

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.  
MONDAY, January 18, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, January 18, 1904, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The roll was called.

Present: The Hon. James H. Billingsley, President of the Common Council, and 18 members, viz: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wolsiffer, Wright.

Messrs. Krause and Wahl entered later.

Absent—None.

COMMUNICATIONS FROM CITY OFFICERS.

From the Mayor:

INDIANAPOLIS, January 5, 1904.

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

Gentlemen: I herewith return with my signature and approval, General Ordinance 73, 1903; General Ordinance 77, 1903.

Respectfully,

JOHN W. HOLTZMAN,  
Mayor.

Which was read.

COMMUNICATIONS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, January 18, 1904.

To the President and Members of the Common Council:

The Board of Public Works directs me to transmit to you for your consideration and action, the enclosed ordinance approving a certain

contract granting the J. H. Billingsley Company and the Indiana Coop-  
erage Company, the right to lay and maintain a sidetrack in, on and  
along the first alley south of Bates Street east of Leota Street, in the  
City of Indianapolis, Indiana, which contract was entered into January  
18, 1904.

Respectfully,

W. R. WILLIAMS,  
Clerk Board of Public Works.

Which was read.

From the Board of Public Health and Charities:

INDIANAPOLIS, January 18, 1904.

To the President and Members of the Common Council:

Gentlemen: The Indianapolis Medical Society as well as the City  
Board of Health earnestly request your presence at the meeting of the  
Medical Society in the Willoughby Building (5th floor) on Tuesday  
evening, January 19, at 8 o'clock.

This meeting will be devoted entirely to the City Hospital and will  
be of as much lay interest as medical and of especial interest to the  
members of the Council and we hope as many of you as possible may  
find time to be present.

Very truly yours,

THEODORE POTTER,  
Secretary Indianapolis Medical Society.

Which was read, received, and on motion of Mr. Crall invita-  
tion was accepted.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Storm:

General Ordinance No. 2—1904: An ordinance to promote public  
safety by compelling the maintenance of lights at night in the hallways,  
exits and at the fire escapes of hotels, flats, apartment houses and room-  
ing houses in the City of Indianapolis; prescribing 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 it shall be the duty of each and every lessee,  
owner, manager, or custodian of any hotel, flat, apartment house or  
rooming house located in the City of Indianapolis, Indiana, to keep, dur-  
ing all hours of the night, a light or lights burning at the landings of  
the stairways, in the hallways, at the exits and at the windows or other  
openings leading to any and all fire escapes of such hotel, flat, apart-  
ment or rooming house so as to sufficiently light and indicate such  
means of exit and fire escape to persons of ordinary eye-sight within  
such buildings.

SEC. 2. Any person or persons violating any of the provisions of this  
ordinance shall, upon conviction thereof, be fined in any sum not ex-  
ceeding \$50.

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 Daily Sentinel, a newspaper of general circulation, printed and published in the City of Indianapolis.

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

### By Board of Public Works:

General Ordinance No. 3—1904: An ordinance approving a certain contract granting the J. H. Billingsley Company and the Indiana Cooperage Company the right to lay and maintain a side-track or switch in, on and along the first alley south of Bates Street east of Leota Street, in the City of Indianapolis, Indiana.

Whereas, heretofore to-wit, on the 18th day of January, 1904, the J. H. Billingsley Company and the Indiana Cooperage Company filed their petition before the Board of Public Works of the City of Indianapolis, Indiana, as follows:

#### PETITION.

INDIANAPOLIS, January 18, 1904.

To the Board of Public Works of the City of Indianapolis:

Gentlemen: The undersigned, the J. H. Billingsley Company and the Indiana Cooperage Company, respectfully petition your honorable Board, asking permission to construct and maintain a side-track and switch in, to and along the first alley south of Bates Street east of Leota Street, in the City of Indianapolis; said side-track or switch to be constructed and maintained in, to and along said alley and north of the westbound main track of the Cleveland, Cincinnati, Chicago & St. Louis R. R. Co., from the points designated as "A" and "B" on the drawing attached hereto, filed herewith and made part of this petition and for greater certainty marked exhibit "A."

Your petitioner prays that the privileges and authorities herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Respectfully submitted,

J. H. BILLINGSLEY COMPANY,  
By J. H. BILLINGSLEY, President.  
INDIANA COOPERAGE COMPANY,  
By WILL H. BURTON, Sec. and Treas.

Now, therefore, This agreement, made and entered into this 18th day of January, 1904, by and between the J. H. Billingsley Company and the Indiana Cooperage Company, both of the City of Indianapolis, County of Marion, in the State of Indiana, parties 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 parties of the first part, being desirous of securing a right-of-way for a side-track or switch, in, on and along the first alley south of Bates Street, east of Leota Street, in the City of Indianapolis, Indiana, which is more specifically described in the petition of said parties of the first part, hereto attached and made a part of this contract, hereby covenant and fully bind themselves, their successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, they will lay, construct and maintain said side-track or switch upon the terms and conditions hereinafter set forth, to-wit:

1. Said side-track or switch shall be laid, improved and kept in repair by said parties of the first part and shall at all times be subject to the orders of the Board of Public Works of the City of Indianapolis.

2. Said side-track or switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its super-

vision and to its satisfaction and approval. Said track shall 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 side-track or switch.

3. Said parties of the first part agree, at the pleasure and written order of said Board, to take up and remove said side-track or switch, and upon their 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 parties of the first part hereby release all claims for damages whatsoever that may arise by reason of such removal; and in removing said side-track or switch or causing the same to be done said Board shall in no wise become a trespasser.

4. The said parties of the first part agree that in case said side-track or switch 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 parties of the first part to promptly repair or remove the 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 parties of the first part, and for which expense the said parties of the first part shall be liable.

5. The said parties of the first part hereby bind themselves, their successors, legal representatives and assigns 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 tracks, and to pay any judgment, with costs, that may on that account be rendered against it or said City.

6. Any violations of any of the provisions of this instrument of said parties of the first part, their successors, representatives or assigns, or by anyone for them or at their instance or with their 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 out in Clause 3

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 parties of the first part the right, privilege and authority to lay and maintain a side-track or switch in, on and along the first alley south of Bates Street, east of Leota 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.* The parties hereto have hereunto set our hands this 18th day of January, 1904.

J. H. BILLINGSLEY COMPANY,

By J. H. BILLINGSLEY, President.

INDIANA COOPERAGE COMPANY,

By WILL H. BURTON, Sec. and Treas.

Parties of the first part.

Witness:

MARTIN M. HUGG.

CITY OF INDIANAPOLIS,

By JACOB WOESSNER,

DAVID WALLACE,

Board of Public Works,

Party of the second part.



*And, whereas*, Said contract has been duly submitted by said Board of Public Works to the Common Council of the City of Indianapolis, for consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said 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 from and after its passage.

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

By Mr. Cottey (by request):

General Ordinance No. 4: An ordinance regulating the location, erection and maintenance or the establishment and maintenance, of livery and feed stables, hereafter erected or established, in the City of Indianapolis, fixing a penalty for the violation thereof, and fixing a time when the same shall take effect

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that it shall hereafter be unlawful for any person, partnership or corporation, to locate, build, erect and maintain or establish and maintain any livery or feed stable, within the City of Indianapolis upon any block or square upon which there is located three or more separate dwelling houses used for residence purposes, when all of such residences or dwelling houses front upon the same street.

SEC. 2. It shall hereafter be unlawful for any person, partnership or corporation hereafter to locate, build, erect or maintain or establish and maintain, any livery or feed stable within the City of Indianapolis within fifty (50) feet of any dwelling house used for residence purposes.

SEC. 3. It shall hereafter be unlawful for any person, partnership or corporation to locate, build, erect or maintain or establish and maintain, any livery or feed stable within the City of Indianapolis upon any block or square upon which there exists any church or public school building.

SEC. 4. Any person, partnership or corporation violating any of the provisions of this ordinance, shall be fined in the sum of one hundred (100) dollars for the first offense; and the sum of twenty-five (25) dollars for every additional offense, and every day said ordinance is violated shall constitute an additional offense.

SEC. 5. And be it further ordained and provided that any livery or feed stable erected or established in violation of this ordinance, shall be deemed a nuisance, and may be abated as such; and it is hereby made the duty of the building inspector of the City of Indianapolis to abate the same as a nuisance by proper steps taken.

SEC. 6. This ordinance shall be in full force and effect from and after its publication two weeks in the Indianapolis Sentinel of Indianapolis.

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

By Mr. Fishback:

General Ordinance No. 5. An ordinance providing for the better protection of life in case of fire in theaters and public halls in the City of Indianapolis.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

SECTION 1. That it shall be the duty of the owners, lessees and man-

agers of every theater and public hall in the City of Indianapolis used or intended to be used for giving or holding exhibitions, performances, or entertainments, to which spectators or audiences are invited or intended to be invited, whether a fee for admission thereto be paid or not, and having a seating capacity for five hundred or more persons, to provide and maintain within such theater or public hall the following devices and appliances for the extinguishment of any fire that may occur therein, and to conform and comply with the provisions hereinafter contained:

Such owners, lessees and managers shall provide and maintain a system of water mains or pipes to each floor, balcony and gallery of such building, with openings in such mains or pipes for the attachment of hose, said openings to be controlled by stop-cocks or valves of such construction that they can be readily turned on by any person without the aid of any key or instrument not permanently connected therewith; to each of said openings in said mains or pipes shall be attached at least fifty feet in length of substantial hose with a nozzle attached thereto, which hose shall be kept in plain view and so that any person may at any time use the same in case of fire in such building.

The arrangement, kind, quality and dimensions of said mains, pipes, stop-cocks, valves, hose and nozzles shall be according to the direction and subject to the approval of the Board of Public Safety of the City of Indianapolis.

The number of such openings in said mains or pipes with hose attachments in that part of such building intended for use of spectators or audience, shall be at least one to every two hundred of the entire seating capacity of such theater or public hall.

Said mains or pipes shall be connected with the general water works system in the City or with a reservoir of water upon such building of sufficient capacity and contents to supply a continuous stream of water at full force and at the same time through all of said hose connections to said mains or pipes for a period of at least thirty minutes; and gauges shall be placed and maintained upon such mains or pipes to show the pressure and presence of water therein.

Sec. 2. The owners, lessees and managers of such theater or public hall before each and every assembling of any spectators or audience therein shall cause said mains or pipes to be filled with water and so maintained continuously at a pressure of not less than forty pounds to the square inch, until after such spectators or audience shall have left such building.

Sec 3. The Board of Public Safety of the City of Indianapolis shall detail a regular experienced fireman for each and every exhibition or performance to be held or given in any such theater or public hall, and the owners, lessees and managers of such theater or public hall shall before the doors are opened for such exhibition or performance pay to the City of Indianapolis the wages of such fireman for the day of such exhibition or performance, not exceeding two dollars and fifty cents per day: *Provided*, That said Board and said owners, lessees or managers of such theater or public hall may enter into a contract for any definite period for the services of such fireman and payment to the City of Indianapolis therefor.

Sec. 4. It shall be the duty of such fireman to be present at and in such theater or public hall from the time the doors are opened for each exhibition or performance until the spectators or audience shall have dispersed and left such building, and he shall before such exhibition or performance shall begin inspect and test all of said devices and appliances and see that they are in proper condition; and if any such device or appliance shall not be in proper condition, he shall at once notify the person or persons in charge of such exhibition or performance to recti-

fy the same; and he shall on the day following each such exhibition or performance report in writing to said Board the condition of said devices and appliances; he shall keep watch at any point where danger from fire is threatened, and if any fire shall break out he shall immediately turn on the water into said hose connections near such fire and proceed to extinguish the same; he shall not be subject to any orders or control of said owners, lessees or managers; he shall not engage in or have any other duties, while on duty in said building, and shall receive no compensation or reward for services in said building from any person other than that paid by the City of Indianapolis. In case such fireman shall neglect to discharge and fully perform any of his said duties or shall violate any of the provisions of this section, he shall upon conviction be fined in any sum not exceeding one hundred dollars or imprisonment for a term not exceeding sixty days, or both.

SEC. 5. The Board of Public Safety of the City of Indianapolis shall have power at any time to inspect and test or cause to be inspected and tested any and all such devices and appliances, and at any time to order the owners, lessees and managers of such theaters and public halls to provide and maintain such additional devices and appliances, for fire protection as said Board may deem proper; and at any time to order such owners, lessees and managers to make any changes, improvements and additions to the devices and appliances herein provided for or by said Board ordered; and to order such owners, lessees and managers to prevent the assembling of any spectators or audience in such building until such owners, lessees and managers shall have fully complied with this ordinance and the orders of said Board.

SEC. 6. The owners, lessees and managers of such theaters and public halls shall not allow the assembling of any spectators or audience in such building, unless and until the provisions of this ordinance and all orders of the said Board of Public Safety shall have been fully complied with by them, and said Board shall have given its certificate of such compliance. And in case of such non-assembling of any spectators or audience said owners, lessees and managers shall forthwith, upon demand therefor, re-pay to each of such spectators and audience any fee paid for admission to such theater or public hall.

SEC. 7. Any owner, lessee or manager of any theater or public hall in said City, violating or permitting to be violated any provision of this ordinance or any order of the said Board of Public Safety in pursuance thereof, shall on conviction be fined in any sum not exceeding five hundred dollars and imprisonment for any term not exceeding six months, or both, and each day's violation shall constitute a separate offense.

SEC. 8. This ordinance shall be in force from and after its passage and approval by the Mayor.

Which was read the first time.

Mr. Eppert moved to refer General Ordinance No. 5, 1904 to Special Committee which has under consideration Special Ordinance No. 1, 1904.

Mr. Rhodes moved to table Mr. Eppert's motion.

The roll was called.

Ayes, 11, viz.: Messrs. Cooper, Cottey, Fishback, Krause, Murray, Rhodes, Shea, Storm, Uhl, Wolsiffer, Wright.

Noes, 10, viz.: Messrs. Crall, Eppert, Davis, Gasper, Hofmann, Linus, Moriarity, Sullivan, Wahl and President James H. Eillingsley.

The Chair declared Mr. Eppert's motion tabled.

Mr. Fishback moved to refer General Ordinance No. 5, 1904, to Committee on Public Safety and Comfort. Carried.

#### MISCELLANEOUS BUSINESS.

Mr. Krause moved that Special Ordinance No. 1, 1904, introduced at last meeting, be recalled from Special Committee and referred to Committee on Public Safety and Comfort.

Mr. Eppert moved to lay this motion on the table.

The roll was called:

Ayes, 10, viz.: Messrs. Crall, Eppert, Davis, Gasper, Hofmann, Linus, Moriarity, Sullivan, Wahl and President James H. Billingsley.

Noes, 11, viz.: Messrs. Cooper, Cottey, Fishback, Krause, Murray, Rhodes, Shea, Storm, Uhl, Wolsiffer, Wright.

The Chair declared the motion lost.

The roll was then called on the original motion.

Ayes, 11, viz.: Messrs. Cooper, Cottey, Fishback, Krause, Murray, Rhodes, Shea, Storm, Uhl, Wolsiffer, Wright.

Noes, 10, viz.: Messrs. Crall, Eppert, Davis, Gasper, Hofmann, Linus, Moriarity, Sullivan, Wahl and President James H. Billingsley.

The Chair ordered Special Ordinance No. 1, 1904, recalled and referred to Committee on Public Safety and Comfort.

#### ORDINANCES ON SECOND READING.

Mr. Wolsiffer called for the second reading of General Ordinance No. 1, 1904.

The Clerk stated that General Ordinance No. 1, 1904, had not been returned from Committee on Ordinances.

Chairman Krause, of Committee on Ordinances, stated that the committee would report on General Ordinance No. 1, 1904, at the next regular meeting.



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

*J. H. Billingsley*  
.....  
President.

ATTEST:

*W. M. Fogarty*  
.....

City Clerk.

NOTE—The printed proceedings of the regular meeting of January 4, 1904, failed to show the passage of General Ordinance No. 77, 1903.

General Ordinance No. 77, 1903, at the meeting of January 4, 1904, was called for second reading by Mr. Eppert.

It was read a second time.

Mr. Eppert then moved that General Ordinance No. 77, 1903, be ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 77, 1903, was read a third time and passed by the following vote:

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

Noes, none.

