

## REGULAR MEETING.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, July 17, 1922, at 7:30 o'clock in regular session, President Theodore J. Bernd in the chair.

Present: The Hon. Theodore J. Bernd, President of the Common Council, and eight members, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson and Wise.

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

## COMMUNICATIONS FROM THE MAYOR.

July 7, 1922.

*To the President and Members of the Common Council, City of Indianapolis Indiana:*

Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, Special Ordinance No. 13, 1922, an ordinance authorizing the sale of certain personal property of the City of Indianapolis, by and through its Board of Public Works, and declared a time when the same shall take effect.

Appropriation Ordinance No. 20, 1922, an ordinance appropriating the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars to a fund to be known as "Sewer New Equipment Fund," under the Department of Public Works, and declaring a time when the same shall take effect.

Appropriation Ordinance No. 21, 1922, an ordinance appropriating the sum of Five Thousand Eighty-eight and Seventy-five hundredths (\$5,088.75) Dollars to, and for the use of, the Department of Public Works to the fund known as the "Assessments Against the City of Indianapolis Fund," and declaring a time when the same shall take effect.

General Ordinance No. 58, 1922, an ordinance authorizing the City of Indianapolis to make a temporary loan or loans for the use of the Board of Health of the City of Indianapolis, Indiana, in anticipation of its current revenues and payable out of the current revenues of said Board of Health for the year 1922, authorizing the rate of interest to be charged therefor, providing for legal notice and fixing a time when the same shall take effect.

General Ordinance No. 59, 1922, an ordinance authorizing the City Controller to make a temporary loan or Loans of Five Hundred Dollars in anticipation of current revenues, appropriating the sum of Five Hundred Ten Thousand (\$510,000.00) Dollars, for the payment of same, and fixing a time when the same shall take effect.

General Ordinance No. 60, 1922, an ordinance transferring and reappropriating the sum of Three Hundred and Eighty-seven (\$387)

Dollars from the "Sewer Material and Supplies Fund," of the Street Commissioner's Department of the Department of Public Works to a fund to be created and known as the "Beechwood Sewer Fund" of said Street Commissioner's Department, transferring and reappropriating said sum to said last mentioned fund, and declaring a time when the same shall take effect.

General Ordinance No. 61, 1922, an ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Ruckle Street by grading and paving the roadway with Wooden Block, Asphalt, Bituminous Concrete or Brick, as provided for under Improvement Resolution No. 10247, adopted on the 28th day of April, 1922, and declaring a time when the same shall take effect.

Very truly yours,

S. L. SHANK,

*Mayor.*

July 10, 1922.

*To the President and Members of the Common Council, City of Indianapolis, Indiana:*

Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, Special Ordinance No. 14, 1922, an ordinance disannexing certain territory in the City of Indianapolis, Indiana, defining a part of the boundary line of said City and fixing a time when the same shall take effect.

Very truly yours,

LEW SHANK,

*Mayor.*

July 12, 1922.

*To the President and Members of the Common Council, City of Indianapolis, Indiana:*

Gentlemen—I return herewith without my approval, General Ordinance No. 62, 1922, an ordinance providing for vacations of all officers and members of Police and Fire Department.

I have talked to a great number of the policemen and I find they are more in favor of an eight-hour day than they are in fifteen days' vacations. As soon as we get more policemen the Board and I want to give them an eight-hour shift. I would be very glad if the Council Committee would consult with the Board and Chief of Police on ordinances of this kind. We must realize that we should be very careful and avoid giving too much time off as we are very short of men in both Departments.

Very truly yours,

S. L. SHANK,

*Mayor.*

July 12, 1922.

*To the President and Members of the Common Council, City of Indianapolis, Indiana:*

Gentlemen—I return herewith, without my approval, General Ordinance No. 63, 1922, an ordinance to prohibit dancing and theatrical performances in the Public Parks of Indianapolis.

I have no objection to that portion of this ordinance dealing with dancing in Public Parks; but that portion of the ordinance to which I do object is that which would prohibit the presentation of theatrical performances in the Public Parks of this City, and I believe that if the Council will make a thorough investigation they will become convinced that the theatrical shows given in the Parks are the most popular

entertainment and recreation ever given to the public. I also want the Council to understand that we are in no way curtailing any playgrounds and do not intend to do so and it will be only a few days until we purchase four more playgrounds for next year.

I do not want the Council to feel that I am doing this for the purpose of fighting the Council. But I feel that for the good of the public these entertainments should be given.

I am also sending you herewith a legal opinion of the Corporation Counsel by which it seems that this ordinance would be invalid. I am including herewith also several thousand cards and newspaper coupons signed by persons asking that these theatres be continued.

Very truly yours,

S. L. SHANK,

*Mayor.*

July 12, 1922.

Mr. S. L. Shank,  
Mayor,

City of Indianapolis, Indiana.

Honorable Sir—You have submitted to the Department of Law General Ordinance No. 63, 1922, and asked for our opinion as to its validity.

Whether or not the ordinance in question is valid depends upon the power the Common Council has, under the statutes of this state, over public dancing and theatrical performances in the public parks of the city. In determining this question it is well to keep in mind what our courts have said in regard to the powers with which cities are clothed. It has been held time and again, that cities are public corporations of limited powers and such as are implied by or reasonably necessary in carrying out their enumerated powers. Municipal Corporations possess only such powers as are conferred upon them by the Legislature, either expressly or by necessary implication, and when a fair and reasonable doubt exists as to the evidence of a power claimed, it will be resolved against the municipality and the power denied. The city is a miniature state, the Common Council is its Legislature, and the City Charter is its Constitution. The City Council derives all its power from the City Charter and the other Legislative Acts. All ordinances must be consistent with public legislative policy and must be reasonable and not discriminative. The exercise of the police power cannot be made the cloak for the arbitrary interference with, or suppression of, a lawful business or a harmless amusement. Under the Federal and State Constitution, the individual may pursue, without let or hindrance, all such callings or pursuits as are innocent in themselves and not injurious to the public. These are fundamental rights of every person living under this government and the Legislature by its enactments cannot interfere with such rights. A possible danger to the health, happiness or safety of the people does not justify the absolute prohibition of a lawful business or amusement where the danger can be dealt with by regulation.

The Legislature can confer upon the City Council no greater power than the Legislature itself possesses; and it has held that the Legislature has not the power to pass an act prohibiting all amusements, but only such as come within the legitimate exercise of the police power.

The police power has been defined as that inherent and plenary power in the state which enables it to prohibit all things hurtful to the comfort, safety and welfare of society. This power is very broad

and far reaching; yet it is not without its restrictions. While the Courts will not pass upon the wisdom of an act concerning the exercise of the police power, they will pass upon the question whether such act has a substantial relation to the police power. The Court must be able to see in order to hold that a statute or ordinance comes within the police power, that it tends in some degree toward the prevention of offenses or the preservation of the public health, morals, safety or welfare. It must be apparent that some such end is the one actually intended, and that there is some connection between the provisions of the law and such purpose. If it is manifest that the statute or ordinance has no such object, but under the guise of a police regulation is an invasion of the rights of an individual, it is the duty of the Court to declare it void.

The Board of Park Commissioners of the City is a creature of the State Legislature the same as is the Common Council, and the Legislature has clothed such Board with certain powers, all these powers are set out fully in Chapter 144 of the Acts of 1919, beginning on page 639 of such Acts. Section 5 of said Acts of 1919 provides "The Board of Park Commissioners, in every such City of the first class, shall have the exclusive government, management and control, subject, however, to the laws of the State, of all parks, parkways, park boulevards and lands which are a part of the park system within any such system, etc." Division One (1) of said Section 5 provides that said Board shall have, subject to limitations aforesaid, full and exclusive power "to acquire, lay out and improve land for public parks, parkways, park boulevards, bridle paths, play grounds, play fields, bath houses and community centers of such City, and to govern, manage, maintain, regulate and direct the public use of the same." Division 3 of said Section 5 gives the Park Board full and exclusive power to appoint architects, superintendents, engineers, surveyors, attorneys, clerks, guards, laborers, play ground directors, and all employes that the Board may deem expedient, and to prescribe and define their respective duties and authorities, and to fix and regulate a compensation to be paid to the several persons employed by it. Section 7 of said Acts of 1919 gives to the Park Board complete and exclusive authority to expend for and in behalf of such City all moneys realized from the taxes levied for Park purposes and all moneys realized by such Board from any other source. Section 8 of said Legislative Acts, provides sale of bonds of the City for Park purposes, and money derived from any other source. Section 9 of said Legislative Acts, provides among other things, "the Board shall also have the power to forbid by General Order of rules and to abate any horse-racing, gambling, offensive or dangerous business or amusement within Five Hundred (500) feet of such Boulevard, Park or Parkway. Section 9 of said Acts authorizes the Park Board to approve of the conditions of any bequests of real or personal property made to the City for Park purposes. Section 10 of said Acts authorize the Park Board to exercise the power of eminent domain within and without the City for a five (5) mile limit. These are but a few of the exclusive powers granted to the Board of Park Commissioners, and we simply mention them for the purpose of showing the vast power vested in the Park Board for the regulation and management of the City Parks. We take it that the ordinance in question was passed by virtue of authority supposed to be conferred upon the Common Council by clauses 33 and 39 of Section 8655 Burns R. S. 1914. Clauses 33 and 39 are as follows:

33. "To regulate, license, tax, restrain or prohibit theatrical and all other exhibitions, shows or entertainments." And,  
39. "To license, tax, regulate or prohibit all inns, taverns, hotels, restaurants or other places used or kept for public entertainment."

The careful reading of both the foregoing clauses fails to disclose a legislative intent to include the "public dance" within the grant of power given to the Common Council by virtue of the said two clauses. In other words, the express delegation of power to the Council by the Legislature, found in clauses 33 and 39 of Section 8655 of Burns R. S. 1914, does not include, nor have any reference to a "public dance." But, suppose intendment embrace and include a public dance, what would we then have? In such case we would be placing the "public dance" on the same footing with theatrical entertainments, inns, taverns, hotels, restaurants and other places kept for public entertainment, exactly this and nothing more. Would any one contend that the City possesses the power to prohibit all public dances just because the word "prohibit" is used? Does the City of Indianapolis NOW have the power to prohibit ALL theatrical entertainments and ALL inns, taverns, hotels, restaurants and other places kept for public entertainment, merely because the word "prohibit" is found in said clauses 33 and 39? Taken literally it would seem that such grant of power was given, but it cannot be believed that it is legislative intent to use the word "prohibit" in any such unrestricted sense. Indeed, the Legislature itself has no such power. An existing lawful business or amusement cannot be suppressed simply by declaring the business or amusement to be a nuisance, if it not be one in fact? What, then, is the limitation to be passed upon the word "prohibit" as used in said clauses 33 and 39? The word "prohibit" obviously means to "prohibit" for a just reason or cause. By the clauses of the statute in question the power to regulate is rightly given. Under such grant or power an ordinance with just and reasonable regulatory provisions is authorized. There might be a valid provision to "prohibit" the conduct of such business or entertainment for failure and refusal to comply with the provisions of a regulatory ordinance. Under any view that may be taken of clauses 33 and 39, there is no express grant of power to declare all dances or all theatrical performances unlawful.

Neither does the power to prohibit public dances or public theaters vest in the City by virtue of the provisions of clauses 47 or 53 of said Section 8655 because to hold that such power is vested in the City would be to declare, in effect at least, that a public dance or a public theatrical performance is per se a nuisance.

Our Supreme Court in the case of the City of Indianapolis vs. Miller et al 168 Ind. 285, on page 288 said "while, where theatres are subject to the police power of the state in some particulars, yet it can by no means be said that the business of conducting a play house is in its own nature a nuisance. The general rule is that ordinances passed under a general grant of power must be reasonable, consonant with the general powers and purposes of the corporation and not inconsistent with the laws of the policy of the state. No grant of absolute discretion to surpress lawful action altogether, can be granted at all," and to surpress things not absolutely dangerous as an easy way of getting rid of the trouble of regulating them is not a process tolerated under free institutions. Regulation and not prohibition, unless under clear authority of the chapter, and in cases

where it is not oppression, is the extent of City power. Things absolutely unlawful are not made so by local authority, but by general law.

The power asserted by the ordinance in question to absolutely prohibit all public dances and public theatrical performances in the City Parks without regard to the manner with which they may be conducted, must rest on the ground that a public dance or a public theatrical performance is ipso facto wrong and immoral and an injury to the public, or the power does not exist. We fail to find any court decisions where any court has held the power of a municipal Corporation to so declare. In the case of the City of Evansville vs. Walker, 146 Ind. 613, our Supreme Court said "but the rule is well settled that a Municipal Corporation although empowered by law to declare what shall constitute a nuisance, may not declare that to be one which in fact is not." In support of this proposition, the Court cites the case of the village of Des Plaines vs. Poyer, 123 Ill. 348. The opinion of the Illinois Supreme Court is short and is as follows:

"Scholfield, J. The only question involved in the present case, is the validity of the following ordinance:

Section 1. That all public picnics and open-air dances within the limits of said village are hereby declared to be a nuisance.

Sec. 2. That for any person or persons to rent, use, or allow to be used, any yard, ground, grove, or other real estate, within the corporate limits of the village of Des Plaines for public picnic purposes, or for open-air dances, or to permit or in any way allow, the use of such property for any purpose by which disorderly persons are gathered in or about said village of Des Plaines, shall constitute, and is hereby declared to be, a nuisance. Any person creating or permitting any nuisance mentioned and declared in this ordinance to exist, having the right or power to abate the same, shall be subject to a fine of not less than Fifty (\$50.00) Dollars, and not exceeding ONE Hundred (\$100.00) Dollars, in every case; and each renting, using or allowing to be used, of any such premises for the purposes aforesaid, or any of them, shall be deemed the creating of a new nuisance and the author thereof subject to a like fine."

The village is incorporated under the general law in relation to the incorporation of villages, and is, by that law, empowered to declare what shall be a nuisance; but this does not authorize the village to declare that a nuisance which is not so in fact. Wood, Nuis. p. 809, 740; Chicago v., Laflin, 49 Ill. 172; 1 Dill. Mun. Corp. (3d Ed.) 374. It was said in Lakeview vs. Letz, 44 Ill. 81; "There are some things which in their nature are nuisances, and which the law recognizes as such. There are others which may or may not be so, their character, in this respect, depending on circumstances, and in the latter instance, it is manifestly beyond the power of a village to declare, in advance, that those things are a nuisance; and so it was held in that case. The question when the thing may or may not be a nuisance must be settled as one of fact, and not of law.

That public picnic and public dances are not, in their nature, nuisances, we think it quite clear. They are not in the list of common-law nuisances enumerated in the text books. Sec. 4 Bl. Comm. (Sharswood's Ed.) 166, 167 et seq; 1 Hawk. P. C. (Curwen's Ed.) 694; Woods, Nuis. P. 35, 23 et seq. Now, is there anything necessarily harmful in the nature of either, more than in that of any other public amusement? When conducted with proper decorum and cir-

sumspection, and remote from public thoroughfares, it is impossible to conceive how any public injury or annoyance can result. That the manner of conducting them may be productive of annoyance and injury to the public, is not to be questioned, but since the nuisance must consist in this, and not in the picnic or dance, or itself alone the ordinance should be directed only to it. While the rights of the people to be free from disturbance and reasonable apprehension of danger to person and property is to be respected and jealously guarded, the equal rights of all to assemble together for health, recreation, or amusement, in the open air, is no less to be respected and jealously guarded. Because a privilege may be abused, is no reason why it shall be denied. We concur in the views expressed by the Appellate Court when the case was before it. *Pyer v. Killage of Des Plaines*, 22 Bradw.

The judgement is affirmed.

In the Case of the City of Chicago vs. Drake Hotel Co., which decision is found in 113 N. E. page 718, the grant of power to the City was in these words: "to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure." On the authority of this grant of power the Common Council of the City of Chicago, enacted the following ordinance: "No person, firm or corporation, either as owner, lessee, manager, officer or agent of a restaurant of public place of refreshment conducted in any other place than a licensed dance hall, shall conduct a dance of the patrons therein or suffer or permit the patrons of the same to indulge in dancing while the said place or the room in which the said dance is indulged in is open to the general public as a place where the public may purchase refreshments."

The Drake Hotel Company was prosecuted for an alleged violation of said ordinance. The Supreme Court of Illinois declares the ordinance unreasonable and void and said:

"For the purpose of this decision it may be conceded that the Legislature has by clause 41 of section 1, art. 5, of the Cities and Villages Act attempted to confer upon the City Council the power to prohibit amusements, and that dancing is one of such amusements. The Legislature, however, could confer upon the City Council no greater power than the Legislature itself possessed, and we have recently held that:

"The Legislature had not the power to pass an act prohibiting all amusements, but only such as came within the legitimate exercise of the police power. *Nasher v. City of Chicago*, 271, Ill. 288, Ill. N. E. 119."

In the grant of power to the Common Council of the City of Chicago the word "prohibit" was included therein, the same as in Clauses 33 and 39 of Section 8655 of the Indianapolis Chapter. In fact, the word "prohibit" is also used in Clauses 37 and 44 of said Section 8655. No one, we think, would seriously contend that the word "prohibit" in these last two clauses cited means to prohibit in the ordinary sense of the term.

Nor are we without authority locally in our construction of the ordinance in question in clause No. 34824 of the Marion Circuit Court, the case being the *Casino Gardens vs. Jeremiah E. Kinney et al*, the Honorable John F. Robbins sitting as Special Judge in such cause declared unreasonable and void Section 10 of the Municipal Code of the City of Indianapolis, 1917, which Section is as follows:

"Sec. 10. Public Dance Halls Prohibited. No person, firm or corporation or association shall keep a public dance hall within said City, which shall be open promiscuously to the public either on payment of an admission fee or otherwise; nor shall any person visit or attend any such public dance house or public dance held therein. Nor shall any such person, firm, corporation or association knowingly let or lease to another any room, house or building for the purpose of carrying on or maintaining therein any public dance house, to which the public is invited promiscuously to visit or attend either upon the payment of an admission fee or otherwise."

And in the Casino Gardens Company case it was the contention of the defendant that said Clause 39 of Section 8655 Burns R. S. 1914, gave to the City Council express power to prohibit public dances.

Judge Robbins in a well considered opinion found said Section 10 to be unreasonable and void.

In the light of the foregoing principles of law, court decisions and statutory provisions, it is our opinion that the Board of Park Commissioners of the City of Indianapolis has exclusive control over the Park Lands of the City and that they may permit dancing; theatrical performances or other harmless amusements therein, and that General Ordinance No. 63 is invalid for want of power, express or implied, on the part of the Common Council of the City of Indianapolis to enact such ordinance.

The Common Council has the power to reasonably regulate all public dances and public theatrical performances within the City of Indianapolis, but has not the power to suppress them, so long as they are harmless amusements, as is attempted to be done in said General Ordinance No. 63, 1922.

Respectfully submitted,  
TAYLOR E. GRONINGER,  
*Corporation Council.*

#### REPORTS FROM CITY OFFICERS.

##### From the City Controller:

July 17, 1922.

*To the President and Members of the Common Council of the City Indianapolis, Indiana:*

Gentlemen—I hand you herewith a communication from the Board of Public Works and attached communications, asking for the passage of an ordinance appropriating the sum of One Thousand, Three Hundred and Eighteen Dollars and Ninety-three (\$1,318.93) Cents, to and for the use of the Department of Public Works to the fund known as the "Assessment against the City of Indianapolis Fund," for the purpose of paying said amount to the Meads Construction Company to cover assessments against property growing out of the improvement of South New Jersey Street at Fire Engine Station No. 30, which said property stands in the name of the City of Indianapolis.

I respectfully recommend the passage of this ordinance.

Very truly yours,  
JOSEPH L. HOGUE,  
*City Controller.*

July 17, 1922.

Mr. Joseph L. Hogue,  
City Controller,  
Indianapolis, Indiana.

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, an ordinance appropriating the sum of One Thousand, Three Hundred and Eighteen Dollars and Ninety-three (\$1,318.93) Cents, to and for the use of the Department of Public Works to the fund known as the "Assessment against City of Indianapolis Fund," for the purpose of paying said amount to the Meade Construction Company to cover assessments against property growing out of the improvement of South New Jersey Street at Fire Engine Station No. 30, which said property stands in the name of the City of Indianapolis.

Yours truly,  
GEO. O. HUTSELL,  
Clerk, Board of Public Works.

June 26, 1922.

*To the Board of Public Works, City of Indianapolis:*

Gentlemen—There is attached hereto an appropriation ordinance appropriating the sum of One Thousand, Three Hundred and Eighteen Dollars and Ninety-three (\$1,318.93) Cents, to a fund to be used for the purpose of paying the attached assessment, which is an assessment against the City of Indianapolis, growing out of the improvement on South New Jersey Street, in front of Fire Engine House No. 30.

This money is due the Meade Construction Company and would therefore recommend that the ordinance be approved and forwarded to the City Controller, for his transmission to the Common Council.

Yours truly,  
J. L. ELLIOTT,  
*City Civil Engineer.*  
C. E. COFFIN,  
W. H. Freeman.  
Board of Public Works.

July 15, 1922

*To the President and Members of the Common Council, City of Indianapolis Indiana:*

Gentlemen—Enclosed please find letter from the Legal Department requesting an appropriation of Two Hundred and Twenty-five (\$225.00) Dollars for the purpose of paying Henry W. Kraemer, Timothy P. Sexton and Patrick J. Cahalane, appraisers for the personal property of the Board of Public Works. The Court has fixed their compensation at Seventy-five (\$75.00) Dollars each, and I am enclosing an ordinance covering the same, and would recommend its passage.

Yours truly,  
JOS. L. HOGUE,  
*City Controller.*

July 15, 1922

Mr. Joseph L. Hogue,  
City Controller,  
City of Indianapolis.

Dear Sir—I am handing you herewith an ordinance calling for the appropriation of Two Hundred and Twenty-five (\$225.00) Dol-

lars for the purpose of paying Henry W. Kraemer, Timothy P. Sexton and Patrick J. Cahalane, appraisers appointed by the Marion Circuit Court, for services performed in appraising personal property in the care and custody of the Board of Public Works including trucks, sweepers, magnetos, mules, wagons, harness and materials belonging to the City of Indianapolis. The Judge of the Marion Circuit Court fixed their compensation at Seventy-five (\$75.00) Dollars each, and this ordinance is for the purpose of paying the same, and I would recommend that the same be approved by you for passage by the Common Council.

Yours truly,  
JAMES M. OGDEN,  
*City Attorney.*

July 17, 1922.

*To the President and Members of the Common Council, City of Indianapolis, Indiana:*

Gentlemen—I am handing you herewith an ordinance, appropriating the sum of Two Hundred Fifty (\$250.00) Dollars to the salary of the stenographer of the Judge of the City Court, under the Department of Finance, and respectfully recommend the passage of this ordinance.

Very truly yours,  
JOS. L. HOGUE,  
*City Controller.*

Mr. Joseph L. Hogue,  
City Controller,  
City of Indianapolis.

July 17, 1922.

Dear Sir—I am handing you herewith General Ordinance No. 72, 1922, for transmission to the Common Council, appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars for the balance of the year 1922, to the salary fund of the City Court, under the Department of Finance, for salary of the stenographer to the Judge of the City Court, and ask that you recommend the passage of this ordinance.

Very truly yours,  
WM. T. BAILEY,  
*Assistant City Attorney.*

July 17, 1922.

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

Gentlemen—I am handing you herewith an Ordinance appropriating the sum of Two Hundred Dollars \$(200.00) to a fund to be known as "Expense of Boxing Commission" under the Department of Finance and respectfully recommend the passage of the same.

Very truly yours,  
JOS. L. HOGUE,  
*City Controller.*

From the Board of Public Works:

July 13, 1922.

*To the President and Members of the Common Council, City of Indianapolis, Indiana:*

Gentlemen—I am directed by the Board of Public Works of the City of Indianapolis, Indiana, to transmit to you certain communica-

tions and an ordinance for the improvement of Ray Street, from the west property line of Union Street to the east property line of Meridian Street, under improvement Resolution No. 10288. A majority of the resident property holders remonstrated against this improvement, and as the Board of Works thinks this is a necessary improvement, it desires that you order the same to be made.

Yours truly,  
GEO. O. HUTSELL,  
*Clerk, Board of Public Works.*

*To the Board of Public Works:*

July 10, 1922.

Gentlemen—With return of bids on I. R. No. 10, 288, for the permanent improvement of RAY STREET, from west property line of Union Street to east property line of Meridian Street, beg to advise that a majority remonstrance has been filed against this improvement, and it will therefore be necessary to reject all bids.

In connection with the remonstrance it develops that there is only one resident property owner on this square and her remonstrance has stopped the improvement.

A preliminary order has been made for the improvement between Meridian and West Streets. When this improvement is completed, Ray Street will then be paved from Madison Avenue to Dakota Street, west of West Street, with the exception of the above one square between Union and Meridian Streets, which has been stopped by remonstrance.

In view of these facts, would recommend that the above resolution be sent to Council with a request that the improvement be ordered over the veto of the one property owner, in order to make a continuous improvement from Madison Avenue to Dakota Street.

Yours truly,  
J. L. ELLIOTT,  
*City Civil Engineer.*

July 14, 1922

*To the President and Members of the Common Council, City of Indianapolis Indiana:*

Gentlemen—I am directed by the Board of Public Works of the City of Indianapolis, Indiana, to transmit to you certain communications, and an ordinance for the improvement of Paris Avenue from the north property line of 26th Street to the south property line of 30th Street under Improvement Resolution No. 10292.

A majority of the resident property owners remonstrated against this improvement, and as the Board of Works thinks this is a necessary improvement, it desires that you order the same to be made.

Yours truly,  
GEO. O. HUTSELL,  
*Clerk, Board of Public Works.*

*To the Board of Public Works:*

June 27, 1922

Gentlemen—With return of attached remonstrance against the permanent improvement of PARIS AVENUE from 26th to 30th Streets, beg to advise that there are 42 resident property owners and 27 signed the remonstrance.

This being a majority remonstrance, would recommend that all action be rescinded on the resolution.

Yours very truly,  
J. L. ELLIOTT  
*City Civil Engineer.*

June 15th, 1922

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen— I am submitting herewith for your approval, an ordinance ratifying, confirming and approving a certain contract between the City of Indianapolis, by and through its Board of Public Works, and the Mayor, and the Martin Truck Company of Indianapolis, Indiana, for the purchase of two (2) 14-X Stewart Trucks, and one (1) Model 15 Stewart Truck for the total sum of Four Thousand, Eight Hundred and Twenty-five (\$4825.00) Dollars.

Yours truly,  
GEO. O. HUTSELL,  
Clerk, Board of Public Works.

July 17, 1922.

Mr. John W. Rhodehamel,  
City Clerk, City of Indianapolis.

Dear Sir—I am herewith submitting for transmission to the Common Council for the passage of an Ordinance, a switch contract granting the Vonnegut Hardware Company the right to lay and maintain a switch or side-track from the south side of Washington Street South in Missouri Street, and across Pearl Street.

Yours truly,  
GEO. O. HUTSELL,  
Clerk, Board of Public Works.

*To the Board of Public Works:*

July 12th 1922

Gentlemen—With reference to the attached switch contract for a side track or switch across Missouri Street and Pearl Street, for the Vonnegut Hardware Company, beg to advise that this contract has been checked by this office and would recommend that same be approved and forwarded to the Council for their action.

Yours truly,  
J. L. ELLIOTT  
City Civil Engineer.  
C. E. COFFIN,  
W. H. FREEMAN,  
M. J. SPENCER,  
Board of Public Works.

#### REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

July 17, 1922.

*To the President and Members of the Common Council, City of Indianapolis Indiana:*

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 23, 1922, entitled, "An Ordinance appropriating the sum of Two Thousand Two Hundred Twenty-nine and Forty-eight Hundredths (\$2,229.48) Dollars to, and for the use of, the Department of Finance to the fund known as "Street Intersections," and declaring a time when it shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOHN E. KING,  
BEN H. THOMPSON,  
H. W. BUCHANAN,  
L. D. CLAYCOMBE

July 17, 1922.

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 24, 1922, entitled, An Ordinance, making an appropriation of Thirty-one (\$31.00) Dollars, to the Department of Finance, for the purpose of refunding to Ralph Wilson, the sum of Thirty-one (\$31.00) Dollars paid twice for Billiard and Pool Table License to operate three (3) pool tables, at No. 1706 Hoyt Avenue, in the City of Indianapolis, Indiana, until, and including December 31, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOHN E. KING,  
H. W. BUCHANAN,  
BEN H. THOMPSON,  
L. D. CLAYCOMBE

From the Committee on Public Safety:

Indianapolis, Ind., July 17, 1922

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen—We, your Committee on Public Safety, to whom was referred General Ordinance No. 66, 1922, entitled, An Ordinance, providing for the working hours of the members police force and fixing a time when the same shall take effect, beg leave to report that we have said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,  
I. L. BRAMBLETT,  
H. W. BUCHANAN,  
JOHN E. KING..

From the Committee on Parks:

Indianapolis, Ind., July 17, 1922

*To the President and Members of the Common Council of the City of Indianapolis, Indiana:*

Gentlemen—We, your Committee on Parks, to whom was referred Special Ordinance No. 15, 1922, entitled, An Ordinance, annexing certain territory to the City of Indianapolis, Indiana, defining a part of the boundry line to said City and fixing a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

I. L. BRAMBLETT,  
JOHN E. KING,  
OTTO RAY,  
BEN H. THOMPSON,  
W. E. CLAUER.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

## APPROPRIATION ORDINANCE NO. 25, 1922 .

AN ORDINANCE appropriating the sum of One Thousand Three Hundred Eighteen and Ninety-three hundredths ((\$1318.93) Dollars to, and for the use of, the Department of Public Works to the fund known as the "Assessments Against the City of Indianapolis Fund," and declaring a time when the same shall take effect.

*Be it Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be, and is, hereby appropriated the sum of One Thousand Three Hundred Eighteen and Ninety-three hundredths (1318.93) Dollars to and for the use of the Department of Public Works to the fund known as the "Assessments against the City of Indianapolis Fund," for the purpose of paying said amount to the Meade Construction Company to cover assessment against property growing out of the improvement of South New Jersey Street at Fire Engine Station No. 30, which said property stands in the name of the City of Indianapolis.

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

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

By the City Controller:

## APPROPRIATION ORDINANCE NO. 26, 1922.

AN ORDINANCE appropriating the sum of Two Hundred and Twenty-five (\$225.00) Dollars to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis, and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be and is hereby appropriated to the Department of Finance, the sum of Two Hundred and Twenty-five (\$225.00) Dollars for the purpose of paying Henry W. Kraemer, Timothy P. Sexton and Patrick J. Cahalane Seventy-five (\$75.00) Dollars each, appraisers appointed by the Marion Circuit Court in Cause No. 2234, a case involving the appraisal and sale of personal property including trucks, sweepers, magnetos, mules, wagons, harness and materials belonging to the City of Indianapolis, and in the care and custody of the Board of Public Works, which said amount to be paid said appraisers was fixed by the Court.

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

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

By the City Controller:

## APPROPRIATION ORDINANCE NO. 27, 1922.

AN ORDINANCE appropriating the sum of Two Hundred (\$200.00) Dollars to, and for the use of the Finance Department to a fund to be known as "Expense of Boxing Commission," and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be, and, hereby is appropriated the sum of Two Hundred (\$200.00) Dollars to and for the use of the Department of Finance to a fund to be known as "Expense of Boxing Commission."

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

Which was read a first time.

Mr. Claycombe moved that the rules be suspended and Appropriation Ordinance No. 27, 1922, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 27, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 27, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 27, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

## GENERAL ORDINANCE NO. 68, 1922.

AN ORDINANCE ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Ray Street from the west property line of Union Street to the East property line of Meridian Street by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick, as provided for under Improvement Resolution No. 10288, adopted on the 26th day of May, 1922, and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That, WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, did, on the 26th day of May, 1922, adopt Improvement Resolution No. 10288 for the improvement of Ray Street from the west property line of Union Street to the east property line of Meridian Street by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick, and

WHEREAS, said Board of Public Works did, at the same time, fix June 19, 1922, at 2:00 o'clock p. m. as the time to hear all persons interested or whose property is effected by said improvement, and the notice of the passage of said Resolution and the said time of hearing was published on the 31st day of May, 1922, and on the 7th day of June, 1922, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail were duly forwarded as provided by law, and

WHEREAS, the Board of Public Works, pursuant to said notice, met on the 19th day of June, 1922, and after said hearing in regular session on the 19th day of June, 1922, took action on said Resolution, the same being confirmed without modification, and

WHEREAS, on the 27th day of June, 1922, a written remonstrance signed by more than a majority number of the resident freeholders on said street, was filed with the Board of Public Works against said improvement, and

WHEREAS, the Board of Public Works has submitted to the Common Council for its consideration this ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution.

NOW, THEREFORE, *be it further ordained by the Common Council of the City of Indianapolis, Indiana*, that the Board of Public Works of the City of Indianapolis do, and is hereby ordered to improve Ray Street from the west property line of Union Street to the east property line of Meridian Street by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick under said Improvement Resolution No. 10288, 1922.

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 Public Works.

By the Board of Public Works:

## GENERAL ORDINANCE NO. 69, 1922.

AN ORDINANCE ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Paris Avenue from the north property line of 26th Street to the south property line of 30th Street, by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick, as provided for under improvement Resolution No. 10292, adopted by the Board of Public Works of the City of Indianapolis, Indiana, on the 31st day of May, 1922, and declaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That, WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, did, on the 31st day of May, 1922, adopt Improvement Resolution No. 10292 for the improvement of Paris Avenue from the north property line of 26th Street to the south property line of 30th Street, by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick, and

WHEREAS, said Board of Public Works did, at the same time, fix June 21, 1922, at 2:00 o'clock p. m. as the time to hear all persons interested or whose property is effected by said improvement, and notice of the passage of said resolution and the said time of hearing was published on the 2nd day of June, 1922, and on the 9th day of June, 1922, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail were duly forwarded as provided by law, and

WHEREAS, the Board of Public Works, pursuant to said notice, met on the 21st day of June, 1922, and after said hearing in regular session on said 21st day of June, 1922, postponed further action on said resolution until June 28, 1922, and on said June 28, 1922, in regular session, postponed further action on said resolution until July 7th, 1922, and on said July 7th, 1922, in regular session postponed further action on said resolution until July 12th, 1922, and after said hearing in regular session on the 12th day of July, 1922, took action on said resolution, the same being confirmed without modification, and

WHEREAS, on the 21st day of June, 1922, a written remonstrance signed by more than a majority number of the resident freeholders on said Street was filed with the Board of Public Works against said improvement, and also on the seventh day of July, 1922, another written remonstrance, signed by more than a majority number of the resident freeholders on said Street was filed with the Board of Public Works against said improvement, and

WHEREAS, the Board of Public Works has submitted to the Common Council for its consideration this ordinance ordering the Board of Public Works to proceed with the improvement of said Street under said resolution.

NOW, THEREFORE, be it further ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of the City of Indianapolis, Indiana, do, and is hereby ordered to, improve Paris Avenue from the north property line of 26th Street to the south property line of 30th Street by grading and paving the roadway with wooden block, asphalt, bituminous concrete or brick, under said Improvement Resolution number 10292, 1922.

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 Public Works.

By the Board of Public Works:

GENERAL ORDINANCE NO. 70, 1922.

AN ORDINANCE ratifying, confirming and approving a certain contract made and entered into on the 12th day of July, 1922, by the City of Indianapolis, by and through its Board of Public Works, and the Martin Truck Company, of Indianapolis, Indiana, whereby said City is authorized to purchase from said Martin Truck Company two (2) Model 14-X Stewart Trucks, twenty-five hundred (2,500) pounds maximum capacity, and one (1) Model 15 Stewart Truck, three thousand (3,000) pounds maximum capacity, for the total amount of Four Thousand, Eight Hundred and Twenty-five (\$4,825.00) Dollars, specifying the fund out of which the same shall be paid, and declaring the time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. WHEREAS, heretofore, on the 12th day of July, 1922, the City of Indianapolis, Indiana, by and through its Board of Public Works, with the approval of the Mayor, entered into a certain contract and agreement with the Martin Truck Company, of Indianapolis, Indiana, for the purchase of two (2) Model 14-X Stewart Trucks, twenty-five hundred (2,500) pounds maximum capacity, and one (1) Model 15 Stewart Truck, three thousand (3,000) pounds maximum capacity, which said contract is in words and figures as follows, to-wit:

CONTRACT.

THIS AGREEMENT, made and entered into at Indianapolis, Indiana, this 12th day of July, 1922, by and between the City of Indianapolis, Indiana, acting by and through its Board of Public Works and Mayor, party of the first part, and the Martin Truck Company, of Indianapolis, Indiana, party of the second part, WITNESSETH:

That the party of the second part hereby agrees to sell, transfer and deliver, subject to terms and conditions herein set out, to the party of the first part, two (2) Model 14-X Stewart Trucks, twenty-five hundred (2,500) pounds maximum capacity for the sum of Fifteen Hundred and Fifty (\$1,550.00) Dollars per truck, and one (1) Model 15 Stewart Truck, three thousand pounds (3,000) maximum capacity, for the sum of One Thousand Seven Hundred and Twenty-five (\$1,725.00) Dollars, or a total amount of Four Thousand Eight Hundred and Twenty-five (\$4,825.00) Dollars, all of said trucks to be complete as per attached specifications, and with war tax paid.

Delivery to be made f. o. b., Indianapolis, on or before the 19th day of July, 1922; payment to be made by party of the first part on the 10th day of August, 1922.

It is further agreed that the party of the second part will carry out all of the requirements and guaranties as set forth in the following specifications.

SPECIFICATIONS.

Trucks are equipped with front bumper brackets, magneto ignition, electric lights and starter, Pneumatic Cord tires, covered express bodies, painted and lettered.

Other specifications are as fully set out in Stewart 1922 catalogues, which are attached.

The party of the second part agrees to furnish to the party of the first part warranty and guaranty from the manufacturer of said Stewart Trucks as to the material and workmanship of said trucks and equipment.

This contract, on the part of the City of Indianapolis, shall be of no force and effect unless specifically authorized by ordinance of the Common Council of the City of Indianapolis.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate, this 12th day of July, 1922.

CITY OF INDIANAPOLIS.

By W. H. FREEMAN,

M. J. SPENCER,

*Board of Public Works,*

*Party of the First Part.*

Approved by S. L. SHANK,  
*Mayor.*

MARTIN TRUCK COMPANY

By W. MORT MARTIN,

*President,*

*Party of the Second Part.*

Sec. 2. That the foregoing contract and agreement, made and entered into on the 12th day of July, 1922, by the City of Indianapolis, Indiana, by and through its Board of Public Works, and

Mayor, and the Martin Truck Company, be, and the same is hereby in all things ratified, confirmed and approved in accordance with the terms, provisions and conditions thereof.

Sec. 3. That the Board of Public Works and the Department of Finance of said City, is hereby authorized to use Four Thousand, Eight Hundred and Twenty-five (\$4,825.00) Dollars of the appropriation of Seven Thousand Five Hundred (\$7,500.00) Dollars, made for "Sewer New Equipment Fund" in Appropriation Ordinance No. 20, 1922, to pay the amount due under said contract.

Sec. 4. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Buchanan moved that the rules be suspended and General Ordinance No. 70, 1922, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 70, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 70, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 70, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

By the Board of Public Works:

#### SWITCH CONTRACT.

##### GENERAL ORDINANCE NO. 71, 1922.

AN ORDINANCE approving a certain contract granting Vonnegut Hardware Company the right to lay and maintain a side track or switch from the South side of Washington Street, 272 feet South in Missouri Street and across Pearl Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 12th day of July, 1922, Vonnegut Hardware Company filed their 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—The undersigned hereby respectfully petitions for authority to lay a sidetrack and switch in Missouri Street, South of Washington Street, running South on Missouri Street and across the intersection of Pearl Street, as more definitely set out in the attached blue prints.

VONNEGUT HARDWARE CO.

By FRANKLIN VONNEGUT,

*President.*

NOW, THEREFORE, This agreement, made and entered into this 12th day of July, 1922, by and between Vonnegut Hardware Company 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 the South line of Washington Street and running South and Southwest on Missouri Street across the intersection of Pearl Street in and onto the property located at the Northwest corner of Maryland and Missouri Streets, in the City of Indianapolis, which is more specifically described as follows:

Beginning on the South line of Washington Street at the center line of the C. C. & St. L. Ry. Company track now located and constructed, said track being located Twelve (12) feet west of the East line of Missouri Street, thence running South on Missouri Street on a curve to the right whose radius is 339.36 feet, thence along said curve Southwest 172 feet, thence deflecting from the tangent to said curve to the left on a curve whose radius is 339.36 feet, 172 feet to a

point which is 8 feet West, measured at right angles, from the West line of Missouri Street, thence South on the tangent to the aforementioned curve 88 feet. Said track will extend on Missouri Street 272 feet and will cross the East curb of Missouri Street at a point 93 feet South measured along said curb from the South line of Washington Street and will cross the West curb of Missouri Street at a point 184 feet South measured along said curb from the South line of Washington Street and will also cross Pearl Street at its intersection with Missouri Street, 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 Wisconsin and Pearl streets 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 determined 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 Missouri Street South of Washington Street and across Pearl Street at its intersection with Missouri Street in the City of Indianapolis; all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." Unless said side track or switch is constructed within one year from the date hereof, this contract shall be null and void.

IN WITNESS WHEREOF, we have hereunto set our hands this 12th day of July, 1922.

VONNEGUT HARDWARE CO.

By FRANKLIN VONNEGUT,

*President.*

*Party of the First Part.*

WITNESS: LEO M. RAPPAPORT.

CITY OF INDIANAPOLIS,

By C. E. Coffin,

*President.*

W. H. FREEMAN.

*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.

Mr. Buchanan moved that the rules be suspended and General Ordinance No. 71, 1922, be placed upon its passage.

The roll was called and the motion to suspend the rules failed to carry by the following vote:

Ayes, 7, viz.: Messrs. Bramblett, Buchanan, Claycombe, King, Thompson, Wise and President Theodore J. Bernd.

Noes, 2, viz.: Messrs. Clauer and Ray.

President Bernd referred General Ordinance No. 71, 1922, to the Committee on Public Works.

By the City Controller:

GENERAL ORDINANCE NO. 72, 1922.

AN ORDINANCE fixing the salary of the stenographer to the Judge of the City Court, of the City of Indianapolis, appropriating the additional sum of Two Hundred and Fifty (\$250.00) Dollars, for the balance of the year 1922, to the salary fund of the City Court, under the Department of Finance, fixing a time when the same shall take effect and repealing all ordinances or parts of ordinances in conflict therewith.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the salary of the stenographer to the Judge of the City Court, be, and the same is hereby fixed at One Hundred and Fifty (\$150.00) Dollars per month.

Sec. 2. That there be, and is hereby appropriated to the salary fund of the City Court, under the Department of Finance, the additional sum of Two Hundred and Fifty (\$250.00) Dollars, for the balance of the year, 1922.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed from and after the date of taking effect of this ordinance.

Sec. 4. This ordinance shall be in full force and effect from and after August 1, 1922.

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

By Mr. Buchanan:

GENERAL ORDINANCE NO. 73, 1922.

AN ORDINANCE, to prohibit dancing in the Public Parks of the City of Indianapolis, Indiana.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That it shall be unlawful for any person, firm, corporation, association, city official, city employee, or municipal board of the City of Indianapolis, to give, hold, promote, advertise, aid, abet or allow a dance in any public park of the City of Indianapolis, whether an admission fee be charged or not.

Sec. 2. That it shall be unlawful for any person to dance or attend any dance in any public park of the City of Indianapolis.

Sec. 3. Any person violating Section One (1) or Two (2) of this Ordinance shall be fined in any sum not exceeding One Hundred (\$100.00) Dollars.

Sec. 4. All ordinances, or parts of ordinances, in conflict with the provisions hereof, are hereby repealed.

Sec. 5. 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 Law and Judiciary.

On motion of Mr. Ray, a public hearing was held to discuss General Ordinance No. 63, 1922.

By Mr. Thompson:

July 17, 1922.

Mr. President—I move that General Ordinance No. 63, 1922, be repassed by the Common Council.

BEN H. THOMPSON.

The roll was called and General Ordinance No. 63, 1922, was passed over the disapproval of the Mayor, by the following vote:

Ayes, 6, viz.: Messrs. Bramblett, Claycombe, King, Thompson, Wise and President Theodore J. Bernd.

Noes, 3, viz.: Messrs. Buchanan, Clauer and Ray.

By Mr. Ray:

July 17, 1922.

Mr. President—I move that General Ordinance No. 62, 1922, be passed over the disapproval of the Mayor.

OTTO RAY,

The roll was called and General Ordinance No. 62, 1922, was passed over the disapproval of the Mayor, by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Noes, 1, viz.: Mr. Claycombe.

#### ORDINANCES ON SECOND READING.

Mr. Bramblett called for Special Ordinance No. 15, 1922, for second reading. It was read a second time.

Mr. Bramblett moved that Special Ordinance No. 15, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 15, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President Theodore J. Bernd.

Noes, 1, viz.: Mr. King.

Mr. Claycombe called for Appropriation Ordinance No. 23, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 23, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 23, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 24, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 24, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 24, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 17, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 17, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1922, was read a third time and failed to pass by the following vote:

Ayes, 2, viz.: Messrs. Clauer and Ray.

Noes, 7, viz.: Messrs. Bramblett, Buchanan, Claycombe, King, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 35, 1922, for second reading. It was read a second time.

By Mr. Claycombe:

Mr. President—I move that General Ordinance No. 35, 1922, be amended to read as follows:

GENERAL ORDINANCE NO. 35, 1922.

AN ORDINANCE creating the position of Assistant Clerk in the Department of Public Works, and fixing the salary for the same, increasing the salary of the Record Clerk in the Department of Public Works, and providing for the payment of the salary of said Assistant Clerk, and the increase of salary of said Record Clerk out of the funds already appropriated for the payment of the salary of the Bookkeeper, in the Department of Public Works, and delaring a time when the same shall take effect.

*Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That there be and is hereby created the position of Assistant Clerk in the Department of Public Works.

Sec. 2. That said Assistant Clerk shall be paid the sum of Twelve Hundred (\$1,200.00) Dollars per year, and said salary shall be paid out of the funds appropriated for the position of Bookkeeper of said Department of Public Works.

Sec. 3. That in order to equalize the salaries in the Department of Public Works, that the salary of Record Clerk of the Department of Public Works, shall be the sum of Twelve Hundred (\$1,200.00) Dollars per year, and that the said increase of Two Hundred (\$200.00) Dollars per year, is hereby transferred from the funds appropriated for the Bookkeeper in said Department of Public Works.

Sec. 4. This Ordinance shall be in full force and effect from and after its passage.

L. D. CLAYCOMB.

Which motion carried.

Mr. Claycombe moved that General Ordinance No. 35, 1922, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 35, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Buchanan called for General Ordinance No. 66, 1922, for second reading. It was read a second time.

Mr. Buchanan moved that General Ordinance No. 66, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 66, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Noes, 1, viz.: Mr. Claycombe.

Mr. King called for General Ordinance No. 49, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 49, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 49, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Claurer, Claycombe, King, Ray, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 50, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 50, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 50, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 65, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 65, 1922, be stricken from the files.

The roll was called and General Ordinance No. 65, 1922, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 67, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 67, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

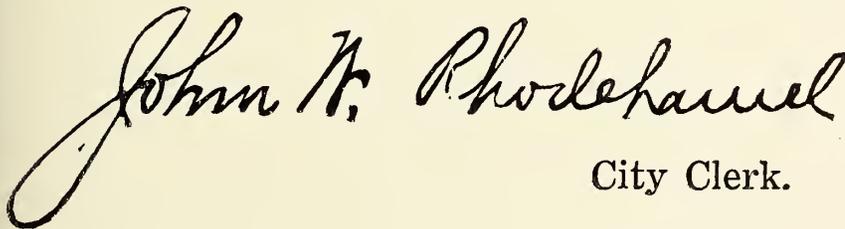
General Ordinance No. 67, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Wise and President Theodore J. Bernd.

On motion of Mr. Claycombe, the Common Council, at 10:20 o'clock p. m., adjourned.

  
President.

Attest:

  
City Clerk.