

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, February 15, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 15, 1904, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The roll was called.

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

Absent, 2, viz.: Messrs. Crall, Fishback.

On motion of Mr. Cooper the reading of the Journal was dispensed with.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, February 2, 1904.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I herewith return with my signature and approval, General Ordinance No. 1, 1904.

Respectfully,
JOHN W. HOLTZMAN,
Mayor.

Which was read.

COMMUNICATIONS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, February 5, 1904.

To the President and Members of the Common Council:

Gentlemen: We herewith transmit for your consideration and action, the enclosed ordinance approving a certain contract granting Paul Jeffries the right to lay and maintain an additional side-track or switch on, along and across Railroad street in the Town of Irvington, now the City of Indianapolis, Indiana, approved by this Board February 3, 1904.

Respectfully,

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

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Property and Improvement:

INDIANAPOLIS, February 15, 1904.

To the President and Members of the Common Council:

Your Committee on Public Property and Improvements, to whom was referred General Ordinance No. 4, 1904, have had same under consideration and do not recommend its passage.

CHARLES G. DAVIS,
JAMES F. SULLIVAN,
OTTO HOFMANN.

Which was read.

Mr. Davis moved that report be concurred in. Carried.

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, February 15, 1904.

To the President and Members of the Common Council:

Your Committee on Public Safety and Comfort, to whom General Ordinance No. 9, 1904, was referred, recommend same do pass.

LEW W. COOPER,
JAMES B. MURRAY,
JAMES F. SULLIVAN,
ALBERT E. UHL,
W. A. RHODES.

Which was read.

Mr. Cooper moved that the action of the committee be concurred in. Carried.

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, February 15, 1904.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 10, 1904, was referred, recommend that same do pass.

LEW W. COOPER,
JAMES B. MURRAY,
JAMES F. SULLIVAN,
ALBERT E. UHL,
W. A. RHODES.

Which was read.

Mr. Cooper moved that the action of the committee be concurred in. *Carried.*

Report from Committee on Railroads:

INDIANAPOLIS, February 15, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 3, 1904, have had same under consideration and recommend that it do pass.

FRED W. EPPERT,
ALBERT E. COTTEY,
OTTO HOFMANN,
JAMES B. MURRAY,
JOHN WOLSIFFER.

Which was read.

Mr. Eppert moved that report of committee be concurred in. *Carried.*

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 12—1904: An ordinance approving a certain contract granting Paul Jeffries the right to lay and maintain an additional side-track or switch on, along and across Railroad street in the Town of Irvington, now the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: On the 22d day of January, 1904, Paul Jeffries filed his petition before the Board of Public Works of the the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., January 22, 1904.

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

Gentlemen: The undersigned, Paul Jeffries, respectfully petitions your honorable Board, asking permission to construct and maintain an

additional side-track or switch on, over and across Railroad street, said siding or switch to extend from the first siding south of the east bound main track of the P., C. & St. L. R. R., along, on and across Railroad street to Lot No. 40 in the Town of Irvington, Indiana, now the City of Indianapolis. All as shown by the drawing attached hereto, filed herewith, and for greater certainty marked "Exhibit A."

Your petitioner prays that the privileges and authority herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Respectfully submitted,

PAUL JEFFRIES.

Now, therefore, This agreement, made and entered into this . . . day of, 1904, by and between Paul Jeffries, of the City of Indianapolis, county of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part, witnesseth:

That the party of the first part, being desirous of securing permission to construct and maintain an additional side-track across Railroad street in the City of Indianapolis, which is more specifically described in the petition of the said first party, hereto attached and made a part of this contract, hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said tracks 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 tracks 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 tracks 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 tracks intersect Railroad 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 tracks, and upon its 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 tracks 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 tracks 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 itself 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 tracks, and to pay any judgment, with costs, that may on that account be rendered against it or said city.

7. Any violations of any of the provisions of this instrument by said party of the first part, or by anyone 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 terminated 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 on, over and across Railroad street, said siding or switch to extend from the first siding south of the east bound main track of the P., C., C. & St. L. R. R., along, on and across Railroad street to Lot No. 40, in the Town of Irvington, Indiana, now 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 third day of February, 1904.

PAUL JEFFRIES,
Party of the first part.

Witness:

C. C. COWGILL.

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

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

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

By Mr. Murray:

General Ordinance No. 13—1904: An ordinance requiring peddlers and hawkers to pay a license to the City of Indianapolis, providing a penalty for the violation thereof, repealing all ordinances, or parts of ordinances in conflict therewith, 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 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, traveling from place to place therein, either on foot or with any kind of vehicle, without first having procured and paid for a license so to do, as hereinafter provided.

Section 2. Every person who goes from house to house, or from one part of the public streets or alleys to another, in a vehicle, on foot, or with a push-cart, offering for sale any goods, wares, merchandise, fruit, candies, poultry, produce or other article, 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 said city on foot or otherwise, taking orders for or selling any kind of goods, wares or merchandise by sample, to be afterward delivered.

Provided, however, That nothing herein shall be construed to apply to merchants of this city who take orders for future delivery.

Provided, further, That nothing herein shall be construed to apply to ex-Union soldiers or sailors as exempted by State law.

Provided, further, That non-residents peddling linen, laces, rugs, or dry goods, by sample or otherwise, shall pay a license of fifty cents per day.

Section 3. Any person, firm or corporation desiring a license for any of the purposes embraced in this ordinance must pay to the treasurer of said city, the amount of money as follows: For each peddler using a two-horse wagon, \$75.00 per year, or \$50.00 for six months; for each peddler using a one-horse wagon or vehicle, \$50.00 per year, or \$35.00 for six months; for each helper on such wagon or vehicle, \$30.00 per year, or \$20.00 for six months; for each push-cart, \$20.00 per year, or \$15.00 for six months, and for each foot peddler, \$10.00 per year.

Upon presenting the receipt of the treasurer of said city for money paid as above provided, to the City Comptroller, said City Comptroller shall issue to such person the proper license therefor. *Provided,* That all such licenses shall date on the first day of January, or the first day of July, and no reduction shall be made on account of any portion of the time having run before the actual issuing of said license.

Section 4. No peddler or hawker shall be permitted to sell his goods or wares by public outcry in or along the public streets or alleys of said city.

Section 5. Any peddler or hawker who sells or offers for sale any decayed or unwholesome goods intended for human consumption, or is guilty of any cheat, fraud or deception, or violates any of the provisions of this ordinance, shall be fined in any sum not exceeding \$100.00, nor less than \$10.00, and each day's violation shall constitute a separate offense; *Provided,* That for a second offense such person shall forfeit his license.

Section 6. All ordinances, or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

Section 7. This ordinance shall be in full force and effect from and after its passage, and publication in the "Indianapolis Sentinel," a daily newspaper of general circulation in the City of Indianapolis, one day each week for two weeks as required by law.

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

By Mr. Cottey:

General Ordinance No. 14—1904: "An ordinance declaring and making a public nuisance the digging, pumping or removing of sand or gravel from the river bed of White River within the City of Indianapolis, within three hundred feet of any bridge, pier, abutment or piling, prohibiting the same and providing a 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, That the digging, pumping or removing of sand or gravel from the river bed of White River in the corporate limits of said city, within a distance of three hundred feet of any bridge, pier, abutment or piling shall be deemed and hereby is declared to be a public nuisance.

Section 2. Any person, firm or corporation who shall dig, pump or otherwise remove gravel from the river bed of white River in the City of Indianapolis, within three hundred feet of any bridge, pier, abutment or piling, shall be held guilty of creating a nuisance and for such offense shall be fined in any sum not exceeding one hundred dollars, and each day's continuance of such nuisance shall be considered a separate offense.

Section 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 daily newspaper of general circulation, printed and published in the City of Indianapolis.

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

ORDINANCES ON SECOND READING.

Mr. Cooper called for General Ordinance No. 9, 1904, for second reading. It was read a second time.

Mr. Cooper moved General Ordinance No. 9, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 9, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Cooper called for General Ordinance No. 10, 1904, for second reading. It was read the second time.

Mr. Crall entered the Council Chamber and took his seat.

Mr. Cooper moved that General Ordinance No. 10, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 10, 1904, was then read a third time and passed by the following vote:

Ayes, 20, viz.: Cooper, Cottey, Crall, Eppert, Davis, Gasper, Hoffmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Eppert called for General Ordinance No. 3, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 3, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 3, 1904, was read a third time and passed by the following vote:

Ayes, 16, viz.: Cooper, Cottey, Crall, Eppert, Davis, Gasper, Hoffmann, Krause, Linus, Murray, Rhodes, Storm, Uhl, Wahl, Wolsiffer, Wright.

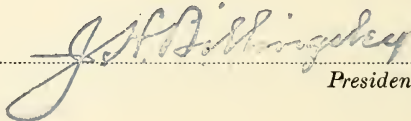
Noes, 3, viz.: Moriarity, Shea, Sullivan.

President Billingsley requested the Council to excuse him from voting.

Mr. Davis called for General Ordinance No. 4, 1904, for second reading. It was read a second time.

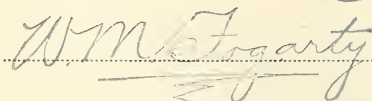
Mr. Davis moved that General Ordinance No. 4, 1904, be stricken from the files. Carried.

On motion of Mr. Cooper, the Common Council, at 8:12 o'clock, adjourned.



 President.

ATTEST:



 City Clerk.