

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, February 1, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 1, 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 20 members, viz: Messrs. Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent—None.

Mr. Moriarity moved that the reading of the Journal be dispense with.

Mr. Rhodes called attention to the printed proceedings of January 18, 1904, which showed that General Ordinance No. 4, 1904, was referred to Committee on Public Safety and Comfort. General Ordinance No. 4, 1904, should have been referred to Committee on Public Property and Improvement. Mr. Rhodes moved to so correct the Journal. Carried.

Mr. Cooper moved to dispense with the further reading of the Journal. Carried.

COMMUNICATIONS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, February 1, 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 to the Indiana Lumber & Veneer Company permission to construct and maintain two side-tracks across Twenty-third street in the City of Indianapolis, which contract was entered into February 1, 1904.

Respectfully,

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

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Ordinances:

INDIANAPOLIS, IND., February 1, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Ordinances, to whom was referred General Ordinance No. 1, 1904, have had same under consideration and recommend that same do pass.

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

Mr. Krause moved that the report be accepted. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 6—1904: An ordinance approving a certain contract granting to the Indiana Lumber & Veneer Company permission to construct and maintain two side-tracks across Twenty-third street in the City of Indianapolis, fixing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Whereas, heretofore, to-wit: On the 23d day of December, 1903, the Indiana Lumber & Veneer Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., December 23, 1903.

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

Gentlemen: The Indiana Lumber & Veneer Company hereby petitions your honorable Board for permission to construct and maintain two side-tracks across Twenty-third street in the City of Indianapolis, as shown by the accompanying plat. The company also agrees to remove its present switch west of the tracks as shown in the plat and to surrender its right to this switch.

Respectfully,
INDIANA LUMBER & VENEER COMPANY,
By A. K. HOLLOWELL, President.

Now, therefore, This agreement, made and entered into this first day of February, 1904, by and between the Indiana Lumber & Veneer 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 permission to construct and maintain two side-tracks across Twenty-third street in the City of Indianapolis, as shown by the accompanying plat, hereto attached and made a part of this contract, hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said tracks 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 tracks 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 tracks 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 tracks intersect Twenty-third 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 tracks, and upon its 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 claim for damages whatsoever that may arise by reason of such removal; and in removing said tracks 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 tracks 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 hereby binds itself 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.

7. Any violations of any of the provisions of this instrument by said party of the first part, or by anyone 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 two additional side-tracks on the east side of, parallel with and thirteen and thirty-one feet distant, respectively, from its present main track on its right of way across Twenty-third street in the City of Indianapolis, substantially as shown in red on the blue print attached hereto and made a part hereof.

In Witness Whereof, We have hereunto set our hands this first day of February, 1904.

INDIANA LUMBER & VENEER COMPANY,
By A. K. HOLLOWELL, President,
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 said 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 said contract above set forth be, and the same is hereby, in all things confirmed and approved.

Section 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. Moriarity (by request):

General Ordinance No. 7—1904:

Section 1. Be it ordained by the Common Council of Indianapolis, That there be and is hereby created in the City of Indianapolis, the office of Boiler Inspector. The person chosen to fill such office shall be a boiler maker, qualified from practical experience in the design, construction and operation of boilers, and all steam generating apparatus under pressure.

Sec. 2. He shall be appointed by the Board of Public Safety, subject to removal at their pleasure, in all matters relating to duties of his office, as hereinafter set forth. He shall be under the supervision, direction and control of said Board, except when otherwise expressed and stipulated.

Sec. 3. The Boiler Inspector shall receive a salary at the rate of eighteen hundred dollars (\$1,800.00) per year, payable quarterly on the first day of April, July, October and January of each year, out of any funds in treasury of said city not otherwise appropriated.

Sec. 4. Before said Boiler Inspector shall enter upon his duties he shall take oath of office upon the back of his certificate of appointment and file a bond of five thousand dollars (\$5,000.00) payable to the City of Indianapolis, to be approved by Comptroller, conditioned upon the faithful performance of his duties. Said certificate of appointment

with oath of office shall be filed with the City Clerk and said bond with the City Comptroller. Said bond shall be renewed whenever required by City Comptroller.

Sec. 5. Inspector of Steam Boilers: It shall be the duty of said Inspector to inspect at least twice in each year, all of such steam boilers as are owned, operated, or controlled by the City of Indianapolis, or by said Board of Education; and also to preserve a record of the condition of such steam boilers as shown by such inspection, and no fee shall be charged or paid for the inspection of any steam boiler, or for certificate of inspection by said City of Indianapolis or said Board of Education.

Sec. 6. The Inspector: It shall be the duty of the Inspector to inspect all boilers, tanks, jacket-kettles, generators, or other apparatus used for generating or transmitting steam for power, or using steam under pressure, for heating or steaming purposes, as often as twice in each and every year, excepting boilers on locomotives, by making a hydrostatic pressure test where such test shall be deemed necessary: *Provided*, That the hydrostatic pressure used in such test shall not exceed the maximum working pressure of said apparatus by more than fifty per cent.; and by making a careful external and internal examination. In all cases where the hydrostatic pressure test is used, an internal examination of said apparatus shall afterwards be made. All boilers hereafter installed, having cylindrical shells or drums of more than forty-two inches diameter, and carrying more than twenty pounds steam pressure, must all have longitudinal seams butted and held together by straps riveted over them. Where single butt straps are used they must not be less than shell plates, and where double butt straps are used, each must be no less than five-eighths of the thickness of the shell plates.

Any boiler having been in use eight (8) years or more, and its condition being such that in the opinion of the Inspector, the same should be drilled in order that the exact thickness and condition might be ascertained, the Inspector of Steam Boilers, who shall serve the owner or agent with a written notice to show cause to the Inspector within five days, why such boiler should not be drilled. If, after the owner or agent has been heard, or at the end of five days the Inspector deem it necessary that the boiler be drilled, then the boiler may be drilled, at points near the water line, and at the bottom of shell of boiler, or such other points as the inspecting officer may direct, and the thickness of said material shall be determined thereafter at such annual inspection as the inspecting officer may deem necessary, and the steam pressure allowed shall be governed by such ascertained thickness and general condition of the boiler.

Any boiler may be tested and rated in accordance with the United States Marine Inspection law governing the inspection of steam boilers. But no boiler constructed or reconstructed of boiler plates, after the passage of this ordinance, shall have stay bolts no less than seven-eighths of an inch in diameter and pitched more than seven inches apart. And all stationary boilers carry a pressure of 100 pounds or over to the square inch shall be equipped with hollow stay bolts. All boiler heads made of boiler plate shall be braced with braces, the sectional area of which shall be of not less than one inch in diameter, so pitched that the greater strain than six thousand pounds per square inch of section shall not be carried by any one brace or stay bolt.

Sec. 7. Duty of Owners: It shall be unlawful for any person to use any steam boiler or any tank or tanks subject to a steam pressure until he shall have first procured a certificate from said Inspector that said apparatus may be safely used, and that the boiler or boilers, boiler setting, means of producing draft, smoke connections, and furnace or fire-box, are of such size and capacity that they will do the work required.

Provided, however, That this ordinance shall not apply to boilers, generators or other apparatus used in private residences for generating steam solely for heating purposes; and for the purpose of this ordinance flat buildings or apartment buildings with more than three apartments shall not be classed as private residences, and any steam boiler, generator or other apparatus used for generating steam in flat buildings or apartment buildings having more than three flats shall be subject to inspection as hereinbefore provided.

Provided, also, That any boilers for heating purposes only, in which the permit specified that not more than ten pounds of steam pressure to the square inch shall be carried, shall be known as "low-pressure boilers."

After the next inspection of such boilers shall have been made following the adoption of this ordinance, inspection thereafter shall be made once every two years.

Sec. 8. Certificate—Record: When an inspection of a boiler or boilers, tank or tanks, jacket-kettle, generator or generators, super-heater or super-heaters, or any apparatus using steam under pressure, has been made, and the same shall be approved by the Inspector of Steam Boilers, he shall make and deliver to the person for whom the inspection was made, upon the payment of fees hereinafter mentioned, a certificate of such inspection, which shall contain the date of inspection, together with a general description, for what purpose used, the number of try-cocks, steam and water gauges, the pounds pressure at which they may be safely used; which certificate shall be framed and put up in a conspicuous place in the engine or boiler room, and a record of the same shall be made and kept by said Inspector, in a well-bound book or books, indexed alphabetically or by locality.

Sec. 9. Inspection of Repairs: It shall be the duty of said Inspector, upon an application in writing made by any person, firm, corporation or agent, owning, leasing or controlling the use of any boiler, tank, jacket-kettle, generator or super-heater, stating that the same is out of repair or has been repaired, to examine the same when so repaired, and determine if such repairing has been properly done; and it shall be unlawful for any person, firm, corporation or agent, to use any boiler, tank, jacket-kettle, generator or super-heater, after the same has been repaired, until a certificate shall have been procured from the Inspector, to the effect that such repairing has been properly done, and such boiler, tank, jacket-kettle, generator or super-heater, may be safely used, except as hereinbefore provided in Section 7 of this ordinance.

Sec. 10. Fees: The fees for inspection of steam boilers and other apparatus under this ordinance shall be as follows:

Class A.—Including steam boilers, tanks, jacket-kettles, of a capacity of 75 gallons or over, generators or other apparatus using steam under a pressure exceeding ten pounds per square inch in plants where only one such apparatus is used, five dollars each.

Class B.—Steam boilers, generators or super-heaters, using steam under pressure exceeding ten pounds per square inch in plants where more than one such is used, five dollars for the first, and three dollars for each additional apparatus.

Class C.—Tanks and jacket-kettles, of a capacity of seventy-five gallons or over, using steam under pressure in plants where more than one such tank or jacket-kettle is used, one dollar each for all after the first.

Class D.—All low pressure steam boilers as herein described in Section 7, three dollars each.

Class E.—The fee for permit for a new steam plant or for additions to an old plant shall be five dollars for each boiler installed.

The City Comptroller shall issue certificates of inspection to Boiler

Inspector and charge them to him, each one to be accounted for by him. Said fee shall be paid to City Treasurer and receipted for by him. The Boiler Inspector shall make weekly returns to the City Comptroller of all certificates of inspection issued, giving names of owners or users of boilers and steam generating apparatus under pressure to whom certificates have been issued, with the number thereof, and at the same time pay to the City Treasurer all money collected by him. Such payments to be made under oath as to the amount received by him since his preceding report and payment.

Exemptions: Charitable, religious and educational institutions. Said Inspector may, and it is hereby directed and instructed to, remit all inspection fees charged, or that may hereafter be charged, against any and all charitable, religious and educational institutions, when the boiler or other apparatus inspected is located in or upon premises used and occupied exclusively by such charitable, religious or educational institutions; *Provided*, That such charitable, religious or educational institution is not conducted or carried on for private gain or profit, and, *Provided further*, That said inspector may require every application for the remission of such fees to be verified by the affidavit of one or more taxpayers of the City of Indianapolis.

Sec. 11. Charging Excess Fees: If any person shall take or receive any money or any valuable thing from any person for the purpose of deceiving or defrauding any person or persons, or for the purpose of favoring any person or persons or if the Inspector shall recommend the issue of any certificate of inspection without having at the time stated, thoroughly examined and tested the boiler so certified, he shall be liable to a fine in the penal sum of one hundred dollars (\$100.00), and dismissed from office.

Sec. 12. Try-cocks, Gauges, Force Pumps: It shall be the duty of every person, firm, corporation, or agent, owning, leasing, or controlling the use of any steam boiler or boilers, subject to inspection, as herein-before provided, to provide and properly affix to each and every one of such boilers, a full complement of try-cocks, one water gauge, one fusible plug of good Banca tin, one or more safety valves (the area of pop valves shall be in ratio of one square inch to three square feet of grate surface); *Provided*, That on boilers used for generating steam for heating purposes only and carrying not more than ten pounds steam pressure, direct weighted safety valves may be used. On each steam boiler or steam generator, or other apparatus subject to inspection, there shall be placed a suitable shut-off or main stop valve so placed as to prevent water passing into the heating apparatus during the test made at the time of inspection; provided that shut-off or main stop valves shall be required only in plants to be hereinafter installed, and a good and sufficient force pump or other means of supplying the boiler with water; also a good and sufficient safety valve to all boilers, tanks, or jacket-kettles, properly attached. No stop or shut-off valve shall be placed between the boiler, tank or jacket-kettle and the safety valve.

After inspection the Inspector shall seal all safety valves, and said seal shall not be broken except by authority of said Inspector, except in case of emergency, and when the seal is broken a complete report of the same shall be made to said Inspector within twenty-four (24) hours; said valve shall be resealed forthwith by said Inspector without charge, provided the circumstances of the breaking of such seal are approved by said Inspector.

Sec. 13. Owners to Provide Facilities: All owners, agents, or other persons using steam boilers, tanks, jacket-kettles, generators, or super-heaters, subject to inspection as aforesaid, shall provide at their own expense such arrangements and facilities for attaching the instruments

of inspection as the Inspector shall require. Immediately before the time set for the inspection, all such owners and persons shall remove all scale, dirt, soot, and sediment in, beneath and around said boiler, shall fill the same with water, when so directed by the Inspector, and shall have all main stop valves and other valves and connections on said boiler or boilers perfectly tight, so that the Inspector may be able to apply hydrostatic pressure, leaving all said apparatus in clean condition for inspection.

Sec. 14. Engineer's Negligence, Maximum Pressure and Safety Valves: Any engineer or other person in charge of a steam boiler or generator who shall negligently or wrongfully endanger the life of any person by permitting the water to fall below three inches above the flues or crown sheet of any boiler, or shall disturb the spring or weight on the safety valve, or break the seal of the safety valve, or tamper with it so as to carry more pressure than allowed by the Inspector, or who shall otherwise neglect his duties, shall be subject to a fine of not less than \$25.00 nor more than \$100.00, and it shall be the duty of the Inspector to report the facts to the Board of Safety.

The safety valves of steam boilers shall not be loaded to sustain more than the maximum pressure allowed by said Inspector, and the area of discharge of each safety valve shall be equal to the full area of the valve, and all safety valves shall be directly open to the atmosphere.

Sec. 15. Manufacturers and Dealers—Notify Inspectors: Any persons, company, or agent, manufacturing, dealing in, selling or erecting steam boilers, tanks, jacket-kettles or generators, subject to inspection under this ordinance, shall, on the sale or delivery of such steam boiler, tank, jacket-kettle or generator, at any point or locality within the city, notify the said Inspector, giving the name of the owner, name of the maker, number and name of street, or otherwise designate the locality of said delivery or sale; shall also state the thickness and quality of the material used in the construction and the brand stamped on the plate.

Sec. 16. Second-Hand Dealers: All steam boiler manufacturers, second-hand steam boiler and junk dealers, and any other person or persons, selling second-hand steam boilers, tanks, jacket-kettles, generators, or super-heaters, must, before painting the same, have them inspected by the Boiler Inspector, and have in their possession certificates issued by said Inspector, showing the amount of pressure per square inch the said steam boiler, tank, or jacket kettle, generator or super-heater, and give the buyer the said certificate of inspection. Any person or persons, firm, corporation, violating this section shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each and every offense.

Provided. That any person or persons disposing of a second-hand steam boiler, tank, jacket-kettle, generator or super-heater, which has been in use, shall not be required to secure inspection if said steam boiler, tank, jacket-kettle, generator or super-heater, is sold to a dealer in, or repairer of such apparatus, but such inspection shall be had before such articles are sold for use.

Sec. 17. Penalty: Any owner, agent or user of steam boilers, or other persons, who shall violate any of the provisions of this ordinance, where no other penalty is provided, shall be subject to a penalty of not less than twenty-five dollars (\$25.00) nor exceeding one hundred dollars (\$100.00) for each and every offense.

Sec. 18. Apparatus: The City of Indianapolis shall provide such instruments, books, papers and equipment as shall be necessary for the proper performance of the duties of such Inspector, which shall be the property of said city, and which shall be delivered by said Inspector to

his successors in office. Said Inspector shall report annually to the Board of Safety and as often as required by the Board of Safety.

Said Inspector shall prepare and keep in his office a record of each steam boiler, steam generator, tank, jacket-kettle, or other apparatus used for the generation of steam or under steam pressure, and at the first inspection of any such apparatus under and by virtue of this ordinance a number shall be securely stamped upon the same with a steel stamp or die, of not less than one inch in height, in a conspicuous and easily accessible place, upon said apparatus, which number shall be the office number of such piece of apparatus, and the designation by which the same shall be known in said record after such inspection; and said record shall contain a full description of such piece of apparatus, together with the use for which it is employed, the place where it may be located, the name of the owner, agent or lessee of said apparatus, together with the amount of pressure allowed by the Inspector for the same, and together with the number of try-cocks, steam and water gauges, and any special information pertaining thereto, including a record of inspections made.

Sec. 19. There shall be appointed in addition to the above official such other assistant inspectors as the Common Council may by ordinance prescribe and establish.

Sec. 20. Upon the passage and approval of this ordinance a copy of the same shall be mailed by the office so created, to all users of steam power coming within the office's jurisdiction within ninety days after the passage of the same.

Inspection and Hydrostatic Test: Owners will please observe the following rules:

Engineers or janitors must see that all dirt, ashes, soot, etc., etc., must be removed from beneath and around all boilers, and that all valves that are on connection to boilers and other apparatus subject to inspection must be perfectly tight. Boilers and other apparatus subject to inspection must be filled with cold water up to the safety valves so that the Inspector will not be detained in making the external inspection and putting hydrostatic test on same.

Internal Inspection: Engineers or Janitors are requested to have all hand-holes and man-hole plates removed and the boilers perfectly cool and all valves and connections leading into boilers from other boilers in the same battery perfectly tight, so that there will be no steam or hot water dripping on Inspector while in boilers.

These rules must be strictly obeyed by owners or agents or the Inspector will refuse to inspect same until these orders are obeyed.

Repair Notice: To owners or agents. When repairs are ordered on boilers or other apparatus subject to inspection, the repair notice which will be mailed must be preserved and signed by the firm that has performed said work and return to this department for certificates.

Certificate Record: Owners' or agents' attention is called to Section 9 which provides that certificates must be framed and put in a conspicuous place in the engine or boiler room.

Second-Hand Boilers: All second-hand boilers and all other apparatus subject to inspection must be inspected before being painted as per Section 16.

This ordinance shall take effect and be in force from and after its passage, and publication once each week for two consecutive weeks.

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

By Mr. Fishback:

General Ordinance No. 8—1904: 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, 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 herein-after provided. Every person or persons, firm, association, company or corporation 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 brewery, distillery, depot or agency so established, conducted or maintained, which said sum of one thousand dollars shall be the annual 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 of 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. 4. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

Sec. 5. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two successive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation printed and published in the City of Indianapolis, Marion county, Indiana.

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

By Mr. Storm:

General Ordinance No. 9—1904: An ordinance requiring the Lake Erie & Western Railroad Company, the Chicago, Indianapolis & Louisville Railway Company, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, to erect and maintain safety gates for the pro-

tection of the public at the crossing of their tracks at Tenth street in said city, and 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 the Lake Erie & Western Railroad Company, the Chicago, Indianapolis & Louisville Railway Company, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company be, and each of them are hereby, required to erect and maintain safety gates on each side of their tracks where the same cross Tenth street in said city.

Sec. 2. The safety gates herein provided for shall be equipped with the latest and best appliances for their safe and speedy operation and for the safety of the public.

Sec. 3. A reliable and competent man shall be employed to operate each of the safety gates herein provided for, when erected, who shall be and remain at his post of duty from 5 o'clock, A. M. until 12 o'clock, midnight on each and every day, except when relieved by some other competent and reliable man.

Sec. 4. The safety gates provided for in this ordinance shall be placed in operation at the crossing herein named not later than thirty days after this ordinance goes into force and effect.

Sec. 5. Each and every one of said railroad or railway companies above named, failing to erect and maintain the safety gates herein provided for, and at and within the time and times herein provided, shall be fined in any sum not less than ten dollars nor more than twenty-five dollars on complaint of any citizen filed in the Police Court of said city; and every day that such crossing is allowed to remain unprotected by the safety gates herein provided for, shall be deemed a separate offense as to any such company or companies required to erect and maintain said gates.

Sec. 6. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the "Indianapolis Sentinel," a daily newspaper having a general circulation in said city.

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

By Mr. Storm :

General Ordinance No. 10—1904: An ordinance requiring the Lake Erie & Western Railroad Company, the Chicago, Indianapolis & Louisville Railway Company, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, to erect and maintain safety gates for the protection of the public at the crossing of their tracks at Michigan street in said city, and 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 the Lake Erie & Western Railroad Company, the Chicago, Indianapolis & Louisville Railway Company, and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company be, and each of them are hereby, required to erect and maintain safety gates on each side of their tracks where the same cross Michigan street in said city.

Sec. 2. The safety gates herein provided for shall be equipped with the latest and best appliances for their safe and speedy operation and for the safety of the public.

Sec. 3. A reliable and competent man shall be employed to operate

each of the safety gates herein provided for, when erected, who shall be and remain at his post of duty from 5 o'clock, A. M. until 12 o'clock, midnight on each and every day, except when relieved by some other competent and reliable man.

Sec. 4. The safety gates provided for in this ordinance shall be placed in operation at the crossing herein named not later than thirty days after this ordinance goes into force and effect.

Sec. 5. Each and every one of said railroad or railway companies above named, failing to erect and maintain the safety gates herein provided for, and at and within the time and times herein provided, shall be fined in any sum not less than ten dollars nor more than twenty-five dollars on complaint of any citizen filed in the Police Court of said city; and every day that such crossing is allowed to remain unprotected by the safety gates herein provided for, shall be deemed a separate offense as to any such company or companies required to erect and maintain said gates.

Sec. 6. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the "Indianapolis Sentinel," a daily newspaper having a general circulation in said city.

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

By Mr. Cottey:

General Ordinance No. 11, 1904: An ordinance fixing the time for opening and closing the public markets of the City of Indianapolis on market days, and fixing the time for opening and closing the public markets of said city to the marketers on days preceding the market days; repealing all ordinances in conflict therewith 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 the market days in the public markets of the City of Indianapolis shall be Tuesdays, Thursdays and Saturdays of each and every week. The opening hour shall be three o'clock, A. M., and the closing hour shall be twelve-thirty o'clock, P. M., on Tuesdays and Thursdays, and on Saturdays ten o'clock, P. M., from November 1st, to April 1st, and eleven o'clock, P. M., from April 1st to November 1st.

Sec. 2. The opening hour to marketers on days preceding the market days shall be eight-thirty o'clock, A. M., and the closing hour four-thirty o'clock, P. M.

Sec. 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Public Property and Improvements.

MISCELLANEOUS BUSINESS.

The President presented the following:

To the President and the Members of the Council of the City of Indianapolis:

Gentlemen: On December 28, 1903, Mr. Geo. W. Stanley, Building Inspector, called a meeting of the architects for the purpose of devising

ways and means for formulating a new code of building laws for the City of Indianapolis.

Subsequent meetings have been held, and at a meeting to-day a permanent committee was formed consisting of two representatives from the Department of Public Safety; one each from the Judicial Department, Indianapolis Fire Inspection Bureau, office of State Factory Inspector, Builders' Exchange, General Contractors' Association and three architects, the following being named:

Geo. W. Stanley, City Building Inspector, permanent chairman.

P. C. Rubush, Architect, secretary

C. E. Coots, Chief of Fire Department.

H. W. Warrum, City Attorney.

T. M. Goodloe, Manager Indianapolis Fire Inspection Bureau.

D. H. McAbee, State Factory Inspector.

C. C. Pierson, contractor from Builders' Exchange.

Wm. P. Jungclaus, contractor from General Contractors' Association.

O. D. Bohlen, Architect.

L. H. Gibson Architect.

And it being the sense of the meeting that the legislative department of the city should be represented, you are respectfully asked to select a member of your honorable body to act as your representative with this committee. Yours respectfully,

P. C. RUBUSH,
Secretary.

January 18, 1904.

Which was read.

Mr. Gasper moved that the communication be received. Carried.

Mr. Cooper moved that James H. Billingsley, President of the Common Council, be chosen to represent the Council on the Board mentioned in the above communication, which motion was put by the Clerk and unanimously carried.

ORDINANCES ON SECOND READING.

Mr. Wolsiffer [called] for General Ordinance No. 1, 1904, for second reading.

General Ordinance No. 1, 1904, was read the second time.

Mr. Wolsiffer moved that General Ordinance No. 1, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 1, 1904, was then read a third time and passed by the following vote:

Ayes, 21, viz.: Messrs. Cooper, Cottey, Crall, Eppert, Davis, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

On motion of Mr. Crall, the Common Council, at 8:07 o'clock, adjourned.

J. H. Billingsley

President.

ATTEST:

W. M. Fogarty.

City Clerk.