

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.  
MONDAY, September 19, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, September 19, 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 19 members, viz: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 1, viz.: Mr. Krause.

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

## COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., August 29, 1904.

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

I herewith return with my signature and approval General Ordinance No. 42, 1904; General Ordinance No. 47, 1904; Appropriation Ordinance No. 10, 1904.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

INDIANAPOLIS, IND., September 13, 1904.

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

I herewith return with my signature and approval Appropriation Ordinance No. 11, 1904.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

INDIANAPOLIS, IND., September 16, 1904.

To the Honorable, the President and Members of the Common Council:  
Gentlemen: The World's Fair Management has set aside October 5, 1904, as "Indianapolis Day" at the Louisiana Purchase Exposition. In order to officially stimulate the attendance at the ceremonies to be provided for this day, I respectfully request that your honorable body appoint a committee to co-operate with the Executive Department in making all preliminary arrangements for the occasion.

The opportunity presents itself for a display in which local pride will be a large element and incidentally will be of great value in advertising the city and its industries.

Very respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

REPORTS FROM CITY OFFICERS.

From the City Comptroller:

INDIANAPOLIS, IND., September 19, 1904.

To the Honorable, the President and Members of the Common Council:  
Gentlemen: I submit herewith letter from the Board of Works requesting the transfer of \$3,000 from the "water" appropriation, and \$7,000 from the "electric, gas and vapor lights," to "repairs of permanently improved streets." I recommend that the transfers be made as requested.

Respectfully submitted,

J. P. DUNN,  
City Comptroller.

P. S.—Ordinance inclosed.

INDIANAPOLIS, IND., September 19, 1904.

Hon. Jacob P. Dunn, City Comptroller:

Dear Sir: We hereby request you to recommend an appropriation by transfer of the sum of \$10,000.00 for the fund for the repair of permanently improved streets, this additional amount being required to properly repair all the improved streets for winter.

Transfer of \$3,000 from the water fund.

Transfer of \$7,000 from the fund for electric, gas and vapor lights.

Respectfully,

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

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., September 12, 1904.

To the Honorable, the President and Members of the Common Council:  
Gentlemen: I inclose herewith letter of Keeling & Hugg, represent-

ing the executor of the estate of Richard P. Ryan, deceased, requesting the refund of \$200 on said Ryan's liquor license. As the estate is entitled to this amount under the law and the facts stated, I recommend an appropriation of \$200 to the Department of Finance for this purpose, and inclose ordinance providing for the same.

Respectfully submitted,

J. P. DUNN,  
City Comptroller.

INDIANAPOLIS, IND., August 22, 1904.

Hon. J. P. Dunn, Comptroller, City:

Dear Sir: On June 18, 1904, there was issued by you to Richard P. Ryan a City License for the premises known as No. 125 East Court street in this city. Mr. Ryan died testate July 5 of this year, and his last will and testament has been duly probated in the office of the Clerk of the Circuit Court of this county. Harry A. Walker was nominated as executor and has qualified as such.

Section 7283 h. 3d. Burns' R. S., 1901, provides among other things as follows:

"That in cases of insanity or death of the person holding a license under the provisions of the law now in force before the expiration of the year for which the same was granted, the County or City Treasurer shall, on the order of the Board of Commissioners of the County or the Council of such city, refund to the guardian of such insane person, the heirs, executors or administrators of said decedent or insane person the proportionate part of the license fees for the unexpired part of said year which such treasurer has received for such license."

Pursuant to said provision Mr. Walker filed his claim with the Board of Commissioners of this County to refund to him as such executor, the proportionate part of the license fee paid to the Treasurer of Marion County, Indiana, for the unexpired period of said license, and in Mr. Walker's behalf, we hereby request that the sum of two hundred (\$200.00) dollars be refunded to Mr. Walker as executor of Mr. Ryan's estate as the proportionate part of the license fee paid by Mr. Ryan for his City License for the period for which the same was issued.

Please take the proper steps to have said sum appropriated for the benefit of Mr. Ryan's estate, and oblige,

Yours respectfully,

KEALING & HUGG.

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., September 12, 1904.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter from the Board of Public Safety requesting transfer of \$1,000 from the Fire Force Pay-Roll account to Repairs to Buildings account, and the transfer of \$500 from New Apparatus account to Repairs to Apparatus account.

I recommend that these transfers be made and inclose ordinance for that purpose.

Respectfully submitted,

J. P. DUNN,  
City Comptroller.

INDIANAPOLIS, IND., August 30, 1904.

City Comptroller, J. P. Dunn:

The Board of Public Safety at their meeting, held Wednesday, August 24, 1904, directed me to respectfully request you to recommend to the Common Council the transfer of \$1,000.00 from Fire Force Pay-Roll Fund to Repairs to Buildings Fund, also the transfer of \$500.00 from New Apparatus Fund to Repairs to Apparatus Fund.

The balance in the Fire Force Repairs to Building Fund is only \$184.34 and in the Repairs to Apparatus Fund only \$154.28, and as these amounts are inadequate for the balance of the year, it is imperative that these transfers be made. Respectfully,

E. C. McLAUGHLIN,  
Secretary.

INDIANAPOLIS, IND., August 24, 1904.

Board of Public Safety:

Gentlemen: I herewith submit an estimated statement of immediate repairs to buildings and apparatus:

New metal shingle roof, Engine House No. 24....	\$500.00	
New floor, engine room, Engine House No. 1.....	150.00	
New cutters, Engine House No. 12.....	50.00	
New chimney tops, various houses.....	100.00	
Minor repairs, plumbing, tin work, etc.....	200.00	
Total repairs to buildings.....		\$1,000.00
Emergency repairs to apparatus.....		500.00

As the present appropriation in these funds are about exhausted, I would recommend that one thousand (\$1,000.00) dollars be transferred from the Fire Force Pay-Roll account to Repairs of Buildings account, and five hundred (\$500.00) dollars be transferred from the New Apparatus account to Repairs to Apparatus account.

Respectfully submitted,

C. E. COOTS,  
Chief Fire Force.

Approved:

THOS. MADDEN, Chairman.

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., September 19, 1904.

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

Gentlemen: At the request of the Building Inspector, I hereby recommend an appropriation for salary of Assistant Building Inspector, for the remainder of the present year, of \$300. An ordinance for that purpose is submitted herewith.

Respectfully submitted,

J. P. DUNN,  
City Comptroller.

Which was read.

## REPORTS FROM STANDING COMMITTEES.

## From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 66, 1904, have had same under consideration and recommend that same do pass.

JAMES B. MURRAY,  
ALBERT E. COTTEY,  
JOHN W. STORM.

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

## From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Finance, to whom was referred General Ordinance No. 59, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,  
LEW. W. COOPER,  
FRANK S. FISHBACK,  
M. J. SHEA,  
J. H. CRALL,

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

## From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred Appropriation Ordinance No. 16, 1904, beg leave to recommend that same be amended so as to read as follows:

Appropriation Ordinance No. 16—1904: An ordinance appropriating five hundred dollars (\$500.00) to the Department of Public Health and Charities, for the suppression of contagious diseases.

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 five hundred dollars (\$500.00) for suppression of contagious diseases.

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

And that as amended your Committee recommend that said ordinance do pass.

Respectfully submitted,

J. L. GASPER,  
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 adopted.  
Carried.

From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred General Ordinance No. 60, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,  
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 adopted.  
Carried.

From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 17, 1904, have had same under consideration and would respectfully recommend that same do pass.

Respectfully submitted,

J. L. GASPER,  
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 adopted.  
Carried.

From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 20, 1904, have had same under consideration and respectfully recommend that the same do pass.

Respectfully,

J. L. GASPER,  
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 adopted.  
Carried.

From the Finance Committee:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred Appropriation Ordinance No. 15, 1904, would respectfully report that they have had same under consideration and recommend that the same do pass.

Respectfully,

J. L. GASPER,  
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 adopted.  
Carried.

From the Committee on Ordinances:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred General Ordinance No. 40, 1904, have had same under consideration and would respectfully recommend that same do not pass.

Respectfully submitted,

J. ED. KRAUSE,  
LEW W. COOPER,  
ANDREW H. WAHL,

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, IND., September 19, 1904.

To the President and Members of the Common Council:

Your Committee, to whom General Ordinance No. 57, 1904, was referred, recommend that same be amended, by striking out the words five (\$5.00) dollars and inserting words one (\$1.00) dollar in Section (2) two. When so amended, we recommend same do pass.

Respectfully,

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

Which was read.

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

From the Committee on Public Morals:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Public Morals, to whom was referred General Ordinance No. 35, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully,

J. L. GASPER,  
J. H. CRALL,

Which was read.

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

Mr. Shea moved that the minority report of the Committee on Public Morals be now read. Carried.

Minority report:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: The undersigned minority member of the Committee on Public Morals, to whom was referred General Ordinance No. 35, 1904, has had same under consideration and recommends that it do not pass. I do not believe it is just to require companies storing oil under proper safeguards to move out of the city and allow planing mills, furniture factories and other woodworking establishments to remain, who are looked upon as more hazardous fire risks as shown by the higher rates



of insurance they are compelled to pay. If you start to drive business concerns out of the city, it will be hard to know where to draw the line. I do believe those living in the vicinity where large quantity of oil is stored are entitled to every protection that is possible to give them by requiring oil companies to enclose their tanks in fire proof buildings, also maintain catch basins at the outlets of all tanks, draining into a cistern or tank, buried in the ground, which would remove all possible chance of wells in the vicinity being affected by the leakage. As a very important reason why this ordinance should not pass, I submit the following copy of a letter received from Mr. T. M. Goodloe, Inspector of the Indianapolis Fire Inspection Bureau, which is worthy of careful consideration:

“September 14, 1904.

“Mr. F. S. Fishback, City:

“Dear Sir: In replying to your query as to our opinion of the proposed ordinance regulating the storage of oils in large quantities, we beg to advise that we have given this matter a good deal of careful thought and consideration, and have only recently written to several other cities which are said to have good ordinances on this subject, asking for copies of their requirements.

“The question involved is one of too important, and too broad a nature, to think of jumping at conclusions, or even forming them until after the matter has been looked into in all its phases. We believe that an ordinance should be gotten up either by the Council, or some member thereof, or preferably by a commission created by the Council for the purpose-governing the manufacture, storage and use of not only oils, but gun-powder, dynamite, nitro-glycerine, ammunition of all kinds, fire-works, drugs, chemicals, medicines, carbides, combustible fibres, nitrates of cellulose, etc., etc. All of these articles or substances create a hazard just as much as inflammable oils, and while the question is up, we feel that all should be taken care of in the proper manner at the same time.

“Referring to the question of regulating the handling of oils, our experience has been that persons handling large quantities, being fully aware of the danger surrounding the handling of them, exercise greater caution and throw more safeguards around their work, than do others who use the same articles in smaller quantities; hence, any ordinance touching on the subject should provide for the small dealer as well as the wholesaler.

“We would be glad if you could push this suggestion to some conclusion by obtaining the appointment of a commission for the purpose specified, and if this office could be of any service to you at any time in the matter, we will be very glad to have you call on us.

“Yours very truly,

“T. M. GOODLOE,  
Inspector.”

“Dic. TMG.

I believe proper consideration of the above reasons, not to mention many more, would prevent passage of this ordinance.

FRANK S. FISHBACK.

Which was read.

From the Committee on Public Morals:

INDIANAPOLIS, IND., September 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Public Morals, to whom was re-

ferred General Ordinance No. 48, 1904, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,  
J. H. CRALL.

Which was read

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

Mr. Crall moved to refer back to Reports of Official Boards.  
Carried.

From the Board of Public Works:

INDIANAPOLIS, IND., September 9, 1904.

To the President and Members of the Common Council:

Gentlemen: The Board of Public Works having approved a contract granting King & Geran the right to lay and maintain a side-track or switch from the C., C. & St. L. Ry. across Douglass street and the first alley west of Douglass street, according to blue print attached, in the City of Indianapolis, submits the same herewith to you for your consideration and action.

Respectfully,

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

Which was read.

#### INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Comptroller:

Appropriation Ordinance No. 22—1904: An ordinance appropriating the sum of two hundred dollars (\$200.00) to the Department of Finance of the City of Indianapolis, Indiana, with which to pay a certain claim by virtue of Section eight (8) of an act of the General Assembly of the State of Indiana, entitled: "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of two hundred dollars (\$200.00) be and the same is hereby appropriated to the Department of Finance of the City of Indianapolis, Indiana, to pay the following claim made under and by virtue of Section eight (8) of an act of the General Assembly of the State of Indiana, entitled: "An act to better regulate and restrict the sale of intoxicating liquors," etc., approved March 11, 1895:

Harry A. Walker, executor of the estate of Richard P. Ryan, deceased, the sum of two hundred dollars (\$200.00).

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 Finance

By the City Comptroller:

Appropriation Ordinance No. 23—1904: An ordinance appropriating three hundred (\$300.00) dollars to the Department of Public Safety.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of three hundred (\$300) dollars be and is hereby appropriated to and for the use of the Department of Public Safety for the salary of an Assistant Building Inspector for the months of October, November and December, 1904, and said Department of Public Safety is hereby authorized to expend said sum herein appropriated, or so much as may be necessary for the purpose needed.

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 Finance.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Comptroller:

General Ordinance No. 70—1904: An ordinance for the transfer of certain funds heretofore appropriated to the Department of Public Works to other funds of said Department.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby transferred from the appropriation heretofore made to the Department of Public Works for "water," the sum of \$3,000.00 and from the appropriation for "Electric, Gas and Vapor Lights," the sum of \$7,000.00 to the appropriation known and designated as "Repair of Permanently Improved Streets."

Sec. 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 Finance.

By the City Comptroller:

General Ordinance No. 71—1904: An ordinance transferring certain funds from certain accounts to other accounts in the appropriations heretofore made for the use of the Department of Public Safety, and fixing the time when the same shall take effect.

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 \$1,000 from the appropriation account designated as "Fire Force Pay-Roll" to the account designated as "Repairs to Buildings," and the sum of \$500 from the account designated as "New Apparatus" to the account designated "Repairs to Apparatus," all being in the Fire Force accounts

of the appropriations heretofore made to the Department of Public Safety.

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

By Board of Public Works:

General Ordinance No. 72—1904: An ordinance approving a certain contract granting King & Geran the right to lay and maintain a side-track or switch from C., C., C. & St. L. Ry. across Douglass street and first alley west of Douglass street, according to blue print attached, in the City of Indianapolis, Indiana.

*Whereas*, heretofore, to-wit: on the 7th day of September, 1904, King & Geran 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: We respectfully petition your honorable Board for the passage of a resolution providing for a switch or siding across Douglass street, as more particularly described in the plat submitted herewith, and the first alley west of Douglass street in the City of Indianapolis.

Respectfully submitted,

KING & GERAN.

*Now, therefore.* This agreement, made and entered into this 7th day of September, 1904, by and between King & Geran 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 across Douglass street and the first alley west of Douglass street in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in the intersection of the center line of said R. R. switch or siding with the east line of Douglass, the said point being 143 feet north of the north line of the first alley north of Market street; thence with a curve line in a southwesterly direction to a point in the west line of Douglass street, the said point being 131½ feet north of the north line of the first alley north of Market street; also beginning at a point in the intersection of the center line of said switch or siding with the east line of the first alley west of Douglass street, the said point being 83 feet north of the north line of the first alley north of Market street; thence with a curve line in a southwesterly direction to a point in the west line of the first alley west of Douglass street the said point being 80 feet north of the north line of the first alley north of Market street, 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 herein-after set forth, to-wit:

(1) The main track of what is known as the horn switch and the proposed track and switch across Douglass street shall be constructed

upon wooden bents at such grade that the headroom shall be at least ten and one-half (10½) feet clear of all obstructions. Said party of the second part consents that in securing said headroom the street may be depressed, not to exceed fifteen (15) inches from its present grade, all at the expense of the party of the first part, and it is further agreed by said party of the first part that the bents shall be located at or near the curb line and that there shall be a space for roadway clear of all obstructions of at least twenty (20) feet. Should the party of the first part depress the street as heretofore provided, then proper provision must be made for drainage of said depression into the sewer in said Douglass street, under the supervision and to the entire satisfaction and approval of the Board of Public Works. The said track shall be raised or lowered to conform to any grade that may hereafter be established, whenever ordered in writing by said Board and shall be made to conform in all respects to any ordinance passed by the Common Council or with any Resolutions passed by the said Board for any elevation or depression of said tracks.

(2) 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.

(3) The party of the first part agrees to make said track water tight 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.

(4) 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.

(5) 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 Douglass street and first alley west of Douglass 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 7th day of September, 1904.

Witness:

KING & GERAN,  
Party of the first part.  
D. J. Geran.

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 the Committee on Railroads.

By \_\_\_\_\_

General Ordinance No. 73—1904: An ordinance amending Section 148 of General Ordinance No. 34 in effect June 20, 1904, and generally known as the "Building Ordinance."

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That Section 148 of General Ordinance No. 34, 1904, generally known as the "Building Ordinance" be and the same is hereby amended so as to read as follows:

It shall be unlawful to repair or alter any frame dwelling within the fire limits of the City of Indianapolis if in the opinion of the Inspector of Buildings such dwelling has been damaged from any cause to the extent of sixty (60) per cent. of the cost of a similar new dwelling, and any such dwelling shall be torn down and removed, if in a dangerous condition, when so ordered by the Inspector of Buildings.

Repairs on frame buildings, within the fire limits, may be made involving the substitution of material or work, made necessary by ordinary wear and tear, but no alteration or change in plan or size of such structure shall be made or other changes, which may involve the use or uses other than that for which the structure was originally intended.

*Provided, however*, That outside the following boundaries, beginning at the intersection of North and West streets; thence south with the center line of West street to South street; thence east on South street to Senate avenue; thence south on Senate avenue to Merrill street; thence east on Merrill street to East street; thence north on East street to North street; thence west on North street to place of beginning, and within the present fire limits as defined in Section 146, General Ordinance No. 34, frame dwelling houses may be repaired, altered, remodeled or new dwelling houses erected according to the provisions of said ordinance for the repair, alteration, remodeling and erection of new dwelling houses in other parts of Indianapolis.

*Provided, further, however*, That no frame buildings shall be erected

within less than one hundred and fifty feet from the property line of Massachusetts and Virginia avenues.

Sec. 2. 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.

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

By Mr. Rhodes:

General Ordinance No. 74—1904: An ordinance fixing the compensation of the Assistant Building Inspector.

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 an Assistant Building Inspector.

Section 1. *Now, therefore*, Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Assistant to the Building Inspector shall receive a salary at the rate of \$1,200 per annum payable monthly.

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 Fees and Salaries.

By Mr. Fishback:

General Ordinance No. 75—1904: An ordinance amending Section 204 of General Ordinance No. 34, 1904.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 204 of General Ordinance No. 34, 1904, being "an ordinance 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," be amended so as to read as follows, to-wit:

Section 204. Every theater, opera-house, or building now or hereinafter erected for theatrical, operatic or for any public amusement, or any building remodeled for the aforesaid purposes in Indianapolis, Indiana, shall have all entrances for patrons front upon a public street and not upon an alley, and in such buildings above mentioned there shall be suitable means of entrances and exists for the audience to and from each floor, balcony and gallery.

Sec. 2. This ordinance shall take effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel, a newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

## MISCELLANEOUS BUSINESS.

Mr. Eppert moved that General Ordinance No. 68, 1904, be taken from the Committee on Public Safety and Comfort and referred to the Committee on Contracts and Franchises.

Mr. Rhodes called for the ayes and noes.

The Clerk called the roll:

Ayes, 12, viz.: Messrs. Cottey, Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Storm, Sullivan, Wahl, Wolsiffer.

Noes, 8, viz.: Cooper, Fishback, Murray, Rhodes, Shea, Uhl, Wright and President James H. Billingsley.

Mr. Cooper, Chairman of the Committee on Public Safety and Comfort returned General Ordinance No. 68, 1904 to the Clerk, who, in turn, handed said Ordinance to Mr. Crall, Chairman of the Committee on Contracts and Franchises.

By Mr. Rhodes:

Resolution No. 6—1904:

Mr. President: *Whereas*, Mr. Thomas W. Palmer, draughtsman, has presented this Common Council and the City of Indianapolis with a corrected to date wall copy of his official street and alley map of said city; therefore,

*Be It Resolved*, That said Common Council, on behalf of the City of Indianapolis, does hereby accept said map, and tenders its thanks to Mr. Palmer therefor. And be it further

*Resolved*, That said map shall hereafter be known as the official street and alley map of the City of Indianapolis.

W. A. RHODES,  
Chairman of Committee on Streets and Alleys.

INDIANAPOLIS, IND., June 1, 1904.

To the President and Members of the Common Council:

Gentlemen: The Map of Indianapolis, which I presented the Honorable Common Council on October 5, 1903, and which was accepted by Council (Res. 12—1903), has been corrected up to and including May 9, 1904, according to agreement, with over 300 corrections, as follows:

Sixty-eight (68) new additions and sub-division plats.

Forty-six (46) vacation and opening plats.

One hundred and eighty-six (186) street and alley corrections.

Three (3) street names changed.

This map is now very valuable to the City of Indianapolis, as all the streets, alleys and names of streets and alleys are correct in every detail; also the present corporation lines.

It should be made the official map of Indianapolis, as there are a great many new additions recorded daily, changing the names of our



permanent streets, and the city and county officials are having a great deal of trouble with same.

The Board of Public Works approved said map on September 9, 1903, and made it the official map.

I will also suggest the changing of the street names enclosed herewith, so there may be long continuous thoroughfares through the City of Indianapolis. Yours very respectfully.

THOS. W. PALMER,  
County Draughtsman.

INDIANAPOLIS, IND., June 1, 1904.

To the President and Members of the Common Council:

Gentlemen: There has long been need of a reliable map, corrected from time to time as new streets are added and old ones are changed, showing all the streets of Indianapolis. Such a map Mr. T. W. Palmer has prepared, and he is specially competent to keep the same corrected up to date. Because of his thorough knowledge of the streets of Indianapolis, and his indisputable records as to the same, we approve his map and recommend that the same be made the official street and alley map of the City of Indianapolis, thus giving all certainty and uniformity.

*Respectfully,*

B. J. T. JEUP,  
City Civil Engineer.  
JAS. B. NELSON,  
Ex-City Civil Engineer.  
M. L. JEFFERSON,  
Township Assessor.  
H. W. KLAUSMANN,  
County Surveyor.

Which was read.

Mr. Rhodes moved the adoption of Resolution No. 6.

The Clerk called the roll:

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

Noes, none.

By Mr. Rhodes:

Resolution No. 7.

*Resolved,* That the City Council Committee on Public Safety and Comfort be and are hereby instructed to prepare an ordinance or ordinances providing for such safety gates, watch towers or flagmen at any and all railroad crossings within the city limits, where they may be deemed necessary, and that the members of this Council be requested to furnish to said Committee a list of all crossings within their respective wards where such safety gates, towers or flagmen may be necessary and that said Committee be instructed to report said ordinance or ordi-

nances to this Council at the earliest possible moment for its action thereon.

Which was read.

Mr. Rhodes moved the adoption of Resolution No. 7.

The Clerk called the roll:

Ayes, 19, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.  
Noes, 1, viz.: Shea.

The communication from the Mayor relative to "Indianapolis Day" at the World's Fair, was read again at the request of Mr. Wahl.

Mr. Shea moved that a committee of five be appointed to act in accordance with the communication. Carried.

The Chair appointed Messrs. Uhl, Murray, Linus, Shea, Moriarity.

#### ORDINANCES ON SECOND READING.

Mr. Gasper called for Appropriation Ordinance No. 15, 1904, for second reading. It was read a second time.

Mr. Gasper moved that report of committee be amended to read in totals, "\$6,969.50" instead of "\$7,969.50". Carried.

Mr. Gasper moved that Appropriation Ordinance No. 15, 1904, be amended as recommended by the committee. Carried.

Mr. Gasper moved that Appropriation Ordinance No. 15, 1904, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 15, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 17, 1904 for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 17, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 17, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 20, 1904, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 20, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 20, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for General Ordinance No. 59, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 59, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 59, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 16, 1904, for second reading. It was read a second time

Mr. Gasper moved that Appropriation Ordinance No. 16, 1904, be amended as recommended by committee. Carried.

Mr. Gasper moved that Appropriation Ordinance No. 16, 1904, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 16, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for General Ordinance No. 60, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 60, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 60, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Gasper called for General Ordinance No. 48, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 48, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 48, 1904, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Sullivan, Wolsiffer and President James H. Billingsley.

Noes, 5, viz.: Messrs. Shea, Storm, Uhl, Wahl, Wright.

Mr. Gasper called for General Ordinance No. 35, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 35, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 35, 1904, was read a third time and passed by the following vote:

Ayes, 12, viz.: Messrs. Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Storm, Sullivan, Wahl, Wolsiffer and President James H. Billingsley.

Noes, 8, viz.: Messrs. Cooper, Cottey, Fishback, Murray, Rhodes, Shea, Uhl, Wright.

Mr. Crall asked to change his vote from "Aye" to "No"

Mr. Cooper called for General Ordinance No. 57, 1904, for second reading. It was read a second time.

Mr. Cooper moved that General Ordinance No. 57, 1904, be amended as recommended by the committee. Carried.

Mr. Cooper moved that General Ordinance No. 57, 1904, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 57, 1904, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Cottey called for General Ordinance No. 66, 1904, for second reading. It was read a second time.

Mr. Cottey, moved that General Ordinance No. 66, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No 66, 1904, was read the third time and passed by the following vote:

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

Noes, none.

On motion of Mr. Moriarity, the Common Council, at 8:55 o'clock, P. M., adjourned.

*J. H. Birmingham*  
.....  
President.

ATTEST:

*W. M. Fogarty*  
.....  
City Clerk.

