

PROCEEDINGS OF COMMON COUNCIL.

SPECIAL SESSION—JANUARY 20, 1882.

The Common Council of the City of Indianapolis, met in the Council Chamber, Friday evening, January 20th, A. D. 1882, at half-past seven o'clock, in special session, pursuant to the following call:

Indianapolis, Ind., Jan. 18th, 1881.

To Hon. DANIEL W. GRUBBS, Mayor:

We, the undersigned, members of the Common Council, respectfully ask that you call a special meeting of the Common Council for Friday evening, January 20th, 1882, at 7½ o'clock, for the transaction of such business as may come before said body.

Respectfully,

Sim. Coy,
John R. Pearson,
George Weaver,
Ernst Knodel,
John W. Fultz,

James A. Pritchard,
Frederick Hartmann,
Peter F. Bryce,
Pat. Harrold,
B. Ward.

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

Gentlemen:—In compliance with the request of a number of your members, you are hereby called to meet in special session, on the evening of January 20th 1882, at 7-30 P. M. to pass upon such matters as may be presented for your consideration.

Respectfully,

January 18th, 1882.

D. W. GRUBBS, Mayor.

PRESENT—Hon Daniel W. Grubbs, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 16 Councilmen, viz: Bedford, Bryce, Cole, Coy, Dowling, Egger, Hartmann, Knodel, Koller, Pritchard, Reichwein, Stout, Thalmann, Ward, Weaver, and Yoke.

ABSENT—Councilmen Brundage, Caylor, Cowie, Dean, Fultz, Harrold, Mauer, Morrison, and Pearson—9.

REPORTS FROM CITY OFFICERS.

The City Attorney submitted the following report, which was received; and on motion by Councilman Pritchard, he was instructed to accept the compromise as offered by the railroad company:

Indianapolis, January 20th, 1882.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Among the papers turned over to me by my predecessor, is a bill against the P. C & St. L. R. R. Co, for the sum of \$431.92 for material furnished and work done in laying the floor at Virginia avenue crossing. There is also a

written proposition of the Railway Co. to pay \$147.86 of said amount, if accepted in full for the company's part of said material and work, that being for the part of said improvement between the rails of the company's tracks and three feet on either side.

I have seen Mr. Hutchinson, the company's roadmaster, and he now offers to pay one-half of the whole bill, to-wit: \$215.96 subject to approval of his company, as a final settlement of the matter.

If I have been correctly informed of the facts in the case, I am of the opinion that the railway company could not be compelled to pay more than the \$147.86 originally offered, and therefore regard the proposition now made as a good compromise.

The city can of course hereafter protect herself by ordering the crossings bouldered, the abutting property on both sides of Alabama street being owned by the company; or, if a floor is desired again, by having a full understanding before the work is done. I ask for instructions in this matter.

Respectfully submitted,

C. S. DENNY, City Attorney.

The City Attorney submitted the following report; which was received:

Indianapolis, January 20th, 1882.

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

Gentlemen:—You ask me to report whose duty it is to display danger signals in cases of contagious diseases. By existing ordinances, it is made the primary duty of the occupants of the house where any one is taken with small-pox or other contagious disease, to immediately display a flag in some conspicuous place on the premises where it may be seen by all passers by; and in case of neglect or failure of said occupants so to do, the marshal is required to cause a flag to be so displayed as soon as informed of the existence in such house of such disease. It is also made the duty of every practicing physician of the city to report to the Board of Health or a police officer, every case of small-pox or contagious disease, which he may be called on to attend, within the city limits, or in two miles thereof, within twelve hours after he shall have examined the patient, and in case of report being made to a police officer, then it is made the duty of said officer to notify the Board of Health thereof immediately. Neglect in any of these duties is punishable by fine.

There is nothing in any of the ordinances now in force, that I have been able to find *directly* requiring the attending physician to cause a flag to be displayed; neither is there as to the Board of Health, but I understand that it is a rule of the Board that the attending physician shall see to this matter, and in case of failure on his part, I suppose the Board would deem it their duty to see that a flag is displayed at once; and I am told that it has been the custom of the Board to require the sanitary officers under their charge to do so when informed that the duty has not been performed by the person whose primary duty it is.

Respectfully,

C. S. DENNY, City Attorney.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Councilman Coy introduced the following entitled ordinance, which was read the first time:

G. O. 6, 1882—An Ordinance to prohibit idling, loitering, or sleeping, in public places, in the city of Indianapolis.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Pritchard, for Councilman Dean, presented the following petition; which was referred to the Judiciary Committee:

To the Common Council of the City of Indianapolis:

Gentlemen:—The undersigned would respectfully show that as guardian of George Adam Drechel, a minor, he gave in the personal estate of said minor along with his own personal estate, and paid taxes thereon to said city for the year 1880. He would further show that the estate of said minor, which consists solely of money, was also assessed in the name of said minor, without the knowledge of affiant; and, upon the imparitive demand of the city collector, he paid the amount of tax claimed on said separate assessment, after he had paid taxes upon the same along with his own personal property. Said amount is \$19.00, which the city has received twice for the tax on the same property, and in justice and right said city ought to refund said amount to petitioner; and he prays the honorable Council to direct a warrant to be drawn in his favor for the sum of \$19.00.

HENRY EMRICH.

STATE OF INDIANA, *Marion County, ss:*

Henry Emrich makes oath and says that the allegations of the foregoing petition are true, as he verily believes.

HENRY EMRICH.

Subscribed and sworn to before me this 21st day of July 1881.

[SEAL]

JOHN L. McMASTER, Notary Public.

Councilman Thalman offered the following motion; which was adopted:

That the City Attorney be directed to prepare an ordinance making it a misdemeanor for any person to point a gun or pistol at an other, or handling or fooling with the same in a reckless or careless manner.

Councilman Dowling offered the following motion, which was adopted; and Councilmen Dowling, Bryce and Cole, were appointed to act as the members of such special committee:

That a special committee of three be appointed to interview the Union Railway authorities and report at next meeting on the subject of the erection of safety gates.

Councilman Yoke offered the following motion; which was adopted:

That the City Attorney prepare an ordinance, before the next regular meeting of this Council, providing for the erection and maintainance of safety gates by the railroad companies, at the railroad crossings at east Market street, east Washington street, East street, south New Jersey street, Alabama street, Virginia avenue, Delaware street, Pennsylvania street, Illinois street, Tennessee street and at the west Washington street crossing west of White river.

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

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

Gentlemen:—Your petitioner would respectfully represent that on day of April, 1881, he paid to the City Treasurer the sum of seventy nine dollars and nine cents (\$79.09), which was in excess of the correct amount of taxes the sum of nine dollars (\$9.00).

The tax was paid under Duplicate No. 13,065, and receipt No. 3,994a, in the name of F. A. Mitchell, Trustee, and the amount should have been \$70.09, the tax due in a valuation of \$6,550.00, at the rate of \$1.07, making \$70.09, instead of \$79.09, the amount paid, presumably an error in calling the amount, being during the rush of the last day.

In consideration of the above facts your petitioner would respectfully ask and demand that the above sum of nine dollars (\$9.00), erroneously collected from him be refunded and as in duty bound, your petitioner will ever pray.

Respectfully submitted,

F. A. MITCHELL, Trustee,
Petitioner.

Councilman Pritchard moved that when this Council adjourns, it adjourn to meet again Monday evening, January 23d, 1882, at half-past seven o'clock.

Which motion was adopted.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,
President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.