

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, December 5, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 5, 1904, at 7:45 o'clock, in regular session, Vice-President W. A. Rhodes in the chair.

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

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

On motion of Mr. Gasper the reading of the Journal was dispensed with.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., November 25, 1904.

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

Gentlemen: I herewith return with my signature and approval Appropriation Ordinance No. 31, 1904.

Respectfully,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

INDIANAPOLIS, IND., November 23, 1904.

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

I herewith return with my signature and approval General Ordinance No. 68, 1904; General Ordinance No. 80, 1904; General Ordinance No. 78, 1904; General Ordinance No. 77, 1904; General Ordinance No. 81, 1904; Appropriation Ordinance No. 28, 1904; Appropriation Ordinance No. 27, 1904.

Respectfully,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

COMMUNICATIONS FROM CITY OFFICERS.

From the City Comptroller:

INDIANAPOLIS, IND., December 5, 1904.

To the President and Members of the Common Council:

Gentlemen: The appropriation made by the General Appropriation Ordinance of 1903, for the payment of interest and exchange on the city debt in 1904, is \$4,870.50 short of what is needed to meet the obligations, on account of the issue of bridge bonds and flood bonds since it was passed.

I find also that there was no provision in the General Appropriation Ordinance of 1903 for the payment of \$15,000 of bridge bonds of 1899 which fall due on January 1, 1905. The money for these has to be sent to New York before that date, and therefore must be appropriated for the year preceding.

I recommend the immediate appropriation of these amounts (\$19,870.50) and inclose ordinance for that purpose.

Respectfully submitted,

J. P. DUNN,
City Comptroller.

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Finance Committee:

INDIANAPOLIS, IND., December 5, 1904.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred General Ordinance No. 82, 1904, have had same under consideration and respectfully recommend that the same do pass.

Respectfully submitted,

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

Which was read.

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

Mr. Cooper entered Council Chamber and took seat.

From the Committee on Railroads:

INDIANAPOLIS, IND., November 21, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordi-

nance No. 72, 1904, have had the same under consideration and recommend that same do pass.

FRED W. EPPERT,
ALBERT E. COTTEY,
OTTO HOFMANN,
JOHN WOLSIFFER,

Which was read.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., December 5, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 84, have had same under consideration, and believe it to be a bad precedent to establish by allowing any person, railroad corporation or any other corporation, to be permitted, or encouraged, to knowingly, wilfully and maliciously violate the city charter. In this instance we know that this railroad corporation, locally, is working under the directorship of the best legal talent attainable; and it cannot be attributed to ignorance or oversight upon their part, and this committee does not feel that it is right or fair to have this Council petitioned by this railroad corporation for a ratification of a switch already down, without first, or in advance of its laying, to have made a contract with the Board of Public Works and later ratified by this body. This committee knowing that they did not conform with the law at the time of this switch's installment, this committee does not feel disposed at this late date to make a favorable report, thereby countenancing a direct violation of the city charter, and it therefore recommends that same do not pass.

FRED W. EPPERT,
OTTO HOFMANN,
JAMES B. MURRAY,
JOHN WOLSIFFER.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., December 5, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 83, have had same under consideration, and believe it to be a bad precedent to establish by allowing any person, railroad corporation or any other corporation, to be permitted, or encouraged, to knowingly, wilfully and maliciously violate the city charter. In this instance we know that this railroad corporation, locally, is working under the directorship of the best legal talent attainable; and it cannot be attributed to ignorance or oversight on their part; and this committee does not feel that it is right or fair to have this Council petitioned by this

railroad corporation for a ratification of a switch already down, without first, or in advance of its laying, to have made a contract with the Board of Public Works and later ratified by this body. This committee knowing that they did not conform with the law at the time of the switch's installment, this committee does not feel disposed at this late date to make a favorable report, thereby countenancing a direct violation of the city charter, and it therefore recommends that same do not pass.

FRED W. EPPERT,
OTTO HOFMANN,
ALBERT E. COTTEY,
JOHN WOLSIFFER,

Which was read.

Mr. Eppert moved that the report of the committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Comptroller:

Appropriation Ordinance No. 32—1904: An ordinance appropriating the sum of \$19,870.50, for the use of the Department of Finance, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be, and hereby is, appropriated to and for the use of the Department of Finance, the sum of nineteen thousand eight hundred and seventy dollars and fifty cents (\$19,870.50) to be used as follows, to-wit:

For paying bonds No. 1 to 15, inclusive, of the "Bridge Bonds of 1899" at \$1,000 each, due and payable in New York City, January 1, 1905, \$15,000.00. For the payment of interest \$4,780.50 and exchange \$90.00 due on the City Bonded Debt, December 30, 1904 and January 1, 1905.

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 Mr. Wright:

General Ordinance No. 85—1904: An ordinance directing the Board of Public Works and the City Civil Engineer to make the necessary surveys of White River from Washington street to the south corporate limits of the city, and to fix the east and west banks of said river, locating monuments showing said lines of banks, preventing encroachment beyond said lines so defined, providing a time when this ordinance shall take effect and fixing a penalty for violation thereof.

Whereas, The channel of White River from Washington street south to the corporate limits of the city is being contracted and encroached

upon by the construction of buildings and the dumping of refuse, ashes and other matter into said stream; and,

Whereas, The results of such acts are the pollution of said waters, and are increased tendency to overflow, floods and damage to property, public and private, and levees; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the Board of Public Works be authorized and directed to instruct the City Civil Engineer to make the necessary survey of White River from Washington street to the south corporate limits of the city, in order to determine the line of its channel and banks; and having made the necessary surveys to locate permanent monuments defining said lines both at the intersection with streets with the river and at intermediate points with said streets, if found necessary, and to make an accurate map showing said lines.

Sec. 2. It shall be unlawful for any person, firm, company or corporation to erect any structure into the stream beyond the line fixing its banks, or to dump any ashes, cinders, earth, refuse, or other material, encroaching upon said stream beyond the line of the banks so defined.

Sec. 3. Any person, firm, company or corporation violating the provisions of this ordinance, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars, and each day's continuance of such violation shall constitute a separate offense.

Sec. 4. This ordinance shall be in full force and effect after its passage and publication once each week for two consecutive weeks in the "Indianapolis 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 Property and Improvements.

By Mr. Fishback:

General Ordinance No. 86—1904: An ordinance amending Section 204 of General Ordinance No. 34, 1904.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 204 of General Ordinance No. 34, 1904, being "an ordinance concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures and appurtenances thereof, erected or to be erected in the City of Indianapolis, Indiana," be amended to read as follows, to-wit:

Section 204. Every theater, opera house, or building now or herein-after erected for theatrical, operatic or for any public amusement, or any building remodeled for the aforesaid purposes in Indianapolis, Indiana, shall have all entrances for patrons front upon a public street and not upon an alley, and in such buildings above mentioned there shall be suitable means of entrances and exits for the audience to and from each floor, balcony and gallery.

Sec. 2. This ordinance shall take effect from and after its passage and publication once each week for two consecutive weeks in the "Indianapolis Sentinel," a newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

Mr. Eppert moved to recall General Ordinance No. 86, 1904, from the Committee on Public Safety and Comfort and send the same to the Committee on Public Morals.

Mr. Krause called for the ayes and noes.

The Clerk called the roll:

Ayes, 9, viz.: Messrs Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Wahl.

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

ORDINANCES ON SECOND READING.

Mr. Eppert called for General Ordinance No. 72, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 72, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 72, 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, Wright.

Noes, none.

Mr. Gasper called for General Ordinance No. 82, 1904, for second reading. It was read a second time.

Mr. Gasper moved that General Ordinance No. 82, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 82, 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, Wright.

Noes, none.

Mr. Eppert called for General Ordinance No. 83, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 83, 1904, be stricken from the files, which motion carried by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Noes, 3, viz.: Messrs. Cooper, Fishback, Krause.

Mr. Eppert called for General Ordinance No. 84, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 84, 1904, be stricken from the files, which motion carried by the following vote:

Ayes, 16, viz.: Messrs. Cottey, Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Noes, 4, viz.: Messrs. Cooper, Fishback, Krause, Shea.

On motion of Mr. Moriarity the Common Council, at 8:15 o'clock, P. M., adjourned.

W. M. Moriarity
.....
President pro tem.

ATTEST:

W. M. Moriarity
.....
City Clerk.

