to which was referred Special Ordinance No. 5, 1907, entitled "An Ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said city and fixing a time when same shall take effect," begs leave to report that it has had same under consideration and recommends that said Ordinance do pass.

Respectfully submitted,

W. O. BANGS
JOHN F. WOOD.
JOHN L. DONAVON.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., June 13, 1907.

To the President and Members of the Common Council:

GENTLEMEN—Your Committee on Ordinances, to which was referred Special Ordinance No. 6, 1907, being "An ordinance defining a part of the boundary line of the City of Indianapolis so as to extend the same and annexing to the City of Indianapolis certain territory contiguous thereto, providing for the publication thereof, and fixing a time when the same shall take effect," introduced at the regular meeting of this body on the 20th day of May, 1907, having had the same under consideration beg leave to recommend that said ordinance be amended as follows:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the boundary lines of the City of Indianapolis be, and the same are hereby extended so as to include the following described contiguous territory, all in Marion County, Indiana, whether platted or not, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, State of Indiana, to-wit: All that territory embraced within and between the present boundary lines of the City of Indianapolis and the following described lines, to-wit: Commencing at the east line of the right of way of the Belt Railroad and Stockyards Company of the present city limits at its intersection with the center line of Minnesota street; thence east with the center line of Minnesota street and the line extended due east to the center line of Perkins avenue; thence south with the center line of Perkins avenue to the south line of Iowa street, as now recorded; thence east with the south line of Iowa street and the line extended due east to the east line of the right of way of the C., C., C. & St. L. R. R. Co.; thence in a northwesterly direction with the east line of the right of way of the C., C., C. & St. L. R. R. to the center line of Section Seventeen (17), Township Fifteen (15), North Range Four (4) East; thence east with the center line of Section Seventeen (17), Township Fifteen (15), North Range Four (4) East, said line being the center line of a county road known as Alexander avenue, to the line dividing Sections Sixteen (16) and Seventeen (17), Township Fifteen (15), North Range Four (4) East; thence north with said line, being the center line of Sherman Drive, to a point one hundred and fifty (150) feet south of the north line of Section Sixteen (16), Township Fifteen (15), North Range Four (4) East; thence east one hundred and fifty (150) feet south of and parallel to the north line of Sections Fifteen (15) and Sixteen (16), Township Fifteen (15), North Range Four (4) East, to a point which would be one hundred and fifty (150) feet east of and parallel to the east line of Section Sixteen (16) Township Fifteen (15), North Range Four (4) East, said line being the center line of Emerson avenue; thence north with the line dividing Sections Sixteen (16) and Fifteen (15), Township Fifteen (15), North Range Four (4) East, said line being the center line of Emerson avenue, to the north line of the right of way of the Indianapolis and Cincinnati Traction Company; thence east of the north line of the right of way of the Indianapolis and Cincinnati Traction Company to the center line of Section Ten (10), Township Fifteen (15), North Range Four (4) East; thence north with the center line of Section Ten (10), Township Fifteen (15), North Range Four (4) East to a point which would be one hundred and fifty (150) feet at right angles with the center line of the Brookville free gravel road; thence southeast one hundred and fifty (150) feet south of and parallel to the center line of the Brookville Free Gravel Road; and a line extended to a point which would be one hundred and fifty (150) feet east of the center line of Arlington avenue; thence north one hundred and fifty (150) feet east of and parallel with the center line of Arlington avenue to the present city limits; thence west, south, west, south, northwest, south, west, north, west, south, southwest to the place of beginning.

As above amended, your Committee respectfully recommends that said ordinance be passed.

W. O. BANGS.
JOHN F. WOOD.
JOHN L. DONAVON.

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

From the Committee on Public Property and Improvements:

INDIANAPOLIS, IND., June 17, 1907.

To the President and the Members of the Common Council:

GENTLEMEN—Your Committee on Public Property and Improvements to which was referred General Ordinance No. 35, 1906, entitled, "An Ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana," to improve Cruse St. from NPL Washington St., to SPL Market St., with brick roadway and curbing," begs leave to report that it has had the same under consideration and recommend that the same do pass.

Respectfully submitted,

B. A. BROWN.

HARRY E. ROYSE.

JOHN L. DONAVON.

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

From the Committee on Public Property and Improvements:

INDIANAPOLIS, IND., June 17, 1907.

To the President and the Members of the Common Council:

GENTLEMEN—Your Committee on Public Property and Improvements to which was referred General Ordinance No. 49, 1907, entitled, "An Ordinance approving a certain contract granting Gill & Greenen the right to lay and maintain a side track or switch from W. property line of Arsenal Ave., to and across the first alley east of Summit St.," begs leave to report that it has had the same under consideration and recommends that the same do pass.

Respectfully submitted,

B. A. BROWN.

HARRY E. ROYSE.

JOHN L. DONAVON.

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

From the Committee on Public Safety and Comfort:

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

GENTLEMEN—Your Committee on Public Safety and Comfort, to whom was referred General Ordinance No. 54, 1907, entitled, "An Ordinance for Fire Protection in the City of Indianapolis," and repealing

all other Ordinances in connection therewith, having had such Ordinance under consideration, we beg leave to report.

1. We recommend that said Ordinance be amended as follows:

(a) By adding, after the word "brass" on line No. 21, Page No. 1, the following: "or other non-rusting metal."

(b) By adding, after the word "nozzle," on line No. 24, the words "brass or other non-rusting metal."

(c) By adding, after the word "brass" on line No. 12, Page No. 2, the following words, "or other non-rusting metal."

And that as amended we recommend that said Ordinance do pass.

Respectfully submitted,

JOHN F. WOOD.

OTTO HOFMANN.

J. H. HAMLET.

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

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., June 17, 1907.

To the President and the Members of the Common Council:

GENTLEMEN—Your Committee to whom was referred general ordinance No. 152, 1906, entitled "An ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, providing penalties for the violation thereof and repealing all ordinances in conflict therewith," have had same under consideration and recommend that said ordinance be amended as follows

An ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, Ind., providing penalties for the violation thereof and repealing all ordinances or parts of ordinances in conflict therewith.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Ind., that it shall be unlawful for any person, firm or corporation, to peddle, barter or sell any goods, wares or merchandise whatsoever, by retail in or along the streets or alleys of the City of Indianapolis, Ind., traveling from place to place therein, either on foot or with any kind of vehicle, without first having procured and paid for a license so to do, as hereinafter provided.

SEC. 2. Every person who goes from house to house, or from one part of the public streets or alleys to another in a vehicle, on foot or with a push cart, offering for sale any goods, wares, merchandise, fruit, candies, poultry, produce or other article shall be deemed a peddler within the meaning of this ordinance, and the word "peddler" shall include "hucksters," "hawkers" and "itinerant dealers" as commonly used, and shall include any person going about said city, on foot or otherwise, taking orders for, or selling any kind of goods, wares or merchandise by sample, to be afterwards delivered.

SEC. 3. The foregoing provisions shall not be construed so as to apply to any person selling produce of his or her own raising, nor to children under the age of 15 years who sell fruit, matches or stationery on their own account, nor to persons selling newspapers, nor to mer-

chants of this city who take orders for future delivery, nor to ex-Union soldiers or sailors as exempted by state laws.

SEC. 4. Any person, firm or corporation, desiring a license for any of the purposes embraced in this ordinance must pay to the Treasurer of said City the amount of money as follows: For each peddler using any wagon, or vehicle, forty dollars per year, payable semi-annually. For each helper on such wagon or vehicle, twenty dollars per year, payable semi-annually. For each push cart, twenty dollars per year, payable semi-annually. And for each foot peddler ten dollars per year, payable semi-annually. Provided, any person, firm or corporation desiring to carry on a temporary business may be permitted to take out a license upon payment of one dollar per day as provided in this ordinance. Upon presenting the receipt of the Treasurer of said City, for money paid, as above provided, to the City Comptroller; said City Comptroller shall issue to such person the proper license therefor, provided all such licenses shall expire on the 30th day of June, and 31st day of December of each year, and no reduction shall be made on account of any portion of the time having run before the actual issuing of said license.

SEC. 5. It shall hereafter be unlawful for any person, firm or corporation obtaining a license, as provided in the foregoing section, to sell or offer to sell, any produce, or merchandise without having a badge plainly displayed upon his clothing, bearing the words "Huckster," "Helper," "Push cart," and "Peddler," and the number of his license in figures. Said badges shall be furnished by the City Comptroller, who shall be entitled to charge fifty cents for the badge and one dollar for issuing said license.

SEC. 6. Any peddlers or hawkers, who sell or offer for sale any decayed or unwholesome goods, intended for human consumption, or is guilty of any cheat, fraud or deception, or violates any of the provisions of this ordinance, shall be fined in any sum not exceeding one hundred dollars, nor less than five dollars, and each day's violation shall constitute a separate offense; provided, that for a second offense such person shall forfeit his license.

SEC. 7. All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

SEC. 8. This ordinance shall be in full force and effect from, and after its passage and publication in the Indianapolis Sun, once each week and for two consecutive weeks.

And when so amended would recommend that same do pass.

J. H. HAMLET.

OTTO HOFMANN.

JOHN F. WOOD.

WM. J. NEUKOM,

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

Mr. Royse moved to reconsider.

Mr. Sullivan called for the ayes and noes.

The motion to reconsider was lost by the following vote:

Ayes, 6, viz.: Messrs. Cottey, Hamlet, Wood, Neukom, Smither and Hofmann.

Noes, 13, viz.: Messrs. Brown, Davis, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hilkene, Wright and President Frederick W. Eppert.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By City Controller:

General Ordinance No. 55, 1907. An ordinance providing for the transfer of certain funds to certain fund in and for the use of the Department of Public Safety, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby transferred certain funds to certain fund from appropriations heretofore made for the police force in the Department of Public Safety, as follows, to-wit:

Six Hundred (\$500.00) dollars from the "Mounted Police Horse-Feed" fund to the "Building Repairs" fund.

Fourteen Hundred (\$1,400.00) dollars from the "Mounted Police Equipment" fund to the "Building Repairs" fund.

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

Which was read a first time.

Mr. Royse moved that the rules be suspended and General Ordinance No. 55, 1907, be placed upon its passage. Carried.

Mr. Royse called for General Ordinance No. 55, 1907, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 55, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 55, 1907, was read a third time and passed by the following vote:

Aves, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Frederick W. Eppert.

Noes, none.

By Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 56—1907: An ordinance approving a certain contract granting Wm. H. Coburn, proprietor of Coburn Timber Co., the right to lay and maintain a sidetrack or switch from Monon railroad tracks near 23d street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 1st day of June, 1907, Wm. H. Coburn, proprietor Coburn Timber Co., filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

Gentlemen—I am anxious to get permission to lay a switch from the Monon tracks across Twenty-third street, as per blue print, into lots 85, 86, 87 and 88, south side of Twenty-third street, west side of the railroad tracks.

NOW, THEREFORE, This agreement, made and entered into this 7th day of June, 1907, by and between Coburn Timber Company, Wm. H. Coburn, proprietor, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from Monon tracks as per blue print attached, in the City of Indianapolis, which is more specifically described as follows: As per blue print drawing, the center of the switch will cross property line on the north side of 23d street about 136 feet east of the southwest corner of lot No. 189, Reagan Park addition; the center of the switch will cross property line on the south side of 23d street about 147 feet east of the northwest corner of lot 85, Bruce Place addition, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may

be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 7th day of June, 1907.

COBURN TIMBER CO.,
By Wm. H. COBURN, Proprietor,
Party of the first part.

Witness:

CITY OF INDIANAPOLIS,
By

JOSEPH T. ELLIOTT, *Pres.*,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.
Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By Board of Public Works:

General Ordinance No. 57—1907: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Audobon road, from south side P., C., C. & St. L. Ry. tracks to north side C., H. & D. Ry. tracks with brick roadway and curbing.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 10th day of May, 1907, adopt Improvement Resolution No. 5124, 1907, for the improvement of Audobon road, from south side P., C., C. & St. L. Ry. tracks to north side C., H. & D. Ry. tracks, with brick roadway and curbing, and

WHEREAS, The said Board of Public Works did at the same time fix the 27th day of May, 1907, at 10 o'clock a. m., as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of said time for hearing was published on the 11th day of May, 1907, and the 18th day of May, 1907, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 27th day of May, 1907, the Board having met in regular session, took final action on said improvement resolution without modification; and

WHEREAS, On the 6th day of June, 1907, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Audobon road.

WHEREAS, On the 7th day of June, 1907, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve Audobon road, from south side of P., C., C. & St. L. Ry. tracks to north side C., H. & D. Ry. tracks with brick roadway and curbing in accordance with Improvement Resolution No. 5124, 1907, adopted by the Board of Public Works on the 10th day of May, 1907.

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

Which was read a first time.

By Mr. Portteus:

INDIANAPOLIS, IND., June 7, 1907.

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

We, the undersigned, resident-property owners, representing a majority of the resident property owners of South Audubon Road, respectfully petition and ask for suspension of the rules and ask for an immediate passage of the improvement Order No. 5124, providing for the improvement of S. Audubon Road, between the Pennsylvania and the C., H. & D. R. R., with brick road way; it was not our intention in filing a remonstrance, to stop the improvement of said street; we erred in our judgment as to the time necessary for asking for modifications before said board, hence our appeal to you for immediate passage for said improvement resolution, so that the improvement of said street can be made during the present summer.

G. M. Merrick, 302 S. Audubon.

S. S. Willoughby, S. Audubon and Rawles Ave.

Harry J. Pope, 415 S. Audubon Rd.

Eliza A. Godman, 335 S. Audubon Rd.

John D. Hastsock, 304 S. Audubon.

Bertram Day, 245 So. Audubon Rd.

Mary A. Gray, 348 So. Audubon.

Phebe L. Rennita, 431 Audubon.

Emaline Haughter, 486 S. Audubon.

Mrs. J. E. Cravens, 5686 University Ave.

Elizabeth E. Howe by T. C. Howe, 351 S. Audubon.

T. C. Howe, 48 S. Audubon.

Which was read.

Mr. Portteus moved the rules be suspended and General Ordinance No. 57, 1907, be placed upon its passage. Carried.

Mr. Portteus called for General Ordinance No. 57, 1907, for second reading. It was read a second time.

Mr. Portteus moved that General Ordinance No. 57, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 57, 1907, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright and President Frederick W. Eppert.

Noes, none.

By Mr. Wood:

General Ordinance No. 58, 1907. An ordinance amending Section 1 of General Ordinance No. 159, 1906, entitled, "An ordinance prohibiting disorderly conduct in the City of Indianapolis, and providing a penalty for the violation thereof, and fixing a time when the same shall take effect" approved January 18th, 1907, 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 Section 1 of General Ordinance No. 159, 1906, entitled, "An ordinance prohibiting disorderly conduct in the City of Indianapolis, and providing a penalty for the violation thereof, and fixing a time when the same shall take effect, approved January 18th, 1907, be and the same is hereby amended to read as follows: Section 1. Whoever being over the age of sixteen years utters any obscene or licentious language within the City of Indianapolis where there are persons other than females to be offended, or shall with criminal intent in any public place in the City of Indianapolis carry not concealed any deadly or dangerous weapon, such person not being a traveler, or whoever shall by word of mouth apply to the person of another any opprobrious or vile epithet involving moral turpitude, shall be deemed guilty of disorderly conduct, and, on conviction shall be fined not less than one dollar nor more than fifty dollars, to which may be added imprisonment in the county jail or work house not exceeding thirty days.

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

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

By Mr. Neukom:

General Ordinance, No. 59, 1907. An ordinance amending clause "d" of Section 5 of an ordinance entitled, "An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith, "Being General Ordinance No. 32, 1907, approved May 16th, 1907.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that clause D, of Section 5 of an ordinance entitled, "An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith," being General Ordinance No. 32, 1907, approved May 16th, 1907, be and the same is hereby amended to read as follows:

SEC. 5. Clause D. For the Work on Streets and Sewers.

The superintendent of streets and sewers shall receive a salary at the rate of eighteen hundred (\$1,800.00) dollars per annum.

The assistant superintendent of streets and sewers shall receive a salary at the rate of twelve hundred (\$1,200.00) dollars per annum.

The clerk to the superintendent shall receive a salary at the rate of one thousand (\$1,000.00) dollars per annum.

The assistant clerk shall receive a salary at the rate of eight hundred and forty (\$840.00) dollars per annum.

The foreman of repairs of permanently improved streets shall receive a salary at the rate of seventy-five (\$75.00) dollars per month.

The assistant foreman shall receive a salary at the rate of sixty (\$60.00) dollars per month.

The pavers shall each receive wages at the rate of two dollars and forty cents (\$2.40) per day.

The foreman of the sewer gangs shall each receive a salary at the rate of sixty (\$60.00) dollars per month.

The sewer gang helpers shall each receive wages at the rate of two (\$2.00) dollars per day.

The foreman of street gangs shall each receive wages at the rate of two (\$2.00) dollars per day.

The street gang laborers shall each receive wages at the rate of one dollar and seventy-five cents (\$1.75) per day.

The teamsters employing two horses shall each receive wages at the rate of three dollars and fifty cents (\$3.50) per day.

The engineers of road rollers shall each receive wages at the rate of three dollars and fifty cents (\$3.50) per day.

The custodian of the city yards shall receive wages at the rate of two dollars (\$2.00) per day.

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 Fees and Salaries.

MISCELLANEOUS BUSINESS.

By Mr. Neukom:

Resolution No. 7—1907: Be it resolved by the Common Council of the City of Indianapolis: That George T. Breunig, City Controller of the City of Indianapolis, Indiana, be and is hereby respectfully requested by the Common Council, in regular session on this the 17th day of June, 1907, to introduce and recommend unto this Common Council, at its next regular meeting on July 1st, 1907, at 7.45 p. m., an ordinance appropriating the sum of \$1,000.00 to the use of the Board of Public Works for the purchase of a proper site and the construction of a proper building for the purpose of providing free baths for public use to the inhabitants of said city.

Which was read.

Mr. Neukom moved the adoption of the resolution.

Mr. Royse offered substitute motion, that the resolution be referred to the Committee on Contracts and Franchises. Carried.

By Mr. Brown :

INDIANAPOLIS, IND., June 17, 1907.

To the President and the Members of the Common Council:

Gentlemen—I have the honor to request that your honorable body grant me a leave of absence for sixty days, beginning July 1.

Yours truly,
BENJAMIN A. BROWN.

Which was read.

Mr. Cottey moved that Mr. Brown be granted a leave of absence for sixty days. Carried.

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 52, 1907, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 52, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 52, 1907, was read a third time and passed by the following vote :

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Davis called for General Ordinance No. 40, 1907, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 40, 1907, be stricken from the files. Carried.

Mr. Royse called for General Ordinance No. 39, 1907, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 39, 1907, be amended as recommended by the committee. Carried.

Mr. Royse moved that General Ordinance No. 39, 1907, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 39, 1907, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Härtmann, Portteus, Royse, Donavon, Hofmann, Hilkené, Wright and President Frederick W. Eppert.

Noes, 2, viz.: Messrs. Uhl and Sullivan.

Mr. Royse called for General Ordinance No. 53, 1907, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 53, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 53, 1907, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkené, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Wood called for Special Ordinance No. 6, 1907, for second reading. It was read a second time.

Mr. Wood moved that Special Ordinance No. 6, 1907, be amended as recommended by the committee. Carried.

Mr. Wood moved that Special Ordinance No. 6, 1907, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

Special Ordinance No. 6, 1907, was read a third time and passed by the following vote:

Ayes, 13, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Portteus, Royse, Hofmann and Wright.

Noes, 6, viz.: Messrs. Uhl, Hartmann, Donavon, Sullivan, Hilkene and President Frederick W. Eppert.

Mr. Wood called for Special Ordinance No. 5, 1907, for second reading. It was read a second time.

Mr. Wood moved that Special Ordinance No. 5, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 5, 1907, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Frederick W. Eppert.

Noes, 1, viz.: Mr. Uhl.

Mr. Brown called for General Ordinance No. 49, 1907, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 49, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 49, 1907, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Frederick W. Eppert.

Noes, none.

Mr. Brown called for General Ordinance No. 35, 1907, for second reading. It was read a second time.

Mr. Royse moved that General Ordinance No. 35, 1907, be stricken from the files. Carried.

Mr. Hamlet called for General Ordinance No. 54, 1907, for second reading. It was read a second time.

Mr. Hamlet moved that General Ordinance No. 54, 1907, be amended as recommended by the committee. Carried.

Mr. Hamlet moved that General Ordinance No. 54, 1907, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 54, 1907, was read a third time and failed to pass by the following vote:

Ayes, 8, viz.: Messrs Brown, Cottey, Hamlet, Wood, Stickelman, Donavon, Hofmann and President Frederick W. Eppert.

Noes, 10, viz.: Messrs. Neukom, Smither, Rhodes, Uhl, Hartmann, Portteus, Royse, Sullivan, Hilkenne and Wright.

Mr. Royse gave notice that at the next regular meeting of the Common Council he would move to reconsider the above vote.

Mr. Hamlet called for General Ordinance No. 152, 1906, for second reading. It was read a second time.

Mr. Sullivan moved that General Ordinance No. 152, 1906, be stricken from the files.

President Eppert called for the ayes and noes.

The roll was called and General Ordinance No. 152, 1906, was stricken from the files by the following vote:

Ayes, 12, viz.: Messrs. Brown, Neukom, Smither, Rhodes, Uhl, Stickelman, Hartmann, Portteus, Donavon, Sullivan, Hilkenne and Wright.

Noes, 5, viz.: Messrs. Cottey, Hamlet, Wood, Hofmann and President Frederick W. Eppert.

On motion of Mr. Donavan the Common Council at 9:55 o'clock p. m. adjourned.

Fred W. Spent
.....
President.

ATTEST:

James M. Milty
.....
City Clerk.

