

SECTION 5. That a new section known as Section 5 be added to read as follows: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That Section 3 of the above entitled ordinance shall be re-numbered as Section 6, and after re-numbering as Section 6 shall read as follows: This ordinance shall be in full force and effect from and after its passage and legal publication.

Presented by Reddish, Councilman.  
*under suspension of the rules*

Passed by the Common Council under suspension of the rules this 8th day of February, 1960.

(Signed) H. L. Ransdell  
Mayor

Presented to the Mayor for signature this 8th day of February, 1960.

(Signed) M. F. Kinkaid  
Clerk-Treasurer

Approved and signed by me this 8th day of February, 1960.

(Signed) H. L. Ransdell  
Mayor

Attest:

(Signed) M. F. Kinkaid  
Clerk-Treasurer

*See Minute Book 22, Pg. 35*

RESOLUTION NO. 28 - RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA

Be it resolved by the Common Council of the City of Lebanon, Indiana, that the City Attorney, Ora A. Kincaid, be and he is hereby authorized, directed and empowered to forthwith request and with-draw from the Appellate Court of Indiana an appeal filed by the City of Lebanon, Indiana, on or about November 10, 1959, entitled as City of Lebanon, Indiana, Appellant, vs Joseph Cozzy, Appellee, docketed as Cause No. 19413, being an action appealed from the Boone Circuit Court as a result of a Judgment rendered on May 25, 1959 under Cause No. 20722.

Presented by Councilman Reddish.

Adopted by the Common Council this 22nd day of February, 1960.

(Signed) H. L. Ransdell  
Mayor

Attest: M. F. Kinkaid (Signed)  
Clerk-Treasurer

STATE OF INDIANA  
COUNTY OF BOONE

IN THE BOONE CIRCUIT COURT  
APRIL TERM, 1959.

JOSEPH COZZY,  
Plaintiff,

VS.

NO. 20722 (Filed May 25, 1959  
Lawrence Duff, Clerk  
Boone Circuit Court)

CITY OF LEBANON, INDIANA  
Defendant.

*See minute Book Pg 37*

FINDING, JUDGMENT, ORDER AND DECREE.

Comes now the parties in person and by attorneys and the Court having heard additional evidence the evidence is now concluded and the Court hears the arguments of counsel. The Court finds as follows:

That on September 4, 1957, that Mr. Joseph Cozzy, the appellant herein, was a City Policeman on the payroll of the City of Lebanon, Indiana, and that on said date he was grieved on charges, the gist of which was conduct unbecoming an officer, as set out in the transcript which is plaintiff's exhibit A included herein, and which transcript reads as follows: (H.I.).

Second that he was tried by the Board of Works of the City of Lebanon, consisting of Mayor Max Edwards, Councilman Harold Tanselle and City Attorney, Wendell Iddings, and that said case was taken under advisement until September 9, 1957, when it was decided and that Petitioner Joseph Cozzy was found guilty as charged and that he was directed to suffer punishment by a suspension of sixty (60) days.

The Court further finds that the said Board heard evidence both pro and con and that the Mr. Iddings as City Attorney directed the examination, the cross examination and subpoenaing of witnesses.

The Court further finds that after said trial Mr. Iddings on the day following said trial stated that "he personally was going to see that the plaintiff was fired regardless of the evidence" and that such testimony was not denied.