

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, January 9, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, January 9, 1905, at 7:30 o'clock in special session, President James H. Billingsley, in the chair, pursuant to the following call:

INDIANAPOLIS, January 9, 1905.

To the President and Members of the Common Council:

Gentlemen: I hereby call your honorable body together in Special Session at 7:30 P. M., Monday evening, January 9, 1905, for the following purposes: The introduction, consideration and passage of an ordinance appropriating \$2,813.00 to the use of the Board of Public Safety for the payment of delinquent salaries of ex-policemen and firemen; the introduction, consideration and passage of an ordinance regulating rooming and tenement houses; the consideration and passage of General Ordinance No. 89, 1904. General ordinance No. 88, 1904. General Ordinance No. 90, 1904. General Ordinance No. 91, 1904, and Appropriation Ordinance No. 33, 1904; also for the report of the committee, the consideration and passage of Appropriation Ordinance No. 30, 1904, appropriating \$25,000.00 to the use of the Department of Public Works, to enable said Department to enter into a contract for the elevation of railroad tracks at Massachusetts avenue crossing; also any committee reports, or communications from departments, the Mayor or other city officials concerning the above matters.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

I, W. M. Fogarty, Clerk of the Common Council, do hereby certify that I have served the above and foregoing notice to each member of the Common Council prior to the time of meeting, pursuant to the rules.

W. M. FOGARTY,
City Clerk.

Which was read.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 10 members, viz.: Messrs. Cottey, Eppert, Fishback, Gasper, Krause, Rhodes, Storm, Sullivan, Wahl, Wright.

Absent, 10, viz.: Messrs. Cooper, Crall, Davis, Hofmann, Linus, Moriarity, Murray, Shea, Uhl, Wolsiffer.

By the City Comptroller:

INDIANAPOLIS, January 9, 1905.

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

Gentlemen: I submit herewith letter of the Department of Public Safety, asking an appropriation of \$2,813.00, for compromise settlement of the long pending firemen's claims against the city. I recommend that this appropriation be made at once, and enclose ordinance for that purpose. I also enclose for your information letters of Smith, Duncan, Hornbrook and Smith, which please return to the Board of Public Safety when you have disposed of this matter.

Respectfully,

J. P. DUNN,
City Comptroller.

INDIANAPOLIS, December 30, 1904.

Hon. J. P. Dunn, City Comptroller;

Dear Sir: The Board of Public Safety have been confronted for some time with the claims of certain firemen and policemen for unpaid salaries due them from the city on account of their wrongful removal from office without trial by the Board of Safety in the years of 1899-1900.

We transmit herewith, for your submission of the same with this communication to the Council, the petition and claim of Smith, Duncan, Hornbrook and Smith, on behalf of said parties setting forth the agreement of the former City Attorney, Mr. Joss, in connection therewith.

These claims must be paid some time by the city and this board has succeeded in having the interest thereon waived and the amount cut down to \$2,813.00.

We therefore ask that an ordinance be recommended by you for passage appropriating the sum of \$2,813.00 to this Department for such use.

Yours very truly,

E. C. McLAUGHLIN,
Secretary Board of Public Safety,

INDIANAPOLIS, November 14, 1904.

To the Board of Public Safety of the City of Indianapolis:

After conference with the City Attorney we submit to you the following statement of claims held by clients of ours against the city, and request that you take steps at once to have the City Council make an appropriation to care for the same.

On the 15th day of December, 1899, the then Board of Safety, discharged a large number of policemen and firemen without trial. Early in January, 1900, we brought suit to have the men reinstated, and the court ordered their reinstatement.

On February 21, 1900, the Board after trial dismissed some of the policemen and reinstated others, and on February 26th, the Board after trial dismissed firemen Allen and Arnold.

On March 10, 1900 we filed with the Board a claim for the wages due the men from the 15th day of December, 1899, to the day of the action of the Board after trial as follows:

The names of the men for whom we filed claims and the amounts were as follows:

Ashbury D. Rinker, patrolman.....	\$153 00
Daniel A. Butcher, patrolman.....	153 00
Jacob D. Kurtz, patrolman.....	153 00

William L. Cox, patrolman	153 00
Terence Moore, patrolman.....	153 00
Harry Barbee, patrolman	153 00
Ira D. Leet, patrolman	153 00
Thomas L. Stout, patrolman	153 00
Emil Weckslar, patrolman.....	153 00
Charles Rockafellow, patrolman.....	153 00
Benjamin F. Jones, patrolman	153 00
Elmer Stoddard, patrolman.....	153 00
Fred Gunsalus, patrolman.....	153 00
Earl E. Titus, patrolman.....	153 00
Timothy Crannen, patrolman.....	153 00
John F. Kurtz, sergeant.....	165 00
Charles C. Ross, patrolman	153 00
John R. V. Allen, fireman	166 50
William E. Arnold, fireman (captain)	180 00

The Board held up these claims until an appeal could be taken in the case ordering the reinstatement of the men.

This case was affirmed by the Supreme Court in the spring of 1902

We then being unable to get the Board to do anything, brought a suit upon the claim of Daniel A. Butcher in the Superior Court of Marion county.

Following this, we entered into a written agreement with the City Attorney, agreeing that all the claims should be controlled by the decision in the Butcher case. This agreement was as follows:

Smith, Duncan, Hornbrook and Smith having heretofore filed with the Board of Public Safety of the City of Indianapolis, claims against the City of Indianapolis, on account of salary due certain policemen and firemen; as follows, to-wit:

Ashbury D. Rinker.....	\$153 00
Daniel A. Butcher.....	153 00
Jacob D. Kurtz.....	153 00
William L. Cox	153 00
Terence Moore	153 00
Harry Barbee	153 00
Ira D. Leet.....	153 00
Thomas L. Stout	153 00
Emil Weckslar.....	153 00
Charles Rockafellow.....	153 00
Benjamin F. Jones	153 00
Elmer Stoddard	153 00
Fred Gunsalus	153 00
Earl E. Titus.....	153 00
Charles C. Ross.....	153 00
Timothy Crannen.....	153 00
John F. Kurtz	165 00
John R. V. Allen.....	166 50
William E. Arnold.....	180 00

All of said claims being on account of salary from the date of the informal dismissal of said men from the service on the 15th day of December, 1899, until their formal dismissal upon trial in February, 1900.

And said firm having filed on behalf of Daniel A. Butcher a suit against the City of Indianapolis in the Superior Court of Marion county, being cause No. 63784 on the docket of said court, to recover salary for said period.

Now it is agreed by, and between the City of Indianapolis, by Frederick A. Joss, City Attorney and Smith, Duncan, Hornbrook and Smith, attorneys for said claimants, that the final determination in the case of

Butcher against the city now pending, shall control and be binding upon the parties in respect to all other of said claims, except that of John F. Kurtz; as to which claim it is recognized that the legal question involved in the Butcher case does not exist.

Witness our hands and this 27th day of October, 1902.

(Signed) FREDERICK A. JOSS.

(Signed) SMITH, DUNCAN, HORNBROOK & SMITH.

On October 7, 1903, in the Butcher case the jury brought in a verdict for the plaintiff for \$185.13.

On November 4, 1903, the court overruled a motion for a new trial and entered judgment for plaintiff.

On November 4, 1904, the time expired within which an appeal might have been taken in this case without any appeal being taken.

We have attempted to give you a complete history of the claims so that you might be in a situation to take action at once.

The amounts of the claims is now about \$3,738.70 of which \$2,902.50 is principal and \$829.20 interest. All of which we claim is now due and should be paid without further delay.

Will you kindly take action in this matter at your first meeting.

SMITH, DUNCAN, HORNBROOK & SMITH.

Appropriation Ordinance No. 1—1905: An ordinance appropriating twenty-eight hundred and thirteen (\$2,813.00) dollars to the use of the Department of Public Safety for the settlement of claims of certain firemen and policemen due for unpaid salaries, and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and hereby is, appropriated out of the funds of the city not heretofore otherwise appropriated, the sum of twenty-eight hundred and thirteen (\$2,813.00) dollars, to the use of the Department of Public Safety, to be expended in the payment of salaries due certain policemen and firemen on account of their wrongful removal from office without trial and their subsequent reinstatement by the courts.

Sec. 2. This ordinance shall take effect and 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 Mr. Sullivan (by request):

General Ordinance No. 1—1905: An ordinance regulating rooming and tenement houses, fixing penalty for the violation thereof, and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any owner, lessee or tenant of any rooming or tenement house in said city, to permit the accumulation of house dirt, rubbish, filth, refuse or unsanitary matter in the rooms and halls thereof; or to permit the rooms thereof to become overcrowded with tenants or roomers, badly ventilated or in an unsanitary condition; or to permit large numbers of roomers or tenants to occupy any apartment or room thereof; or to permit one room to be occupied by more than one family; or to permit more than two adults to occupy any room the floor area of which is less than one hundred and twenty (120) square feet; nor more than one additional adult for

each additional ninety (90) square feet of floor space of such room; said rooms to be separated by tight partition walls extending to the ceiling and each of the rooms to be well ventilated.

Sec. 2. The Department of Public Health and Charities shall have the right to inspect, or cause to be inspected, any and all tenement or rooming houses in said city for the purpose of seeing that the provisions of this ordinance are carried into effect; and any owner, lessee or tenant of any rooming or tenement house in said city violating the provisions hereof shall, upon conviction, be fined in any sum not less than five dollars nor more than fifty dollars, and each days continuance of the violation of any of the provisions of this ordinance shall constitute a separate offense; and said Department of Public Health and Charities shall further notify any person or persons occupying such room contrary to the regulations hereof, of the provisions of this ordinance, and if the person or persons so notified shall continue to live in said room or rooms contrary to the provisions hereof, then such person or persons so notified shall be deemed guilty of violating the provisions of this ordinance, and upon conviction thereof be fined in any sum not less than five dollars nor more than fifty dollars.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper of general circulation, printed and published in the city of Indianapolis, Indiana.

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

From the Finance Committee:

INDIANAPOLIS, IND., January 9, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance No. 89, 1904, have had same under consideration and would respectfully recommend that same do pass.

Respectfully submitted,

J. L. GASPER,
FRANK S. FISHBACK,
W. A. RHODES,
J. ED. KRAUSE.
M. J. SHEA,

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

Mr. Gasper called for General Ordinance No. 89, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 89, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 89, 1904, was read a third time and passed by the following vote:

Ayes, 11, viz.: Messrs. Cottey, Eppert, Fishback, Gasper, Krause Rhodes, Storm, Sullivan, Wahl, Wright and President Billingsley.
Noes, none.

From Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., January 9, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance No. 88, 1904, have had same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES,
FRED W. EPPERT,
J. ED. KRAUSE,
ALBERT E. UHL,

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

Mr. Shea entered the Council Chamber and took seat.

Mr. Rhodes called for General Ordinance No. 88, 1904, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 88, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 88, 1904, was read a third time and passed by the following vote:

Ayes, 11, viz.: Messrs. Cottey, Eppert, Fishback, Gasper, Krause, Rhodes, Shea, Sullivan, Wahl, Wright and President Billingsley.
Noes, 1, viz.: Mr. Storm.

From the Finance Committee:

INDIANAPOLIS, IND., January 9, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance No. 90, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,
FRANK S. FISHBACK,
W. A. RHODES,
J. ED. KRAUSE,
M. J. SHEA,

Which was read.

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

Mr. Gasper called for General Ordinance No. 90, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 90, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 90, 1904, was read a third time and passed by the following vote:

Ayes, 12, viz.: Messrs. Cottey, Eppert, Fishback, Gasper, Krause, Rhodes, Shea, Storm, Sullivan, Wahl, Wright and President Billingsley.
Noes, none.

From the Finance Committee:

INDIANAPOLIS, IND., January 9, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance No. 91, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,
FRANK S. FISHBACK,
W. A. RHODES,
J. ED. KRAUSE,
M. J. SHEA,

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

Mr. Gasper called for General Ordinance No. 91, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 91, 1904, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 91, 1904, was read a third time and passed by the following vote:

Ayes, 12, viz.: Messrs. Cottey, Eppert, Fishback, Gasper, Krause, Rhodes, Shea, Storm, Sullivan, Wahl, Wright and President Billingsley.
Noes, none.

The Chair stated that inasmuch as there were not two-thirds of the members of the Common Council present it would be inadvisable to call up Appropriation Ordinance No. 30, 1904 and Appropriation Ordinance No. 33, 1904, and action was deferred.

On motion of Mr. Rhodes the Common Council, at 7:55 o'clock, P. M., adjourned.

J. P. Dillinger

President.

ATTEST:

W. M. Fogarty

City Clerk.

