

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, December 19, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 19, 1904, at 7:45 o'clock, in regular session, Vice-President W. A. Rhodes in the chair.

The Clerk called the roll:

Present: The Hon. W. A. Rhodes, Vice-President of the Common Council, and 18 members, viz: Messrs. Cooper, Cottey, Crall, Davis, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Murray, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 2, viz.: Messrs. President Billingsley and Eppert.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., December 6, 1904.

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

Gentlemen: I herewith return to you with my signature and approval General Ordinance No. 82, 1904, and General Ordinance No. 72, 1904.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

COMMUNICATIONS FROM CITY OFFICERS.

From the City Comptroller:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: I inclose letter of Emma Kuechler, executrix, asking for refund of \$75 of license fee of Louis Kuechler, deceased. As she is

entitled to this amount I recommend an appropriation of it for her, and inclose ordinance herewith for that purpose.

Respectfully,

J. P. DUNN,
City Comptroller.

INDIANAPOLIS, IND., December 13, 1904.

Mr. J. P. Dunn, City Comptroller, Indianapolis, Ind.:

Dear Sir: Your attention is respectfully called to the death of Louis Kuechler, which occurred on the 15th day of October, 1904, and the consequent expiration on the date of the city liquor license issued to him on the 9th day of April, 1904.

By the last will of Louis Kuechler, I. Emma Kuechler, (his wife) is named as the executrix of the estate of the deceased, and as such executrix, I respectfully request that you recommend to the Common Council of the City of Indianapolis, that it provide for and authorize the refunding to me of the sum of seventy-five (\$75.00) dollars, as the balance due me of the license fees for the unexpired part of the year for which aforesaid license was granted.

Yours respectfully,

EMMA KUECHLER.

Which was read.

Mr. Eppert arrived and took seat.

From the City Comptroller:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: I inclose letter from the City Attorney requesting transfers from the appropriation "Change of Venue Cases," of \$50 to "Transcripts, Printing, Briefs, Stationery and Miscellaneous Expense," and of \$50 to "Office Rent and Expenses." I recommend these transfers and inclose ordinance for the purpose. It will be a great accommodation if the ordinance can be passed at once, in order that the year's business may be closed.

Respectfully,

J. P. DUNN,
City Comptroller.

INDIANAPOLIS, IND., December 14, 1904.

Mr. Jacob P. Dunn, City Comptroller:

Dear Sir: Will you please have introduced at the next meeting of the Common Council an ordinance for the transfer of fifty (\$50.00) dollars from the fund appropriated for the payment of costs in change of venue cases to the fund for the payment of costs of transcripts, printing, briefs, stationery and miscellaneous expenses and also for the transfer of fifty (\$50.00) dollars from the fund for change of venue cases to the fund for office rent and expenses.

Yours very truly,

HENRY WARRUM,
City Attorney.

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: I inclose herewith letter of the Board of Public Works requesting transfer of \$1,500 from "Bridges" to "Electric, Gas and Vapor Lights." I recommend the transfer and inclose ordinance for that purpose. It will be an accommodation if the ordinance can be passed at once.

Respectfully,

J. P. DUNN,
City Comptroller.

INDIANAPOLIS, IND., December 19, 1904.

City Comptroller, Indianapolis:

Dear Sir: This Board hereby requests that you recommend to the Common Council, the transfer of \$1,500.00 from the fund heretofore appropriated for "Bridges," to the fund for "Electric Light."

Respectfully,

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

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: I inclose letter of the Board of Safety requesting transfer of \$400 from "Emergency Police Fund" to "Police Pay Roll," which transfer I recommend to be made, and inclose ordinance for that purpose.

As it is desired to pay the men before Christmas, I respectfully request that the ordinance be passed at once. Patrolman Rankin was not included in the estimates for the last regular appropriation on account of being on the pension list.

Respectfully,

J. P. DUNN,
City Comptroller.

INDIANAPOLIS, IND., December 19, 1904.

Mr. J. P. Dunn, City Comptroller:

Dear Sir: The Board of Public Safety respectfully requests you to recommend to the Common Council the transfer of \$400.00 from Emergency Police Fund to Police Force Pay-Roll Fund, to cover shortage caused by placing Patrolman George W. Rankin back in service, who prior to February last was on Police Force Pension Fund.

Respectfully,

E. C. McLAUGHLIN,
Secretary.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: The Board having approved a certain contract granting the Capital City Brewing Company the right to lay and maintain a side-track or switch from a point on the present branch of the Terre Haute & Indianapolis R. R. to the Starch Works south of Morris street, across Dakota street and onto the property of the said Capital City Brewing Company according to the blue print thereto attached, now transmits the same to you for consideration and action.

Respectfully,

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

Which was read.

From the Board of Public Works:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: The Board having approved a certain contract granting Michael J. Shea the right to lay and maintain a switch or side-track from the Indianapolis Railway Company's tracks across Van Buren street, according to blue prints attached thereto, now transmits the same to you for consideration and action.

Respectfully,

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

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Finance Committee:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred Appropriation Ordinance No. 32, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

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

Which was read.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., December 19, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Ordinance Committee, to whom was referred General Ordinance No. 62, 1904, have had same under consideration and would respectfully recommend that same do pass.

Respectfully submitted,

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

Which was read.

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

When the Chair called for report from Committee on Public Health, Mr. Moriarity moved that General Ordinance No. 7, 1904, be taken from the Committee on Public Health and given to another committee.

Mr. Uhl moved that Mr. Moriarity's motion be tabled.

Mr. Moriarity called for the ayes and noes.

The Clerk called the roll:

Ayes, 13, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Hofmann, Krause, Murray, Rhodes, Shea, Uhl, Wright.

Noes, 7, viz.: Messrs. Gasper, Linus, Moriarity, Storm, Sullivan, Wahl, Wolsiffer.

(Mr. Murray changed his vote from "no" to "aye" and Mr. Gasper changed his vote from "aye" to "no.")

Mr. Cooper reported for the Committee on Public Safety and Comfort, stating that the committee was making progress on the matter of safety gates and promised an ordinance by the first or second meeting in January, 1905.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Comptroller:

Appropriation Ordinance No. 33—1904: An ordinance appropriating \$75 for refund of liquor license of Louis Kuechler, deceased.

Section 1. Be it ordained by the Common Council of the City of In-

dianapolis, Indiana, that there be, and is hereby, appropriated the sum of \$75 to the Department of Finance for refund of liquor license of Louis Kuechler, deceased, the same to be paid to his executrix, Emma Kuechler.

Sec. 2. This ordinance shall take effect and be in force 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 Board of Public Works:

General Ordinance No. 87—1904: An ordinance approving a certain contract granting Michael J. Shea the right to lay and maintain a side-track or switch from Indianapolis Union Railway Company tracks across Van Buren street according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 5th day of December, 1904, Michael J. Shea filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

December 5, 1904.

To the Board of Public Works, City of Indianapolis:

Gentlemen: I, the undersigned, hereby petition for permission to lay and maintain a switch or siding across Van Buren street from the tracks of the Indianapolis Union Railway Company, along the following center line, to-wit:

Beginning at a point in the north line of Van Buren street, the said point being 18 feet east of the west line of Thaddeus street, thence with a curve line in a southwesterly direction to a point in the south line of Van Buren street; the said point being 67 feet west of the west line of Thaddeus street extended south in a curved line.

Respectfully,

MICHAEL J. SHEA.

Now, therefore, This agreement, made and entered into this day of, 1904, by and between Michael J. Shea of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right-of-way for a side-track or switch from the tracks of the Indianapolis Union Railway Company across Van Buren street in the City of Indianapolis, which is more specifically described as follows:

Along the following described center line: Beginning at a point in the north line of Van Buren street, the said point being 18 feet east of the west line of Thaddeus street, thence with a curve line in a southwesterly direction to a point in the south line of Van Buren street, the said point being 67 feet west of the west line of Thaddeus street extended south in a straight line, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects Van Buren street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract: *Provided, however,* That the same may be terminated without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters therewith connected, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across Van Buren 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 . . . day of, 1904.

Witness:

Party of the first part.

CITY OF INDIANAPOLIS,
By M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works,
Party of the second part.

And, Whereas, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That such contract above set forth be, and the same is hereby, in all things confirmed and approved.

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

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

By Board of Public Works:

General Ordinance No. 88—1904: An ordinance approving a certain contract granting Capital City Brewing Company the right to lay and maintain a side-track or switch from a point on the present branch of the Terre Haute & Indianapolis R. R. to the Starch Works south of Morris street, across Dakota street and onto the property of the said Capital City Brewing Company according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 2d day of December, 1904, the Capital City Brewing Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

Gentlemen: The Capital City Brewing Company hereby respectfully petitions your honorable board for leave to construct a track across Dakota street over the above Company's property lying between said Dakota street and South West street and adjoining the present starch works branch of the T. H. & I. R. R., now laid along said Dakota street. Such track to extend from said starch works branch in an eastwardly and southwardly direction across said Dakota street onto and over the said company's property as more fully shown by a blue print attached hereto and made a part of this petition and marked exhibit "A," said proposed track being shown on said blue print or exhibit by the red line thereon.

Very respectfully,

CAPITAL CITY BREWING CO.,

By Charles Krauss, Prest.

Now, therefore, This agreement, made and entered into this day of, 1904, by and between Capital City Brewing Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of

securing a right-of-way for a side-track or switch from the present starch works branch of the T. H. & I. R. R. in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point about one hundred fifty feet south of Morris street on Dakota street and continuing south and east across said Dakota street and entering the property of said company at a point about two hundred fifty feet from said Morris street south, and thence forth wholly upon the premises of said Capital City Brewing Company, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects said Dakota street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract: *Provided, however,* That the same may be terminated without cause at the pleasure of said Board, as hereinbefore set forth in Clause 4.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the United States census last preceding, and matters therewith connected, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across said Dakota 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 . . . day of, 1904.

CAPITAL CITY BREWING CO.,
By Charles Krauss, Prest.
Party of the first part.

Witness:

CITY OF INDIANAPOLIS,
By M. A. DOWNING,
JACOB WOESSNER,
DAVID WALLACE,
Board of Public Works.
Party of the second part.

And, Whereas, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By the City Comptroller:

General Ordinance No. 89—1904: An ordinance for the transfer of certain funds heretofore appropriated to the Department of Public Safety 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 the following named sum in the appropriations heretofore made to the Department of Public Safety, viz.:

From "Emergency Police" to "Police Force Pay-roll, \$400.00.

Sec. 2. This ordinance shall take effect and be in 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. 90—1904: An ordinance for the transfer of certain funds heretofore appropriated to the Department of Law to other funds of said department.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That there be, and is hereby, made the following transfers of appropriations heretofore made to the Department of Law, viz.:

From "Change of Venue Cases" to "Transcripts, Printing, Briefs, Stationery and Miscellaneous Expenses"....	\$50.00
From "Change of Venue Cases" to "Office Rent and Expenses"	50.00

Sec. 2. This ordinance shall take effect and be in 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. 91—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 the sum of \$1,500 from the appropriation "Bridges," heretofore made to and for the use of the Department of Public Works, to the appropriation "Electric, Gas and Vapor Lights."

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

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

By Mr. Moriarity (by request):

General Ordinance No. 92—1904: An ordinance regulating the hauling of dirt, sand, or other loose material in and upon the improved streets and alleys of City of Indianapolis, Indiana; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That on and after the first of April, 1905, it shall be unlawful for any person to haul dirt, sand, gravel, or other loose material, on and along asphalt, vulcanite, wooden block, brick and macadam streets or alleys of the City of Indianapolis, except by and in water tight dump wagons or carts.

Sec. 2. Any person violating the provision of this ordinance shall, upon conviction, be fined in any sum not exceeding twenty-five (\$25.00) dollars.

Sec. 3. 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.

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

Mr. Krause asked for report on Appropriation Ordinance No. 30, 1904.

Mr. Gasper stated that the Finance Committee had the ordinance under consideration and expected to report at the next regular meeting.

ORDINANCES ON SECOND READING.

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

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

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

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

Noes, none.

Mr. Krause called for General Ordinance No. 62, 1904, for second reading. It was read a second time.

Mr. Krause moved that General Ordinance No. 62, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 62, 1904, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Murray, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer and Wright.

Noes, 2, viz.: Messrs. Moriarity and Storm.

On motion of Mr. Crall the Common Council, at 8:05 o'clock, P. M., adjourned.

W. M. Fogarty

 President pro tem.

ATTEST:

W. M. Fogarty

 City Clerk.

