

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
December 4, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 4, 1893, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 20 members, viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott and Young.

Absent, 1—viz: Mr. Allen.

The Clerk proceeded to read the Journal, whereupon Councilman Colter moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
November 28, 1893. }

To the President and Members of the Common Council:

GENTLEMEN—I have approved the following ordinances passed by your honorable body at its last session, viz:

- G. O. No. 56, of 1893. To change the name of Young street.
- G. O. No. 57, of 1893. To establish stands for express wagons.
- G. O. No. 59, of 1893. To repeal the Plumbing Inspector ordinance.
- G. O. No. 60, of 1893. To tax pawnbrokers.
- G. O. No. 61, of 1893. To tax vehicles.
- G. O. No. 62, of 1893. To amend Section 13 of the peddlers' ordinance.
- G. O. No. 66, of 1893. To require "Big Four" R'y Co. to maintain a flagman at First-street crossing.
- G. O. No. 67, of 1893. To approve contract with "Big Four" R'y Co. concerning new tracks across Leota and other streets, etc.
- G. O. No. 71, of 1893. To provide a city seal.

Respectfully submitted,
C. S. DENNY,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

The following communication was received from the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, November 27, 1893. }

Hon. W. H. Cooper, President Common Council, City:

DEAR SIR—We have been requested to have the Council proceedings of 1892 and the first nine months of 1893 indexed. We desire to ask your honorable body whether you consider the indexing of the Council proceedings a part of the official duty of the City Clerk, or do you consider the indexing of your proceedings outside work—work to be done by the City Clerk, or other person, and for which he is to receive extra compensation.

The former Board wrestled with this question for some time and finally paid \$300 extra for indexing. In the opinion of this Board it belongs to the “incidentals” of the Clerk’s office. See page 24, City Charter.

Very respectfully,

J. A. WILDMAN,
ANDREW KRAMER,
F. J. MEYER,
Board of Public Works.

Which was read and referred to the Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred

App. O. No. 16, 1893. An ordinance appropriating the sum of seven hundred and twenty dollars to the use of the Department of Public Works, as a fund for additional clerical services, and to transfer the sum so appropriated from the printing and advertising fund of said department heretofore appropriated, to said fund for additional clerical services, and fixing the time when same shall take effect.

Made the following report:

Mr. President:

Your Committee on Finance, to whom was referred App. O. No. 16, 1893, beg leave to report that we have had the same under consideration and would respectfully recommend it be passed.

HENRY RAUH.
J. R. ALLEN.
GEO. R. COLTER.
CHARLES KRAUSS.
ED. G. STOTT.
GEO. MERRITT.
JAS. H. COSTELLO.

Which was read and concurred in.

Mr. Colter, on behalf of the minority of Committee on Finance, to whom was referred

G. O. No. 55, 1893. An ordinance to increase the public revenue of the City of Indianapolis, Indiana, by requiring all retail dealers in intoxicating liquors to obtain and pay for license therefor; fixing the license fee to be paid to the City of Indianapolis by all persons hereafter or heretofore acquiring license from the Board of Commissioners of Marion county, Indiana, and from all other persons, to sell intoxicating liquors in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof; defining the terms "intoxicating liquors" and "retailer;" providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

Made the following report:

To the President and Members of the Common Council:

GENTLEMEN—The undersigned, a minority of your Finance Committee, to whom was referred G. O. No. 55, 1893, providing for the raising of revenue for the City of Indianapolis, have carefully examined the same, and believing that luxuries should be taxed as the law contemplates, and also believing by this ordinance that the law can be fully enforced and by which enforcement the revenues of the city can be largely increased, and we herewith recommend the same be adopted.

GEO. R. COLTER.
JAS. H. COSTELLO.

Mr. Rauh, on behalf of the majority of Committee on Finance, to whom was referred

G. O. No. 55, 1893. An ordinance to increase the public revenue of the City of Indianapolis, Indiana, by requiring all retail dealers in intoxicating liquors to obtain and pay for license therefor; fixing the license fee to be paid to the City of Indianapolis by all persons hereafter or heretofore acquiring license from the Board of Commissioners of Marion county, Indiana, and from all other persons, to sell intoxicating liquors in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof; defining the terms "intoxicating liquors" and "retailer;" providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

Made the following report:

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 55, 1893, beg leave to report that we have had the same under consideration and would respectfully recommend it not to pass.

HENRY RAUH.
CHARLES KRAUSS.
ED. G. STOTT.
GEO. MERRITT.

Mr. Colter moved the adoption of the minority report as a substitute for the majority report.

Which motion was lost.

Mr. Rauh then moved the adoption of the majority report.

Which motion prevailed.

Mr. Puryear, on behalf of the Committee on Public Morals, to whom was referred

G. O. No. 64, 1893. An ordinance governing the conduct of boot-blacks and newsboys in the City of Indianapolis, providing a penalty for the violation thereof, and providing for the publication of the same.

Made the following report :

To the President and Members of the Common Council :

GENTLEMEN—Your Committee on Public Morals, to whom was referred G. O. No. 64, 1893, have had the same under consideration, and having some doubts as to its validity, referred the same to the City Attorney for his opinion, and which is hereto attached and made a part of this report. Your committee concur in the views of the City Attorney, and do hereby recommend that said G. O. No. 64, 1893, be stricken from the files.

JOHN A. PURYEAR,
P. J. RYAN,
WM. KAISER,
Committee on Public Morals.

INDIANAPOLIS, December 4, 1893.

Hon. John A. Puryear, Chairman Committee on Morals :

SIR—I have examined pending ordinance No. 64, 1893, governing the conduct of boot-blacks and newsboys, etc., referred to me by you.

I am of the opinion that said ordinance will not be valid if passed, for the reason there is no authority vested in the Council by the City Charter to pass an ordinance governing the conduct of boot-blacks and newsboys as a class. They are subject to the general laws of the State, and ordinances of the city, but I do not think the Council can pass an ordinance specially relating to them as a class.

Respectfully,

J. E. SCOTT,
City Attorney.

Which was read and concurred in.

Mr. Koehring, on behalf of the Committee on Rules, to whom was referred recommendation changing rules of Common Council, in Section 10, offered the following motion :

Moved, That the words "to amend" in section ten (10) of the Rules be stricken out, and that any amendment to an ordinance shall be reduced to writing.

W. H. COOPER.
GEO. R. COLTER.
CHAS. KOEHRING

Which was read and passed by the following vote :

AYES 20—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Mr. Drew, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred

G. O. No. 68, 1893. An ordinance annexing certain territory to the City of Indianapolis.

And—

G. O. No. 69, 1893. An ordinance requiring peddlers to pay a license fee to the City of Indianapolis for the privilege of selling goods, wares and merchandise in and along the public streets and alleys of said city; defining who are peddlers within the meaning thereof, providing certain penalties for violations thereof and repealing all ordinances in conflict therewith.

Asked for further time.

Which was granted.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced:

By Mr. Merritt:

G. O. No. 72, 1893. An ordinance providing conditions under which persons, companies or corporations may open improved streets or alleys, for the purpose of laying water pipes, gas pipes, making sewer connections, repairing or making new railroads, or for any other purpose, and providing penalties for violation thereof.

SECTION 1. Any person, company or corporation wishing to open any improved street for any purpose shall make an application in writing to the Board of Public Works for a license to do so. Said application shall give the name of the street or alley, and the location where the opening is desired to be made, and the purpose for which it is to be opened, and shall state the maximum number of days they expect to keep it open; and said application shall also contain an agreement on the part of the applicant that he will close the opening and put the street in as good condition as it was before opening, all within the time named in such application.

SEC. 2. If the Board of Public Works shall decide that it is proper to grant such license they shall endorse such decision on the application and turn it over to the Comptroller, who shall, on the following conditions, issue the license when asked to do so.

SEC. 3. When the application is for the opening of any street or alley paved with brick or asphalt the applicant shall deposit with the Comptroller ten dollars for the first day of the opening and five dollars per day for the rest of the time named in the application, and also sign an agreement to pay the Comptroller ten dollars a day for every day that he keeps the street open beyond the time specified in the application, and for the purposes of this ordinance the street is to be considered open until it is made as good as before it was opened by the party to whom the license is given, which fact must be certified to by the City Engineer, whose duty it shall be to examine the same, either in person or by deputy, within a reasonable time after receiving written notice from the party opening the street that it is finished and report the facts to the Comptroller.

SEC. 4. When the Comptroller receives report from the City Engineer that the street is finished and in as good condition as before opening, he shall settle with the applicant, and if the street has not been kept open the full number of days named in the application he shall pay back to the applicant the surplus money deposited, over the ten dollars for the first day and five dollars for every subsequent day that the street was kept open, and if the street has been kept open more days than are named in the application the Comptroller shall proceed to collect the ten dollars per day for each extra day as agreed upon.

SEC. 5. For the opening of any street or alley improved with gravel, bowlders or macadamized the applicant shall proceed as provided in Sections 3 and 4, but only depositing five dollars for the first day and three dollars per day for the rest of the time named in the application, and also sign an agreement to pay to the

Comptroller, for the use of the city, five dollars per day for every day that he keeps the street open beyond the time specified in the application, after which he shall proceed and make final settlement as provided in Section 4.

SEC. 6. All money collected under this ordinance shall be used only for the maintenance and repair of the streets and alleys of the City of Indianapolis.

SEC. 7. Any person, company or corporation who shall cut into or open the pavement in any improved street without first procuring a license under this ordinance will be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding double the amount of license they would have paid if they had applied under this ordinance.

SEC. 8. This ordinance shall take effect and be in force from and after its passage and publication once each week for two successive weeks in the *Indianapolis Daily Sentinel*, a newspaper of general circulation printed and published in the City of Indianapolis, Marion county, Indiana.

Read first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Young :

G. O. No. 73, 1893. An ordinance to amend section four of G. O. No.—, 1880, in force March 1, 1880, being an ordinance entitled: "An ordinance declaring that all vehicles (except street railway cars) used in the transporting of persons and articles within the City of Indianapolis, for hire or pay, shall be deemed 'public vehicles;' establishing rules and regulations for the government of the owners, lessees, and drivers thereof; and prescribing fines and punishments for violations of its provisions;" providing for publication and fixing the time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That section four of G. O. No. —, 1880, being an ordinance entitled: "An ordinance declaring that all vehicles (except street railway cars) used in the transporting of persons and articles within the city of Indianapolis, for hire or pay, shall be deemed 'public vehicles;' establishing rules and regulations for the government of the owners, lessees, and drivers thereof; and prescribing fines and punishments for violations of its provisions," be and the same is hereby amended so as to read as follows:

Sec. 4. All public vehicle licenses shall hereafter expire on the last day of June, annually; and the owner or lessee of such public vehicle is hereby required to pay for each month or portion of a month which shall intervene between the date of applying for such license and the first day of July next thereafter ensuing, or for each month between the last day of June next preceding said date of application and the first day of July next thereafter, if such owner or lessee has been using such public vehicle since such last day of June, the license tax required by the following schedule, that is to say :

For four-horse omnibuses and tally-hos, and vehicles drawn by more than four horses, seventy-five cents for each month, or nine dollars per annum.

For two-horse omnibuses and tally-hos, fifty cents for each month, or six dollars per annum.

For two-horse hacks and like passenger vehicles, fifty cents for each month, or six dollars per annum.

For one-horse landaus, cabs, and like passenger vehicles, twenty-five cents for each month, or three dollars per annum.

For four-horse wagons, thirty-seven and one-half cents for each month, or four dollars per annum.

For two-horse wagon, twenty cents for each month, or two dollars per annum.

For one-horse wagon, twelve and one-half cents per month, or one dollar per annum.

For two-horse drays, twenty cents for each month, or two dollars per annum.

For one-horse drays, twelve and one-half cents for each month, or one dollar per annum.

In addition to the foregoing occupation license tax, the owner or lessee, as the case may be, shall pay to the City Comptroller the sum of twenty-five (25) cents on receiving the city license to him issued.

No extra occupation license tax shall hereafter be required from the owners or lessees of public vehicles usually denominated "express wagons" for occasional use in conveying persons to picnics, fairs, races and like gatherings.

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*, a daily newspaper of general circulation, printed and published in said City of Indianapolis, County of Marion, and State of Indiana.

Read first time and referred to the Committee on Judiciary.

By Mr. Young:

G. O. No. 74, 1893. An ordinance to tax and regulate the sale of produce in the City of Indianapolis, and to increase the public revenues of the City of Indianapolis, by requiring certain classes of dealers in certain produce, to obtain a license for dealing in said produce, providing for the obtaining of a license therefor, providing a penalty for the violation of the same, providing for publication and the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person or itinerant dealer to sell or offer for sale, barter, or exchange any car-load lot or any less quantity of fruit, vegetable or farm produce, butter, eggs, game, or poultry, contained in any railroad car or in any railroad freight depot or ware-house within the City of Indianapolis, Indiana, without first having obtained an annual license from the City Comptroller so to do, as hereinafter provided.

Provided, however, That the provisions of this ordinance shall not apply to any farmer, gardener, fruit or vine grower engaged in selling the produce of his farm, garden, orchard, or vineyard from their wagons or stands in the markets, nor to any commission merchant having a store-house and established place of business.

SEC. 2. Before any person is permitted to sell or offer for sale, barter, or exchange any car-load lot or any less quantities of fruit, vegetable, or farm produce, butter, eggs, game, or poultry, contained in any railroad car or in any railroad freight depot or ware-house within the City of Indianapolis, Indiana, he shall pay to the City Treasurer for the use of said city the sum of two hundred dollars, and upon the presentation of the City Treasurer's receipt for that amount to the City Comptroller, said Comptroller shall issue to such person a city license for the period of one year.

SEC. 3. Any person who shall sell or offer for sale, barter or exchange any car-load lot or any less quantity of fruit, vegetable, or farm produce, butter, eggs, game, or poultry, contained in any railroad car or in any railroad freight depot or ware-house within the City of Indianapolis, Indiana, without having first obtained a license so to do, as provided in the preceding section of this ordinance, shall upon conviction, be fined in any sum not less than twenty-five dollars or more than one hundred dollars.

SEC. 4. 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, County of Marion, and State of Indiana.

Read first time and referred to the Committee on Sewers, Streets and Alleys.

ORDINANCES ON SECOND READING.

On motion of Mr. Rauh, the following entitled ordinance was taken up, read a second time, ordered engrossed and then read the third time:

App. O. No. 16, 1893. An ordinance appropriating the sum of seven hundred and twenty dollars to the use of the Department of Public Works, as a fund for additional clerical services, and to transfer the sum so appropriated from the printing and advertising fund of said department heretofore appropriated, to said fund for additional clerical services, and fixing the time when same shall take effect.

And was passed by the following vote:

AYES 20—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young, and President Cooper.

NAYS—None.

On motion of Mr. Rauh, the following entitled ordinance was read the second time:

G. O. No. 65, 1893. An ordinance designating the license fee to be paid to the City of Indianapolis by distilleries and breweries, and the depots or agencies in said city of all breweries and distilleries, and all wholesale dealers in malt liquors in said city; providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

Mr. Rauh offered the following amendments to G. O. No. 65, 1893:

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 65, submit the following amendment: To strike out Section 1 and to substitute Section No. 1 agreed on by your committee. Also to amend Section 3 by striking out the words "after malt liquor" up to "who shall violate," and the section so amended to read as follows: "Section 3—Any person or persons, firm, company or corporation carrying on a distilling or brewing business in said city, or the owners or managers of the depots or agencies of any brewing or distilling business, or any wholesale dealer or dealers in malt liquor who shall violate any of the provisions of this ordinance, shall, upon conviction, be fined in any sum not exceeding one hundred (\$100.00) dollars, and each day's continuation in violation of this ordinance shall constitute a separate offense.

And after so amended would respectfully recommend it be passed.

HENRY RAUH,
ED. G. STOTT,
GEO. R. COLTER,
GEO. MERRITT,
CHARLES KRAUSS,
JAMES H. COSTELLO,
Committee.

Which amendments were adopted.

On motion of Mr. Rauh, G. O. No. 65, 1893, was ordered engrossed, read the third time, and passed by the following vote:

AYES 20—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Colter, the following entitled ordinance was taken up, read a second time and ordered engrossed :

G. O. No. 55, 1893. An ordinance to increase the public revenue of the City of Indianapolis, Indiana, by requiring all retail dealers in intoxicating liquors to obtain and pay for license therefor; fixing the license fee to be paid to the City of Indianapolis by all persons hereafter or heretofore acquiring license from the Board of Commissioners of Marion county, Indiana, and from all other persons, to sell intoxicating liquors in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof; defining the terms "intoxicating liquors" and "retailer;" providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

Which was lost by the following vote:

AYES 5—viz: Messrs. Colter, Costello, Hennessy, O'Brien and Ryan.

NAYS 15—viz: Messrs. Drew, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

On motion of Mr. Young, G. O. No. 55 was then ordered stricken from the files.

Which motion was adopted by the following vote:

AYES 15—viz: Messrs. Drew, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS 5—viz: Messrs. Colter, Costello, Hennessy, O'Brien and Ryan.

On motion of Mr. Young, the Common Council, at 8:45 o'clock P. M., adjourned.

H. H. Cooper

President.

ATTEST:

Lee Nixon

City Clerk.