

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, September 18, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, September 18, 1905, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 18 members, viz: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 2, viz.: Messrs. Murray, Storm.

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

Mr. Cooper moved that the Journal of the Proceedings of the Common Council on August 14, 1905, be corrected as follows: In General Ordinance No. 69, 1905, Section 3, on page 781, in that part describing the fifth precinct, the first word in the fifth line be changed so as to read "east" instead of "west." Carried.

From the Mayor:

INDIANAPOLIS, IND., August 22, 1905.

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

Gentlemen: I herewith return with my signature and approval General Ordinance No. 57, 1905.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

From the Mayor:

INDIANAPOLIS, IND., August 30, 1905.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I herewith return with my signature and approval
General Ordinance No. 72, 1905.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

From the Mayor:

INDIANAPOLIS, IND., September 2, 1905.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I herewith return with my signature and approval
General Ordinance No. 69, 1905; General Ordinance No. 71, 1905.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

From the Mayor:

INDIANAPOLIS, IND., September 18, 1905.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I submit for your consideration letter of the Board of
Public Works announcing that the ashes contract is rescinded; also let-
ter of the City Contoller recommending that the appropriation of
\$23,500.00 in the annual estimates, for removal of ashes, be not made,
and that in lieu thereof the tax levy be reduced to 85 cents, and addi-
tions be made of \$2,000.00 to the appropriation for an engine house on
East Tenth street, and \$6,500.00 to the appropriation for improvements
of Pogues Run and the State Ditch. I concur in these recommendations
to your honorable body.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

INDIANAPOLIS, IND., September 18, 1905.

Hon. John W. Holtzman, Mayor:

I submit herewith letter of the Board of Works, stating that the
ashes contract is rescinded, and asking that the appropriation of \$23,-
500.00 for next year, for that contract, be not made. I recommend to
you and to the Common Council that this request be complied with.

The reduction of \$23,500 in the estimates will permit a reduction of
1 cent in the tax levy and still leave about \$8,500 surplus. I recom-
mend that the levy be reduced 1 cent, and that the following increases
be made in the appropriations to the Department fo Public Works, viz.,
for "fire house, purchase of land and erection, East Tenth," \$10,000 in-
stead of \$8,000; for "Pogue's Run and State Ditch," \$10,000 instead of
\$3,500. The latter will allow the inauguration of the permanent im-
provement of Pogue's Run, contemplated by the City Engineer in con-
nection with the elevation of the railroad tracks.

Respectfully,

J. P. DUNN,
City Contoller.

INDIANAPOLIS, IND., September 18, 1905.

Jacob P. Dunn, Esq., City Controller, Indianapolis, Ind.:

Dear Sir: The City Attorney, Mr. Warrum, has advised us that the award of a contract to Miller & Robinson for the collection and removal of ashes from the city, for the period of ten (10) years under its proposal was invalid, for the reason that the proposal of Miller & Robinson did not conform to the specifications and the law. To provide for this contract, this department asked the appropriation of \$23,500.00 for the year of 1906, in the annual budget. As the Board, acting under the advice of the City Attorney rescinded its action awarding the contract to Miller & Robinson, we respectfully request you to withdraw your recommendation for an appropriation of \$23,500.00 contained in the list of annual appropriations in this department.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works,

Which was read.

REPORTS FROM CITY OFFICERS.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Public Health requesting an additional appropriation of \$3,000 for "Prevention of Contagious Diseases." I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 30, 1905.

Mr. Jacob P. Dunn, City Controller:

Dear Sir: I have been instructed by the Commissioners of the Department of Public Health and Charities to request you to submit to the honorable Common Council a bill for an ordinance appropriating three thousand dollars (\$3,000.00) into the fund for the Prevention of Contagious Diseases.

We wish to remind you that it has been necessary to meet a number of emergencies with this fund, for example, the importation of smallpox from the city of St. Louis cost a considerable amount of money, the reorganization of the disinfecting forces of the Board of Health has cost money; maintaining the detention hospital has cost money. In fact, this fund has had to be drawn upon frequently during the year.

We are well aware of the fact that this year has had no epidemics of any magnitude to be met by expenditures from this fund, but we wish to state that the greatest triumph of sanitation is not so much in the handling of actual epidemics after they have developed and acquired sufficient magnitude to frighten the community, but rather consist in the art of prevention. We hardly think anyone who will give the matter any thought could fail to agree that five or six thousand dollars

spent in prevention is a vastly better investment to this community than twelve thousand dollars spent in the actual relief of an epidemic.

We wish further to remind you that this fund cannot legally be drawn upon for any other purpose than to prevent contagious disease, and that it has not been drawn upon for any other purpose. Any portion of the fund unexpended at the end of the year will revert into the treasury.

The fund is not exhausted, but we do not desire to wait until the fund is exhausted before applying for an increased appropriation. Owing to the nature of the work done with this fund it is absolutely impossible to tell, except within very broad limits, just what the needs for the Prevention of Contagious Diseases will be for the rest of the year, but we think the amount asked for will cover the amount of necessary expenses.

Very respectfully,

T. VICTOR KEENE,
Secretary Board of Health.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Safety requesting the transfer of the \$500 from the "Fuel Gas and Coal" appropriation to the "Incidentals" appropriation, in the Station House accounts. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 24, 1905.

Mr. Jacob P. Dunn, City Controller:

Dear Sir: At a meeting of the Board of Public Safety, held Wednesday, August 23, 1905, I was directed to request you to recommend to the Common Council the transfer of \$500.00, from the Fuel Gas and Coal fund, to the Incidental fund, station house accounts.

At present the balance in the Incidental fund is only \$77.63, which is hardly enough to cover the bills now due.

Respectfully,

E. C. McLAUGHLIN,
Secretary.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Health requesting an additional appropriation of \$750.00 for "cutting weeds." I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 30, 1905.

Mr. Jacob P. Dunn, City Controller:

Dear Sir: I have been instructed by the Commissioners of the Department of Public Health and Charities to request you to submit to the honorable Common Council a bill for an ordinance appropriating seven hundred fifty dollars (\$750.00) into the Weed Cutting fund.

This fund has now been completely exhausted and it will be necessary that a new appropriation be made in order to carry the work through the year.

I desire to remind you that this department has during this year cut the weeds in the streets and public places, it being deemed more economical to have the entire weed cutting of the city done by the one department rather than to have the Board of Health cut the weeds from private property and to have the Street Commissioners cut them from the public properties. This of course has cost us considerable money, which fact should be taken into consideration when considering the request for the appropriation.

Very respectfully,

T. VICTOR KEENE,
Secretary Board of Health.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: Among the election bills of 1903 was one of \$600.00 from Levey Bros. for city maps and election laws. I refused to pay the same, because the goods were furnished to the Republican and Democratic committee rooms, and not to the election board, although ordered by the election board through City Clerk Elliott. I am advised by the City Attorney that the action of the board has probably made a valid claim against the city, as the supplies were used for the information of voters, and the conduct of the election; and he has arranged for a compromise of the claim for \$425. As the election appropriation of 1903 lapsed at the end of that year, I recommend an appropriation of \$425 for this purpose, and inclose ordinance for it.

Respectfully,

J. P. DUNN,
City Controller.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Public Works requesting an additional appropriation of \$10,000.00 for repair of permanently improved streets. As the appropriation is exhausted, and additional work is needed, I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 4, 1905.

Hon. Jacob P. Dunn, City Controller, Indianapolis, Ind.:

Dear Sir: In accordance with the City Civil Engineer's recommendation, you are hereby requested to recommend to the Common Council an appropriation of \$10,000.00 for the repairing of permanently improved streets.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

INDIANAPOLIS, IND., September 4, 1905.

Gentlemen: I would recommend that the Board request the City Council to appropriate the sum of ten thousand dollars (\$10,000.00) for the repair of permanently improved streets.

Very respectfully,

B. J. T. JEUP,
City Civil Engineer.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Works requesting an appropriation of \$37,000.00 for the purchase of a site for a new central fire house. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., August 28, 1905.

J. P. Dunn, City Controller:

Dear Sir: You are hereby requested to recommend to the Common Council an appropriation of \$37,000.00 for the purchase of ground at the intersection of Kentucky avenue and Maryland street, for the erection of a fire house.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

INDIANAPOLIS, IND., August 23, 1905.

To the Honorable Board of Public Works, City:

Gentlemen: The Board of Public Safety respectfully requests your honorable Board to ask the Common Council for an appropriation of \$37,000.00 for the purchase of ground at the intersection of Kentucky avenue and Maryland street, upon which we desire to erect a fire house, the option and plat of which are herewith enclosed.

Respectfully,

E. C. McLAUGHLIN,
Secretary.

INDIANAPOLIS, IND., August 19, 1905.

To the Hon. Board of Public Safety, Indianapolis:

Gentlemen: I have succeeded in obtaining an option on the real estate located at the southwest point of Kentucky avenue and Maryland street and properly described as lot No. 12 in Square 73, except five feet on Kentucky avenue off of the southwest part of said lot. (Enclosed find plat showing dimensions.) The said option is signed by Volney T. Malott, John W. Ramsey, Robert C. Ramsey and John Malott Fletcher, heirs to the above real estate. There are other non-resident heirs whose consent is assured by the above signors. The consideration given in the option is \$37,000.00. The option is for a term of thirty days from August 18, 1905.

Taking into account the central location and the shape of the ground, it appears that these conditions are particularly favorable for the establishment of fire department headquarters.

I, therefore, respectfully submit the above for your favorable consideration.

Very truly,
GEORGE WOLF.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 6, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of Mrs. Y. Traugott, widow and executrix of Louis Traugott, deceased, asking an appropriation of \$160.00 for refund of his unexpired liquor license. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 6, 1905.

J. P. Dunn, City Controller:

I would call to your attention that my husband, Louis Traugott, took out a saloon license for 312 W. Washington street on May 5, 1905, and that he died on August 3, 1905. I have been duly appointed executrix of his estate. I request you to ask the Common Council for an appropriation of \$160.00 for refund to me of the unexpired balance of the license.

Very respectfully

MRS. Y. TRAUGOTT.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of Jacob Reuter, administrator of Herman Bacher, deceased, asking a rebate of \$100.00 on said Bacher's unexpired liquor license. As his estate is entitled to that amount, I recommend an appropriation of \$100.00 for that purpose, and inclose ordinance providing for the same.

Respectfully,

JACOB P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 13, 1905.

Mr. Jacob P. Dunn, Controller of City of Indianapolis, City:

Dear Sir: I desire to call your attention to the fact that on the 4th day of January, 1905, Herman Bacher procured a license authorizing him to sell intoxicating liquors at No. 1101 English avenue, in said city, until the 4th day of January, 1906. Afterwards, on the 22d day of June, 1905, the said Bacher died, and the amount due the estate of Herman Bacher for the unexpired term of said license is the sum of \$100.00.

I would kindly ask you to take such steps provided by law as will enable me to recover said sum for said estate.

JACOB REUTER,
Administrator of estate of Herman Bacher, deceased.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Works asking an additional appropriation of \$7,000.00 for maintenance and repair of streets. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

J. P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 15, 1905.

Jacob P. Dunn, City Controller, City:

Dear Sir: You are hereby requested to recommend to the Common Council an additional appropriation of \$7,000.00 for the maintenance and repair of the streets and alleys, to be used by the Superintendent of streets.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

Which was read.

From the City Controller:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Board of Public Works, requesting an appropriation of \$1,200 for installing smoke consuming apparatus at the City Hospital. I recommend the appropriation and inclose ordinance for that purpose.

Respectfully,

JACOB P. DUNN,
City Controller.

INDIANAPOLIS, IND., September 15, 1905.

Jacob P. Dunn, Esq., City Controller:

Dear Sir: We hereby request you for an appropriation of \$1,200.00

to provide for the installation of appurtenances at the City Hospital heating plant for the abatement of the smoke nuisance at this institution. Plans and specifications are now on file in this office for this work.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
Board of Public Works.

Which was read:

From the Board of Public Works:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: We desire to call your attention to the recommendation of the City Controller for an appropriation of \$10,000.00 for the fund of Repairing of Permanently Improved streets, which is now pending before your honorable body. This fund is for the use of this department and as it is to be used advantageously it should be appropriated without delay, as the season when repairing work may be done is rapidly expiring. For this reason, we respectfully urge the passage of this appropriation at once at your session of September 18 in order that the fund may become available immediately.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works,

Which was read.

From the Board of Public Works:

INDIANAPOLIS, IND., August 21, 1905.

To the President and Members of the Common Council:

Gentlemen: We herewith transmit to you a contract entered into by the City of Indianapolis, by and through its Board of Public Works, and the Talge Mahogany Company, granting the said Company the right to lay and maintain a side-track or switch across Lewis street, in the City of Indianapolis, Indiana, for your ratification and approval.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

Which was read.

From the Board of Public Works:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: We herewith transmit to you an agreement made and entered into September 18, 1905, by and between the City of Indianapo-

lis, through its Board of Public Works, and the Indianapolis Union Railway Company, for your consideration and action.

Respectfully submitted,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works,

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Finance Committee:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred General Ordinance No. 63, 1905, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.
J. ED. KRAUSE.
LEW W. COOPER.
W. A. RHODES.
FRANK S. FISHBACK,
M. J. SHEA.
J. H. CRALL,

Which was read.

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

From the Finance Committee:

INDIANAPOLIS, IND., September 18, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred General Ordinance No. 64, 1905, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.
J. ED. KRAUSE.
LEW W. COOPER.
W. A. RHODES,
FRANK S. FISHBACK.
J. H. CRALL.

Which was read.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller :

Appropriation Ordinance No. 30—1905: An ordinance appropriating \$3,000 for the "Prevention of Contagious Diseases" to the Department of Public Health and Charities.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Department of Public Health and Charities the sum of \$3,000.00 for the "Prevention of Contagious Diseases."

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

Appropriation Ordinance No. 31—1905: An ordinance appropriating \$160 for refund of liquor license of Louis Traugott, deceased.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there is hereby appropriated to the Department of Finance the sum of \$160 for refund of liquor license of Louis Traugott, deceased.

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

Appropriation Ordinance No. 32—1905: An ordinance appropriating \$37,000 for the purchase of a site for a central engine house.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Department of Public Works the sum of \$37,000 for the purchase of a site for a new engine house centrally located.

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

Appropriation Ordinance No. 33—1905: An ordinance appropriating \$10,000 to the Department of Public Works for repair of permanently improved streets.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated the sum of \$10,000 to the Department of Public Works for "Repair of Permanently Improved Streets."

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

Appropriation Ordinance No. 34—1905: An ordinance appropriating \$425 to the Department of Finance for compromise payment of the Levey Bros.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Department of Finance the sum of \$425, for the compromise payment of the claim of Levey Bros. for supplies in the city election of 1903.

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

Appropriation Ordinance No. 35—1905: An ordinance appropriating \$750 to the Department of Public Health and Charities for "Cutting Weeds."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Department of Public Health and Charities the sum of \$750 for "Cutting Weeds."

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

Appropriation Ordinance No. 36—1905: An ordinance appropriating \$100 for rebate on the liquor license of Herman Bacher, deceased.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and hereby is appropriated to the Department of Finance the sum of \$100 for rebate for unexpired liquor license to the estate of Herman Bacher, deceased.

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

Appropriation Ordinance No. 37—1905: An ordinance appropriating \$7,000 to the Department of Public Works for maintenance and repair of unimproved streets.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Department of Public Works, for Maintenance and Repair of Streets, the sum of \$7,000.

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

Appropriation Ordinance No. 38—1905: An ordinance appropriating \$1,200 to Department of Public Works for Smoke Consumer at City Hospital.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated the sum of \$1,200 to the Department of Public Works for installation of a Smoke Consumer at the City Hospital.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 74—1905: An ordinance approving a certain contract granting The Talge Mahogany Co. the right to lay and maintain a side-track or switch from across Lewis street according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 6th day of July, 1905, filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

Gentlemen: The undersigned, The Talge Mahogany Company, a corporation under the laws of the State of Indiana, and a citizen and an owner of real estate in the City of Indianapolis, respectfully petition this Honorable Board for the passage of a resolution granting it the privilege of laying a switch crossing Lewis street, beginning at the street line of Thirteenth street, and the right-of-way of the L. E. & W. R. R., crossing Lewis street at an angle; entering our property at 140

feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from Thirteenth street property line. The same to be as indicated by the plat and drawing submitted herewith and attached hereto. This switch is desired for the purpose of facilitating transportation and business of your petitioner at its works.

Respectfully submitted,

THE TALGE MAHOGANY CO.,

John H. Talge, President.

Now, therefore, This agreement, made and entered into this day of, 1905, by and between 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 Work, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right-of-way for a side-track or switch from the street line of Thirteenth street, and the right-of-way of the L. E. & W. R. R., crossing Lewis street at an angle; entering our property at 140 feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from Thirteenth street property line, in the City of Indianapolis, which is more specifically described as follows:

Beginning at the street line of Thirteenth, and the right-of-way of the L. E. & W. R. R., crossing Lewis street at an angle; entering our property at 140 feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from Thirteenth street property line, 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 said Lewis street 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, at the pleasure and written order of said Board, 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.

(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 terminateu without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

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 the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters therewith connected, and declaring an emergency," approved March 6, 1891, 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 side-track or switch across said Lewis street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this . . . day of . . . , 1905.

THE TALGE MAHOGANY CO.,
By John H. Talge, Pres.,
Party of the first part.

Witness:
W. H. FAHNESTOCK.

CITY OF INDIANAPOLIS,
By M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE ,
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 take effect and be in full force and effect from and after its passage.

INDIANAPOLIS, IND., July 15, 1905.

Gentlemen: Referring to the attached petition of the Talge Mahogany Company to place a switch across Lewis street beginning at the street line of Thirteenth street and the right-of-way of the L. E. & W.

Railroad, crossing Lewis street at an angle, entering the said company's property at 140 feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from the Thirteenth street property line, I would recommend that the petition be granted.

Very truly yours,

B. J. T. JEUP,
City Civil Engineer.

Approved: July 17, 1905.

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

INDIANAPOLIS, IND., July 7, 1905.

To the City Civil Engineer:

The attached petition of the Talge Mahogany Company, to place a switch across Lewis street, beginning at the street line of Thirteenth street, and the right-of-way of the L. E. & W. R. R., crossing Lewis street at an angle, entering the said company's property at 140 feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from Thirteenth street property line, is referred to you for investigation and report.

Respectfully yours,

M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.

INDIANAPOLIS, IND., July 6, 1905.

To the Board of Public Works, City of Indianapolis:

Gentlemen: We, the undersigned, respectfully petition your honorable body that we be authorized to place a switch crossing Lewis street, (beginning at the street line of Thirteenth street, and the right-of-way of the L. E. & W. R. R., crossing Lewis street at an angle, entering our property at 140 feet from Thirteenth street and extending 220 feet in a direct line, ending at a point 360 feet from Thirteenth street property line.) Our company does a business of importing mahogany logs, and manufacturing them into lumber and veneers. The elevation of the tracks at this point has destroyed our L. E. & W. siding, and our premises are made unfit for our business.

Respectfully,

THE TALGE MAHOGANY CO.,
John H. Talge, Pres.

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

By Board of Public Works:

General Ordinance No. 75—1905: An ordinance approving a certain contract granting to the Indianapolis Union Railway Company the right to lay and maintain additional tracks across certain enumerated streets.

Whereas, The Indianapolis Union Railway Company, a corporation of the State of Indiana, and the City of Indianapolis, by and through its Board of Public Works, have made and entered into the following agreement:

The City of Indianapolis, by its Board of Public Works, hereby

grants to the Indianapolis Union Railway Company, lessee of the Belt Railroad and Stockyard Company, the right and privilege of constructing, maintaining and operating the following additional tracks across the following streets of said City, to-wit:]

1. One track across West Washington street, Oliver avenue, Harding street and Morris street, so laid that its center line shall be parallel with and thirteen (13) feet west of the center line of the south-bound main track of the Belt Railroad as located across said streets and avenue.

2. One track across East street, so laid that the center line thereof shall be parallel with and thirteen (13) feet north of the center line of the west-bound main track of the Belt Railroad as located across said street.

3. One track across Bethel avenue so laid that the center line thereof shall be parallel with and thirteen (13) feet southeast of the center line of the east-bound main track of the Belt Railroad as located across said avenue.

4. One track across East Michigan street, so laid that the center line thereof shall be parallel with and thirteen (13) feet west of the center line of the south-bound main track of the Belt Railroad as located across said street.

5. Two tracks across Madison avenue, one of them so laid that the center line thereof shall be parallel with and thirteen (13) feet north of the center line of the west-bound main track of the Belt Railroad, and the other so laid that the center line thereof shall be parallel with and thirteen (13) feet south of the center line of the east-bound main track of the Belt Railroad, as said main tracks are located across said avenue.

6. Two tracks across Kentucky avenue, Napoleon street, Barth avenue, Shelby street and Draper street, so laid that the center line of one of them shall be thirteen (13) feet, and the center line of the other twenty-six (26) feet, parallel with and north of the center line of the west-bound main track of the Belt Railroad as located across said avenues and streets.]

7. Two tracks across Churchman avenue and Minnesota street, so laid that the center line of one of them shall be parallel with and thirteen (13) feet north of the center line of the west-bound main track of the Belt Railroad, and the other so laid that the center line thereof shall be parallel with and thirteen (13) feet south of the center line of the east-bound main track of the Belt Railroad, as those two main tracks are located across said avenue and street.

8. Two tracks across East New York street, so laid that the center line of one of them shall be twenty-six (26) feet; and the center line of the other thirty-nine (39) feet, west of and parallel with the center line of the south-bound main track of the Belt Railroad as located across said street.

Provided Always, However, That nothing herein contained shall in any wise deprive the City of Indianapolis of the power which may be conferred upon it by any existing valid law to compel the separation of grades at any or all of the crossings aforesaid by causing said tracks to be elevated or depressed.

In consideration of the grant of the rights and privileges aforesaid, the Indianapolis Union Railway Company, for itself, its successors and assigns, hereby covenants and agrees that any and all additional tracks constructed by it pursuant to the terms of this grant shall be constructed and maintained in the following manner and upon the following terms and conditions, to-wit:

1. Said tracks, at all street and alley crossings, shall be so constructed and maintained as to be safe for the passage of persons on foot, in vehicles or otherwise, and for the purpose of making them thus safe

shall at all times be subject to the orders of the Board of Public Works of the City of Indianapolis.]

2. Said tracks, at all crossings of streets and alleys, shall be laid upon such grade as may be established by said Board and shall be put down under its supervision and to its satisfaction and approval. They shall be raised or lowered to conform to any grade which may from time to time be established and whenever so ordered in writing by said Board.

3. Said tracks, at the crossings of all streets and alleys, shall at all times be kept in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct any such crossing or to be thereon except for such time as may be absolutely necessary in moving cars back and forth over such crossings, and the cars shall at no time be stopped and detained on any such crossings in such manner as to obstruct travel.

4. The Indianapolis Union Railway Company shall at all of such street and alley crossings pave between any tracks laid pursuant to the terms hereof to the entire satisfaction of said Board of Public Works and in case such crossings get out of repair or need reconstruction or become in any way defective, of which fact said Board of Public Works shall be the exclusive judge, it shall be the duty of the Indianapolis Union Railway Company to promptly repair the same, failing in which, after notification in writing of ten days, said Board of Public Works shall do or cause the same to be done at the expense of said Railway Company and for such expense and cost said Railway Company shall be liable.]

5. Said Indianapolis Union Railway Company hereby binds itself to hold the City of Indianapolis harmless from any and all claims for damages growing out of the construction, maintenance or use of said tracks and to pay any judgment, with costs, that may on that account be rendered against said city or said Board of Public Works.

6. Any violation of any of the provisions of this agreement by the Indianapolis Union Railway Company, or by any one for it 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 agreement, and upon such violation of any of the provisions of this contract, said city may remove said tracks at once and the fact of such violation shall constitute a full defense to any action to prevent such removal or to recover damages therefor.

In Witness Whereof, The parties hereto have caused this agreement to be executed, in duplicate, the City of Indianapolis by its Board of Public Works, and the Indianapolis Union Railway Company by its proper officers and its corporate seal to be hereunto affixed, all done this 18th day of September, A. D., 1905.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,

Board of Public Works.

INDIANAPOLIS UNION RAILWAY COMPANY,

By James McCrea, President.

SEAL

Indianapolis
Union Ry. Co.


18—Established—50

Attest:

W. T. CANNON, Secretary.

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, That the contract above set forth be and the same is hereby in all things confirmed and approved.

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

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

By Mr. Gasper (by request):

General Ordinance No. 76—1905: An ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, providing penalties for the violation thereof and repealing all ordinances or parts of ordinances in conflict therewith.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm, or corporation to peddle, barter or sell any goods, wares or merchandise whatsoever by wholesale or retail, in or along the streets or alleys of the City of Indianapolis, or from one place to another, either on foot or otherwise, in said city, or in or from any of the premises occupied by person, persons or corporations carrying on or conducting a livery or feed stable business within the City of Indianapolis, Indiana, without first having procured and paid for a license so to do as hereinafter provided.

Sec. 2. Every person going from house to house or from one part of the public streets to another in a vehicle, on foot, or with a push cart, offering for sale any goods, wares or merchandise, fruits, candies, poultry, produce or other articles shall be deemed a peddler within the meaning of this ordinance and the word peddler shall include hucksters, hawkers and itinerant dealers as commonly used and shall include also any person going about the streets of the city on foot or otherwise, taking orders for or selling any kind of goods, wares or merchandise by sample to be afterwards delivered. Provided, however, That nothing herein shall be construed to apply to ex-union soldiers or sailors as exempt by law. Provided further, That nothing herein shall be construed to apply to merchants of this city who take orders for future delivery or to farmers selling products of their own raising.

Sec. 3. Any person, firm or corporation desiring a license for any of the purposes embraced in this ordinance must pay to the Treasurer of the said city the amount of money as follows: For peddlers using any wagon, cart or other vehicle in conveying, carrying or hauling any goods, wares or other merchandise as herein referred to, the license for six (6) months shall be forty dollars (\$40) and for one (1) year seventy-five dollars (\$75). For all other peddlers the fee for six (6) months shall be five dollars (\$5) and for one (1) year ten dollars (\$10), and provided that all such permits shall date on the first day of January or the first day of July of each year, and no reduction shall be made on account of any portion of the time having run before the actual issuing of the said permit, and provided further that any person desiring to peddle on foot may take out a license for the period of one day by paying a license of fifty cents (50c) for each day.

Sec. 4. Any peddler or hawker who shall sell or offer for sale any decayed or unwholesome goods, intended for human consumption, or is guilty of any fraud or deception, or violates any provision of this ordinance shall be fined in any sum not exceeding one hundred dollars (\$100) nor less than ten dollars (\$10), and each day's violation shall constitute a separate offense.

Sec. 5. All ordinances or parts of ordinances in conflict with provisions of this ordinance shall be and are hereby repealed.

Sec. 6. This ordinance shall be in full force and effect from and after its passage and publication in the Indianapolis Sentinel, a daily newspaper in the City of Indianapolis, for two weeks as required by law.

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

By Mr. Eppert:

General Ordinance No. 77—1905: An ordinance providing for the changing of names of streets in the City of Indianapolis and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the names of the streets hereinafter mentioned in said city be and the same are hereby altered and named as follows:

Nice. The name of the street known as Nice street, extending from Twenty-eighth street to Thirty-second street, is hereby changed to Ethel street.

Dye. The name of the street known as Dye street, extending from Twenty-eighth street to Thirty-second street, is hereby changed to Lawrence avenue.

Emergency. This ordinance shall be in full force and effect after its signing.

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

By Mr. Eppert:

General Ordinance No. 78—1905: An ordinance relating to the licensing of dogs and the disposition of the funds so derived therefrom.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That one-half of the moneys received from the sale of dog licenses by the City of Indianapolis, but not to exceed \$2,500 in any year, be annually appropriated to the maintenance of the Francis Power Cobb Home for dogs and cats; provided, That such appropriation shall be available and such funds turned over to such institution whenever it has adopted rules to the satisfaction of the City Controller, requiring said institution to promptly take charge of homeless dogs and cats of the city whenever notified by the police or other person that such homeless animals exists.

Sec. 2. Any person abandoning or turning over a dog or dogs to the Francis Power Cobb Home at or during thirty days before the period fixed for taking out licenses on the same shall be liable to a fine of not more than ten (\$10) dollars.

Sec. 3. Proof of the ownership of any dog or dogs abandoned or turned over to said institution at or within thirty days before the period fixed for taking out a license for the same shall be sufficient to establish the fact that such animal was abandoned for the purpose of avoiding taxes.

Sec. 4. This ordinance shall be in force and effect from and after its passage and publication for two weeks in the Indianapolis Daily Sentinel.

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

By Mr. Fishback:

General Ordinance No. 79—1905: An ordinance annexing certain territories to the City of Indianapolis, defining a part of the boundary line of said city, 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 boundary lines of the City of Indianapolis be and the same are hereby extended, so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion county, Indiana:

Beginning on the north corporate boundary of said city at the intersection of the center of Thirty-eighth street with the west line of North Meridian street; thence north along the west line of Meridian street to the north line of Fiftieth street; thence east along the north line of Fiftieth street to the east line of Meridian street; thence south on the east line of Meridian street to the north corporation boundary, to-wit, the center line of Thirty-eighth street.

Also beginning at the intersection of the west line of Central avenue at a point where the north corporation boundary of said city intersects the west line of Central avenue; thence north with the west line of Central avenue to the north line of Fiftieth street; thence east to the east line of Central avenue; thence south with the east line of Central avenue to the north corporation boundary of said city.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in said city.

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

By Mr. Uhl:

General Ordinance No. 80—1905: An ordinance to amend Section Two, of General Ordinance No. 71, 1905.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That Section Two of General Ordinance No. 71, 1905, be amended so that the description of the Fifteenth precinct in the Seventh ward of the City of Indianapolis, in said Section, shall read as follows, to-wit:

Fifteenth Precinct: All that part of said city bounded as follows shall be and constitute the Fifteenth precinct, Seventh ward: Beginning at the intersection of Washington and Liberty streets; thence north to Market street; thence east to Noble street; thence north to Ohio street; thence east to Davidson street; thence north to New York street; thence east to Pine street; thence south to Washington street; thence west to the place of beginning.

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

Which was read the first time.

Mr. Uhl moved that the rules be suspended and General Ordinance No. 80, 1905, be advanced to second reading. Carried.

General Ordinance No. 80, 1905, was read a second time.

Mr Uhl moved that General Ordinance No. 80, 1905, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 80, 1905, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

By Mr. Cottey (by request):

General Ordinance No. 81—1905: An ordinance regulating the weighing and sale of coal and coke in the City of Indianapolis.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm or corporation, to engage in the business of selling coal and coke, in less quantities than a car load, in the City of Indianapolis, without first having obtained a license as a coal and coke dealer, as in this ordinance prescribed.

Sec. 2. The City Controller upon the application of any person, firm or corporation desiring to engage in the business of selling and delivering coal or coke in less quantities than a car load, shall issue to such person, firm or corporation a license: Provided, That, before such license shall be issued, the applicant shall pay into the city treasury the sum of two dollars for one yard, including one office, and the sum of one dollar for each additional yard or office. Such license shall be issued in accordance with the general ordinances now in force prescribing the mode of issuing license, and shall run for the period of one year, unless revoked or annulled as hereinafter provided. Every such license shall state the name of the person, firm or corporation to whom it is issued; that it is not transferable or assignable; and the date when the same expires.

Sec. 3. Every person, firm or corporation engaged in the selling and delivering of coal or coke shall cause the name of such person, firm or corporation to be plainly painted on each cart, wagon or other vehicle used in hauling and delivering coal or coke. Any person or the members of any firm, or the officers and agents of any corporation, which shall fail to comply with any of the provisions of this section, or of either of the preceding sections, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars. And each day's selling, or use of a vehicle, in violation of the provisions of these sections shall constitute a distinct offense.

Sec. 4. It is hereby further ordained and provided that any person or persons, firm or corporation engaged in the sale or delivering of coal or coke within the City of Indianapolis, shall sell such coal or coke by weight only. Any person or persons, firm or corporation, selling coal or coke in said city shall send, with each and every load, a certificate showing, separately, the weight of the cart, vehicle or receptacle in which delivered, and the weight of the coal or coke; which certificate shall show the date, name and place of business of the person or persons, firm or corporation, selling the coal or coke and which shall be delivered with the load to the purchaser thereof. Any person or the member of any firm, or the officers and agents of any corporation, violating any of the provisions of this section, upon conviction, shall be fined in any sum not exceeding fifty dollars.

Sec. 5. It is further provided that any person purchasing coal or coke of any dealer may require such dealer to have such coal or coke weighed. Such purchaser may demand of the owner, or his agent, driver or any other person in charge of the same, a certificate of weight, as provided for in Section 4; and said owner, agent, driver or other person, thereupon, shall surrender said certificate to said purchaser, who may require said owner, agent, driver or other person to re-weigh any such load of coal or coke on any convenient scales in the city, which have been duly inspected, sealed and stamped by the "Inspector of Scales, Weights and Measures;" Provided, The purchaser shall pay the keeper of said scales for weighing the same. If the owner, agent, driver or other person, as aforesaid, shall fail or refuse to comply with the demands and requirements of this section, he or they shall be fined in any sum not exceeding fifty dollars.

Sec. 6. Any person or the members of any firm or the officers of any corporation, convicted of having sold, or offered to sell, any load of coal or coke, the certificate of which represented the same to be of greater weight than it in fact was, upon conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 7. It is hereby made the duty of the Superintendent of Police and members of the Police Force, or any Special Officer authorized by the Board of Public Safety, to see that the provisions of this ordinance are strictly enforced, and to prosecute any violations of its provisions. Said Superintendent and members of the Police Force, or any Special Officer authorized by the Board of Public Safety, shall be empowered to require any driver or person in charge of any load of coal or coke, to show to any such officer the certificate of the weight of any such load, and to require such driver, or person in charge of any load of coal or coke, to drive the same to any convenient scales, which have been duly inspected, sealed and stamped by the "Inspector of Scales, Weights and Measures," and there weigh the same; and after the load shall be delivered, to return and weigh the vehicle. Any driver or person in charge of any load of coal or coke, who shall fail or refuse to exhibit to any such police officer the certificate showing weight of any such load, shall be deemed to have offered to sell the same without a certificate of weight and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars. Any driver or person in charge of any load of coal or coke, who shall fail or refuse to weigh the same and to return and weigh the vehicle, when required by any such police officer so to do; or who shall fail or refuse to allow any such officer to compare the same with the certificate, shall be fined in any sum not exceeding fifty dollars.

Sec. 8. Any person or firm whose members, or corporation whose officers or agents shall have been convicted twice within twelve months, of a violation of any of the provisions of this ordinance, shall forfeit the license herein provided, and a new license shall not be issued again to any such person, firm or corporation for the period of one year.

Sec. 9. All ordinances or parts of ordinances now in force in relation to the weighing and selling of coal and coke are hereby repealed.

Sec. 10. This ordinance shall take effect and be in force from and after its passage and publication for one day each week for two consecutive weeks in the Indianapolis Daily 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 Property and Improvements.

By Mr Cottey:

General Ordinance No. 82—1905: An ordinance regulating the building of partition fences, prescribing the height thereof and defining the terms upon which partition fences already established may be used by adjoining owners, fixing a penalty for the violation thereof, providing for publication, and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That all partition or party fences shall be made and kept in good and sufficient repair by the owners of the grounds on each side at their joint expense: Provided, That the ground on each side shall be inclosed, used or occupied. And if any person whose duty it shall be to make or keep in good repair any fence or part of a fence shall neglect or refuse to do so for five days after the request being made by the other party interested, or his agent, then it shall be lawful for the party so making the request as aforesaid to make or repair the whole fence, or part of the fence, and to recover one-half of the expense thereof from the person so refusing or neglecting: Provided, That no fence erected under the authority of these regulations shall be less than five nor more than seven feet in height, except by consent of the parties interested on both sides of such fence and the permission of Building Inspector. If any person shall inclose ground adjoining to that already inclosed, and shall thereby be benefited by any fence before erected, the person so benefited shall pay therefor a just and reasonable compensation, regard being had as to the condition of the fence at the time.

Sec. 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding fifty dollars (\$50), and each day's continuance of such violation shall be a separate offense.

Sec. 3. This ordinance shall take effect and be in force from and after its passage and publication once each week for two successive weeks in the Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Marion county, Indiana.

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

By Mr. Cottey:

General Ordinance No. 83—1905: An ordinance requiring the Lake Erie and Western Railroad Company and the Chicago, Indianapolis and Louisville Railroad Company to erect, operate and maintain safety gates and a watchman's tower at the point in the City of Indianapolis, Indiana, where the tracks of said railroad companies cross Fifteenth street; defining the duties of said railroad companies in relation to such safety gates and watchman's tower; providing penalties for the violation thereof; providing for the publication 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 is hereby declared the duty of the Lake Erie and Western Railroad Company and the Chicago, Indianapolis and Louisville Railroad Company and said railroad companies are hereby required to erect, maintain and operate safety gates on both the east and west sides of the tracks of said companies where said tracks cross Fifteenth street in said city, within thirty days from the taking effect of this ordinance; and it is hereby further ordained that said railroad companies are hereby required to erect, maintain and operate a watch-

man's tower in conjunction with such safety gates in which a watchman shall be stationed continuously from the hour of six (6) o'clock, A. M. to eleven (11) o'clock, P. M.; and such safety gates and tower shall be operated from such tower so that such watchman shall have free and unobstructed view of trains and locomotives approaching such crossing for a distance one square in each direction north and south.

Sec. 2. Any officer of said railroad companies in charge of the division of said railroad companies crossing said street at a point designated in Section 1 of this ordinance, who shall violate any of the provisions of this ordinance, or who shall fail to comply with any of the provisions hereof, shall, upon conviction thereof, be fined in any sum not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars; and each day that such violation shall continue shall be considered a separate violation thereof.

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

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

MISCELLANEOUS BUSINESS.

By Mr. Wolsiffer:

Resolution No. 5—1905: A resolution in favor of giving the city firemen an absence from duty twenty-four hours out of each seven days and a vacation of seven days out of each year or three hundred and sixty-five days with pay.

Since the City Charter provides for city firemen having an absence from duty twenty-four hours out of each seven days and a vacation of seven days out of each year, or 365 days, with pay;

Be It Resolved, By the members of the Common Council of the City of Indianapolis, Indiana, That all city firemen in the service of the City of Indianapolis, Indiana, shall have an absence from duty twenty-four (24) hours out of each seven days and a vacation of seven (7) days out of each year, or three hundred and sixty-five (365) days with pay as provided by the charter of the City of Indianapolis.

Which was read.

Mr. Wolsiffer moved the adoption of the resolution.

The Clerk called the roll:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

The Chair declared Resolution No. 5, 1905, adopted.

ORDINANCES ON SECOND READING.

Mr. Gasper called for General Ordinance No. 63, 1905, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 63, 1905 be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 63, 1905, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.
Noes, none.

Mr. Gasper called for General Ordinance No. 64, 1905, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 64, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 64, 1905, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.
Noes, none.

Mr. Rhodes moved to refer back to the Introduction of General and Special Ordinances. Carried.

By the City Controller:

General Ordinance No. 84—1905: An ordinance for the transfer of funds in the appropriations to the Department of Public Safety.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby transferred the sum of \$500 from "Fuel Gas and Coal" to "Incidentals," in the Station House accounts, of funds heretofore appropriated to and for the use of the Department of Public Safety.

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

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

On motion of Mr. Cooper, the Common Council, at 8:40 o'clock, P. M., adjourned.

J. B. Billingsley

President.

ATTEST:

W. M. Fogarty

City Clerk.

