

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
June 4, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 4, 1894, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 18 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer and Young.

Absent, 2—viz: Messrs. Stein and Stott.

The Clerk proceeded to read the Journal, whereupon Councilman Krauss 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,
May 26, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—At the regular monthly meeting of the Heads of Departments, held on the 25th inst., the Comptroller presented a report, showing that the hay market is at present being maintained at an actual loss to the city, amounting to about thirty-seven dollars a month. It was also stated that certain scales are now being maintained by individuals in the city without paying any license for the privilege. After a full discussion of said matters, it was decided by the conference that your honorable body be asked to pass an ordinance increasing the fee to be charged by the Weighmaster from ten to fifteen cents per load, and requiring all persons maintaining private scales for the weighing of hay, corn or other merchantable products, to take out a license, paying a reasonable fee therefor.

I respectfully submit said action for your consideration.

C. S. DENNY,
Mayor.

Which was read and referred to Committee on Finance.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
May 26, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—At the regular monthly meeting of the Heads of the City Departments, held in my office on the evening of the 25th inst., the following motion was unanimously adopted :

“*Moved*, That it is the sense of the members of this conference, that the Common Council should, at an early day, carefully consider the question of specially taxing such corporations and occupations referred to in Section 23 of the city charter as have not heretofore been taxed, and that said Council should impose such an annual tax or license upon said corporations and occupations as may be fair and equitable in each individual case, to the end that the spirit of the charter may be carried out, and that an increase of the tax levy of past years may not be rendered necessary.”

I hereby respectfully submit said action to your honorable body for your consideration and action.

C. S. DENNY,
Mayor.

Which was read and referred to Committee on Finance.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
May 31, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I have approved the following ordinances passed by your honorable body at the session held on the 21st inst., viz :

- G. O. No. 36, of 1894. An ordinance approving a certain contract granting Frank Mummenhoff the right to lay and maintain a side-track across Alabama street at a point 130 feet south of Maryland street.
- G. O. No. 37, of 1894. An ordinance providing for the change of the name of Tennessee street to Capitol avenue.
- G. O. No. 40, of 1894. An ordinance amending Sections 1 and 2 of an ordinance authorizing the sale of personal property belonging to the city, etc., approved April 2, 1894.
- G. O. No. 41, of 1894. An ordinance approving the appraisalment and contemplated sale of certain personal property belonging to the City of Indianapolis, and authorizing the sale of such property.
- App. O. No. 7, of 1894. An ordinance appropriating the sum of \$6,000 for the use of the Department of Law for the payment of judgments, compromises and costs.

I have also approved Resolution No. 10, of 1894, naming the Inspectors and Judges for the approaching election for School Commissioners, adopted at your last session.

Respectfully submitted,

C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE.

OFFICE OF CITY COMPTROLLER,

INDIANAPOLIS, IND., June 4, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I would respectfully ask the passage of an ordinance authorizing the making of temporary loans, from time to time, in such amounts as may be needed to meet current expenses before the receipt of the second installment of taxes of 1893.

Respectfully submitted,
P. C. TRUSLER,
City Comptroller.

Which was read and referred to Committee on Finance.

REPORTS FROM OFFICIAL BOARDS.

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

INDIANAPOLIS, IND., May 29, 1894.

To the Board of Public Works of the City of Indianapolis, Ind.:

GENTLEMEN—We are in receipt of yours of the 28th inst., with reference to the revision of the ordinances of the City of Indianapolis, and our charges therefor. In answer permit us to say:

We have gone through all of the original manuscript copies of all ordinances of Indianapolis since its first records as a town organization, and have carefully compared every ordinance with every other ordinance subsequently passed up to the present time.

We estimate the book will contain from 800 to 1,000 pages, according to the size of page and type used.

We have compiled all of the laws that affect this city exclusively as well as the ordinances, including the school city of Indianapolis; have also secured a full list, so far as can be found, of all the officers of the Town and City of Indianapolis, with their terms of service, including members of the Council and Board of Aldermen, and officers under the present charter up to the present time.

We have also examined the proceedings of the Council and have included such resolutions, in addition to ordinances, as directly affect the ordinances compiled.

In addition, we have prepared a cross-referring index to both the laws, including the charter, and the ordinances of the city.

Our charges will cover proof-reading, paging and the preparation of either marginal or head notes throughout the entire book. Either marginal or head notes we believe to be desirable, as they greatly aid speedy reference to the point desired.

It has been necessary to have and we have had a clerk to assist in the work, and have advanced him about \$200.

We have devoted a great deal of time and work to this revision of the ordinances, and for all the work done we believe that \$3,500 for the commission, including clerical hire, is a very reasonable charge, and this amount we have fixed upon as our charge for the entire revision. This shall include the aforesaid proof-reading, paging and preparation of marginal or head notes.

Yours respectfully,

J. E. McCULLOUGH.

WM. L. TAYLOR.

JOHN W. KERN.

INDIANAPOLIS, IND., May 31, 1894.

Respectfully referred to the Chairman of the Finance Committee of the Common Council, City of Indianapolis.

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

Which was read and referred to Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

G. O. No. 22, 1894. An ordinance to license, tax and regulate the selling or giving away of any spirituous, vinous, or malt liquors in the City of Indianapolis, Indiana, or outside of said city, but within four miles of the corporate limits thereof, and matters connected therewith; fixing the license fee to be paid to said City of Indianapolis by all persons hereafter or heretofore acquiring licenses from the Board of Commissioners of Marion County, Indiana, to sell spirituous, vinous or malt liquors in the City of Indianapolis or outside of the City of Indianapolis, but within four miles of the corporate limits thereof; defining the term "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:

INDIANAPOLIS, IND., June 1, 1894.

Mr. President:

Your Committee on Finance, who have had under consideration G. O. No. 22, also the amendments proposed by the City Attorney, recommend that the ordinance and the amendments proposed, be stricken from the files.

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

Which was read.

Mr. Merritt, on behalf of the minority of Committee on Finance, to whom was referred G. O. No. 22, 1894, made the following report:

To the President and Members of the Common Council:

GENTLEMEN—A minority of your Committee on Finance, to whom was referred G. O. No. 22, 1894, with amendments recommended by our City Attorney, respectfully recommend that the amendments be adopted and the ordinance as amended be passed. The City Attorney, in his report, says: "There is need of a new ordinance; there has been no general ordinance passed on the subject since the adoption of the present charter, which extends the jurisdiction of your body to four miles beyond the city limits, the old ordinance being based upon the two-mile limit."

GEO. MERRITT.
J. R. ALLEN.

Which was read.

Mr. Merritt moved that the minority report be substituted for the majority report.

The ayes and nays being called for, the motion was lost by the following vote:

AYES 8—viz: Messrs. Allen, Kaiser, Koehring, Merritt, Murphy, Puryear, Young and President Cooper.

NAYS 11—viz: Messrs. Colter, Costello, Drew, Hennessy, Krauss, Magel, O'Brien, Rauh, Ryan, Schmid and Shaffer.

Mr. Rauh moved the adoption of the majority report.

Which motion prevailed.

Mr. Young, on behalf of the Committee on Railroads, to whom was referred:

G. O. No. 39, 1894. An ordinance approving a certain contract, granting the Terre Haute and Indianapolis Railroad Company the right to lay and maintain two switches or side-tracks across Pennsylvania street, immediately north of the tracks of the Indianapolis Union Railway, in the City of Indianapolis, under certain terms and conditions.

Made the following report:

INDIANAPOLIS, June 4, 1894.

Mr. President:

Your committee to whom was referred General Ordinance No. 39, 1894, beg to report that they have considered the same and recommend that it be passed.

Respectfully submitted,

A. A. YOUNG.
THEODORE STEIN.
P. J. RYAN.

Which was read and concurred in.

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

G. O. No. 38, 1894. An ordinance to regulate the making of private connections with sewer, gas and water pipes, and to compel owners of property to bring such connections inside of the curb of streets before permanent improvement thereof, and in default of the owners making such connections, to authorize the city to do so at the owner's expense, and matters connected therewith; providing a penalty for the violation thereof; providing for publication and fixing the time when the same shall take effect.

Asked for further time.

Which was granted.

APPROPRIATION ORDINANCES.

Under this order of business the following ordinance was introduced:

By Mr. Rauh :

App. O. No. 8, 1894. An ordinance authorizing the City Comptroller to make a temporary loan or loans in anticipation of the revenue for the current year to be derived from the settlement of the City Treasurer, on the first Monday in November, 1894.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be and he hereby is authorized and empowered to negotiate a temporary loan or loans in anticipation of the revenue of said city for the current year, which will be derived by the city from the settlement of the City Treasurer on the first Monday in November, 1894, for any sum or sums, not exceeding in the aggregate one hundred and fifty thousand dollars, maturing not later than the 5th day of November, 1894, and at a rate of interest not exceeding eight per cent. per annum. The said loan or loans to be made from time to time as in the opinion of the City Comptroller the necessities of the city may require, and the Mayor and City Comptroller are hereby authorized and directed to execute the proper bonds or obligations of the said city for the amount so borrowed, and for the payment of such bonds or obligations the faith of said city is hereby irrevocably pledged.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced :

By Mr. Rauh :

G. O. No. 42, 1894. An ordinance to amend the title and first three sections of an ordinance entitled "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," passed by the Common Council of the City of Indianapolis December 4, 1893, and approved by the Mayor of said city on the 8th day of December, 1893.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, in the State of Indiana, That the ordinance entitled "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," passed by the Common Council of said city on December 4, 1893, and approved by the Mayor of said city on December 8, 1893, be and the same is hereby amended by striking from said title and said first three sections of said ordinance, and every part thereof, all language and every phrase which makes said ordinance apply to wholesale dealers in malt liquors, so that the title and first three sections of said ordinance as amended shall read as follows:

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; 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.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person or persons, firm, association, company or corporation to establish, conduct or maintain in said city, any brewery, distillery or the depot or agency of any brewery or distillery, without first paying the license fee or fees as hereinafter provided. Every person or persons, firm, association establishing, conducting or maintaining in said city a brewery or breweries, distillery or distilleries, depot or depots, or agency or agencies of breweries or distilleries, shall pay to the said city the sum of one thousand dollars for each such brewery, distillery, depot or agency so established, conducted or maintained, which said sum of one thousand dollars shall be the annual city license fee to be charged for each such brewery, distillery, depot or agency. On payment of said sum of one thousand dollars the applicant for such license shall present the receipt therefor to the City Comptroller of said city, and such Comptroller shall thereupon issue to such applicant a license to establish, conduct and maintain such brewery, distillery, depot or agency, as the case may be, for one year from such time, which license shall designate the place where such brewery, distillery, depot or agency is to be established, conducted or maintained, and shall be signed by the Mayor of the city.

SEC. 2. Said City Comptroller shall keep a register of the names of every person or persons, firm, company, corporation, depot or agency receiving from said city such license, with the date when issued and the expiration of the same, for which services a Comptroller's fee of one dollar shall be paid by the person receiving such license.

SEC. 3. Any person or persons, firm, company or corporation, carrying on a distillery or brewery business in said city or the owners or managers of the depots or agencies of any brewery or distillery business, who shall violate any of the provisions of this ordinance, shall, upon conviction, be fined in any sum not exceeding one hundred (100) dollars, and each day's continuation in violation of this ordinance shall constitute a separate offense.

SEC. 2. The foregoing amendment of said ordinance shall not in any wise be construed as a repeal thereof except as to the particular matters wherein the same is hereby amended, and all provisions in said amended ordinance as set forth in section one hereof, shall be deemed and considered as having been in force from the time said ordinance took effect.

SEC. 3. All ordinances or parts of ordinances in conflict with said ordinance approved December 8, 1893, as hereby amended are hereby repealed.

SEC. 4. This ordinance shall be in effect from and after its passage.

By Mr. Magel:

G. O. No. 43, 1894. An ordinance in relation to the eastern extension of Miami street, and the changing the name thereof.

WHEREAS, East Miami street does not connect with the notorious Miami alley in the center portion of the city by a distance of nearly five blocks; and,

WHEREAS, There is no possibility of its ever being extended west of Preston street, its present beginning; and,

WHEREAS, FURTHER, That the intervening ground now built up has never been platted, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Ind., That the street now known as Miami street, and extending from Preston street east, be and shall hereafter be known as Marlowe avenue.

SEC. 2. The City Engineer shall furnish the property owners the proper numbers for the numbering of the houses on said street as now established and named.

Which was read first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Schmid:

G. O. No. 44, 1894. An ordinance providing for the change of the name of John street to Norman avenue, 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 name of John street running from Lexington avenue south to the second alley south of Prospect street, is hereby changed to Norman avenue.

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

Which was read first time and referred to Committee on Sewers, Streets and Alleys.

By Mr. Cooper:

G. O. No. 45, 1894. An ordinance defining the fire limits in the City of Indianapolis, and the character of buildings which are forbidden to be erected within such limits, and matters connected therewith.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the fire limits in said City of Indianapolis shall be all that territory bounded as follows: Commencing at the intersection of Michigan and Missouri streets, thence south on Missouri street to New York street, thence west on New York street to Blake street, thence south on Blake street to the Old National Road, thence west on the Old National Road to the east bank of White River, thence south along the east bank of White River, following the meanderings of said stream to the Vandalia Railroad tracks, thence east on the Vandalia Railroad tracks to West street, thence south on West street to Merrill street, thence east on Merrill street to a point in a line parallel with the southwest property line of Virginia avenue and two hundred (200) feet southwest from said property line, thence southeast on said line parallel with the southwest property line of Virginia avenue and two hundred (200) feet from and southwest of said property line to Morris street, thence east on Morris street to Dillon street, thence north on Dillon street to a point in a line parallel with the northeast property line of Virginia avenue and two hundred (200) feet from and northeast of said property line, thence northwest on said line parallel with the northeast property line of Virginia avenue and two hundred (200) feet from and northeast of said property line to Noble street, thence north on Noble street to the tracks of the Pennsylvania Railroad Company, thence east along said tracks to State avenue, thence north on State avenue to Market street, thence west on Market street to Noble street, thence north on Noble street to Michigan street, thence west on Michigan street to a point in a line parallel with the southeast property line of Massachusetts avenue and two hundred (200) feet from and southeast of said property line, thence northeast along said line parallel with the southeast property line of Massachusetts avenue and two hundred (200) feet from and southeast of said property line to the railroad tracks at the Massachusetts Avenue Depot, thence north along said railroad tracks to a point in a line parallel with the northwest property line of Massachusetts avenue and two hundred (200) feet from and northwest of said property line, thence southwest along said line two hundred (200) feet from and northwest of said property line and parallel with said property line to Michigan street, thence west on Michigan street to the place of beginning.

It shall hereafter be unlawful for any person to erect, assist in erecting or cause to be erected, within the fire limits defined above, any building whatsoever unless the outer walls thereof are composed of brick or stone, and unless the roof thereof is fire-proof; *Provided, however,* That this section shall not apply to privies less than ten feet high. It shall also be unlawful for any person to alter or repair, or assist in altering or repairing, or cause to be altered or repaired, any frame or wooden building now erected within the fire limits aforesaid, when the amount required to alter or repair the same shall exceed the sum of three hundred dollars. It shall be the duty of the Chief Engineer of the Fire Department, as well as the Building Inspector, whenever any building is in course of erection, or has been fully erected, or whenever any building is being altered or repaired, in violation of any provis-

ions contained in this section, to make complaint thereof before the Judge of the Police Court of said city, and any citizen of said city may make such complaint; and upon such complaint being made by either of said officers, or by any such citizen, said Police Judge shall issue a warrant for the arrest of such person so offending. Any person violating any provision of this section shall, upon conviction, be fined in any sum not exceeding one hundred dollars; and each day that workmen are employed on such building shall constitute a separate offense, and each day any such building when completed, is allowed to remain standing, shall constitute a separate offense. In addition to such penalty, the Police Judge may include, in his judgment, an order that such person, if he be the owner of said building, shall immediately tear down and remove said building, and if such building is not promptly torn down and removed in obedience to such order, the Board of Public Works may tear down and remove such building, or cause the same to be torn down and removed, and the expense thereof shall be paid to said city by the owner of such building.

SEC. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SEC. 3. 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 Sun*, a daily newspaper of general circulation printed and published in said City of Indianapolis.

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

MISCELLANEOUS BUSINESS.

Mr. Young moved that the work of codification of the ordinances of the City of Indianapolis be referred to Committee on Judiciary for investigation and approval.

Which motion prevailed.

ORDINANCES ON SECOND READING.

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

G. O. No. 42, 1894. An ordinance to amend the title and first three sections of an ordinance entitled "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," passed by the Common Council of the City of Indianapolis December 4, 1893, and approved by the Mayor of said city on the 8th day of December, 1893.

Made the following report:

INDIANAPOLIS, June 1, 1894.

Mr. President:

Your Committee on Finance which introduced G. O. No. 42, have had the same under consideration and respectfully recommend the passage of the same.

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

Which was read and concurred in.

Mr. Rauh moved that the constitutional rules be suspended for the purpose of placing G. O. No. 42, 1894, on its final passage:

Which motion was adopted by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Young and President Cooper.

NAYS—None.

Thereupon G. O. No. 42, 1894, was read second time, ordered engrossed, read third time, and passed by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Young and President Cooper.

NAYS—None.

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

G. O. No. 22, 1894. An ordinance to license, tax and regulate the selling or giving away of any spirituous, vinous, or malt liquors in the City of Indianapolis, Indiana, or outside of said city, but within four miles of the corporate limits thereof, and matters connected therewith; fixing the license fee to be paid to said City of Indianapolis by all persons hereafter or heretofore acquiring licenses from the Board of Commissioners of Marion County, Indiana, to sell spirituous, vinous or malt liquors in the City of Indianapolis or outside of the City of Indianapolis, but within four miles of the corporate limits thereof; defining the term "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.

And, on motion of Mr. Rauh, was stricken from the files by the following vote:

AYES 12—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Krauss, Magel, O'Brien, Rauh, Ryan, Schmid and Shaffer.

NAYS 7—viz: Messrs. Allen, Koehring, Merritt, Murphy, Puryear, Young and President Cooper.

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

G. O. No. 39, 1894. An ordinance approving a certain contract, granting the Terre Haute and Indianapolis Railroad Company the right to lay and maintain two switches or side-tracks across Pennsylvania street, immediately north of the tracks of the Indianapolis Union Railway, in the City of Indianapolis, under certain terms and conditions.

And was passed by the following vote:

AYES 18—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Ryan, Schmid, Shaffer, Young and President Cooper.

NAYS 1—viz: Mr. Rauh.

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

W. H. Cooper

President.

ATTEST:

Lee Wilson

City Clerk.