

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—FEBRUARY 3, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, February 3d, A. D. 1879, at seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese—23.

ABSENT—Councilmen Morse and Wright—2.

The Proceedings of the Common Council, for the regular session, held on January 20th, 1879, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

REPORTS, ETC., FROM CITY OFFICERS.

The City Clerk submitted the following report; which was duly received:

To the Mayor and Common Council:

Gentlemen:—I herewith report the following affidavits, now on file in my office, for the collection of street assessments by precept, to-wit:

Robert P. Dunning vs. Henry Schilling, for.....	\$54 25
Robert P. Dunning vs. Henry Schilling, for.....	17 12

And recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

And the precepts, therein recommended, were ordered to be issued by the following vote:

AYES, 15—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Maus, Morris, McGinty, McKay, Off, Reading, Showalter, Sindlinger, Steeg, Tucker, and Walker.

NAYS—None.

sig. 77.

[753]

The same officer submitted the following report; which was duly approved:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I would respectfully report that, on the 22d day of January, 1879, I transmitted to the City Commissioners the petition, plat, and resolution of your honorable bodies, in the matter of the laying out, opening, and extending John street, from Peru street to Massachusetts avenue, and that I issued notice to said Commissioners, according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The same officer submitted the following reports; which were severally referred to the Committees on Finance of the Common Council and Board of Aldermen, for joint examination:

To the Mayor and Common Council:

Gentlemen:—I herewith submit an itemized statement of the amount of orders issued on the City Treasury, during the month of January, 1879:

City Assessor's Department.....	\$	143	80
City Civil Engineer's Department.....		140	18
City Dispensary.....		166	66
City Hospital and Branch.....		1,009	65
Coal Oil Light.....		46	89
Costs.....		1,557	15
Fire Department.....		4,953	72
Gas.....		4,705	74
Ice.....		5	40
Insurance.....		155	87
Markets.....		7	90
Market-Masters' Fees.....		95	13
Office fixtures and supplies.....		43	60
Parks.....		57	80
Police.....		3,500	57
Posting bills.....		6	00
Printing, Stationery, and Advertising.....		266	30
Salary.....		4,078	25
Station Houses.....		217	66
Street improvements.....		2	10
Street repairs.....		681	27
			\$ 21,841 64
School Fund.....			2,852 01
Total.....			\$ 24,693 65

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

Report of Wm. M. Wiles, City Treasurer, for the month of January, 1879.

RECEIPTS.

Balance on hand December 31st, 1878, as per last report.....	\$129,514	33
From delinquent taxes.....	9,678	09
From current taxes.....	9,710	46
From benefits.....	14	51
From dog licenses.....	2	25

From coal licenses.....	\$	25 00
From dray licenses.....		17 00
From express licenses.....		24 00
From fines (City Court).....		128 85
From hack licenses.....		32 00
From hucksters' licenses.....		42 00
From market fees.....		116 20
From peddlers' licenses		28 00
		<hr/>
		\$149,332 69
		<hr/>

DISBURSEMENTS.

For Fire Department.....	\$	4,929 22
For Police.....		3,500 57
For street repairs		798 85
For City Hospital and Branch.....		1,030 93
For Civil Engineer's Department.....		147 83
For City Assessor's Department.....		143 80
For Board of Health		50 00
For City Dispensary		166 66
For coal oil light.....		63 31
For costs		1,571 75
For elections		3 00
For gas		4,705 74
For ice		5 40
For insurance.....		155 87
For markets		7 90
For Market-Masters' fees.....		95 13
For office fixtures and supplies.....		47 45
For parks.....		57 80
For posting bills.....		6 00
For printing, stationery, and advertising		272 30
For salary.....		3,884 50
For Station House.....		210 03
For street improvements		2 10
		<hr/>
		\$21,856 14
Balance on hand, general fund.....	\$116,574 09	
Balance on hand, school fund	10,902 46	
		<hr/>
		\$127,476 55
		<hr/>
		\$149,332 69
		<hr/>

TOMLINSON ESTATE.

Balance on hand December 31st, 1878, as per report.....	\$	18,329 55
From rents collected.....		39 00
		<hr/>
		\$ 18,368 55
		<hr/>
Balance on hand		18,368 55
		<hr/>
		\$ 18,368 55
		<hr/>

Respectfully submitted,

WM. M. WILES, City Treasurer.

To BENJ. C. WRIGHT, City Clerk.

The City Attorney submitted the following legal opinion; which was duly concurred in:

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

Gentlemen:—At the last meeting of the Council, I was directed to report if there was any law authorizing the city government to compel owners and lessees of public buildings to properly protect the same with proper fire escapes.

In accordance with that motion, I would report that, under the charter, the city has full power, by ordinance, to regulate and control all such buildings, and that an ordinance now in force, that was ordained and established February 7th, 1877, in my opinion, covers all such cases. Section 1 of that ordinance makes it the duty of all owners and lessees of such buildings to provide the same with good and sufficient means of escape in case of fire, and such machinery and apparatus for the extinguishment of fire, as the Chief Fire Engineer and Fire Board shall, after an examination of the building, deem necessary. Section 2 makes it the duty of the Chief Fire Engineer and Fire Board to examine all such buildings, and determine what, if any, changes are necessary to be made as to the mode and means of exit therefrom, and what, if any, additional machinery or apparatus is necessary to be placed therein for the extinguishment of fire; and, after such examination, it is made their duty to notify such owners, lessees, or managers, in writing, as to the result of such examination, and what, if any, changes they require; and, thereupon, it shall be the duty of such owners or lessees to proceed to comply with such demands within thirty days from the date of the receipt of such notice. Section 3 provides that any person who shall fail or refuse to comply with the provisions of this ordinance shall be fined in any sum not exceeding one hundred dollars; and each ten days of failure to comply with its provisions, after conviction, shall be deemed a new offense; and upon a second conviction, the Mayor shall, as a part of the penalty, order the license granted by the city to any such person to be revoked.

Under this ordinance, after the Fire Board and Chief Fire Engineer have made the examination required, and notified the parties of what they demand, if such person fail for thirty days to comply, they can be prosecuted at once, and upon second conviction the license can be revoked.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The same officer submitted the following report; the consideration of which, on motion of Councilman Tucker, was laid over until next regular session of the Common Council:

To the Mayor and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—In the matter of the opening of Dillon street, I would report that the Receivers of the L. C. & L. R. R. and the C., C. & I. C. R. R. applied to the United States Circuit Court for an injunction against the Commissioners and City Officers, to restrain any further proceedings in the opening of said street; and, upon a hearing of the matter, since your last meeting, the Court held that the city had no power to proceed until leave to do so was granted by that Court. I then filed a petition in behalf of the city, asking leave to proceed and make such Receivers parties by notice, and the Court referred the petitions to the Master in Chancery, with instructions to examine the location of the proposed street, and hear evidence as to the necessity of such street being opened—the Court holding that that was a question to be decided by him before we could proceed. This will involve the trial of the question of the necessity of the street, and may require the examination of a large number of witnesses. I tried to have the question as to who should be required to pay the cost of that proceeding settled, but was not successful.

I am ready to proceed in the matter before the Master, but am of the opinion that some action of the Council and Board, directing me to do so, should be taken. I would, therefore, ask to be instructed whether I shall proceed with the matter or not.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The Superintendent of the City Hospital and Branch submitted the following report; which was duly received:

The following report of the City Hospital and Branch, for the month ending January 31st, 1879, is respectfully submitted:

NO. OF BEDS IN HOSPITAL—100.						
	First Week.	Second Week.	Third Week.	Fourth Week.	Three Days.	Total.
Number of Patients at last report—adults.....	39	40	42	51	48	.....
Number of Patients at last report—infants	2	3	2	4	5	.....
Received New Patients - adults.....	5	14	18	9	1	47
Births, or Received—infants.....	1	.....	2	2	1	6
Discharged—adults.....	2	10	7	9	2	30
Discharged—infants.....	.....	1	.....	.....	.....	1
Died—adults.....	2	2	2	3	.....	9
Died—infants .....	.....	.....	.....	1	.....	1
Number of Patients remaining—adults.....	40	42	51	48	47	.....
Number of Patients remaining—infants..	3	2	4	5	6	.....
Number of Patients in Branch—adults.....	.....	.....	.....	.....	.....	.....
Number of Patients in Branch—infants.....	.....	.....	.....	.....	.....	.....
Aggregate No. of days of Patients in Hospital—adults.....	278	315	333	371	146	1443
Aggregate No. of days of Patients in Hospital—infants.....	18	21	21	36	17	113
Total expenditures for month.....						\$ 895 35
Net expenditures for the month.....						895 35
Aggregate number of days subsistence furnished.....						2052
Average expense per capita per diem.....						43½ cents.

W. H. DAVIS, Superintendent.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board, through Councilman Tucker, submitted the following report; which was duly concurred in:

To His Honor, the Mayor, and Members of the Common Council:

On a motion made by Councilman Wright, November 18th, 1878, which was referred to the Fire Board, as to the advisability of amending the fire ordinance so as to organize one company on the minute-men system, we make the following report:

We deem the experiment inexpedient, for reasons stated in our report to Council on the minute-men system. [See Council Proceedings, page 434.]

Respectfully submitted,

R. S. FOSTER,
 JAMES T. LAYMAN,
 W. H. TUCKER.

The Board of Public Improvements, through President McKay, submitted the following report; which was duly concurred in:

To the Mayor, and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your Board of Public Improvements, to whom was referred the motion to construct a foot-bridge across Pleasant Run, at the intersection of Spruce street, make the following report thereon:

We have examined the location, and recommend that the Street Commissioner be ordered to build the bridge, at a cost not to exceed twenty-five (25) dollars.

Very respectfully submitted,

M. H. McKAY,

H. COBURN,

JOHN L. MARSEE,

Board of Public Improvements.

The same official board and the Street Commissioner submitted the following report; which was duly approved:

To the Mayor and Common Council:

Gentlemen:—We herewith report expenses of the Street-Repair Department for the month of January, 1879, together with the total expenses for the year, from May 16th, 1878, to February 1st, 1879:

Ike King, blacksmithing	\$	7	20
Coburn & Jones, lumber		141	42
Clemens Vonnegut, hardware		3	90
Receiver I., B. & W. R. R. Co., freight.....		31	20
B. T. Smith, lumber.....		151	20
Phenix Machine Co., iron work.....		5	65
J. L. Scanlon, stone for Work-House.....		9	00
Seibert & Carr, gravel.....		9	60
Pay-Rolls		511	84

Total expenses for January..... \$ 871 01

Total expenses per last report..... 20,226 71

Total expenses to February 1st, 1879 \$21,097 72

Respectfully submitted,

M. H. McKAY,

JOHN L. MARSEE,

Board of Public Improvements.

L. A. FULMER, Street Commissioner.

The Board of City Commissioners submitted the following report; which was referred to the Board of Public Improvements and the City Attorney:

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

Gentlemen:—The undersigned respectfully show to your honorable bodies—

1st. That they were duly appointed by the Judge of the Civil Circuit Court of Marion County, Indiana, to act as Commissioners to assess damages and benefits "accruing to the owners of lands and lots through which any street is proposed to be constructed or altered, or any building appropriated, or through which any creek or other water-course is proposed to be straightened, or of which the course is proposed to be altered."

2d. That they did, as required by law, take and subscribe the oath and affirmation required by law.

3d. That they were, and are, duly qualified to act as such Commissioners, and do possess lawful authority to assess benefits and damages.

I I .

Your Commissioners do further report—

1st. That, on the 22d day of January, 1879, they met at Room No. 9, in City Hall, Indianapolis, at 9 o'clock A. M., pursuant to notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of extending, widening, and opening of John street, from Peru street to Massachusetts avenue, to the width of sixty (60) feet, on the line of the eighteen feet alley between lots 25 and 26, in out-lots 43 and 44, more fully described in the petition to us referred, and hereto annexed, marked "Exhibit B."

3d. That they did inquire into the matter of the service of notices upon property owners, and do herewith report said notices, with the Marshal's indorsements of service thereon.

4th. That the following named persons appeared in answer to said notices, viz.: Ezra Munsel, James Templer, Catharine King, G. W. Stumph, Henry Geizel, Charles Schmidt, John G. Stumph, Sarah Butler (by Dr. Patterson), Mrs. McKibben, and D. C. Brown.

I I I .

The said Commissioners do further report that they did, at the time aforesaid, examine the real estate proposed to be appropriated; and did, at the time and place indicated in said notice, hear evidence touching the questions before them; and did also view the premises; and did estimate—

1st. The value of the land and property to be appropriated for said improvement.

2d. What part thereof, if any, ought to be borne by the city.

3d. What real estate, if any, would be benefited by the improvement.

I V .

Your Commissioners do further report—

1st. That the value of the land to be appropriated is, in the aggregate, twenty-four hundred (2400) dollars.

2d. Your Commissioners further find that no property will be benefited by said opening of John street, forasmuch as that there is an alley now 18 feet wide, improved, in the line of said street, and the improvement of said John street, to be opened, will cost as much as the adjoining property will be benefited by said opening of John street.

Your Commissioners further find, that the City of Indianapolis is under agreement with the Cleveland, Columbus, Cincinnati & Indianapolis Railroad Company and the Indianapolis, Peru & Chicago Railroad Company to make the before-described extension and widening of John street, from Peru street to Massachusetts avenue.

Your Commissioners do, therefore, assess the damages as follows, to-wit: Upon a parcel of ground owned by Philip Brown's Heirs, and described as follows: 42 feet off of the northeast side of lot No. 25, Peru & Indianapolis Railroad Subdivision

of out-lots Nos. 43 and 44 of the City of Indianapolis—said ground fronting forty-two feet on Massachusetts avenue, and extending, forty-two feet wide, on the south-west side of the alley, to Peru street.

Your Commissioners do further find, in view of the above stated facts, that the City of Indianapolis should pay the whole sum of damages—namely, twenty-four hundred (2400) dollars.

Your Commissioners do, therefore, recommend that the said John street be opened as prayed, and that the damages assessed be paid according to law.

Respectfully,

GEO. W. HILL,
R. H. PATTERSON,
JOHN L. AVERY,
J. S. HILDEBRAND,
WILLIAM MANSUR,
City Commissioners.
GEO. W. HILL, Secretary.

February 1, 1879.

The Board of Health submitted the following report; which was duly received:

Deaths registered in the City of Indianapolis, from January 16th, to January 31st, 1879:

Under 1 year	19
1 to 2 years	2
2 to 5 "	4
5 to 10 "	1
10 to 15 "	2
15 to 20 "	2
20 to 25 "	3
25 to 30 "	5
30 to 40 "	8
40 to 50 "	6
50 to 60 "	2
60 to 70 "	2
70 to 80 "	3
80 to 90 "	0
90 to 100 "	1
100 and upwards	0
Unknown	4
Total	64

HENRY JAMESON, M. D., President.
JOSEPH W. MARSEE, M. D.
WILLIAM WANDS, M. D., Secretary

The Judiciary Committee and the City Assessor, through Councilman McKay, submitted the following report; which was duly considered and concurred in by clauses:

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

Gentlemen:—Your Committee on Judiciary, together with the City Attorney and City Assessor, to whom was referred sundry papers, make the following report thereon:

1st. Is the petition of Margaret Carey, to be relieved from the payment of taxes, on account of an erroneous assessment.

It appears of record, that the petitioner is the owner of thirty feet off of the east side of lot 23, out-lot 151, and that the assessment for 1876 was \$3,000; for 1877, \$2,500; for 1878, reduced to \$1,350.

There has, undoubtedly, been an erroneous assessment in this case; and as the petitioner agrees to pay up all delinquent tax at the rate of the assessment for the year 1878, we recommend that the Treasurer be instructed to receive the amount of tax so imposed, and give the petitioner receipts in full for the years 1876, 1877, and 1878.

2d. Is the petition of Frank McWhinney, to have refunded money erroneously paid as tax on property bought at tax-sale on the 15th of February, 1877. The petitioner represents that he has paid on lot 24, out-lot 174, bought at city tax-sale, in the name of James Skillen, the following sums: for the years 1875 and 1876, \$189.12; for the year 1877, \$62.91; for the year 1878, \$49.61—in all, \$301.64. The sale was erroneous as to description, as the lot sold and described in the certificate was described as lot 24, out-lot 174, when it should have been lot 24, out-lot 147.

In view of the above facts, we recommend that the prayer of the petitioner be granted.

3d. Is the lease from the city to I. L. Frankem, of the property known as No. 34 E. Washington street.

We have examined the lease, and recommend that the provision that "said Frankem shall have the refusal of the same for another year, at the rent that may be fixed by the city," be stricken out, so that the lease will terminate at the expiration of one year.

4th. Is a quit-claim deed from the city to Elisha J. and Charles A. Howland, executors of the estate of Powell Howland, deceased.

We have examined this deed, and find it correct, and recommend that it be properly signed and acknowledged, and that the City Clerk be instructed to have the same recorded.

5th. We recommend that the Committee on Accounts and Claims be instructed to include all allowances confirmed in this report in their next appropriation ordinance, and that the City Clerk be instructed to draw warrants on the city treasury for such sums.

Very respectfully submitted,

M. H. McKAY,
JOHN L. F. STEEG,
JOHN L. MARSEE,

Committee on Judiciary.

WM. HADLEY, City Assessor.

The Council and Aldermanic Committees on Parks, through Councilman Tucker, submitted the following report; which was duly concurred in:

To the Mayor and Common Council:

Gentlemen:—In reference to the notice from A. W. Denny, Supervisor Road District No. 3, notifying the City of Indianapolis to open a roadway from the Madison State Road to the Shelbyville Road, we would report as follows:

We have examined the proposed roadway, and find that, if opened, it will take a strip twenty-five wide and eighty rods long across the entire southern side of the South Park. This would be an injury to the city, and involve considerable expense. As the grounds are incorporated, we are of the opinion that the county authorities have no right to open a roadway through or within the city limits.

We would, therefore, recommend that the City Attorney be instructed to take all necessary steps to enjoin said opening.

Respectfully submitted,

W. H. TUCKER,
I. C. WALKER,
T. C. READING,
Committee on Parks C. C.
R. S. FOSTER,
W. H. SNIDER,
Committee on Parks B. of A.
R. O. HAWKINS, City Attorney.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read :

To the Common Council of the City of Indianapolis :

Gentlemen :—The following motions were severally offered and duly adopted by the Board of Aldermen, at the last regular session of that body, held on January 21st, 1879 :

“That the Committee on Gas-Light be authorized to employ a competent person, to prepare a time-table for the lighting and extinguishing of street lamps, at a cost not exceeding twenty dollars, *provided* the City Civil Engineer can not do the same.”

“That the Mayor be requested to give the notice required in section 15 of an ordinance entitled “An Ordinance to provide for tapping public sewers and drains, and making connection therewith (ordained October 30th, 1871).”

Said body also amended your motion, which reads as follows :

“That the City Clerk be, and is hereby instructed to notify the Chief of Police, when medical aid is required at the Station House, to call on Drs. Fletcher, Hubbard, or Brelsford, City Dispensary doctors,”

By adding this proviso thereto :

“*Provided*, The city shall not be liable for payment for such services, other than the appropriation made by the city to the Dispensary.”

The foregoing motion, as amended, was then duly adopted.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The first Aldermanic motion set forth in preceding message was referred to the Committee on Gas-Light, and the second and third motions were severally adopted.

APPROPRIATION ORDINANCES.

On roll-call had, the following entitled ordinances were introduced, and severally read the first time :

The Fire Board, through Councilman Layman, introduced—

Ap. O. 7, 1879—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 Walker, introduced—

Ap. O. 8, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.

The Police Board, through Councilman Brown, introduced—

Ap. O. 9, 1879—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—

Ap. O. 10, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

The Committee on Printing, through Councilman Brown, introduced—

Ap. O. 11, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

This being the regular appropriation night, Appropriation Ordinances 7, 8, 9, 10, and 11, 1879, were severally read the second time without suspension of the rules, were severally ordered to be engrossed, and were passed to a third reading.

The following entitled ordinance was then read the third time :

Ap. O. 7, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$908.38.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 8, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$895.35.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 9, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$242.23.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 10, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,989.89.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 11, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$1,303.18.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

MISCELLANEOUS BUSINESS.

Councilman Bermann offered the following motion ; which was duly adopted :

That the Fire Board be instructed to report, at the next regular meeting of this Council, their action upon a petition from the Indianapolis Moulding and Picture Frame Company et al., referred to them.

Also, offered the following motion ; which was referred to the Board of Public Improvements :

That the Street Commissioner be instructed to repair Coburn street and sidewalks, and improve the drainage of same, between High and East streets.

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

Indianapolis, January 29, 1879.

To the Honorable Common Council and Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your petitioner respectfully represents that, on the 13th February, 1877, the City Treasurer offered for sale, for delinquent taxes, the piece of real estate described as “south of Christian avenue and east of lot No. 107, in Alvord’s Sub-division,” for the years 1875 and 1876, which was assessed in the name of Fletcher, Stevenson, and Alvord, and the same was bid off, in my name, by my agent, and paid for by me, for the sum of \$17.14.

And he further represents that the assessment of said property was erroneous, as the ground embraced in the said description, and sold as above stated, was and is the property of the C., C., C. & I. Railway Company, and the taxes due the city have been regularly paid by the said railway company.

I, therefore, ask that you refund me the amount paid on the erroneous assessment, with interest thereon, to-wit:

Amount paid as above stated.....	\$17 14
Interest from February 13, 1877, to February 3, 1879—1 year, 11½ months..	2 00
Making a total of.....	\$19 14

Very respectfully,

CALVIN FLETCHER,
By GEO. P. ANDERSON, Atty-in-fact.

An examination of the Records shows that the above statement is correct.

WM. M. WILES, Treasurer.
WILLIAM HADLEY, City Assessor.

Councilman Cummings offered the following resolution:

WHEREAS, There is a vacancy in the office of City Sexton at Greenlawn Cemetery, caused by the death of the Sexton, Jacob Ross: Therefore,

Resolved, That Mr. Locklear, principal assistant of said Ross at said cemetery, be instructed to take charge of and perform the duties of Sexton, until a successor to said Ross shall be elected and qualified; and that said Mr. Locklear be instructed and empowered to charge and receive the same fees and charges now allowed by ordinance to the Sexton.

By consent, Councilman Steeg presented the following petition:

Indianapolis, Ind., February 3, 1879.

To the Honorable Mayor, Common Council, and

Board of Aldermen of the City of Indianapolis, Ind.:

Gentlemen:—Owing to the death of Jacob Ross, the office of City Sexton becomes vacant, and we, the undersigned, would most respectfully petition your honorable body to fill the vacancy, by the appointment of Mr. James R. Locklear, who has served under Robert Turner, former Sexton, and under the late Sexton, J. Ross. He is worthy and capable, in all particulars, to fill the position, being well acquainted with the grounds of Greenlawn Cemetery, which is very necessary, as it would be detrimental to appoint one lacking such knowledge.

And as we are the only ones directly interested, and in position to know its real necessities, we pray that you grant our humble petition.

James H. Russell & Co., David Kregel & Son., F. J.
Herrmann & Son, Renihan, Long & Hedges, No. 15
Circle; Weaver & Co.

The foregoing resolution was then adopted by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS—None.

Councilman Dill offered the following motion; which, on Councilman Tucker's motion, was laid on the table :

That the Park Committee be instructed to dispense with the Park Policeman until May 1st, 1879.

Councilman McGinty offered the following motion; which was referred to the Board of Public Improvements :

That the Street Commissioner be instructed to put down a wooden culvert, at the intersection of West and Merrill streets.

Councilman McKay offered the following motion; which was duly adopted :

That the Mayor be requested to call a meeting of the Common Council and Board of Aldermen, for the purpose of electing two Directors for the Belt Railroad and a City Sexton.

Also, presented the the following petition; which was referred to the Judiciary Committee and the City Attorney :

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

Gentlemen.—I sold to J. R. Routh lots 8 and 10 in Routh's Subdivision of lot 21, in Johnson's Heirs' Addition to the City of Indianapolis, Indiana. On lot 8, there were four notes due—two of \$328 each, and two of \$293 each; and on lot 10 were four notes due, of \$293 each; making in all \$2,414.

I have been obliged to take back these lots, and to pay the taxes for 1876 and 1877, amounting to \$72.75, receipts for which I send herewith. I have also returned the amount of the notes in my tax schedule, and paid the taxes thereon.

I therefore petition your honorable body that the amount of taxes paid be refunded. The County Commissioners have refunded the county tax on same.

The notes have been delivered to Mr. Routh, as appears below.

GEO. B. LOOMIS.

Indianapolis, April 20, 1878.

The eight notes mentioned in the foregoing statement have been delivered to me.

JAMES R. ROUTH.

STATE OF INDIANA, *Marion County*, ss :

Personally appeared before the undersigned, a notary public in and for said county, this 25th day of January, 1879, Geo. B. Loomis, and made oath that the matters and things set forth in the foregoing petition are true.

Witness my hand and notarial seal, this 25th day of January, 1879.

[SEAL.]

WILLIAM C. SMOCK, Notary Public.

Councilman Rodibaugh offered the following motion; which was duly adopted :

That the Board of Health inquire, what effect the stagnant water from the dam in Fall Creek, north of the city, has upon the health of the residents of the north part of the city.

Councilman Showalter offered the following motion; which the Common Council refused to adopt:

That sixty days' extension of time be granted John Low, in which to complete his contract on first alley west of Blake street, between Michigan and New York streets.

Councilman Steeg offered the following motion; which was duly adopted:

That the Committee on Gas-Light report to this body, at the next regular meeting, by whose authority the lamp-post on the east side of East street, between Coburn and Morris streets, was discontinued.

Also, offered the following motion; which was referred to the Council and Aldermanic Committees on Streets and Alleys, with power to act:

That Christian F. Schrader be allowed the privilege of erecting a hay scale on McCarty street, where the said street intersects Virginia avenue.

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

That the Chief Fire Engineer and City Attorney be instructed to commence the necessary proceedings to compel the owners and lessees of the Grand Opera House to comply with the notices served upon them in relation to the erection of additional facilities for escape in case of fire, and upon their failure to do so to prosecute such persons, under the ordinance, and to have their license revoked.

That the Board of Public Improvements be instructed to report, at the next regular meeting of this Council, what saving in public expenditures would be made by reducing the streets, outside of the business portion of the city, to a width of fifty feet, by widening the lawns and bowldering the gutters; also to estimate the probable cost per lineal foot front to property owners for widening lawns and curbing and bowldering gutters.

Also, offered the following motion; which was laid on the table:

That the Chief of Police and the Police Board be instructed to purchase coarse pants and jackets for the prisoners to wear when breaking stone, and also to be worn inside of the jail, if, in their opinion, it would be for the best interests of the prisoners.

Councilman Walker offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be instructed to make single-stone crossing over the alleys on the south side of Vermont street, between Pennsylvania and Delaware streets.

UNFINISHED BUSINESS.

The report from the Committee on Railroads, relative to violations of its charter-ordinance by the Citizens' Street Railway Company, the con-

sideration of which had been postponed until this session [see pages 739 and 740, *ante*], was, on motion of Councilman Tucker, taken up.

And, after due discussion of the same, on Councilman O'Brien's motion, the whole matter was laid on the table.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

The following entitled ordinances were called up, read the second time, and ordered to be engrossed:

- S. O. 58, 1878—An Ordinance to provide for improving the first alley west of California street, from Pratt street to First street, by grading and graveling.
- S. O. 59, 1878—An Ordinance to provide for re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street.

Councilman Steeg called up the following entitled ordinance, which had been read the second time on 20th *ultimo* [see page 744, *ante*], and moved that it be engrossed, viz.:

- G. O. 47, 1878—An Ordinance to repeal sections 2, 3, 4, 5, 6, and 7, of "An Ordinance preventing Frauds in the Sale of Wood, and providing for Wood-Measurers (ordained Nov. 23, 1863)"; also, to repeal an ordinance entitled "An Ordinance to compel payment of Allowances to Wood-Measurers for measuring Wood (ordained Aug. 1, 1872)."

Councilman Layman moved the foregoing ordinance be stricken from the files; but, on Councilman Steeg's motion, this proposition was laid on the table.

The question then being, "Shall General Ordinance 47, 1878, be engrossed?" that order was given through the following "aye and nay" vote:

AYES, 13—viz.: Councilmen Bermann, Bruner, Maus, McGinty, O'Brien, Off Reading, Reasner, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 10—viz.: Councilmen Anderson, Brown, Cummings, Dill, Layman, Marsee, Morris, McKay, Rodibaugh, and Walker.

Councilman Dill then moved that the Common Council do now adjourn; which was duly ordered by the following "aye and nay" vote:

AYES, 12—viz.: Councilmen Anderson, Brown, Cummings, Dill, Layman, Marsee, Morris, McKay, Rodibaugh, Sindlinger, Tucker, and Walker.

NAYS, 11—viz.: Councilmen Bermann, Bruner, Maus, McGinty, O'Brien, Off Reading, Reasner, Showalter, Steeg, and Wiese.

The Common Council then adjourned.

JOHN CAVEN, Mayor,
President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.