

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
 MONDAY, May 2, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 2, 1904, at 7:45 o'clock, in regular session, Vice-President W. A. Rhodes in the chair.

Present: The Hon. W. A. Rhodes, Vice-President of the Common Council, and 14 members, viz: Messrs. Cottey, Davis, Fishback, Gasper, Krause, Moriarity, Murray, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 6, viz.: Messrs Cooper, Crall, Eppert, Hofmann, Linus, President Billingsley.

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

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., April 21, 1904.

To the Honorable, the President and Members of the Common Council:
 I return herewith with my signature and approval, General Ordinance No. 14, 1904.

Respectfully,
 JOHN W. HOLTZMAN,
 Mayor.

Which was read.

INDIANAPOLIS, IND., April 21, 1904.

To the Honorable, the President and Members of the Common Council:
 I return herewith with my signature and approval, General Ordinance No. 26, 1904.

Respectfully,
 JOHN W. HOLTZMAN,
 Mayor.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, IND., April 27, 1904.

To the President and Members of the Common Council:

Gentlemen: We refer to you herewith for your consideration and action thereon an ordinance authorizing the improvement of the roadway of Virginia avenue from the first alley north of Stevens street to the first alley south of Prospect street by resurfacing the roadway with asphalt, as authorized by I. R. No. 86, 1904, adopted by the Board of Public Works March 23, 1904. This street is in a deplorable condition and if not at once improved, will ultimately require the construction of an entirely new street.

Respectfully,

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

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Finance Committee:

INDIANAPOLIS, IND., May 2, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 4, have had same under consideration and would respectfully recommend that the same do pass.

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

Which was read.

Mr. Gasper moved that the report of the committee be received.
Carried.

From the Finance Committee:

To the President and Members of the Common Council:

Your Committee of Finance, to which was referred General Ordinance No. 24, 1904, beg leave to recommend that said ordinance be amended so as to read as follows:

General Ordinance No. 24—1904: An ordinance regulating and licensing retailing dealers in intoxicating liquors in the City of Indianapolis, or outside the city but within four miles of the corporate

limits thereof; providing a penalty 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, directly or indirectly, to sell, barter, or give away for any purpose of gain, any spirituous, vinous or malt liquors without first procuring from the City Comptroller of the City of Indianapolis, a license as hereinafter provided, nor shall any person, without first having procured such license sell or barter any intoxicating liquors to be drunk, or suffered to be drunk in his house, outhouse, yard, garden or the appurtenances there-to belonging; *Provided*, That none of the provisions of this ordinance shall apply to any person engaged in business as a wholesale dealer, who does not sell to consumers in less quantities than five gallons at a time, nor to any druggist upon a written prescription of a reputable practicing physician; and, *Provided further*, That the provisions of this ordinance, and the requirement of the license hereby exacted, shall apply to such sales, barthers, or gifts of spirituous, vinous or malt liquors within the City of Indianapolis, or outside of the City of Indianapolis but within four miles of the corporate limits thereof.

Sec. 2. The provisions of this ordinance shall apply to any person who may obtain a license from the Board of County Commissioners of Marion county, Indiana, under the existing laws of the State, to sell, barter or give away, for any purpose of gain, any spirituous, vinous or malt liquors.

Sec. 3. The provisions of this ordinance shall apply to any person engaged in selling, bartering or giving away, for any purpose of gain, spirituous, vinous or malt liquors, as provided in Section 1, whether such person shall have procured a license from the Board of County Commissioners of Marion county, Indiana, or not.

Sec. 4. Any person desiring to obtain a license to sell, barter or give away, for any purpose of gain, any spirituous, vinous or malt liquors, under the provisions of this ordinance, shall make application to the City Comptroller of said city, by petition, designating the exact location of his place of business, giving the number of the lot, and the street number where he proposes to establish or carry on said business; he shall pay the Treasurer of said city the sum of two hundred and fifty (\$250.00) dollars, the receipt of which payment he shall also present to said Comptroller, who shall thereupon issue him a license as provided by this ordinance; *Provided, however*, That should any person desire to sell such spirituous, vinous or malt liquors in quantities of one quart or more and less than five gallons, not to be drunk on the premises, then his license fee shall be one hundred (\$100.00) dollars per annum.

Sec. 5. No license shall be granted under this ordinance for a shorter or longer period than one year and such license shall not be transferable.

Sec. 6. Said City Comptroller shall keep a register of the names of all persons receiving from said city such license, with the date when issued and the expiration of the same; also the number of the street and the location where such person conducts his said business.

Sec. 7. Any person who shall violate any of the provisions of this ordinance, shall, upon conviction, be fined the sum of fifty (\$50.00) dollars; and each day's continuance of the violation of any of the provisions of this ordinance shall constitute a separate offense.

Sec. 8. This ordinance shall be in force from its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper of general circulation, printed and published in said city.

And that as amended your committee recommends that said ordinance do pass.

Indianapolis, Indiana, April 28, 1904.

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

Which was read.

Mr. Gasper moved that the report of the committee be received.
Carried.

From Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., May 2, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Sewers, Streets and Alleys, to whom was referred General Ordinance No. 32, 1904, entitled, "An ordinance to regulate the location and line of the bridge over the canal at Holton Place in the City of Indianapolis," have had the same under consideration and would recommend that the same do pass.

W. A. RHODES,
ALBERT E. UHL,
FRED W. EPPERT,
JAMES D. MORIARITY,
J. EDWARD KRAUSE,

Which was read.

Mr. Uhl moved that the report of the committee be received.
Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

General Ordinance No. 33—1904: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Virginia avenue from the north property line of the first alley north of Stevens street to the south property line of the first alley south of Prospect street, by resurfacing the roadway with asphalt in accordance with Improvement Resolution No. 86, 1904, adopted by the Board of Public Works, and fixing the time when the same shall take effect.

Whereas, The Board of Public Works of the City of Indianapolis, Indiana, did on the 23d day of March, 1904, adopt Improvement Resolution No. 86, 1904, for the improvement of Virginia avenue from the north property line of the first alley north of Stevens street to the south property line of the first alley south of Prospect street, by resurfacing the roadway with asphalt from curb to curb, to a uniform width of fifty (50) feet, including the wings of intersecting streets and alleys, except a space seventeen and seventy-five hundredths (17.75) feet in the center of the street occupied by street car-tracks, and constructing the necessary catch basins and inlets; and

Whereas, The said Board of Public Works did at the same time fix

the 8th day of April, 1904, at 10 o'clock A. M., as a date to hear all persons interested or whose property is affected by said proposed improvement; and a notice of the passage of said resolution and of the said time for hearing was published on the 24th and 31st days of March, 1904, in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in said city, and notices by mail duly forwarded as provided by law; and

Whereas, At the time set for hearing as aforesaid, petitions in writing of resident freeholders upon said street were filed in the office of Board of Public Works, remonstrating against the resurfacing of said street; and

Whereas, On the 8th day of April, 1904, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

Whereas, On the 18th day of April, 1904, a written remonstrance was filed with the Board against the resurfacing of said Virginia avenue, and the same was referred to the City Civil Engineer for investigation and report; and

Whereas, On the 20th day of April, 1904, the City Civil Engineer filed his written report, stating that a majority of the resident property owners had signed said remonstrance; and

Whereas, On the 20th day of September, 1904, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to improve the roadway of said Virginia avenue by resurfacing with asphalt, in accordance with said resolution; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is, hereby authorized and empowered to improve and pave said Virginia avenue from the north property line of the first alley north of Stevens street to the south property line of the first alley south of Prospect street, by resurfacing the roadway with asphalt to a uniform width of fifty (50) feet from curb to curb, including the wings of intersecting streets and alleys, except a space seventeen and seventy-five hundredths (17.75) feet in the center of the street occupied by street car tracks, and constructing the necessary catch basins and inlets, in accordance with Improvement Resolution No. 86, 1904, adopted by the Board of Public Works on the 23d day of March, 1904.

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 Committee on Sewers, Streets and Alleys.

MISCELLANEOUS BUSINESS.

The Chair presented the following:

INDIANAPOLIS, IND., April 25, 1904.

James. H. Billingsley, President Common Council, City of Indianapolis:

Dear Sir: A request has been made of the Common Council of this city through City Comptroller Dunn, asking an appropriation of \$200.00 with which to defray the expenses of Memorial Day.

I am further directed by the General Committee of Arrangements to ask you to appoint three (3) members of the Council to serve as a Finance Committee, and to do such work in connection therewith as they may deem proper.

The main object in requesting this appointment is that they may check up and certify to vouchers after the bills are rendered; of which they will be given due notice.

Awaiting your pleasure, I am

Very truly yours,

CAREY McPHERSON,
Secretary Memorial Day Committee.

Which was read.

Mr. Uhl moved that the Chair appoint a committee of three to act in accordance with the communication. Carried.

The Chair appointed Messrs. Uhl, Cottey and Wahl as the committee.

ORDINANCES ON SECOND READING.

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

Mr. Gasper moved that Appropriation Ordinance No. 4, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 4, 1904, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Cottey, Davis, Fishback, Gasper, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolf-siffer, Wright.

Noes, none.

Mr. Gasper called for General Ordinance No. 24, 1904, for second reading. It was read a second time.

Mr. Wahl moved that General Ordinance No. 24, 1904, be amended as recommended by the Finance Committee. Carried.

Mr. Gasper moved that General Ordinance No. 24, 1904, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 24, 1904, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Cottey, Davis, Fishback, Gasper, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Noes, none.

Mr. Uhl called for General Ordinance No. 32, 1904, for second reading. It was read a second time.

Mr. Uhl moved that General Ordinance No. 32, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 32, 1904, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Cottey, Davis, Fishback, Gasper, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Noes, none.

On motion of Mr. Gasper, the Common Council, at 8:07 o'clock, adjourned.

W. M. Fogarty

W. M. Fogarty
President pro tem.

ATTEST:

W. M. Fogarty

W. M. Fogarty

City Clerk.

