

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL, }
Monday, May 6th, 1878—7½ o'clock P. M. }

The Common Council of the City of Indianapolis met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—21.

Absent—Councilmen Cochran, Reed, and Reading—3.

The proceedings of the regular session of April 15th, of the adjourned session of April 22d, and of the called session of April 29th, 1878, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

Sealed proposals for making the below described improvements were received, opened, read, and referred to the Committee on Contracts :

For placing that portion of the Delaware street viaduct set apart for that purpose, on the stone abutments already erected on the canal, at the crossing of Fifth street.

For the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes) on Ray street (West Indianapolis) from Washington street to White River.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, presented the following petition; which was referred to the Committee on Judiciary and the City Attorney:

To the Common Council, Board of Aldermen, and Mayor of the City of Indianapolis, Indiana:

The undersigned herein submits, for your consideration and action, the following facts, to-wit:

On the — day of April, 1876, the Common Council of the City of Indianapolis, acting upon the report of the proper Commissioners, ordered that Bellefontaine street, in said city, be opened through and widened from Lincoln avenue to Tinker street; and said street was opened and widened accordingly. Among other property owners whose property was taken, in part, for said street, was Joseph W. Bugbee, and his damages were assessed in the sum of \$1100 above his benefits. Mr. Bugbee, on the — day of January, 1877, executed and delivered to the City Clerk a certain bond for the purpose of having said city pay him said sum of \$1100, and said city did thereupon pay him said sum of money.

At the time said property was taken for said street, this petitioner held a mortgage thereon, bearing date March 1st, 1876, for the sum of \$5,000, and executed by said Joseph W. Bugbee and wife. That on the — day of March, 1878, because of the failure of said Bugbee to comply with the conditions of said mortgage, petitioner, by her attorneys, brought suit to foreclose said mortgage, and on the 12th day of April, 1878, obtained judgment against said Bugbee for the sum of \$5,619.79, and decree of foreclosure and order of sale of said property.

Petitioner says that she was in no manner made a party to the proceedings to open said street, as the records thereof clearly show. She believes she is entitled to the sum of \$1100 from said city for the taking of a portion of the real estate aforesaid. Having no desire to bring suit against the city, if the same can be avoided, she takes this method of bringing the matter

to your notice, and she asks that you direct the City Treasurer to pay her said sum of \$1100.

Respectfully submitted,

A. LOUISE MORRIS,
By CROSEY & WRIGHT, Attys.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was approved:

Indianapolis, May 6, 1878.

To the Mayor and Common Council:

Gentlemen:—I herewith report the following estimates:

A first and final estimate in behalf of Richard Carr, for grading and graveling the first alley east of Meridian street, between Phipps and McCarty streets—

808 lineal feet, at 11 cents..... \$88 88

Also, a first and final estimate in behalf of Richard Carr, for grading and graveling the first alley north of Fletcher avenue, from Cedar street to Dillon street—

958 lineal feet, at 10½ cents.....\$100 59

Also, a first and partial estimate in behalf of David A. Haywood, for grading, and paving with brick, the east sidewalk of Pendleton Pike, between Clifford avenue and Orange street—

2430 8 lineal feet, at 29 cents.....\$704 93

13 cubic yards gravel, at 70 cents..... 9 10

Total \$714 03

Respectfully submitted,

BERNHARD H. DEITZ, City Civil Engineer.

The following estimate resolution was then offered:

Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed Richard Carr, for grading and graveling the first alley east of Meridian street, between Phipps and McCarty streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

Affirmative—Councilmen Byram, Izor, Layman, McGinty, Poudler, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—15.

Negative—None.

The following estimate resolution was also offered :

Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed Richard Carr, for grading and graveling the first alley north of Fletcher avenue, from Cedar street to Dillon street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Byram, Izor, Layman, McGinty, Poudler, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—15.

Negative—None.

The following estimate resolution was also offered :

Resolved, by the Common Council and Board of Aldermen, That the foregoing first and partal estimate, allowed David A. Haywood, for grading, and paving with brick, the east sidewalk of Pendleton Pike, between Clifford avenue and Orange street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Byram, Izor, Layman, McGinty, Poudler, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—15.

Negative—None.

The City Civil Engineer also submitted the following report ; which was received :

Indianapolis, May 6, 1878.

To the Mayor and Common Council :

Gentlemen:—I would respectfully report that I have located new lamp-posts as follows :

On Bellefontaine street, from Home avenue to Tinker street	9
On Peru street, from Home avenue to Tinker street	10
On Stevens street, from East street to Virginia avenue	6
On Fletcher avenue, from Dillon street to Linden street	8
On Olive street, from Prospect street to Pleasant Run	15
Total	48

Of these, nineteen were ordered lighted from and after April 1st, 1878. The remaining twenty-nine were ordered lighted from and after April 20th, 1878.

Respectfully submitted,
BERNHARD H. DIETZ, City Civil Engineer.

The same officer also submitted the following report ; which was received :

Indianapolis, May 6, 1878.

To the Mayor and Common Council :

Gentlemen :—By the improvement of the east sidewalk of Pendleton Pike, from Clifford avenue to Orange street, it becomes necessary to effect an outlet for drainage, and, on examination, I find that the most feasible plan would be to bowlder the second alley north of Clifford avenue, running from Pendleton Pike to Brookside avenue. This would permit considerable drainage to pass through said alley to Brookside avenue ; thence, into Clifford avenue sewer.

In view of the importance of this matter, I have prepared a special ordinance, providing for the improvement, and herewith present the same.

Respectfully submitted,
BERNARD H. DIETZ, City Civil Engineer.

The following ordinance was then introduced, and read the first time :

S. O. 23, 1878—An ordinance to provide for grading and bowldering the second alley north of Clifford avenue, running from Pendleton Pike to Brookside avenue.

The same officer also submitted his third annual report ; which was received.

The City Clerk submitted the following report ; which was referred to the Committee on Finance :

Indianapolis, May 6, 1878.

To the Mayor and Common Council :

Gentlemen :—I herewith submit an itemized statement of the amount of orders issued on the City Treasurer, during the month of April, 1878 :

NATURE OF CLAIM.	AMOUNT.
City Assessor's Assistants	\$ 65 00
City Civil Engineer's Department	210 55
City Hospital and Branch.....	992 34
City Janitor's Assistants.....	32 50
Costs	160 32
Damages.....	478 75
Fire Department.....	5,758 00
Gas	6,980 23
Incidentals.....	100 48
Insurance	30 00
Nuisances	175 00
Office-Fixtures.....	34 60
Parks.....	51 50
Police.....	3,991 50
Posting Bills	15 00
Printing, Stationery, and Advertising.....	391 22
Rent.....	750 00
Salary	4,090 75
Station Houses	464 36
Street Repairs.....	2,851 78
Street Improvements.....	17 60
Taxes refunded.	109 61
Tomlinson Estate.....	5 60
Total.....	\$27,756 69

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The same officer submitted the following report from the City Treasurer; which was also referred to the Committee on Finance:

Report of Wm. M. Wiles, City Treasurer, for the month of April, 1878 (1st to 30th, inclusive).

RECEIPTS.

Balance on hand as per last report, March 31st, 1878.....	\$253,038 62
From current taxes.....	346,727 42
From delinquent taxes.....	6,796 90

From tax-sales	\$ 29,312 01
From benefits.....	52 00
From dray licenses	9 00
From express licenses.....	40 00
From hack licenses.....	28 00
From peddlers' licenses	25 00
From fines and fees (City Court).....	107 75
From tapping sewers	30 00
From promiscuous	170 14
Total receipts.....	\$636,336 84

DISBURSEMENTS.

For Fire Department.....	\$ 5,915 63
For Police	3,993 75
For street repairs.....	2,961 05
For City Hospital and Branch.....	938 45
For Civil Engineer's Department.....	210 55
For assisting City Assessor.....	65 00
For City Janitor's Assistants.....	32 50
For City Commissioners.....	128 00
For costs.....	160 32
For damages	478 75
For elections.....	6 00
For gas.....	6,980 23
For incidentals.....	107 48
For insurance.....	30 00
For nuisances	175 00
For office fixtures	50 00
For parks.....	51 50
For posting bills.....	15 00
For printing, stationery, and advertising.....	561 76
For salary	3,784 50
For Station Houses.....	491 46
For street improvements.....	22 60
For taxes refunded.....	130 61
Balance on hand	\$609,046 70

\$636,336 84

TOMLINSON ESTATE.

Balance on hand as per last report, March 31st, 1878.....	\$ 16,139 96
From rents.....	141 00
	<u>\$ 16,280 96</u>
For repairs	5 60
Balance on hand	16,275 36
	<u>\$ 16,280 96</u>

Balance on hand, general fund.....	\$609,046	70
Balance on hand, Tomlinson estate.....	16,275	36
Total balance on hand	\$625,322	06

Respectfully submitted,

WM. M. WILES, City Treasurer.

To BENJ. C. WRIGHT, City Clerk.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Hospital Board, through Councilman Izor, submitted the following reports from the Superintendent of the City Hospital and Branch; which were duly received:

The following report of the City Hospital and Branch, for the month ending April 30th, 1878, is respectfully submitted:

NO. OF BEDS IN HOSPITAL—100.	First Week.	Second Week.	Third Week.	Fourth Week.	Two Days.	Total.
Number of Patients at last report—adults.....	59	57	63	62	58	.....
Number of Patients at last report—infants.....	4	5	4	4	3	.....
Received New Patients—adults.....	7	14	14	10	3	48
Births, or Received—infants.....	1	1	1	.....	.....	3
Discharged—adults.....	9	8	14	12	1	44
Discharged—infants.....	.....	2	1	1	1	5
Died—adults.....	.....	.....	1	2	.....	3
Died—infants.....	.....	.....	.....	.....	.....	.....
Number of Patients remaining—adults.....	57	63	62	58	60	.....
Number of Patients remaining—infants.....	5	4	4	3	2	.....
Number of Patients in Branch—adults.....	.....	.....	.....	.....	.....	.....
Number of Patients in Branch—infants.....	.....	.....	.....	.....	.....	.....
Aggregate No. days of Patients in Hospital—adults.....	409	436	450	416	120	1831
Aggregate No. of days Patients in Hospital—infants.....	32	23	29	25	6	92

Total Expenditures for month \$ 907 74

Collected and paid to City Treasurer... \$ 20 10

Net Expenditures for subsistence, etc., during month..... 887 74

Aggregate number of days subsistence furnished..... 2453

Average net expense per capita per diem of patients and employes.. 36.2 cts.

W. H. DAVIS, M. D., Superintendent.

The Board of Health submitted the following report:

Indianapolis, May 3, 1878.

To the Honorable Members of Common Council, City of Indianapolis:

Gentlemen:—The Board of Health report unanimously in favor of the following motion, to them referred, and earnestly recommend its passage, if it be at all practicable, and can be done without too much expense to the city:

“*Moved*, That the water-hydrants at or near the heads of the main sewers in the city be tapped, and that water be flowed into the sewers in sufficient quantity to keep the sewers washed out—which will avoid the healthy but unpleasant odors spoken of by the honorable Board of Health in their report.”

We find that in all other cities the sewers are constantly flooded, and, in this way, stenches are obviated that it is impossible to get rid of in any other way.

With reference to the Morris' Fertilizing Establishment, the Board of Health are at work upon it, and will abate it as soon as practicable.

Respectfully,

HENRY JAMESON, Secretary Board of Health.

The matter of tapping hydrants, for the purpose of flushing sewers, was, on motion, referred to the Committee on Water-Works; and the report of “progress” was duly received.

The Board of Public Improvements, through President Byram, submitted the following report; which was considered by clauses:

To the Mayor and Members of the Common Council of the City of Indianapolis:

Gentlemen:—The Board of Public Improvements, to whom was referred sundry papers and motions, have given them due consideration, and would report as follows:

FIRST. Is special ordinance No. 14, with a remonstrance against its passage.

This is an ordinance for the improvement of Georgia street, between Illinois and Meridian streets, and was introduced on the recommendation of your Board, after due consideration. On examination, we find that the remonstrance is signed by every property owner on the line of the proposed improvement; but, notwithstanding that fact, we are of the opinion that the street should be improved as contemplated in the ordinance, for the reason that it is a street in the central portion of the city, and one over which a large amount of travel and heavy hauling is done, and is in very bad condition.

We would report the ordinance and remonstrance back, without recommendation, leaving the matter to the discretion of the Council.

SECOND. Is special ordinance No. 16, together with a remonstrance against its passage.

This is an ordinance for the improvement of the first alley west of Blake street, from New York to Michigan street, and was accompanied with a petition for its passage. Your Board have no means of knowing the amount of property represented by either the petition or the remonstrance, as the number of feet is not set forth by the signers of either paper, but would conclude that the remonstrance represents a majority of the property, it having twenty-two signers, while the petition has but eighteen.

Your Board carefully examined the line proposed to be improved, and are of the opinion that the improvement should be made, as a sanitary measure, if for no other reason. We would, therefore, recommend the passage of the ordinance, notwithstanding the remonstrance.

THIRD. Is a motion of Councilman Thomas, instructing your Board to examine a pavement recently laid in front of 169 W. Maryland street, and ascertain its cost, etc.

We have obeyed the instruction, and find the pavement named to be a very handsome one, with the appearance of great durability, and are informed that it is easily repaired. Its cost for sidewalks is from one dollar and twenty-five cents to one dollar and fifty cents per square yard; and for roadways, it would cost two dollars and thirty cents per square yard.

FOURTH. Is a motion of Councilman Dill, to have the chuck-holes in New York street, between Tennessee street and the canal, filled.

We have heretofore reported against the passage of a similar motion, for the reason that the street is worn out, and, in our opinion, its repair would be a waste of money.

FIFTH. Is a motion of Councilman Tucker, to instruct the City Marshal to notify the Street Railway Company to take up the T-rail on the English avenue route, from Virginia avenue to corporation line, and to re-lay same with improved rails.

The charter of the company requires all tracks laid and used by them to be made of the most approved rail. It is therefore in the power of the Council to cause the rails on this line to be removed, but they have no power to cause them to be re-laid with an improved or any other rail. We have interviewed the officers of the company in reference to the matter, and they report to us that if the Council require the present rails on said route to be removed, they will comply with the requirements of the Council, but as to

the re-laying with an improved rail, that is another matter, and they will decline to do so.

We would report the motion back, without recommendation.

Respectfully submitted,

N. S. BYRAM,

H. COBURN,

Board of Public Improvements.

The first, third, and fifth clauses of the preceding report were, on motion, duly received, and the second and fourth clauses were duly concurred in.

In reference to the matter referred to in the first clause of preceding report, Councilman Thomas, by consent, offered the following motion ; which was duly adopted :

Moved, That the property owners on Georgia street, between Illinois and Meridian streets, have permission to grade and gravel the street, under the direction of the City Civil Engineer—work to be done within forty days, and at their own expense.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Benevolence and Hospitals, through Councilman Walker, presented the following reports from the Superintendent of the City Dispensary, and the same were duly received :

Indianapolis, April —, 1878.

To the Chairman of the Board of Benevolence and Hospitals :

I respectfully submit the following report of the receipts and expenditures of the City Dispensary, from January 1st, 1877, to March 1st, 1878:

RECEIPTS.

City of Indianapolis, donation.....	\$ 2,800 00
T. C. Cottrell, donation.....	5 00
D. V. Burns, donation.....	5 00
W. W. Wiles, donation.....	5 00
Murphy, Johnston & Co., donation.....	2 00
Daggett & Co., donation.....	5 00
Severin, Ostermeyer & Co., donation.....	2 00
Prof. Bell, donation.....	6 00
Edward Mueller, donation.....	5 00

Mrs. Z. Mansur, donation.....	\$ 2 00
Charles Meyer, donation.....	25 00
Wm. Haueisen, donation.....	5 00
Mrs. James Hume, donation.....	2 00
J. C. Wright, donation.....	1 00
C. Vonnegut, donation.....	2 00
J. H. Baldwin, donation.....	2 00
Shover & Christian, donation.....	25
Dr. Randolph, donation.....	5 00
John Harrison, donation.....	10 00
Woodford, Dean & Co., donation.....	50
D. M. Coffin, donation.....	1 00
H. C. Martin, donation.....	3 00
Geo. K. Share, donation.....	1 00
— Fitzhugh, donation.....	50
L. Manheimer, donation.....	75
N. McCarty, donation.....	5 00
Rev. N. A. Hyde, donation.....	5 00
Wm. Scott, donation.....	6 00
R. A. Conner, donation.....	3 00
Ezekiel & Harrowitz, donation.....	4 50
Robt. Browning, donation.....	5 00
A. E. Fletcher, donation.....	5 00
S. A. Fletcher, jr., donation.....	10 00
C. C. Hines, donation.....	5 00
Rev. J. C. Fletcher, lectures.....	175 00
James Greene, donation.....	5 00
Mrs. E. G. Wiley, donation.....	5 00
Sinker, Davis & Co., donation.....	5 00
Layman, Carey & Co., donation.....	5 00
Holloweg & Reese, donation.....	5 00
W. J. Holliday, donation.....	5 00
J. A. McKenzie, donation.....	6 00
Albert Gall, donation.....	5 00
Chas. F. Raschig, donation.....	5 00
John Dury, donation.....	5 00
Engle & Drew, donation.....	3 00
W. H. H. Miller, donation.....	5 00
Vajen, New & Co., donation.....	3 00
Chas. H. Talbot, donation.....	5 00
Jones, Armstrong & Co., donation.....	5 00
Jno. W. Ray, donation.....	5 00
Sam'l Merrill, donation.....	5 00

J. C. Frazee, donation	\$ 2 00
Brainard Rorison, donation.....	5 00
A. Kiefer, donation.....	5 00
Judge Williams, donation.....	3 00
Mrs. E. C. Atkins, donation	3 00
Harrison's Bank, donation.....	6 50
H. Bates, donation.....	100 00
I. C. Hayes, donation.....	5 00
Total Receipts.....	<u>\$ 3,331 00</u>

EXPENDITURES.

John M. Judah, rent	\$ 166 00
Loz. Schmidt, rent.....	118 00
Charles Stepp, janitor and washing.....	94 75
Nellie T. Bell, book-keeping and collecting	36 35
Cobb & Branham, fuel	26 75
Engle & Drew, fuel	6 50
H. Lieber & Co., expense of Rev. J. C. Fletcher's lectures.....	49 86
Yohn & Porter, printing and stationery	3 95
Guttenberg Co., printing and stationery	7 75
E. B. Porter, ledger	1 40
T. A. Wagner, blank book.....	75
Oliver Wright, labor	3 50
Henry Bollman, labor	3 05
D. J. Reid, labor	2 10
Junglauss & Schmacher, labor	20 50
Andy Jackson, labor	2 00
Edward Mueller, merchandise.....	10 21
J. S. Sebern, merchandise.....	55
Western Furniture Co., merchandise.....	9 25
McCune & Son, merchandise.....	17 60
Davis & Cole, merchandise.....	6 25
Wolfrom Bros, merchandise.....	1 75
Dr. T. A. Wagner, medical services.....	300 00
Dr. J. Reade, medical services.....	45 00
Dr. C. H. Raymond, medical services.....	50 00
Dr. G. B. Wallace, medical services.....	32 00
Dr. W. M. Bullard, medical services	90 00
Dr. H. S. Cunningham, medical services.....	140 00
Dr. E. S. Elder, medical services.....	30 00
Dr. A. O. Lawrence, medical services.....	210 00
Dr. W. B. McDonald, medical services.....	90 00
Dr. W. H. Davis, medical services.....	60 00

W. C. Simonson, prescription clerk.....	\$ 205 60
Elmer E. Fletcher, prescription clerk.....	54 00
Otto E. Mueller, prescription clerk.....	361 75
A. Kiefer, medicines.....	555 74
W. A. & I. N. Pattison, medicines.....	274 64
Stewart & Barry, medicines.....	163 00
Eli Lilly, medicines.....	19 29
Jno. F. Johnston, medicines.....	10 65
P. H. Kelly, medicines.....	6 05
H. D. Martin & Co., medicines.....	47 10
Emil Martin, medicines.....	30 50
Carter & Fletcher, medicines.....	2 10
Cash for towels.....	96
Cash for bandages, etc.....	5 00
Total Expenditures.....	<u>\$ 3,372 20</u>

W. B. FLETCHER, Superintendent.

Report of City Dispensary for the month of March, 1878.

Number of visits made to Station House.....	38
Number of prescriptions filled for Station House.....	12
Whole number of prescriptions filled at Dispensary.....	850

CONDENSED REPORT.

Number of visits made to families in District North.....	151
Number of visits made to families in District South.....	95
Number of patients treated at Dispensary.....	375
Number of visits made to Station House.....	38
Number of prescriptions filled for Station House.....	12
Whole number of prescriptions filled at Dispensary.....	850
Number of surgical cases.....	33
Number of vaccinations.....	5
Number of teeth extracted.....	12
Number of births.....	3
Number of deaths.....	6

Respectfully submitted,

OTTO E. MUELLER, Ph. G.

Number of prescriptions filled from Physicians not connected with the Dispensary:

Dr. Waters, 19; Dr. Henthorne, 14; Dr. Martin, 10; Dr. Brennan, 7; Dr. Elder, 6; Dr. Woolfolk, 5; Dr. Cunningham, 3; Dr. Wishard, 3; Dr. Featherston, 3; Dr. I. W. Stratford, 3; Dr. Chambers, 2; Dr. Wallace, 2; Dr. Schel-

ler, 2; Dr. Butterfield, 2; Dr. Sullivan, 2; Dr. Eastman, 1; Dr. Bullard, 1; Dr. Haughton, 1; Dr. L. L. Todd, 1; Dr. Funkhouser, 1; Dr. Barnes, 1; Dr. A. Stratford, 1; Dr. Pink, 1; Dr. Kaiser, 1—Total, 92.

The Committee on Finance, through Councilman A. L. Wright, submitted the following report; which was duly approved:

To the Mayor and Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Finance respectfully report that they have examined the following reports:

City Treasurer's report, showing receipts and payments from May 15th, 1877, to April 15th, 1878.

City Treasurer's report, showing receipts and payments during April, 1878.

City Clerk's report, showing orders drawn on the Treasurer during April, 1878.

And find all of said reports correct as shown by the books of their respective offices.

Respectfully submitted,

A. L. WRIGHT,
N. S. BYRAM,
J. THOMAS,
MARTIN MCGINTY,
Committee on Finance.

The Committee on Judiciary and the City Attorney, submitted the following report; which was duly concurred in:

Indianapolis, May 6, 1878.

To the Mayor and Members of the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred the petition of sundry and divers members of the bootblacking profession, asking that said profession be licensed, and that no person be allowed to practice the same in the city without license, would report that we have had the matter under consideration, and the petitioners have appeared before us, by their attorney, and fully argued their claims.

Your committee have given the matter much thought and consideration, on account of the great interests involved, but have not been able to arrive at any very satisfactory conclusion.

Your committee are of the opinion that the Council might require bootblacks to be licensed, and that it would be a comparatively easy matter to pass an ordinance requiring it; but the questions arise, How shall the license be issued? Of what shall it be constructed? How shall the ordinance be enforced?

Your committee are of the opinion that it would be impossible for the City Clerk to issue the licenses, unless provision was made for a large increase of

the force in his office, and that a large force of policemen would be needed to be in constant attendance.

Your committee were unable to decide what would be the best form of license. If it were written or printed on ordinary paper, in the way other licenses are issued, a license would not last the average "shiner" longer than sundown. If it were made of a stamped brass check, to be fastened upon each boy by the city official issuing the same, it would probably last until the boy had his first knock-down argument with some of his brothers in the profession, when it would be captured and carried away upon the principle of "To the victors belong the spoils," and it would not be long until the average bootblack would start out to capture "checks" as the untamed savage upon western plains goes out for "scalps" and "hair"; and the boy who could produce the most checks would be the "Boss Shiner." As this plan would in all human probability, cause great trouble in the profession, your committee did not think it best to recommend the issuing of checks. The only other plan that suggested itself to your committee was, to register each boy's name in the Clerk's office, and then require the Clerk to brand him in some suitable place with the letters "L. B. B." [Licensed Boot-Black], and then require all the boys to appear before the Mayor at least once a week, to pass inspection as to the condition of the brand. This seemed to your committee to be the most practicable solution of the problem; but the boys did not seem to be very enthusiastic over it, and there seemed to be so many difficulties in properly carrying it out, that your committee have concluded to recommend that the Council take no steps in the matter.

Respectfully submitted,

N. S. BYRAM,

I. C. WALKER,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The same committee and officer also submitted the following legal opinions; which were severally considered, and each was duly concurred in:

To the Mayor and Members of the Common Council of the City of Indianapolis:

Gentlemen:—Your Judiciary Committee, together with the City Attorney, to whom sundry papers were referred, have given them due consideration, and would report as follows thereon:

FIRST. Are petitions from Mary A. Shine, Margaret Mulchey, Henrietta Martindale, and Mary J. White, for the refunding of taxes for several years, under what is known as the Widows' Exemption Act.

We have heretofore reported that said Act did not apply to city taxes until the year 1875. On examination of the facts set forth in said petitions, we are of the opinion that the parties are entitled to relief and the refunding of

taxes paid by them since the year 1875; and would recommend that Mary A. Shine be allowed the sum of thirteen dollars and ten cents; that Margaret Mulchey be allowed the sum of fourteen dollars and fifty cents; that Henrietta Martindale be allowed the sum of thirteen dollars and ten cents; that Mary J. White be allowed the sum of five dollars and ninety-six cents; and that the Committee on Accounts and Claims be instructed to embrace these several amounts in their next appropriation ordinance.

SECOND. Is a petition of Anna Mather for the refunding of taxes under what is known as the Widows' Exemption Act.

The petitioner sets forth that she, together with several other parties, own, in common, certain real estate and personal property, which, when divided, would entitle each owner to an exemption. As the parties have failed to have their estate divided, and as the property is in excess of one thousand dollars in value, your committee are of opinion that the claim should not be allowed, and would, therefore, recommend that the prayer of the petitioner be not granted.

THIRD. Is a petition of Mary Crosby, for the refunding of taxes under what is known as the Widows' Exemption Act.

On examination, we do not find the facts to be as set forth in the petition in this wise: The petitioner states that she, in common with her sister, owns certain property on which she prays for relief, and that they own no other property, while your committee finds other property is assessed against them, and has been for several years, on which the taxes have been duly paid. On the face of the petition and from facts learned by your committee, we are of the opinion that the claim should not be allowed, and would, therefore, recommend that the prayer of the petitioner be not granted.

FOURTH. Is the petition of Josiah Locke, for the refunding of taxes paid by him in consequence of clerical error made in the assessment of his property.

On examination, we find the matter, as set forth by him, to be true, and recommend that he be refunded the sum of \$8.96, and that the Committee on Accounts and Claims be instructed to insert said amount in the next appropriation ordinance.

FIFTH. Is a petition from R. L. DePuy, asking that a portion of the moneys paid by him for a license as a coal-dealer be refunded, as he has retired from the business.

This license was taken out under the provisions of an ordinance passed by this Council, requiring all dealers of coal and coke to obtain such license previous to engaging in the sale of the same; and said ordinance requires the license to be for one year. This provision, your committee think, was wisely ordained, and is for the protection of legitimate dealers, as it prevents parties from embarking, for a few months, during the profitable season, without paying full license therefor. Your committee are of the opinion that it would

be establishing a bad precedent to refund the money asked for, and would, therefore, recommend that the prayer of the petitioner be not granted.

Respectfully submitted,

N. S. BYRAM,

I. C. WALKER,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The same committee and officer also submitted the following report; which was duly received:

Indianapolis, May 6, 1878.

To the Mayor and Members of the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred general ordinance No. 6, 1878, to prohibit the erection of certain bill-boards in the city, would report that we have examined the same, and are of the opinion that the city has the power to pass the ordinance, and that the same should be passed.

We, therefore, recommend that the same be passed.

Respectfully submitted,

N. S. BYRAM,

I. C. WALKER,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The same committee and officer also submitted the following report; and the recommendations therein contained were duly concurred in:

Indianapolis, May 6, 1878.

To the Mayor and Members of the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred the communication of Samuel Beck, Quartermaster General of Indiana, in relation to certain bonds held by the State, executed by the city as security for the safe return of certain arms and accoutrements issued to certain military companies, would report that we have examined the matter, and find that the city did issue two bonds to the State for the purpose aforesaid; and that the said bonds are valid, as they were issued by virtue of an Act of the Legislature upon that subject.

We have been unable to find out where all the arms are, and the Quartermaster General has not produced to your committee a receipt of any person for the same, except for sixty stand of arms and accoutrements issued to Capt. John L. Hanna. These arms are stored at the warerooms of R. S. Foster & Co., and have been so stored since 1871, and the bill for storage at

this time amounts to \$77. The other arms, your committee are informed, were turned over to the State authorities some years since.

At the time that these arms were issued and the city bonds executed, there was a city ordinance that required the companies receiving the arms to execute a bond to the city; but we have been unable to find any such bonds, and are of the opinion that none were ever executed.

We would, therefore, recommend that the storage bill of R. S. Foster & Co. be paid, and that the Street Commissioner be instructed to take the arms, so stored at Foster's, and turn the same over to the proper State authorities, taking a receipt therefor, and filing the same in the Clerk's office, and that the Quartermaster General be requested to notify the Council who drew the other arms and receipted for the same, together with a copy of such receipt, in order that the same may be traced up.

Respectfully submitted,

N. S. BYRAM,
I. C. WALKER,
Committee on Judiciary.
R. O. HAWKINS, City Attorney.

In connection with the report last above, the following communication was presented and read:

Indianapolis, May 6, 1878.

N. S. Byram, Esq.:

Sir:—In answer to your inquiry, we will state that, November 27th, 1871, there were stored with us three large cases, supposed to contain twenty stand of muskets each, or sixty in all, and two large cases, supposed to contain accoutrements, etc. We have stored them six years and five months, and have bill of charges for storage, etc., of seventy-seven (77) dollars, or one dollar per month for the five cases. When they came into store, they were entered at the rate of two dollars per month, but, in consideration of the length of time they have been in store, we reduce it to one-half, which, considering the size of cases and room they occupy, etc., is reasonable.

We are ready, on payment of charges, to deliver them to the proper parties authorized to receive them.

Respectfully, R. S. FOSTER & CO., Warehousemen.

The Committee on Markets, through Councilman Pouder, submitted the following report; which was duly received:

Indianapolis, May 6, 1878.

To the Mayor and Common Council:

Gentlemen:—We recommend the passage of the ordinance changing the "Southside Market" from Pennsylvania street to Delaware street.

MILTON POUDEUR,
ALBERT IZOR,
Committee on Markets.

The Committee on Parks and the City Attorney, through Councilman Tucker, submitted the following report; which was duly received :

Indianapolis, May 6, 1878.

To the Mayor and Members of the Common Council of the City of Indianapolis :

Gentlemen :—Your Committee on Parks and City Attorney, to whom was referred the petition of Powell Howland, asking that the city convey certain real estate to him that he had conveyed to the city for park purposes in July, 1873, would report that we have examined the matter, and find that in 1873, a number of persons donated and conveyed to the city certain tracts of land upon the banks of Fall Creek, north of the city, to be used as a park, and was known as the "Shoe-String Park." Mary Fleming conveyed one tract of said land, but, in her deed, stipulated that unless the same was improved and fenced, etc., within three years, the same should revert to her. The city did not so improve it, and the Judiciary Committee and City Attorney reported upon her petition, that she could compel a re-conveyance of the land, and therefore the Council ordered the land conveyed back to her. Mr. Howland's deed contains no such stipulations, and your committee are of the opinion that the city is under no legal liability to re-convey the property to him. The city has the power to do so, if she desires; but your committee make no recommendation as to whether it should be done or not.

Respectfully submitted,

W. H. TUCKER,

M. STEINHAUER,

Committee on Parks.

R. O. HAWKINS, City Attorney.

The Committee on Sewers and the City Attorney, through Councilman Brown, submitted the following report; and the recommendation therein contained was duly concurred in :

Indianapolis, May 6, 1878.

To the Mayor and Members of the Common Council of the City of Indianapolis :

Gentlemen :—Your Committee on Sewers, together with the City Attorney, to whom was referred the copy of the order passed by the Board of State House Commissioners, would report that we have examined the same, and are of the opinion that it will provide for ample sewerage for the water in the neighborhood of the new State House, and we, therefore, recommend that the same be received, and the said Board of State House Commissioners be granted the right to construct the sewer in any of the streets that they

may deem best, *provided* that the city shall have the power to tap the same for the purpose of draining any of the streets or alleys.

Respectfully submitted,

G. SINDLINGER,

M. L. BROWN,

J. L. CASE,

Committee on Sewers.

R. O. HAWKINS, City Attorney.

APPROPRIATION ORDINANCES.

The Fire Board, through Councilman Layman, introduced the following ordinance; which was read the first time:

Ap. O. 26, 1878—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

The Hospital Board, through Councilman Izor, introduced the following ordinance; which was read the first time:

Ap. O. 27, 1878—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.

The Board of Police, through Councilman Brown, introduced the following ordinance; which was read the first time:

Ap. O. 28, 1878—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

The Committee on Accounts and Claims, through Councilman Layman, introduced the following ordinance; which was read the first time:

Ap. O. 29, 1878—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

The Committee on Benevolence and Hospitals, through Councilman Walker, introduced the following ordinance; which was read the first time:

Ap. O. 30, 1878—An ordinance appropriating money on account of the City Dispensary.

The Committee on Printing, Stationery, and Advertising, through Councilman Watts, introduced the following ordinance ; which was read the first time :

Ap. O. 31, 1878—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Appropriation ordinance No. 26, 1878, was then read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

Appropriation ordinance No. 27, 1878, was also read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

Appropriation ordinance No. 28, 1878, was also read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

Appropriation ordinance No. 29, 1878, was also read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

Appropriation ordinance No. 30, 1878, was also read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

Appropriation ordinance No. 31, 1878, was also read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—20.

Negative—None.

INTRODUCTION OF ORDINANCES, PETITIONS, AND REMONSTRANCES.

Councilman Sindlinger presented the following remonstrance against the passage of special ordinance No. 22, 1878; which was received :

Indianapolis, May 4, 1878.

To the Honorable Mayor and Common Council :

We, the undersigned lot owners on Maryland street, between Illinois and Tennessee streets, respectfully remonstrate against the proposed bowldering

of said street at present, for the reason that times are so hard we are not able to bear the heavy expense; nor is bowldering necessary to put the street in good condition—twenty-five or fifty loads of screened gravel, judiciously spread, will make it as good as other streets. Another objection to permanently improving the street now is, because the mains of the new Gas Company are not laid, and the street is liable to be cut up, at any time, for that purpose.

James B. Conaty, 36 feet; Joseph Harris (per Jos. Solomon), 25 feet; I. H. Roll (per T. V. Kimble), 103 feet; Ed. S. Palmer (for Palmer heirs), 100 feet; Sisters of Providence (for St. John's Academy), 135 feet; Edward R. Gaston, 113 feet; H. C. Wilson, 102 feet, Chamber of Commerce (by H. C. Wilson, Pr.), 67½ feet.

Councilman Steinhauer introduced the following ordinance; which was read the first time :

S. O. 24, 1878—An ordinance to provide for bowldering the north gutter, and grading, curbing with stone, and paving with brick the north sidewalk of McCarty street, from Alabama street to the first alley west of Alabama street.

Councilman Tucker presented the following petition, and introduced the following ordinance; which petition was duly received, and the ordinance [the title of which is appended to the petition] was read the first time :

Indianapolis, February 27, 1878.

To the Mayor and Common Council of the City of Indianapolis :

Gentlemen:—The undersigned, owners of the real estate fronting on Lord street, between Noble and Cady streets, respectfully petition for the passage of an ordinance providing for the erection of lamp-posts and lighting the same.

And your petitioners will ever pray, etc.

Charles Schwartz, William McGinnis, W. W. Wentz, Jesse Nicholson.

S. O. 25, 1878—An ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes) on Lord street, from Noble street to Cady street.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Byram offered the following motion; which was adopted:

Moved, That the City Civil Engineer be instructed to examine Malott avenue, at the point where the same crosses the track of Indianapolis, Peru & Chicago Railroad, and report what, if any thing, is necessary to be done to make the same passable.

Councilman Layman offered the following motion; which was adopted:

Moved, That the City Civil Engineer be instructed to purchase, and properly adjust (four foot to the hour) Stacey gas-burners, at the different places where the city pays for gas by meter measurement.

Later in the evening, the adoption of the preceding motion, upon demand of Councilman A. L. Wright, was re-considered by the following vote:

Affirmative—Councilmen Byram, Case, Dill, Izor, Layman, Marsee, McGinty, Sindlinger, Thomas, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—15.

Negative—Councilman Steinhauer—1.

On Councilman A. L. Wright's motion, the said motion was then referred to the Committee on Gas-Light, with power to act.

Councilman McGinty offered the following motions; which were severally adopted:

Moved, That John Stelwagen be granted permission to tap the Ray street sewer, adjacent to the corner of Illinois and Ray streets.

Moved, That the New York Furniture Company be granted the privilege of grading and curbing the sidewalk at the south end of their works, on Norwood street, between Tennessee street and the first alley east of Tennessee street, at their own expense, the stakes to be set by the City Civil Engineer.

Councilman Thomas offered the following motion; which was adopted:

Moved, That the Union Railway be granted the right to put up a safety-gate on Meridian street, and the right to make the proper excavations for that purpose, *provided* they put the street in as good condition as they find it—said work to be done under the supervision of City Civil Engineer.

Councilman Watts presented the following petition; which was referred to the Committee on Judiciary:

To the City Council of the City of Indianapolis:

Gentlemen:—The undersigned, your petitioner, would respectfully represent, that she is a widow, and for the year 1876 she was assessed with 51 feet, north end lot 55, out-lot 161, valued at \$500, with improvements, as shown by the attached receipt, marked "Exhibit A," being all the property assessed to her, real or personal, for said year.

She respectfully asks your honorable body for an order on the City Treasurer, to refund to her said tax (\$7.00), claiming exemption from taxation on the aforesaid amount of valuation (\$500), under the laws of the State of Indiana.

And your petitioner will ever pray, etc.

April 15th, 1878

ELIZABETH STEWART.

Per F. M. WHITE.

STATE OF INDIANA, *Marion County, ss*:

I, Elizabeth Stewart, do solemnly swear that the statements in the foregoing petition are true, to the best of my knowledge.

Her
ELIZABETH \bowtie STEWART.
mark.

Attest: W. WORMAN.

Subscribed and sworn to before me, this 17th day of April, 1878.

W. K. SPROULE, Auditor.

Councilman A. L. Wright offered the following resolution:

Resolved, That in the future no more taxes be refunded under what is known as the Widows' Exemption Act, and that all persons claiming such exemption be required to make such claims to the City Assessor, before paying their taxes.

Which was adopted by the following vote:

Affirmative—Councilmen Byram, Dill, Izor, Layman, Marsee, Steinhauer, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—12.

Negative—Councilmen Bagby, Brown, Case, McGinty, Sindlinger, and Wood—6.

Councilmen Watts and Wood were excused for the balance of this session.

Councilman Dill moved that the Common Council do now adjourn; which motion was lost by a *viva voce* vote.

ORDINANCES ON SECOND READING.

General ordinances Nos. 6, 11, and 13, 1878, were read the second time, and Nos. 6 and 13 were ordered to be engrossed.

Councilman Dill moved that further action upon general ordinance No. 11, 1878, be postponed for two weeks.

Councilman Steinhauer demanded a call of the "ayes and nays" on above motion; which being taken, the Council refused to postpone action by the following vote:

Affirmative—Councilmen Bagby, Byram, Case, Dill, McGinty, and Sindlinger—6.

Negative—Councilmen Brown, Izor, Layman, Marsee, Steinhauer, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—10.

Councilman Dill then moved to lay general ordinance No. 11, 1878, upon the table; which motion was lost by a *viva voce* vote.

On Councilman Steinhauer's motion, the aforesaid ordinance was ordered to be engrossed.

Councilman Dill moved that the Common Council do now adjourn; which motion was lost by a *viva voce* vote.

Councilman Dill moved to postpone further action upon general ordinance No. 13, 1878; which motion was lost by a *viva voce* vote.

ORDINANCES ON THIRD READING.

The following ordinance was read the third time :

G. O. 13, 1878—An ordinance relative to the Streets, Alleys, Sidewalks, and Public Places of the City of Indianapolis; restraining the making of Excavations therein or in lands adjacent thereto; prohibiting the placing of unauthorized obstructions in or upon the same; securing the public in the free and safe use thereof; revising and re-enacting ordinance-provisions now in force; and prescribing penalties for violations of its regulations and requirements;

And was passed by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Izor, Layman, Marsee, McGinty, Sindlinger, Steinhauer, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—15.

Negative—None. [Councilman Dill not voting.]

Councilman Dill moved that the Common Council do now adjourn; which motion was declared to have been lost by a *viva voce* vote.

Councilman Bagby demanded a call of the “ayes and nays” on adjournment; and the Council again refused to adjourn by the following vote :

Affirmative—Councilmen Bagby, Case, Dill, McGinty, and Sindlinger—5.

Negative—Councilmen Brown, Byram, Izor, Layman, Marsee, Steinhauer, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—11.

The following ordinance was then read the third time :

G. O. 6, 1878—An ordinance to prohibit the erection or maintenance of Bill-Boards in the City of Indianapolis, unless the consent of adjoining property owners shall be first obtained;

And was passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Izor, Layman, McGinty, Sindlinger, Steinhauer, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—15.

Negative—Councilman Marsee—1.

The following ordinance was also read the third time :

G. O. 11, 1878—An ordinance to amend section one (1) of an ordinance entitled "An ordinance to amend an ordinance entitled 'An ordinance providing for the re organization of the Police Force of the City of Indianapolis; passed May 18, 1874'; passed May 15, 1876";

And was passed by the following vote :

Affirmative—Councilmen Brown, Byram, Izor, Layman, Marsee, Steinhauer, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—11.

Negative—Councilmen Bagby, Case, Dill, McGinty, and Sindlinger—5.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest:

BENJ. C. WRIGHT, City Clerk.