

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, October 4, 1909.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 4, 1909, at 7:30 o'clock, in regular session, President Edward J. Stickelman in the chair.

Present: The Hon. Edward J. Stickelman, President of the Common Council, and 20 members, viz: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Neukom, Smither, Rhodes, Smith, Uhl, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., October 1, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith, with my approval, General Ordinance No. 35, 1909, the same being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley west of Missouri street, from the south property line of South street to the north property line of Empire street, with wooden block, asphalt, bitulithic or brick roadway."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., October 1, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith, with my approval, General Ordinance No. 40, 1909, the same being "An ordinance regulating the use of fire-arms and fireworks within the City of Indianapolis, Indiana, fixing a penalty for the violation thereof and the time when the same shall take effect;" also Appropriation Ordinance No. 40, 1909, the same being "An ordinance appropriating the sum of \$1,500 to and for the use of the Department of Public Safety, and fixing a time when the same shall take effect;" also Appropriation Ordinance No. 30, 1909, the same being "An ordinance providing for the appropriation of \$10,000 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., October 1, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith, with my approval, Appropriation Ordinance No. 38, 1909, the same being "An ordinance appropriating moneys for the purpose of defraying current expenses of the City government of the City of Indianapolis, and for the use of the several executive departments thereof for the fiscal year beginning January 1, 1910, and ending December 31, 1910;" also General Ordinance No. 41, 1909, the same being "An ordinance ordering and directing the levy of an annual tax, and fixing the rate of levy, or levies, and taxation for the City of Indianapolis for the year 1910, and fixing a time when the same shall take effect."

In approving the last named ordinance, I wish to call your attention to what I consider to be a very radical and, in my opinion, dangerous departure from the rule which has obtained in the management of the city affairs since the adoption of the present form of city government. Section 84 of the "Act concerning municipal government. Approved March 6, 1905," being a re-inactment of a similar provision embodied in the original city charter, in defining the action to be taken in establishing the annual levy, provides that "Such ordinance may reduce any estimated item for any executive department from the figures submitted in the report of the City Controller, but shall not increase the same unless recommended by the Mayor." The increase which has been made in the item of Firemen's Pension Fund is not, in the opinion of the legal department of the city, one that is prohibited for the reason that such pension department is not an "executive department" of the city government, but if it is recognized as the proper thing for additions to be thus made where special levies are authorized by statute, then it occurs to me that the purpose of the charter in lodging the responsibility for the financial management in the hands of the Controller and the Mayor, in so far as the fixing of the aggregate amount of the levy is concerned, is in serious danger of being defeated. It is true that by the reduction in

the levy made for general purposes an equal amount is eliminated, thus making the aggregate levy the same as recommended. I take it that serious embarrassment may be brought upon the city at some time in the future should such policy of increase in special taxes obtain, and corresponding reduction be made in the taxes laid for general purposes.

The making of a tax levy is one of the most serious problems which confronts the financial department of the city government, and in the preparation of the levy for the coming year it was indeed embarrassing to both the Controller and myself to make such reductions in the items appropriated to the various departments as would enable us to fix the aggregate for general purposes at seventy-nine and one-half cents. Even at this figure we both felt that the amount derived from taxes would be barely sufficient to provide for the city's needs during the ensuing year. It would indeed have been easy for us to make reductions regardless of the future effects upon the work of the city departments, provided we had been willing to permit the ensuing administration to face a possible deficit in revenues, but we considered the matter from the broad basis of what was best for the people of Indianapolis and gave every dollar which we thought could, in justice to the people who bare the burden, be provided.

In view of these facts I cannot but express my regret over the change made by your honorable body. The additional money was not absolutely necessary for the Firemen's Fund, but, on the other hand, was absolutely necessary for the general fund.

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: At the meeting of your honorable body on September 20th I sent an ordinance recommending that the sum of \$500 be transferred from the Fire Force Pay-roll Fund to the Purchase of Horses Fund. I am now advised by the members of the Board of Safety and the Chief Fire Engineer, that on account of recent accidents which caused the death of one or more horses belonging to the fire department, that it will be necessary to have more money for the purchase of horses.

I, therefore, recommend that General Ordinance No. 43, 1909, providing for the transfer as originally introduced, be amended so as to read \$1,000 instead of \$500, thus providing \$1,000 additional for the purchase of horses.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit a communication from the Department of Public Works asking an additional appropriation in the sum of \$30,000 for the Street Cleaning and Sweeping Fund.

On careful examination I am inclined to believe that \$20,000 will be sufficient, and, therefore, recommend that the accompanying ordinance providing for an additional appropriation in the sum of \$20,000 be passed not later than your next regular meeting.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 15, 1909.

George T. Breunig, City Controller, City:

DEAR SIR: You are respectfully requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$30,000 for the use of the Street Cleaning Department.

Yours respectfully,

JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F. J. MACK,
Board of Public Works.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: The Finance Department respectfully requests an additional appropriation in the sum of \$4,500 to be added to the "Elections Fund." The appropriation for this fund was \$12,000. The expenses of the city primary election amounted to \$7,945.83, leaving a balance of \$4,054.17. In my judgment the amount asked for in this communication, with the unexpended balance, will be sufficient to meet the expenses of the city election to be held on November 2d.

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

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER.
INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I present herewith a petition signed by the Fidelity Trust Company, executor of the estate of Egit Brishenk, deceased, asking for a refunder of the unexpired time of his city saloon license.

On examination I find that on December 9, 1908, a city license was issued to said Egit Brishenk to conduct a saloon at 2523 Burton avenue, which said license expires on the 8th day of December, 1909.

I herewith submit an ordinance appropriating the sum of \$71.92, the amount due his estate from August 24 to December 8, 1909, and recommend its passage.

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

AFFIDAVIT FOR RETURN OF PART OF LICENSE FEE.

State of Indiana }
Marion County } SS:

Comes now the Fidelity Trust Company in the person of Albert J. Smith, trust officer, who, being first duly sworn upon his oath, deposes and says:

That the Fidelity Trust Company is the duly qualified and appointed executor of the estate of Egit Brishenk;

That on December 9, 1909, the decedent, Egit Brishenk, paid to the City of Indianapolis two hundred and fifty dollars (\$250) for retail city liquor license. Said license being No. 653;

That on August 24, 1909, said decedent expired;

That the City of Indianapolis justly owes the said estate of Egit Brishenk, deceased, the sum of seventy-one dollars and ninety-two cents (\$71.92) for the unexpired period of the license, to-wit: One hundred and five days (105);

That said executor, by said Albert J. Smith, its trust officer, makes this affidavit for the purpose of obtaining the said sum for the use and benefit of said estate.

J. ALBERT SMITH,
Trust Officer Fidelity Trust Co.

Subscribed and sworn to before me, a notary public, in and for said county and state, this 2d day of October, 1909.

CHAS. P. TIGHE,
Notary Public.

My commission expires January 22, 1912.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Contracts and Franchises, to whom was referred General Ordinance No. 39, 1909, "An ordinance ratifying, confirming and approving the certain contract made and entered into on the 30th day of August, 1909, between the City of Indianapolis and the Indianapolis Hauling Company for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis, and fixing the time when the same shall take effect and the period it shall remain in force," beg leave to report that we have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

CHAS. G. DAVIS.
 BENJ. A. BROWN.
 JAS. F. SULLIVAN.
 OTTO HOFMANN.
 JACOB H. HILKENE.
 J. H. HAMLET.

Mr. Neukom presented minority report:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Contracts and Franchises, to which was referred General Ordinance No. 39, 1909, being "An ordinance ratifying, confirming and approving the certain contract made and entered into on the 30th day of August, 1909, between the City of Indianapolis and the Indianapolis Hauling Company for the collection, removal and disposal of ashes and sweepings in the City of Indianapolis, and fixing the time when the same shall take effect and the period it shall remain in force," begs leave to report that they have had same under consideration, and, in their opinion, this contract does not properly conserve the interests of the tax payers of the City of Indianapolis. We fail to find any need for the City to take upon itself the expense of hauling ashes from flat buildings, no more so than to haul them from manufacturing establishments, mercantile houses or railroad yards. The conducting of apartment houses or flat buildings is a business proposition pure and simple, and the owners of same figure the hauling of their ashes as one of the items of expense of conducting their business just as they do their fuel, lights, repairs, janitor service, etc., and so far as we have been able to learn there has been no call or demand made upon the city to place this additional burden on the tax payers.

There are less than 200 flat buildings that would be benefited by this contract, and we find that ashes are now and have been hauled regularly from these buildings and the expense thereof has been absorbed by the owners of same, and which, in our opinion, is as it should be.

We might add, however, that even were it necessary that this expense be borne by the city, it is our opinion that the contract price of \$12,000 per annum is far in excess of what it should be. During the life of the contract the cost would be \$108,000, and we know of no surer or better way for the city to save such an amount of money than to let well enough alone; in other words, let the flat building owners continue to dispose of their ashes at their own expense, and not the tax payers.

Again, to go further, the City of Indianapolis is owner of a fine equipment of horses, mules and wagons, besides having numerous employes on its pay-roll, and during the cold months, when ashes are largely made, a goodly portion of this equipment is idle, more than enough to haul all the ashes made in every flat building in the city, would it not be better to use this equipment rather than have them stand idle with a steady expensive drain on the city? We believe it would, in fact the saving as against this contract would pay off a nice chunk of the city indebtedness, or would be equal to one year's entire bond interest, "and then some." In addition the city could derive considerable revenue from the sale of ashes or cinders, for which there is quite a market, especially in constructive work.

Among other objections to this contract is, there was but one bid submitted, and as a consequence, but one bid was considered. If there is a point in the specifications that would prevent other bidders from competing, let that point be removed so as to bring on more competition. With this done we believe money could be saved, and to save money for the tax payers should certainly be the duty of this body.

We could go on and enumerate a great many other objections to the ratification of this contract, but we believe we have mentioned enough to convince our fellow members of the Council that this is a very unwise, extravagant and uncalled for contract, and in view of these facts we feel it our duty to recommend that said ordinance do not pass.

Respectfully submitted,

WILLIAM J. NEUKOM.

Mr. Neukom moved the minority report be concurred in.

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

The roll was called and the motion to concur in the minority report was lost by the following vote:

Ayes, 6, viz: Messrs. Wood, Eppert, Neukom, Uhl, Hartmann and Roysce.

Noes, 15, viz: Messrs. Brown, Cottey, Hamlet, Davis, Smither, Rhodes, Smith, Portteus, Donavon, Sullivan, Hofmann, Hilkenne, Wright, Henry and President Edward J. Stickelman.

Mr. Davis moved the majority report be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 39, 1909, being "An ordinance appropriating the sum of \$1,300 to and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect," beg to report that they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.
 OTTO HOFMANN.
 FAY WRIGHT.
 H. C. SMITHER.
 HARRY E. ROYSE.
 JOHN L. DONAVON,
 ALBERT E. COTTEY.

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred General Ordinance No. 42, 1909, being "An ordinance providing for the transfer of certain funds in and for the use of the Department of Public Health and Charities, and fixing a time when the same shall take effect," beg to report that they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

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

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred Resolution No. 3, 1909, beg leave to report that they have had the same under consideration and would recommend that the same be adopted.

Respectfully submitted,

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

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred General Ordinance No. 46, 1909, being "An ordinance to fix the amount of a bond to be given by the City Treasurer for the years 1910 and 1911," beg leave to report that they have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.
OTTO HOFMANN.
FAY WRIGHT.
HARRY E. ROYSE.
JOHN L. DONAVON.
ALBERT E. COTTEY.

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

From the Committee on Finance:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred General Ordinance No. 43, 1909, being "An ordinance providing for the transfer of certain funds to certain funds in and for the use of the Department of Public Safety, and fixing a time when the same shall take effect," beg leave to report that they have the same under consideration and would recommend that it be amended as recommended

by the City Controller, and when so amended would recommend that the same do pass.

Respectfully submitted,

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

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

From the Committee on Judiciary:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Judiciary Committee, to which was referred General Ordinance No. 27, 1909, entitled "An ordinance regulating the distribution of hand bills, circulars and other advertising matter, and fixing a time when the same shall take effect," beg leave to report that it has had the same under consideration and recommends that said ordinance be amended by inserting after the word "matter," in the second line of the title thereof, the following words: "Providing penalties for the violation thereof;" and after being so amended your committee recommends that said ordinance do pass.

Respectfully submitted,

ALBERT E. COTTEY.
HARRY E. ROYSE.
JAS. F. SULLIVAN.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., October 4, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinances, to which was referred Special Ordinance No. 9, 1908, entitled "An ordinance annexing certain territory to the City of Indianapolis, and fixing the time when the same shall take effect," begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

OTTO HOFMANN.
J. H. HAMLET.
JOHN L. DONAVON.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 42—1909: An ordinance appropriating \$4,500 to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of four thousand five hundred (\$4,500) dollars be, and the same is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, to and for the use of the Department of Finance, the sum herein appropriated to be added to and form a part of the "Elections Fund."

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 the Committee on Finance.

By City Controller:

Appropriation Ordinance No. 43—1909: An ordinance appropriating \$71.92 to and for the use of the Department of Finance, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of seventy-one dollars and ninety-two cents (\$71.92) be, and is hereby appropriated to and for the use of the Department of Finance, the sum herein appropriated to be paid to the Fidelity Trust Company, executor of the estate of Egit Brishenk, deceased, being the amount due for the unexpired time of city saloon license issued to said deceased, such refunder being made in pursuance of the provisions of a certain state law on that subject.

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 the Committee on Finance.

By City Controller:

Appropriation Ordinance No. 44—1909: An ordinance appropriating the sum of \$20,000 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of twenty thousand (\$20,000) dollars be, and the same is hereby appropriated out of any moneys in the city

treasury not otherwise appropriated, to and for the use of the Department of Public Works, such sum to be added to and form a part of the fund known as "Streets, Sweeping and Cleaning Improved."

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 the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Neukom:

General Ordinance No. 49—1909: An ordinance ordering and directing the use of voting machines for the city election of 1909, in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That for the purpose of voting at the city election, to be held on November 2, 1909, in said city, it is hereby ordered and directed that such voting shall be done by voting machines in each of the several precincts within the corporate limits of said city.

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

Mr. Neukom moved the rules be suspended and General Ordinance No. 49, 1909, be placed upon its passage. Carried.

Mr. Neukom called for General Ordinance No. 49, 1909, for second reading. It was read a second time.

Mr. Neukom moved that General Ordinance No. 49, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 49, 1909, was read a third time and passed by the following vote:

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

Noes, none.

By Mr. Rhodes (by request):

General Ordinance No. 50—1909: An ordinance amending clause "b" 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 therewith," being General Ordinance No. 32, 1907, approved May 16, 1907.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That that part of clause "b" 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 16, 1907, which applys to the chemist in charge of the laboratory, be, and the same is hereby amended to read as follows: The chemist in charge of the laboratory shall receive a salary at the rate of not to exceed eighteen hundred dollars (\$1,800) per annum.

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

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

By Mr. Uhl:

General Ordinance No. 51—1909: An ordinance regulating the digging of trenches and the making of other forms of excavations in the streets, alleys, sidewalks and public places of the City of Indianapolis, Indiana, regulating the issue of permits and the making of deposits therefor; providing a penalty for the violation of said ordinance 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, except as hereinafter provided, to dig trenches or to make other excavation in any street, alley, sidewalk or public place of this city, or to contract for such work or cause such work to be undertaken for the purpose of laying, removing or repairing gas or water pipes, or for the purpose of constructing, laying, repairing or attaching private drains with any public sewers, or for the purpose of laying drains, tiles, pipes or other private underground fixtures for conducting fluids for drainage, or for any purpose whatsoever, without he shall first obtain from the Department of Public Works of said city a permit in writing so to do.

SEC. 2. Applications for such permit shall be made to the Department of Public Works upon printed forms to be furnished by the city, which forms, in substance, shall be as follows: The application shall state the particular kind of trench, digging or excavation for which such permit is desired, and shall pledge conformity to any and all rules and regulations then in force, or which may thereafter be ordained and established by the Common Council of said city, and shall be signed with the full name of the person or persons making such application, together with the name of the street or location of the alley and the street number of the premises where such proposed excavation is to made.

SEC. 3. Where the digging and excavation, as set forth in such application, is to be made in any paved or macadamized street, alley, sidewalk or other public place in said city it shall be the duty of such applicant, before the permit provided for in the preceeding section shall be issued, to make a deposit with the Department of Public Works of said city of the sum of not less than \$10.00, and not more than \$25.00, as a guarantee that the street, alley sidewalk or other public place, so dug into or excavated, will be restored to as good a state and condition as the same was in previous thereto. The amount of such deposit shall be fixed by the City Civil Engineer, and shall be based upon his estimate of the amount necessary to make such restoration.

SEC. 4. Upon the presentation of such application and the making of the deposit aforesaid the City Civil Engineer shall issue to such applicant a written permit to make the excavation, digging or trenching in such application referred to, and shall receive from such applicant a fee of \$2.00 for such permit, which fee shall belong to the city.

SEC. 5. This ordinance shall not effect in any way a certain ordinance entitled "An ordinance regulating the digging of trenches and the making of other forms of excavations in the streets, alleys, sidewalks and place of the City of Indianapolis, requiring certain persons to be duly licensed and under bonds before undertaking such work;" approved April 23, 1878; but shall be regarded as supplemental thereto. Any person violating the provisions of this ordinance shall be subject to a fine of not exceeding \$100 for each offense.

SEC. 6. This ordinance shall take effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial of Indianapolis, Indiana.

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

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 39, 1909, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 39, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 39, 1909, was read a third time and and passed by the following vote:

Ayes, 12, viz: Messrs. Brown, Cottey, Hamlet, Davis, Smither, Smith, Donavon, Sullivan, Hofmann, Hilken, Wright and Henry.

Noes, 8, viz: Messrs. Wood, Eppert, Neukom, Rhodes, Hartmann, Portteus, Royse and President Edward J. Stickelman.

Mr. Davis moved to reconsider.

Mr. Brown moved to lay the motion of Mr. Davis on the table. Carried.

Mr. Rhodes called for Appropriation Ordinance No. 39, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 39, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 39, 1909, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Rhodes called for General Ordinance No. 42, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 42, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 42, 1909, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Rhodes called for General Ordinance No. 43, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 43, 1909, be amended as recommended by the committee. Carried.

Mr. Rhodes moved that General Ordinance No. 43, 1909, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 43, 1909, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Rhodes called for General Ordinance No. 46, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 46, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 46, 1909, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Rhodes called for Resolution No. 3, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Resolution No. 3, 1909, be adopted.

The roll was called and Resolution No. 3, 1909, was adopted by the following vote:

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

Noes, none.

Mr. Cottey called for General Ordinance No. 27, 1909, for second reading. It was read a second time.

Mr. Cottey moved that General Ordinance No. 27, 1909, be amended as recommended by the committee. Carried.

Mr. Cottey moved that General Ordinance No. 27, 1909, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 27, 1909, was read a third time and passed by the following vote:

Ayes, 13, viz: Messrs. Brown, Cottey, Hamlet, Davis, Eppert, Neukom, Smither, Rhodes, Smith, Hartmann, Royse, Sullivan and President Edward J. Stickelman.

Noes, 7, viz: Messrs. Wood, Portteus, Donavon, Hofmann, Hilkene, Wright and Henry.

Mr. Hamlet called for Special Ordinance No. 9, 1908, for second reading. It was read a second time.

Mr. Eppert moved that Special Ordinance No. 9, 1908, be stricken from the files.

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

The roll was called and the motion to strike from the files was lost by the following vote:

Ayes, 5, viz: Messrs. Cottey, Eppert, Hartmann, Portteus and Sullivan.

Noes, 14, viz: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Smith, Royse, Donavon, Hofmann, Wright, Henry and President Edward J. Stickelman.

Mr. Hamlet moved that Special Ordinance No 9, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 9, 1908, was read a third time and passed by the following vote:

Ayes, 13, viz: Messrs. Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Smith, Royse, Donavon, Hofmann, Hilken, Wright and Henry.

Noes, 7, viz: Messrs. Brown, Cottey, Eppert, Hartmann, Portteus, Sullivan and President Edward J. Stickelman.

On motion of Mr. Smither, the Common Council, at 9:30 o'clock P M., adjourned.

Edw. J. Stickelman

President.

ATTEST:

James M. Kullto

City Clerk.

