

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, June 20, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, June 20, 1904, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

Present: The Hon. James H. Billingsley, President of the Common Council, and 17 members, viz: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright.

Absent, 3, viz: Messrs Crall, Linus, Wahl.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., June 7, 1904.

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

I herewith return with my signature and approval Appropriation Ordinance No. 5, 1904; General Ordinance No. 33, 1904; General Ordinance No. 39, 1904; General Ordinance No. 37, 1904.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

INDIANAPOLIS, IND., June 11, 1904.

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

Gentlemen: I herewith return to you with my signature and approval Appropriation Ordinance No. 6, 1904.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

The Chair called for report from Department of Public Health.

Mr. Eppert moved to refer back to communications from the Board of Public Works. Carried.

From the Board of Public Works:

INDIANAPOLIS, IND., June 8, 1904.

To the President and Members of the Common Council:

Gentlemen: The attached ordinance, entitled, "An ordinance approving a certain contract granting The Henry Coburn Warehouse Company the right to lay and maintain a side-track or switch from the tracks of the Union Railway Company across Senate avenue and Mobile streets according to blue print attached, in the City of Indianapolis, Indiana," and approved by this Board on June 8, 1904, is transmitted to you for consideration and action.

Respectfully,

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

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Finance Committee:

INDIANAPOLIS, IND., June 20, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred Appropriation Ordinance No. 8, 1904, have had same under consideration and would respectfully recommend that the same do pass.

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

Which was read.

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

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., June 20, 1904.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 22, 1904, was referred, recommend that same do pass.

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

Which was read.

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

From the Committee on Railroads:

INDIANAPOLIS, IND., June 20, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 44, have had same under consideration and recommend that same do pass.

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

Which was read.

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

From Committee on Sewers, Streets and Alleys:

INDIANAPOLIS, IND., June 6, 1904.

To the President and Members of the Common Council:

Your Committee, to whom was referred General Ordinance No. 38, 1904, allowing the Eclipse Coal Company the right to lay and maintain a switch across Eleventh street, have had the same under consideration and would recommend that the same do pass.

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

Which was read.

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

MISCELLANEOUS BUSINESS.

INDIANAPOLIS, IND., May 27, 1904.

To the Honorable City Council of the City of Indianapolis:

Gentlemen: As the East boundary line of the Ninth Ward, from the right-of-way of the C., H. & D. Railway Company to English avenue, runs through a large number of lots in Forest Park Addition, leaving part of such lots within the city limits and the other part outside of the city limits, and as we are now getting ready to prescribe the boundary lines of the election precincts for the election, this fall, we believe that the city should annex all of those lots which are now partly within the city.

We, therefore, request that your honorable body pass the attached ordinance, so that the city and county lines of the Tenth Ward may agree.

Respectfully,

JOHN E. MCGAUGHEY,
JOHN MCGREGOR,
THOS. E. SPAFFORD,
Board of County Commissioners.

INDIANAPOLIS, IND., June 1, 1904.

To the City Civil Engineer:

The attached recommendation of the Board of County Commissioners, recommending that all of Forest Park Addition be taken into the city limits, is referred to you for investigation and report.

Respectfully,

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

INDIANAPOLIS, IND., June 10, 1904.

M. A. Downing, Jacob Woessner, David Wallace, Board of Public Works:

Gentlemen: Referring to the attached communication of the Board of County Commissioners recommending that all of Forest Park Addition be taken into the city limits, I have the honor to submit to you, attached to this communication, a description for annexation ordinance.

Very truly yours,

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

DESCRIPTION FOR ANNEXATION ORDINANCE.

Beginning at the south line of the right-of-way of the Cincinnati, Hamilton & Indianapolis Railway Company, at a point two hundred (200) feet east of the east line of Rural street; thence east along the said right-of-way line, to the center of Christian street extended in a northerly direction; thence south along the center line of Christian street extended and the center line of Christian street, to the center of Newton avenue; thence west along the center line of Newton avenue to the center of Grace street; thence south along the center line of Grace street to the center line of English avenue, thence west along the center line of English avenue to the point two hundred (200) feet east of the east line of Rural street; thence north and parallel with the east line of Rural street to the south line of the right-of-way of the C., H. & I. Railway and place of beginning.

Which was read.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 45—1904: An ordinance approving a certain contract granting The Henry Coburn Warehouse Co. the right to lay and maintain a side-track or switch from the tracks of the Union Railway Company across Senate avenue and Mobile street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 8th day of June, 1904, The Henry Coburn Warehouse Company 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 Henry Coburn Warehouse Company, applies for the privilege of laying a switch across Senate avenue beginning on the West side of said avenue running east. The south rail of the switch that is being constructed crossing the present north rail of the Union railroad, as now constructed, just at the east side of said avenue and continuing east in the sleeping car yard and gradually curving around north and running into the grounds parallel and alongside of the switch formerly used by the Henry Coburn Lumber Company. It is the intention of the above company to build a merchandise warehouse, 150x270 feet, six stories high, costing \$175,000 to \$200,000, and to do this it will require additional track facilities. Accompanying this petition is a sketch drawn by the engineer of the Indianapolis Union Railway Company.

HENRY COBURN WAREHOUSE COMPANY.

Now, therefore, This agreement, made and entered into this 8th day of June, 1904, by and between The Henry Coburn Warehouse Company 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 a right-of-way for a side-track or switch from the Union Railway Company tracks across Senate avenue and Mobile street to the warehouse above mentioned in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in the west line of Senate avenue that said point being eighty-nine (89) feet south of the south line of Mobile street extended west in a straight line, thence east in a curve line to a point in the east line of Senate avenue the said point being eighty-six (86) feet south of the south line of Mobile street; also

Beginning at a point in the south line of Mobile street the said point being one hundred and seventy-five (175) feet east of the east line of Senate avenue, thence in a curve line in a northeasterly direction to a point in the north line of Mobile street, the said point being one hundred and ninety-five (195) feet east of the East line of Senate avenue, 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 Senate avenue and Mobile 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 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 across Senate avenue and Mobile 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 eighth day of June, 1904.

HENRY COBURN WAREHOUSE CO.,
By Henry Coburn.
Party of the first part.

Witness:

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.

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

By Mr. Shea:

General Ordinance No. 46—1904: An ordinance fixing the compensation of the Clerk to the Building Inspector, an Assistant Building Inspector and a smoke Inspector, and appropriating the sum of \$2,300.00 to the Department of Public Safety, and fixing a time when the same shall take effect.

Whereas, The Common Council of the City of Indianapolis by General Ordinance No. 34, 1904, being an ordinance providing for matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures and appurtenances thereof, erected or to be erected in the City of Indianapolis, Indiana, provided in Section 1 of said ordinance for the appointment of a Clerk, and Assistants, and in Section 273 thereof for the appointment of a smoke inspector.

Section 1. Now, therefore, Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Clerk to the Building Inspector shall receive a salary at the rate of \$1,200.00 per annum, payable monthly; that an Assistant to the Building Inspector shall receive a salary at the rate of \$1,200.00 per annum, payable monthly, and that the smoke Inspector shall receive a salary at the rate of \$1,200.00 per annum, payable monthly.

Sec. 2. For the use of said Building Inspector the city shall supply and furnish, and provide for the keeping thereof a horse and wagon or buggy for the more efficient administration of the Inspection Department.

Sec. 3. The sum of \$2,300.00 is hereby appropriated to and for the use of the Department of Public Safety as follows:

For salaries to Clerk and Assistant Building Inspector, a smoke Inspector as hereinbefore provided for the period ending December 31, 1904, the sum of.....	\$1,800.00
For purchasing a horse and wagon or buggy the sum of.....	350.00
For expense of keeping said horse and incidental expenses connected therewith the sum of.....	150.00

Total	\$2,300.00
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And the said Department of Public Safety is hereby authorized to expend the several sums herein appropriated or so much thereof as may be necessary for the purpose needed.

Sec. 4. 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 Finance.

By Mr. Sullivan:

General Ordinance No. 47—1904: An ordinance requiring the Vandalia Railroad Company to station a flagman at the corner of South Senate avenue and the railroad tracks of said company, fixing 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, Indiana, The Vandalia Railroad Company is hereby required to maintain a flagman at the corner of South Senate avenue and the tracks of said company in the City of Indianapolis. If the said Railroad Company shall fail or refuse to comply with any provision of this ordinance it shall be liable to a fine not exceeding \$5.00, and each days' failure to comply with any provision of this ordinance shall constitute a separate offense.

Sec. 2. This ordinance shall take effect and be in force 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, Indiana.

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

By Mr. Rhodes (by request):

General Ordinance No. 48, 1904: An ordinance providing for licensing certain occupations.

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 conduct, manage, carry on, or transact any of the following named businesses or occupations in the City of Indianapolis without first procuring from the City Comptroller a license so to do, which license shall be paid for as follows:

For carrying on, practicing or professing to practice the business or art of astrology, palmistry, phrenology, life-reading, fortune-telling, cartomancy, clairvoyance, clairaudience, crystal-gazing, hypnotism, mediumship, prophecy, augury, divination, magic or necromancy, by one who receives or demands a fee for the same, or who gives exhibition of the same at any place when an admission fee is charged, fifty (\$50) dollars per annum, provided always that the above portion of Section 1 shall include only those who advertise their business through the public press or distribute cards or circulars for that purpose.

For conducting or operating a merry-go-round, ferris wheel, roller coaster, switch-back, or similar device, twenty-five (\$25) dollars per annum.

For conducting, operating, supervising or giving space to any slot machine used for the purpose of selling goods or material of any kind, or for exhibiting pictures or views of any kind for profit; or for conducting, operating or exhibiting any phonograph, graphophone, talking machine, kinoscope, biograph, projectoscope or any similar instrument for profit, a fee of one (\$1) dollar shall be charged for any number of instruments less than four and for four instruments or more the fee shall be twenty-five (25c) cents per instrument per annum.

For conducting, managing, exhibiting or letting the use of any telescope, microscope, lung-tester, muscle-tester, strength-tester, galvanic battery, ball, knife or ring-throwing game, for profit, the sum of one (\$1) dollar per month or fraction thereof.

Sec. 2. The license for any of the above named occupations or businesses shall state the place where and the person, firm or corporation by whom the same shall be conducted, and any person, firm or corporation by whom the same shall be conducted, and any person, firm or corporation engaging in the same without license shall be fined a sum equal to one month's license, and each day of operation without a license shall constitute a separate offense.

Sec. 3. All ordinances in any wise conflicting herewith, or containing additional or different provisions are hereby expressly repealed.

Sec. 4. This ordinance shall be in full force and effect after its passage and publication once each week for two consecutive weeks in the Indianapolis Daily Sentinel, a newspaper of general circulation printed and published in the City of Indianapolis, Marion County, Indiana.

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

By Mr. Moriarity:

General Ordinance No. 49—1904: An ordinance annexing certain territory to the City of Indianapolis, 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, to-wit:

Beginning at the south line of the right-of-way of the Cincinnati, Hamilton & Indianapolis Railway Company, at a point two hundred (200) feet east of the east line of Rural street, thence east along the said right-of-way line, to the center of Christian street extended in a northerly direction; thence south along the center line of Christian street extended and the center line of Christian street, to the center of Newton avenue; thence west along the center line of Newton avenue to the center of Grace street; thence south along the center line of Grace street to the center line of English avenue, thence west along the center line of English avenue to the point two hundred (200) feet east of the east line of Rural street; thence north and parallel with the east line of Rural street to the south line of the right-of-way of the Cincinnati, Hamilton & Indianapolis Railway and place of beginning.

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 the City of Indianapolis, Indiana.

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

ORDINANCES ON SECOND READING.

Mr. Rhodes called for General Ordinance No. 38, 1904, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 38, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 38, 1904, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Cooper called for General Ordinance No. 22, 1904, for second reading. It was read a second time.

Mr. Cooper moved that General Ordinance No. 22, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 22, 1904, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Eppert called for General Ordinance No. 44, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 44, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 44, 1904, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

Mr. Rhodes moved to refer back to reports of committees. Carried.

From the Committtee on Public Morals:

INDIANAPOLIS, IND., June 20, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordi-

nance No. 43, 1904, have had same under consideration and would respectfully recommend that the same do pass.

J. L. GASPER,
FRANK S. FISHBACK,

Which was read.

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

Mr. Gasper called for Appropriation Ordinance No. 8, 1904 for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 8, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 8, 1904, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.
Noes, none.

Mr. Gasper called for General Ordinance No. 43, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 43, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 43, 1904, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright and President James H. Billingsley.
Noes, none.

Mr. Shea moved that General Ordinance No. 18, 1904, be taken from the Committee on Fees and Salaries and placed upon its passage.

Mr. Moriarity called for the ayes and noes.

The roll was called, resulting as follows:

Ayes, 6, viz.: Fishback, Moriarity, Shea, Sullivan, Wolsiffer, Wright.
Noes, 12, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Gasper, Hof-

mann, Krause, Murray, Rhodes, Storm, Uhl and President James H. Billingsley.

The motion was declared lost.

On motion of Mr. Moriarity, the Common Council, at 8:20 o'clock, adjourned.

J. H. Billingsley

President.

ATTEST:

W. M. Fogarty

City Clerk.

