

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, July 7, 1913.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 7, 1913, at 7:30 o'clock, in regular session, President Charles F. Copeland in the chair.

Present: The Hon. Charles F. Copeland, President of the Common Council, and 8 members, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg and Troy.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., June 18, 1913.

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

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

Appropriation Ordinance No. 14, 1913, being an ordinance appropriating the sum of \$3,000.00 to and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect.

Appropriation Ordinance No. 15, 1913, being an ordinance appropriating the sum of \$1,500.00 to and for the Department of Public Safety and fixing a time when the same shall take effect.

Very truly yours,

S. L. SHANK,
Mayor, City of Indianapolis.

REPORTS FROM CITY OFFICERS.

From City Controller:

CITY OF INDIANAPOLIS,
FINANCE DEPARTMENT,
INDIANAPOLIS, IND., July 7, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an appropriation of \$2,000.00 to the fund for Street Repairs Permanently Improved (except asphalt) Account.

I submit herewith an ordinance providing for \$1,500.00 of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 30, 1913.

Mr. Harry R. Wallace, City Controller, City of Indianapolis:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$2,000.00 to the fund for Street Repairs Permanently Improved (except asphalt) Account.

Yours truly,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

From City Controller:

CITY OF INDIANAPOLIS,
FINANCE DEPARTMENT,
INDIANAPOLIS, IND., July 7, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Depart-

ment of Public Works requesting me to recommend an appropriation of \$2,000.00 to the fund for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

I submit herewith an ordinance providing for the amount of the Appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., June 18, 1913.

Mr. Harry Wallace, City Controller, Indianapolis, Indiana:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of two thousand dollars (\$2,000.00) for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

Respectfully,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY.
Board of Public Works.

OFFICE OF THE CITY CIVIL ENGINEER.
INDIANAPOLIS, IND., June 18, 1913.

To the Board of Public Works:

GENTLEMEN: Would respectfully recommend that the Council be asked to appropriate two thousand dollars (\$2,000.00) for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

Yours truly,

H. W. KLAUSMANN,
City Civil Engineer.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 17, 1913, being "An ordinance appropriating the sum of \$2,500.00 to and for the use of the Department

of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 22, 1913, being "An ordinance appropriating the sum of \$2,596.41 to and for the use of the Finance Department and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Resolution No. 9, 1913, beg leave to report that we have had the

same under consideration and would recommend that the same be adopted.

Respectfully submitted,
JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
GEORGE B. RUBENS.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 40, 1913, being "An ordinance creating zones with certain radii of hospitals of the City of Indianapolis, Indiana, defining the boundaries thereof and fixing a penalty and a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same be amended as follows:

By inserting in Line 2 of Section 5, of the printed ordinance after the word "week" the words "for two consecutive weeks," and when said ordinance is so amended we would respectfully recommend that the same do pass.

Respectfully submitted,
FRED C. OWEN,
FRANK E. MCCARTHY,
JOHN BLUMBERG,
CHARLES B. STILZ,
GEORGE B. RUBENS.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., June 25, 1913.

Mr. Fred Owen, Chairman, Board of Works Committee, City:

DEAR SIR: Referring to General Ordinance No. 40, 1913, kindly be advised that it is our opinion that the Council has the right to establish quiet zones in different parts of the city where the business conducted, such as hospitals or other institutions would require greater quiet to be observed than in the ordinary business portions of the city.

The only objections which might be urged to the ordinance No. 40 as presented, are the following:

1. Whether hospitals are the only institutions which admit of being included within the quiet zone. If they are, your ordinance would be valid in that respect. If, on the other hand, there are other institu-

tions maintained, such as the Central Hospital for the Insane, or court houses where quiet should be observed, and school houses where during school sessions it is especially important that no loud noises be made, might be of a class similar to hospitals, which, if they were, the inclusion only of hospital would show a classification which would not support the ordinance.

2. Again, section 3 provides "against the making or causing or permitting to be made, any unnecessary noise or the playing of itinerant musicians upon the public streets, such noises to be of such character as to disturb or tend to disturb the peace and quiet of any of the inmates. This section would make the ordinance very difficult of enforcement, because of the use of the word "unnecessary" noise, and could only be enforced upon a showing that the person making a noise deliberately did it for the purpose of offense. In other cities I think you will find that parties are prevented from making *any* noise, the burden upon them to show, as a matter of defense, that if they did make a noise it was in the interest of prevention of danger or accident.

It is our opinion that when the two objections urged are removed, that the ordinance would be valid. It is our opinion that the ordinance as it stands would not be valid, and difficult of enforcement.

Very truly yours,

MERLE N. A. WALKER,
City Attorney.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 42, 1913, being "An ordinance fixing the salaries of Police Bicyclemen, repealing conflicting ordinances and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
FRANK E. MCCARTHY,
JOHN BLUMBERG,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 43, 1913, being "An ordinance approving a certain contract granting The Independent Envelope Company the right to lay and maintain a sidetrack or switch from the Pennsylvania Railroad across Moore Avenue according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,
 FRED C. OWEN,
 FRANK E. MCCARTHY,
 JOHN BLUMBERG,
 CHARLES B. STILZ,
 GEORGE B. RUBENS.

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

From the Committee on Public Safety:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Safety, to whom was referred General Ordinance No. 34, 1913, being "An ordinance fixing the duties of Police Officers, providing punishment for the violation of such duties, repealing ordinances in conflict therewith and fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,
 CHARLES B. STILZ,
 FRED C. OWEN,
 FRANK E. MCCARTHY,
 JAMES E. TROY.

Not concurring,
 GEORGE L. DENNY.

INDIANAPOLIS, IND., June 2, 1913.

Mr. Charles B. Stilz, Chairman, City:

DEAR SIR: Complying with your request for legal opinion as to the validity of General Ordinance No. 34, 1913, kindly be advised that it is our opinion that this is a valid ordinance as drawn. We note you have made some objections to the language used. Doubtless this can be improved on by you, but as we are only required to pass upon the

validity of the ordinance, we are not at liberty to suggest any changes in the phraseology.

Yours truly,

MERLE N. A. WALKER.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 25—1913: An ordinance appropriating the sum of \$2,000.00 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 two thousand (\$2,000.00) dollars be, and is hereby appropriated out of any monies in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be known as "Repair of Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road."

SECTION 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. 26—1913: An ordinance appropriating the sum of \$1,500.00 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 fifteen hundred (\$1,500.00) dollars be, and 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, the amount appropriated herein to be added to and form a part of "Street Repairs Permanently Improved (except asphalt) Account."

SECTION 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. McCarthy:

General Ordinance No. 47—1913: An ordinance fixing the salary of the Student Nurses at the City Hospital and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Student Nurses at the City Hospital, in said City of Indianapolis, shall each receive a salary at the rate of fifteen dollars (\$15.00) per month.

SECTION 3. The salaries provided for in this ordinance shall be paid out of the funds in the City treasury at the time and in the manner provided for by law or ordinance.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 Health.

By Mr. Stilz:

General Ordinance No. 48—1913: An ordinance to prohibit the obstruction of passageways and doors of closed street cars in the city of Indianapolis.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall hereafter be unlawful for any person to obstruct any doorway, or passageway to the door of any closed street car operating in the City of Indianapolis, while the same is carrying passengers or waiting on any public street for passengers in said city, provided, however, that when such street car is crowded, passengers standing in said passageway or door will not be considered as obstructing the same, if they step to the pavement when passengers wish to alight or take passage. Any person violating any provision of this ordinance, upon conviction, before the Police Judge of the City of Indianapolis, shall be fined in any sum not exceeding \$50.00.

SECTION 2. It shall be lawful for any conductor, or agent of the Company operating such car, to remove any person violating the foregoing section; or he may call to his aid any of the police force of the city, to arrest any person so offending.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage and publication one day each week for two

consecutive weeks in The Indianapolis Commercial, a daily newspaper in general circulation in the City of Indianapolis.

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

By Mr. Stilz:

General Ordinance No. 49—1913: An ordinance prohibiting the use of toy pistols or other toy firearms or of air or spring guns or pistols of any kind and making it unlawful to sell said articles by retail in the City of Indianapolis.

1227. *Toy Pistols.* 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis, That it shall be unlawful for any person to use, handle, carry or fire off, in the City of Indianapolis, any toy pistol, toy cartridge pistol, blank-cartridge pistol, or other toy firearm, or any air gun or pistol, or any spring gun or pistol; and it shall likewise be unlawful for any person to sell, give away, or dispose of, in any way, such toy pistols or firearms in said city, except by wholesale.

1228. *Exceptions.* 2. The provisions of the foregoing section, making it unlawful for any person to use, handle, and carry, in the City of Indianapolis, any toy pistol, toy cartridge pistol, blank-cartridge pistol, or other toy firearm, or any such air or spring gun or pistol, shall not be construed to apply to persons transporting such articles, unloaded in boxes, over the streets of said city, nor to persons making sales of the same, by wholesale, in their places of business.

1229. *Penalty.* 3. Any person violating any of the provisions of the foregoing sections (Section 1) shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment for thirty days.

1230. *Publication.* 4. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis News.

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

MISCELLANEOUS BUSINESS.

SOUTH SIDE BLOCK ASSOCIATION,
INDIANAPOLIS, IND., June 26, 1913.

To the Honorable Members of the City Council of the City of Indianapolis:

We, the members of the South Side Block Association, being deeply interested in the affairs of our city and our attention having been called

by the public press to a certain contract entered into between the Board of Public Works and the Indianapolis Union Railways Company, said contract providing for the depression and closing up of certain streets and assessing a part of the expense of additional real estate and the elevation of additional tracks, do hereby petition your body to protect our interests by refusing to ratify any contract for track elevation which provides for the depression and closing up of any streets, or any contract which binds the city to pay any portion of any expense caused by the laying of additional tracks or train sheds or the purchase of any real estate for said purpose of additional tracks or train sheds.

Respectfully submitted,

WM. D. WOODS, *Chairman*,
JAMES L. KEACH,
JAMES D. MORIARITY,
Committee.

Foregoing address to City Council adopted along with a resolution against depression of street leading to the South Side, June 26th. regular meeting South Side Block Association.

J. B. DOWNEY, *Secretary.*

Mr. Denny moved that the Clerk be instructed to notify the President of the Association, that the Council is informed the elevation contract will not be submitted to the Council for ratification, but if it is, the Council will extend an invitation to the public to be heard on the subject. Carried.

ORDINANCES ON SECOND READING.

Mr Blumberg called for Appropriation Ordinance No. 17, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Appropriation Ordinance No. 17, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Blumberg called for Appropriation Ordinance No. 22, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Appropriation Ordinance No. 22, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 22, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Blumberg called for Resolution No. 9, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Resolution No. 9, 1913, be adopted.

The roll was called and Resolution No. 9, 1913, was adopted by the following vote:

Ayes, 7, viz.: Messrs. McCarthy, Rubens, Denny, Owen, Blumberg, Troy and President Charles F. Copeland.

Noes, 2, viz.: Messrs. Johnson and Stilz.

Mr. Owen called for General Ordinance No. 40, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 40, 1913, be amended as recommended by the committee. Carried.

Mr. Owen moved that General Ordinance No. 40, 1913, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 40, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Owen called for General Ordinance No. 42, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 42, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 42, 1913, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. McCarthy, Rubens, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, 2, viz.: Messrs. Johnson and Denny.

Mr. Owen called for General Ordinance No. 43, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 43, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 43, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Stiliz called for General Ordinance No. 34, 1913, for second reading. It was read a second time.

No further action; held on second reading.

On motion of Mr. Stiliz, the Common Council at 9:10 o'clock P. M., adjourned

Charles F. Copeland

President.

ATTEST:
Edward A. Ramsay

City Clerk.



REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, July 7, 1913.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 7, 1913, at 7:30 o'clock, in regular session, President Charles F. Copeland in the chair.

Present: The Hon. Charles F. Copeland, President of the Common Council, and 8 members, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg and Troy.

Absent, none.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., June 18, 1913.

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

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

Appropriation Ordinance No. 14, 1913, being an ordinance appropriating the sum of \$3,000.00 to and for the use of the Department of Public Health and Charities and fixing a time when the same shall take effect.

Appropriation Ordinance No. 15, 1913, being an ordinance appropriating the sum of \$1,500.00 to and for the Department of Public Safety and fixing a time when the same shall take effect.

Very truly yours,

S. L. SHANK,
Mayor, City of Indianapolis.

REPORTS FROM CITY OFFICERS.

From City Controller:

CITY OF INDIANAPOLIS,
FINANCE DEPARTMENT,
INDIANAPOLIS, IND., July 7, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Department of Public Works requesting me to recommend an appropriation of \$2,000.00 to the fund for Street Repairs Permanently Improved (except asphalt) Account.

I submit herewith an ordinance providing for \$1,500.00 of the appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
INDIANAPOLIS, IND., June 30, 1913.

Mr. Harry R. Wallace, City Controller, City of Indianapolis:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$2,000.00 to the fund for Street Repairs Permanently Improved (except asphalt) Account.

Yours truly,

C. A. SCHRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY,
Board of Public Works.

From City Controller:

CITY OF INDIANAPOLIS,
FINANCE DEPARTMENT,
INDIANAPOLIS, IND., July 7, 1913.

To the President and Members of the Common Council:

GENTLEMEN: I submit herewith a communication from the Depart-

July 7, 1913.]

CITY OF INDIANAPOLIS, IND.

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ment of Public Works requesting me to recommend an appropriation of \$2,000.00 to the fund for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

I submit herewith an ordinance providing for the amount of the Appropriation requested and recommend its passage.

Respectfully submitted,

HARRY R. WALLACE,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., June 18, 1913.

Mr. Harry Wallace, City Controller, Indianapolis, Indiana:

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of two thousand dollars (\$2,000.00) for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

Respectfully,

C. A. SCHIRADER,
CHARLES L. HUTCHINSON,
E. J. O'REILLY.
Board of Public Works.

OFFICE OF THE CITY CIVIL ENGINEER.
INDIANAPOLIS, IND., June 18, 1913.

To the Board of Public Works:

GENTLEMEN: Would respectfully recommend that the Council be asked to appropriate two thousand dollars (\$2,000.00) for the repair of the Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road.

Yours truly,

H. W. KLAUSMANN,
City Civil Engineer.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 17, 1913, being "An ordinance appropriating the sum of \$2,500.00 to and for the use of the Department

of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 22, 1913, being "An ordinance appropriating the sum of \$2,596.41 to and for the use of the Finance Department and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Finance:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Finance, to whom was referred Resolution No. 9, 1913, beg leave to report that we have had the

same under consideration and would recommend that the same be adopted.

Respectfully submitted,

JOHN BLUMBERG,
FRED C. OWEN,
JAMES E. TROY,
GEORGE B. RUBENS.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 40, 1913, being "An ordinance creating zones with certain radii of hospitals of the City of Indianapolis, Indiana, defining the boundaries thereof and fixing a penalty and a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same be amended as follows:

By inserting in Line 2 of Section 5, of the printed ordinance after the word "week" the words "for two consecutive weeks." and when said ordinance is so amended we would respectfully recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
FRANK E. MCCARTHY,
JOHN BLUMBERG,
CHARLES B. STILZ,
GEORGE B. RUBENS.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS,
INDIANAPOLIS, IND., June 25, 1913.

Mr. Fred Owen, Chairman, Board of Works Committee, City:

DEAR SIR: Referring to General Ordinance No. 40, 1913, kindly be advised that it is our opinion that the Council has the right to establish quiet zones in different parts of the city where the business conducted, such as hospitals or other institutions would require greater quiet to be observed than in the ordinary business portions of the city.

The only objections which might be urged to the ordinance No. 40 as presented, are the following:

1. Whether hospitals are the only institutions which admit of being included within the quiet zone. If they are, your ordinance would be valid in that respect. If, on the other hand, there are other institu-

tions maintained, such as the Central Hospital for the Insane, or court houses where quiet should be observed, and school houses where during school sessions it is especially important that no loud noises be made, might be of a class similar to hospitals, which, if they were, the inclusion only of hospital would show a classification which would not support the ordinance.

2. Again, section 3 provides "against the making or causing or permitting to be made, any unnecessary noise or the playing of itinerant musicians upon the public streets, such noises to be of such character as to disturb or tend to disturb the peace and quiet of any of the inmates. This section would make the ordinance very difficult of enforcement, because of the use of the word "unnecessary" noise, and could only be enforced upon a showing that the person making a noise deliberately did it for the purpose of offense. In other cities I think you will find that parties are prevented from making *any* noise, the burden upon them to show, as a matter of defense, that if they did make a noise it was in the interest of prevention of danger or accident.

It is our opinion that when the two objections urged are removed, that the ordinance would be valid. It is our opinion that the ordinance as it stands would not be valid, and difficult of enforcement.

Very truly yours,

MERLE N. A. WALKER,
City Attorney.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 42, 1913, being "An ordinance fixing the salaries of Police Bicyclemen, repealing conflicting ordinances and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
FRANK E. MCCARTHY,
JOHN BLUMBERG,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Public Works:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Works, to whom was referred General Ordinance No. 43, 1913, being "An ordinance approving a certain contract granting The Independent Envelope Company the right to lay and maintain a sidetrack or switch from the Pennsylvania Railroad across Moore Avenue according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

FRED C. OWEN,
FRANK E. MCCARTHY,
JOHN BLUMBERG,
CHARLES B. STILZ,
GEORGE B. RUBENS.

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

From the Committee on Public Safety:

INDIANAPOLIS, IND., July 7, 1913.

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

GENTLEMEN: We, your Committee on Public Safety, to whom was referred General Ordinance No. 34, 1913, being "An ordinance fixing the duties of Police Officers, providing punishment for the violation of such duties, repealing ordinances in conflict therewith and fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,

CHARLES B. STILZ,
FRED C. OWEN,
FRANK E. MCCARTHY,
JAMES E. TROY.

Not concurring,
GEORGE L. DENNY.

INDIANAPOLIS, IND., June 2, 1913.

Mr. Charles B. Stilz, Chairman, City:

DEAR SIR: Complying with your request for legal opinion as to the validity of General Ordinance No. 34, 1913, kindly be advised that it is our opinion that this is a valid ordinance as drawn. We note you have made some objections to the language used. Doubtless this can be improved on by you, but as we are only required to pass upon the

validity of the ordinance, we are not at liberty to suggest any changes in the phraseology.

Yours truly,

MERLE N. A. WALKER.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 25—1913: An ordinance appropriating the sum of \$2,000.00 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 two thousand (\$2,000.00) dollars be, and is hereby appropriated out of any monies in the City Treasury, not otherwise appropriated, to and for the use of the Department of Public Works, the amount appropriated herein to be known as "Repair of Pleasant Run Interceptor at Pleasant Run, east of the Bluff Road."

SECTION 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. 26—1913: An ordinance appropriating the sum of \$1,500.00 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 fifteen hundred (\$1,500.00) dollars be, and 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, the amount appropriated herein to be added to and form a part of "Street Repairs Permanently Improved (except asphalt) Account."

SECTION 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. McCarthy:

General Ordinance No. 47—1913: An ordinance fixing the salary of the Student Nurses at the City Hospital and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Student Nurses at the City Hospital, in said City of Indianapolis, shall each receive a salary at the rate of fifteen dollars (\$15.00) per month.

SECTION 3. The salaries provided for in this ordinance shall be paid out of the funds in the City treasury at the time and in the manner provided for by law or ordinance.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 Health.

By Mr. Stilz:

General Ordinance No. 48—1913: An ordinance to prohibit the obstruction of passageways and doors of closed street cars in the city of Indianapolis.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall hereafter be unlawful for any person to obstruct any doorway, or passageway to the door of any closed street car operating in the City of Indianapolis, while the same is carrying passengers or waiting on any public street for passengers in said city, provided, however, that when such street car is crowded, passengers standing in said passageway or door will not be considered as obstructing the same, if they step to the pavement when passengers wish to alight or take passage. Any person violating any provision of this ordinance, upon conviction, before the Police Judge of the City of Indianapolis, shall be fined in any sum not exceeding \$50.00.

SECTION 2. It shall be lawful for any conductor, or agent of the Company operating such car, to remove any person violating the foregoing section; or he may call to his aid any of the police force of the city, to arrest any person so offending.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage and publication one day each week for two

consecutive weeks in The Indianapolis Commercial, a daily newspaper in general circulation in the City of Indianapolis.

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

By Mr. Stilz:

General Ordinance No. 49—1913: An ordinance prohibiting the use of toy pistols or other toy firearms or of air or spring guns or pistols of any kind and making it unlawful to sell said articles by retail in the City of Indianapolis.

1227. *Toy Pistols.* 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis, That it shall be unlawful for any person to use, handle, carry or fire off, in the City of Indianapolis, any toy pistol, toy cartridge pistol, blank-cartridge pistol, or other toy firearm, or any air gun or pistol, or any spring gun or pistol; and it shall likewise be unlawful for any person to sell, give away, or dispose of, in any way, such toy pistols or firearms in said city, except by wholesale.

1228. *Exceptions.* 2. The provisions of the foregoing section, making it unlawful for any person to use, handle, and carry, in the City of Indianapolis, any toy pistol, toy cartridge pistol, blank-cartridge pistol, or other toy firearm, or any such air or spring gun or pistol, shall not be construed to apply to persons transporting such articles, unloaded in boxes, over the streets of said city, nor to persons making sales of the same, by wholesale, in their places of business.

1229. *Penalty.* 3. Any person violating any of the provisions of the foregoing sections (Section 1) shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment for thirty days.

1230. *Publication.* 4. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis News.

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

MISCELLANEOUS BUSINESS.

SOUTH SIDE BLOCK ASSOCIATION,
INDIANAPOLIS, IND., June 26, 1913.

To the Honorable Members of the City Council of the City of Indianapolis:

We, the members of the South Side Block Association, being deeply interested in the affairs of our city and our attention having been called

by the public press to a certain contract entered into between the Board of Public Works and the Indianapolis Union Railways Company, said contract providing for the depression and closing up of certain streets and assessing a part of the expense of additional real estate and the elevation of additional tracks, do hereby petition your body to protect our interests by refusing to ratify any contract for track elevation which provides for the depression and closing up of any streets, or any contract which binds the city to pay any portion of any expense caused by the laying of additional tracks or train sheds or the purchase of any real estate for said purpose of additional tracks or train sheds.

Respectfully submitted,

WM. D. WOODS, *Chairman*,
JAMES L. KEACH,
JAMES D. MORIARITY,
Committee.

Foregoing address to City Council adopted along with a resolution against depression of street leading to the South Side, June 26th, regular meeting South Side Block Association.

J. B. DOWNEY, *Secretary*.

Mr. Denny moved that the Clerk be instructed to notify the President of the Association, that the Council is informed the elevation contract will not be submitted to the Council for ratification, but if it is, the Council will extend an invitation to the public to be heard on the subject. Carried.

ORDINANCES ON SECOND READING.

Mr. Blumberg called for Appropriation Ordinance No. 17, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Appropriation Ordinance No. 17, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Blumberg called for Appropriation Ordinance No. 22, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Appropriation Ordinance No. 22, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 22, 1913, was read a third time and passed by the following vote;

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Blumberg called for Resolution No. 9, 1913, for second reading. It was read a second time.

Mr. Blumberg moved that Resolution No. 9, 1913, be adopted.

The roll was called and Resolution No. 9, 1913, was adopted by the following vote:

Ayes, 7, viz.: Messrs. McCarthy, Rubens, Denny, Owen, Blumberg, Troy and President Charles F. Copeland.

Noes, 2, viz.: Messrs. Johnson and Stilz.

Mr. Owen called for General Ordinance No. 40, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 40, 1913, be amended as recommended by the committee. Carried.

Mr. Owen moved that General Ordinance No. 40, 1913, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 40, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Owen called for General Ordinance No. 42, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 42, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 42, 1913, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. McCarthy, Rubens, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, 2, viz.: Messrs. Johnson and Denny.

Mr. Owen called for General Ordinance No. 43, 1913, for second reading. It was read a second time.

Mr. Owen moved that General Ordinance No. 43, 1913, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 43, 1913, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Johnson, McCarthy, Rubens, Denny, Owen, Stilz, Blumberg, Troy and President Charles F. Copeland.

Noes, none.

Mr. Stilz called for General Ordinance No. 34, 1913, for second reading. It was read a second time.

No further action; held on second reading.

On motion of Mr. Stilz, the Common Council at 9:10 o'clock P. M., adjourned

Charles F. Copeland

.....
President.

ATTEST:

Edward A. Ramsay

.....
City Clerk.