

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JANUARY 6, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, January 6th, 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, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reasner, Reading, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright—22.

ABSENT—Councilmen Dill, O'Brien, and Sindlinger—3.

The Proceedings of the Common Council, for the regular session, held on December 16th, and of the adjourned session, held on December 23d, 1878, 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. J. Henry Ballman, for.....	\$35 00
John Schier vs. Susan and Louis B. Leonard, for.....	7 35
John Schier vs. Christian Joachimi, for.....	4 35
David A. Haywood vs. Henry Clay, for.....	35 19

And recommend that you order the precepts to issue.

BENJ. C. WRIGHT, City Clerk.

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

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Showalter, Tucker, Walker, and Wiese.

NAYS—None.

SIG. 71.

[701]

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 December, 1878:

Board of Health.....	\$	100	00
Bridges		5	00
City Assessor's Department.....		50	00
City Civil Engineer's Department.....		143	40
City Dispensary.....		166	66
City Hospital and Branch.....		838	47
Cisterns.....		674	37
Coal Oil Light.....		25	09
Costs.....		104	50
Fire Department.....		5,196	29
Fountains		6	37
Gas.....		4,696	16
Ice		10	40
Incidentals		35	00
Interest on bonds.....		1,342	00
Markets.....		130	20
Market-Masters' Fees.....		248	40
Office fixtures and supplies.....		36	85
Parks		47	80
Police.....		3,399	69
Printing, Stationery, and Advertising.....		396	87
Salary		60	00
Sewers		44	91
Station Houses.....		329	34
Street improvements.....		310	78
Street repairs		1,586	02
Tomlinson annuity.....		3,500	00
Water rent.....		6,251	50
			\$ 29,736 07
School Fund.....	\$	2,143	40
Tomlinson Estate Fund.....		26	28
			2,170 04
Total			\$ 31,906 11

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

Report of Wm. M. Wiles, City Treasurer, for the month of December, 1878, 1st to 31st, inclusive:

RECEIPTS.

Balance on hand November 30, 1878, as per report.....	\$	44,822	55
From delinquent taxes.....		13,713	63
From current taxes.....		1,847	63
From auction licenses.....		10	00
From dog licenses.....		1	50
From coal licenses.....		50	00
From express licenses.....		40	00
From fines (City Court).....		32	80
From hack licenses.....		42	00

From hucksters' licenses.....	\$	77 00
From vault-cleaners' licenses		35 00
From loans (Time Warrants of 1878)	98,425 00	
From market fees.....		203 95
From peddlers' licenses		23 00
From promiscuous (City Hospital Pay Patients).....		19 00
From show licenses.....		50 00
From tapping sewers		20 00
		<u>\$159,413 06</u>

DISBURSEMENTS.

For Fire Department.....	\$	5,375 34
For Police		3,399 69
For street repairs		1,563 72
For City Hospital and Branch.....		863 22
For Civil Engineer's Department.....		135 75
For City Assessor's Department.....		50 00
For Board of Health		75 00
For interest on bonds.....		1,342 00
For bridges.....		5 00
For cisterns.....		674 37
For City Dispensary.....		166 66
For coal oil light.....		8 67
For costs.....		84 50
For fountains		6 37
For gas		4,696 16
For ice		10 40
For incidentals.....		35 00
For markets		132 49
For Market-Masters' fees.....		248 40
For office fixtures and supplies.....		32 50
For parks.....		47 80
For printing, stationery, and advertising		390 87
For salary.....		153 75
For Station House.....		338 79
For street improvements		310 78
For Tomlinson annuity		3,500 00
For water rent.....		6,251 50

Total.....	\$	29,898 73
Balance on hand, general fund.....	\$121,956 68	
Balance on hand, school fund	7,557 65	
		<u>\$129,514 33</u>
		<u>\$159,413 06</u>

TOMLINSON ESTATE.

Balance on hand, November 30, 1878, as per report.	\$	17,836 83
From rents collected.....		519 00
		<u>\$ 18,355 83</u>
For insurance and repairs	\$	26 28
Balance on hand		18,329 55
		<u>\$ 18,355 83</u>

Respectfully submitted,

WM. M. WILES, City Treasurer.

To BENJ. C. WRIGHT, City Clerk.

The City Attorney submitted the following report; which, on motion, was referred to the Judiciary Committee:

Indianapolis, January 6, 1879.

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

Gentlemen:—The reports of the late Chief Fire Engineer, W. O. Sherwood, were referred to me, with instructions to take such action as was necessary to secure the amounts due the city.

I have investigated the matter somewhat, and find that some of the parties acknowledge their indebtedness, and promise to pay it; and others deny that they ever purchased any horses of the Department. I have been unable to see Mr. Gimber.

As this is a matter that I think should and can be more properly investigated by a committee, I would recommend that a committee be appointed to investigate the items contained in these reports, and that they be authorized to send for and examine parties in relation thereto, and, in that way, the matter can be settled with little expense—whereas, if suits were instituted, the city might be put to more costs than the matter would justify.

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 December 31st, 1878, 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.....	42	42	46	44	40	.....
Number of Patients at last report—infants.....	5	4	3	1	2	.....
Received New Patients—adults.....	10	13	8	7	2	40
Births, or Received—infants.....	.....	1	.....	2	.....	3
Discharged—adults.....	10	9	10	8	3	40
Discharged—infants.....	1	2	2	.....	.....	5
Died—adults.....	.....	.....	.....	3	.....	3
Died—infants.....	.....	.....	.....	1	.....	1
Number of Patients remaining—adults.....	42	46	44	40	39	.....
Number of Patients remaining—infants.....	4	3	1	2	2	.....
Number of Patients in Branch—adults.....	.....	.....	.....	.....	.....	.....
Number of Patients in Branch—infants.....	.....	.....	.....	.....	.....	.....
Aggregate No. of days of Patients in Hospital—adults.....	285	323	321	297	121	1347
Aggregate No. of days of Patients in Hospital—infants.....	33	24	14	11	6	88
Total expenditures for month.....						\$1009 65
Net expenditures for the month.....						1009 65
Aggregate number of days subsistence furnished.....						1931
Average expense per capita per diem.....						52.2 cents.

W. H. DAVIS, Superintendent.

The Chief Fire Engineer submitted the following report and appended communication; which were duly received:

Indianapolis, January 6, 1879.

To the Honorable Mayor Caven, Board of Aldermen, and Common Council:

Gentlemen:—In compliance with motion passed by you at the session of December 16th, 1878, I have notified the authorities of the Surgical Institute and Grand Opera House.

I herewith submit, for your consideration, the reply I received from Doctor H. R. Allen of the Surgical Institute.

I also notified the proprietors of the Grand Opera House, but have received no reply.

Respectfully submitted,

J. G. PENDERGAST, Chief Fire Engineer.

Indianapolis, December 30, 1878.

John G. Pendergast, Chief Fire Engineer, Indianapolis, Ind.:

Dear Sir:—I have just returned home, and learned of the investigations being made in regard to the security of the National Surgical Institute Buildings, and, without adding any argument or excuses in regard to the condition of the buildings, will say that we are now trying to place the buildings in a condition of safety beyond all question, and as soon as completed will notify you, and desire that you call again and make thorough examination, and report results. I am giving this matter my personal attention, and I should certainly sadly regret any accident on account of imperfect or deficient escapes.

I am very truly yours,

H. R. ALLEN.

REPORTS FROM OFFICIAL BOARDS.

The Board of Public Improvements, through President McKay, submitted the following report:

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 "That the Board of Public Improvements be instructed and authorized to secure, by lease, the proper grounds, procure the necessary material, and cause to be erected a suitable building, for the purpose of working the prisoners confined in the Station House; also that they be authorized to make the best possible arrangements for procuring stone to be broken by said prisoners, and used for street improvements," make the following report thereon:

We have written letters to all the owners of stone quarries that we could obtain the address of, and have had replies from nearly all of them. The lowest offer is from St. Paul, on the I., C. & L. Railroad, which is \$1.80 per car-load at that place. The freight per car will be \$8, making the stone cost, at the ground we have selected, \$9.80.

This lot is near the I., C. & L. Railroad switch, between Alabama and New Jersey streets. The lot can be leased for the sum of \$100 per annum. The lot is well adapted for the purpose, having about eighty feet frontage on the switch, and ample drive-way in the rear, with entrance from either street. To properly enclose this, ready for work, will cost about \$150. Other grounds have been offered at the same rate, but on account of having the lowest bid on the I., C. & L. Railroad for stone, and by the location of the lot on that road, the city would save a trackage of one dollar per car.

The whole matter is an experiment, but one that has never been tried in this city, and as it will cost but little to see whether we need a work-house of more substantial kind, we recommend this temporary experiment.

Very respectfully submitted,

M. H. McKAY,
JOHN L. MARSEE,
Board of Public Improvements.

On Councilman Brown's motion, the Board of Public Improvements were authorized to close the contracts for stone, transportation, and grounds, and empowered to enclose said grounds and to erect buildings thereon as speedily as possible.

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

Indianapolis, January 6, 1879.

To the Mayor and Common Council:

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

C. F. Shepherd	\$ 33 75
Ike King.....	17 50
Capital City Saw Mills.....	60 88
Clemens Vonnegut.....	25 15
G. H. Shover	4 65
Indianapolis Rolling-Mill Co.....	60 00
T. A. Goodwin.....	14 00
Receiver I., B. & W. R. R.	20 06
A. Bruner.....	8 55
B. T. Smith.....	73 00
David Ware.....	2 50
Hicks & Holmes.....	132 22
Pay-Rolls	1,133 76
Total expenses for December	\$ 1,586 02
Total expenses last report	18,640 69

Total expenses to January 1st, 1879 \$20,226 69

Respectfully submitted,

M. H. McKAY,
JOHN L. MARSEE,
Board of Public Improvements.
L. A. FULMER, Street Commissioner.

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

Deaths registered during the three weeks ending on January 6th, 1879:

Under 1 year.....	17
1 to 2 years.....	9
2 to 5 ".....	5
5 to 10 ".....	1
10 to 15 ".....	4
15 to 20 ".....	4

20 to 25 years	-----	7
25 to 30 "	-----	7
30 to 40 "	-----	3
40 to 50 "	-----	1
50 to 60 "	-----	6
60 to 70 "	-----	4
70 to 80 "	-----	2
80 to 90 "	-----	0
90 to 100 "	-----	0
100 and upwards	-----	0
Unknown	-----	8
Total	-----	78

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

The Board of City Commissioners submitted the following report; which, on motion, was duly approved :

Vacation of East Second street, lying south of Massachusetts avenue.

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 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, vacated, 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 by law required.

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

II.

Your Commissioners do further report—

1st. That, on the 23d day of December, 1878, they met at the office of the City Commissioners, Room No. 9, City Hall, in the said City of Indianapolis, pursuant to the notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of vacating all that part of East Second street lying south of Massachusetts avenue—more fully described in the petition to us referred and hereto annexed, marked "Exhibit B." [This petition is a joint petition for the vacation both of East Second street and East Maryland street.]

3d. That they did inquire into the matter of the service of notices upon property owners, and do herewith report said notices, as served by Chas. R. Myers, subscribed and sworn to before Jas. A. Hamilton, notary public.

4th. That the following named persons appeared in answer to said notices: Mr. A. C. Harris, on behalf of the C., C., C. & I. and the I., P. & C. Railway Companies, and Mr. R. O. Hawkins, City Attorney, in behalf of the City of Indianapolis.

III.

The said Commissioners do further report—

1st. That they did, at the time aforesaid, examine the real estate proposed to be

vacated, and did, at the time and place indicated in said notice, hear evidence touching the questions before them, and did also view the premises.

2d. That the said Commissioners do find, as represented by Mr. Harris, attorney for the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company and the Indianapolis, Peru & Chicago Railway Company, and by Mr. Hawkins, attorney for city, as well as by the papers to them submitted in the case, that, by previous contract by and between the City of Indianapolis and the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company and the Indianapolis, Peru and Chicago Railway Company, that the City of Indianapolis is obliged to vacate all of East Second street lying south of Massachusetts avenue, without cost to above named railway companies.

Your Commissioners do further find that all the property lying on either side, and adjoining said East Second street, south of Massachusetts avenue, is owned by the above named railway companies; and that the benefits arising from the vacation of said East Second street to the property adjoining are equal to the damages to the same—this, your Commissioners' opinion, being agreed to by Mr. Hawkins, City Attorney, and by Mr. Harris, attorney for the above named railway companies.

Your Commissioners do, therefore recommend that the said East Second street, lying south of Massachusetts avenue, be vacated as prayed.

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

December 28, 1878.

By direction, the City Attorney then offered the following resolution :

Resolved, That the report of the City Commissioners, in the matter of the vacation of all that part of East Second street, lying south of Massachusetts avenue, be, and the same is hereby, accepted and adopted, and the said street is hereby ordered to be vacated, in accordance with said report.

Which was adopted by the following vote :

A Y E S, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

N A Y S—None.

The same official board also submitted the following report; which, on motion, was duly approved :

Vacation of East Maryland Street, lying east of East Street.

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

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

1st. That they were duly appointed by the Judge of the 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, vacated, 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 by law required.

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

II.

Your Commissioners do further report,—

1st. That on the 23d day of December, 1878, they met at the office of the City Commissioners, Room No. 9, City Hall, in the said City of Indianapolis, pursuant to the notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of vacating East Maryland street, from East street to Pogue's Run, more fully described in the petition to us referred, and hereto annexed, marked "Exhibit B." [The petition is a joint petition for both East Second street and East Maryland street.]

3d. That they did inquire into the matter of the service of notices upon property owners, and do herewith report said notices, as sworn to before Jas. A. Hamilton, notary public.

4th. That the following named persons appeared in answer to said notices: A. C. Harris, in behalf of the Cleveland, Columbus, Cincinnati, and Indianapolis Railway Company and the Indianapolis, Peru, and Chicago Railway Company; and R. O. Hawkins, City Attorney, in behalf of the City of Indianapolis.

III.

The said Commissioners do further report—

1st. That they did, at the time aforesaid, examine the real estate proposed to be vacated, and did, at the time and place indicated in said notice, hear evidence touching the questions before them, and did also view the premises.

2d. That the said Commissioners do find, as represented by Mr. Harris, attorney for the Cleveland, Columbus, Cincinnati and Indianapolis Railroad Company and the Indianapolis, Peru and Chicago Railway Company, and by Mr. Hawkins, City Attorney, as well as by the papers to them submitted in the case, that, by previous contract by and between the City of Indianapolis and the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company and the Indianapolis, Peru and Chicago Railway Company, that the City of Indianapolis is obliged to vacate all of East Maryland street lying between East street and Pogue's Run, without cost to the above named railway companies.

Your Commissioners do further find that all the property lying on either side and adjoining said East Maryland street, lying east of East street, is owned by the above named railway companies; and that the benefits arising from the vacation of said East Maryland street to the property adjoining are equal to the damages to the same—this, your Commissioners' opinion, being agreed to by Mr. Hawkins, City Attorney, and by Mr. Harris, attorney for the above named railway companies.

Your Commissioners do, therefore, recommend that the said East Maryland street, lying between East street and Pogue's Run, be vacated as prayed.

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

December 28, 1878.

By direction, the City Attorney then offered the following resolution :

Resolved, That the report of the City Commissioners, in the matter of the vacation of East Maryland street, lying east of East street, and between said East street and Pogue's Run, be, and the same is hereby, accepted and adopted, and the said street is hereby ordered to be vacated, in accordance with said report.

Which was adopted by the following vote :

A Y E S, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

N A Y S—None.

REPORTS, ETC., FROM COMMITTEES.

The Council and Aldermanic Committees on Accounts and Claims, with the City Attorney, through Councilman Layman, submitted the following joint report ; which was duly concurred in :

Indianapolis, January 6, 1879.

To the Mayor and Members of the Common Council and Board of Aldermen :

Gentlemen.:—Your joint Committee on Accounts and Claims, together with the City Attorney, to whom was referred the bill of Messrs. Claypool & Ketcham, for services in case of John S. Kennedy et al. v. The City et al., would report that we have examined the matter, and would recommend that they be allowed and paid the sum of \$1500 for their services to date, and that said sum be included in the present appropriation ordinance. And that they be allowed the further sum of \$1000 for services in said case in the Supreme Court of the United States, and also their necessary expenses in said case, not exceeding \$100; and that said last named sum be paid upon the final decision of the case in the Supreme Court. And that the same be in full of all fees in the case.

Respectfully submitted,

JAMES T. LAYMEN,
SHELDON MORRIS,
CHRISTIAN OFF,
Council Committee.

T. E. CHANDLER,
W. F. PIEL,
H. COBURN,
Aldermanic Committee.

R. O. HAWKINS, City Attorney.

The Council Committee on Accounts and Claims, through Councilman Layman, submitted the following recommendation ; which was duly concurred in :

To the Common Council of the City of Indianapolis :

We respectfully recommend to your honorable body, that the City Civil Engineer be directed to instruct the Indianapolis Gas-Light & Coke Company to make no removal of lamp-posts, unless specially ordered to do so by Council and Board of Aldermen.

JAMES T. LAYMAN,
SHELDON MORRIS,
CHRISTIAN OFF,
Committee on Accounts and Claims.

The Committee on Benevolence and Hospitals, through Councilman Walker, presented the following certificate; and then, on that gentleman's motion, it was ordered that the amount of the certified assessment should be paid by the city, and the Committees on Accounts and Claims were duly instructed to insert the claim in their next appropriation ordinance:

Indianapolis, December 2, 1878.

THIS IS TO CERTIFY, That on the 19th day of November, 1878, the Board of Aldermen approved an estimate in favor of John Greene, for grading and graveling Beech street, from Valley Drive to Lawrence street, and, on said estimate, the Indianapolis Orphan Asylum was assessed, as its portion, one hundred and eight dollars and sixty-five cents (\$108.65) on four acres east end of lot No. 3, A. E. Fletcher's Fourth Addition to the City of Indianapolis, being 658.5 lineal feet front on said street.

R. M. PATTERSON, City Civil Engineer.

The Council and Aldermanic Committees on Finance, through Councilman Wright, submitted the following report; which was duly approved:

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

Gentlemen:—Your Finance Committee respectfully report, that, in pursuance of your order, we advertised for proposals for \$100,000 "Time-Warrants of 1878," as provided in General Ordinance 61, 1878.

The highest and best bid received by your committees was made by Blake Bros. & Co., of Boston, Mass., who offered the sum of \$98,425 for the same. Your committees accepted said bid, caused ten warrants of ten thousand dollars each, and numbered from 1 to 10, inclusive, to be printed, signed by the Mayor and Clerk, and delivered to the City Treasurer, to be by him delivered to Blake Bros. & Co., upon payment of the amount of their bid.

By this sale of Warrants, the city borrows money at a fraction below 4 8-10 per cent per annum.

Respectfully submitted,

A. L. WRIGHT,
JAMES T. LAYMAN,
SHELDON MORRIS,
S. SHOWALTER,
Council Committee.

J. M. RIDENOUR,
T. E. CHANDLER,
D. MUSSMANN,
Aldermanic Committee.

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

Indianapolis, January 6, 1879.

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 sundry matters, would report upon the same as follows:

The first is a petition from J. K. Sharpe, asking to be relieved from part of the sewer assessment that was assessed against his property at the corner of South Delaware street and Maryland street.

We would report that we have examined the matter, and find that this property is assessed upon the east and south sides, as in the petition set forth; but your committee are of the opinion that such fact is not one that should relieve it from any part of the assessment, for the reason that very many pieces of property located upon corners of streets have been assessed in a similar manner, and many will probably be so assessed in the future, and your committee do not think that the precedent should be established of relieving such property from a portion of the assessment.

But your committee find that said sewer was built in and along the alley east of Mr. Sharpe's building, for the purpose of accommodating certain persons living and doing business upon the line of it, when, under other circumstances, it would have been built in and along Delaware street; and that, for the purpose of accommodating such persons, the sewer was built upon two sides of Mr. Sharpe's building, whereas, otherwise, it would have been built upon but one side. For this reason, your committee are of the opinion that he should be relieved from the assessment upon the east end of his property. We, therefore, recommend that Mr. Sharpe be allowed the sum of forty-two and 25-100 dollars (\$42.25), and that the Committee on Accounts and Claims be instructed to include the same in the next general appropriation ordinance, and that the Clerk be instructed to issue the warrant therefor to Mr. Sharpe, upon his producing the receipt of the contractor, showing the payment of the assessment.

The second is a petition of E. S. Alvord, asking to have certain taxes, paid by him, refunded, and the taxes placed again upon the duplicate against the real estate.

We have examined the matter, and find that, at the time the taxes were paid, the real estate was in the name of Mr. Alvord, and he was the legal owner, although certain parties held a large mortgage upon a portion of it. Your committee are of the opinion that, after the taxes have been once paid by the owner of the real estate, the city can not refund the money and charge the taxes again to the real estate. And, if it were done, we are of the opinion that the persons holding the mortgage upon the real estate could prohibit a sale of it to pay the taxes. We would, therefore, recommend that the prayer of the petitioner be not granted.

The third is a petition by Rebecca C. Reich, asking that certain taxes be refunded to her, under the provisions of what is known as the Widows' Exemption Act.

We would report that this petition comes under the provisions of a resolution heretofore passed by this body in relation to refunding of taxes in such cases, and we would, therefore, recommend that the prayer of the petitioner be not granted.

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
JOHN L. F. STEEG,
Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The Council and Aldermanic Judiciary Committees and the City Attorney, through Councilman McKay, submitted the following legal opinion and recommendation; which were duly concurred in:

Indianapolis, January 6, 1879.

To the Mayor and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your joint Committee on Judiciary, together with the City Attorney and City Assessor, to whom was referred the communication of Theo. Deitz, protesting against the order of the Common Council and Board, directing the Marshal to proceed to remove the fences that had been placed in Railroad street,

would report that we have examined the matter, and are of the opinion that said street is one of the streets of the city, and that the owners of the adjoining property have no right to build fences and buildings in the line of the same.

We would, therefore, recommend that the Marshal be instructed to proceed to carry out the previous order of the Council and Board in relation to said street.

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
JOHN L. F. STEEG,
J. M. RIDENOUR,
D. W. GRUBBS,
I. W. STRATFORD,
Committee on Judiciary.

R. O. HAWKINS, City Attorney.

INTRODUCTION OF 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. 1, 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. 2, 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. 3, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

The Board of Public Improvements, through President McKay, introduced—

Ap. O. 4, 1879—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repair Department of the City of Indianapolis.

The Committee on Accounts and Claims, through Councilman Layman, introduced—

Ap. O. 5, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

The Committee on Printing, through Councilman Wright, introduced—

Ap. O. 6, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Councilman Brown introduced—

- G. O. 1, 1879—An Ordinance to amend section 2 of General Ordinance No. 44, 1877, entitled "An Ordinance regulating the Weighing and Sale of Coal and Coke in the City of Indianapolis."

Councilman McKay introduced—

- G. O. 2, 1879—An Ordinance amending sections one, two, and four of Salary Ordinance, ordained and established May 28th, 1878, entitled "An Ordinance providing for the Compensation of the Officers of the City of Indianapolis, and the Officers and Members of the Police and Fire Departments of said city, for the Fiscal Year ending May 15th, 1879."
- G. O. 3, 1879—An Ordinance providing for a Fund for the Regular Police Force of the City of Indianapolis.

Councilman Steeg introduced—

- G. O. 4, 1879—An Ordinance to repeal an ordinance entitled "An Ordinance to establish the office of City Weigher at the East Market (ordained May 8th, 1876)."

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

This being the regular appropriation night, Appropriation Ordinances 1, 2, 3, 4, 5, and 6, 1879, were severally read the second time without suspension of the rules.

Appropriation Ordinances 1, 2, 3, 4, and 6 were severally ordered to be engrossed, and were passed to a third reading.

Appropriation Ordinance 5 was amended, on motion of Councilman Cummings, by striking out of the claim of the Indianapolis Gas-Light and Coke Company a certain gas-post removing bill, amounting to \$7.46—said work not having been properly and legally ordered.

On Councilman Marsee's motion, the aforesaid account was referred to the Council and Aldermanic Committees on Gas-Light, for joint consideration, etc.

The foregoing appropriation ordinance was then ordered to be engrossed as amended.

The following entitled ordinance was then read the third time :

- Ap. O. 1, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$758.99.]

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 2, 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, \$1,009.65.]

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 3, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$217.66.]

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 4, 1879—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repair Department of the City of Indianapolis.

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 5, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,980.23.]

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

Ap. O. 6, 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, \$272.30.]

And was passed by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

On Councilman Brown's motion, the rules were suspended, for the purpose of now reading General Ordinance 1, 1879, the second and third times, and placing it on its passage, by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The foregoing mentioned ordinance was then read the second time.

Councilman Cummings moved that said ordinance be stricken from the files.

On Councilman Tucker's motion, the proposition to strike from the files was laid on the table.

Councilman Tucker moved to amend the ordinance, by striking out "five dollars" [license tax], and inserting "two dollars" in lieu thereof.

Councilman Marsee moved that the ordinance and the proposed amendment be laid upon the table; on which proposition, a vote by "ayes and nays" was demanded, was taken, and resulted as follows :

AYES, 11—viz.: Councilmen Anderson, Bermann, Cummings, Layman, Marsee, Morris, Morse, Reading, Showalter, Walker, and Wright.

NAYS, 11—viz.: Councilmen Brown, Bruner, Maus, McGinty, McKay, Off, Reasner, Rodibaugh, Steeg, Tucker, and Wiese.

The preceding vote resulting in a tie, the Clerk, in compliance with the provisions of section 46 of the Charter, called upon Mayor Caven to give the casting vote.

His Honor having voted in the negative, the proposition "to lay on the table" was thereby defeated.

The question then being, Shall Councilman Tucker's proposed amendments be adopted?

Councilman Cummings moved to amend the amendments by making the license tax "twenty-five dollars for each yard, including one office, and the sum of one dollar for each additional office."

Councilman Tucker held that preceding motion could not be entertained, and asked the Chair to declare it out of order.

The Chair (Hon. I. C. Walker, President *pro tempore*), decided that, according to parliamentary usage, Councilman Cummings's motion was in order, it being only "an amendment to an amendment." [See Rule 24 in "Charter and Ordinances," page 166.]

Councilman Tucker appealed from the decision of the Chair.

The Chair stated the pending question to be, "Shall the decision of the Chair stand as the judgment of the Common Council?" And the decision was duly sustained by a *viva voce* vote—only Councilman Tucker voting in the negative.

Councilman Maus then moved that Councilman Cummings's amendments be laid on the table; which was accordingly done by the following vote:

AYES, 12—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Maus, McGinty, Off, Reasner, Rodibaugh, Steeg, Tucker, and Wiese.

NAYS, 9—viz.: Councilmen Cummings, Layman, Morris, Morse, McKay, Reading, Showalter, Walker, and Wright.

Councilman Wright moved to amend the license-tax provision, so as to read "ten dollars for each yard, including one office, and the sum of ten dollars for each additional office."

Councilman Maus moved to lay Councilman Wright's proposed amendment on the table; which was accordingly done by the following vote:

AYES, 12—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Maus, McGinty, Off, Reasner, Rodibaugh, Steeg, Tucker, and Wiese.

NAYS, 9—viz.: Councilmen Cummings, Layman, Morris, Morse, McKay, Reading, Showalter, Walker, and Wright.

Councilman Wright then moved to lay Councilman Tucker's amendments on the table; which motion failed of adoption.

The question now being, Shall Councilman Tucker's proposed amendments be adopted? the ordinance was so amended by the necessary *viva voce* majority.

The following entitled ordinance was ordered to be engrossed as amended, and was then read the third time, viz.:

G. O. 1, 1879—An Ordinance to amend section 2 of General Ordinance No. 44, 1877, entitled "An Ordinance regulating the Weighing and Sale of Coal and Coke in the City of Indianapolis."

And was passed by the following vote :

AYES, 13—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Maus, McGinty, McKay, Off, Reasner, Rodibaugh, Steeg, Tucker, and Wieze.

NAYS, 9—viz.: Councilmen Cummings, Layman, Marsee, Morris, Morse, Reading, Showalter, Walker, and Wright.

By consent, the following entitled ordinance was taken up, and read through, for information :

G. O. 3, 1879—An Ordinance providing for a Fund for the Regular Police Force of the City of Indianapolis.

And then, after due debate upon its provisions, on Councilman Tucker's motion, aforesaid ordinance was stricken from the files.

MISCELLANEOUS BUSINESS.

Councilman Brown offered the following motion ; which was referred to the Council and Aldermanic Committees on Gas-Light, for joint consideration :

That the Committee on Gas-Light be instructed to re-place one-half of the street lamps recently displaced on Prospect street, east of Spruce street.

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

That Chief Fire Engineer be requested to report the condition of the fire-plugs, as to their being frozen, and if they can all be depended on in case of fire.

Also, offered the following motion :

That His Honor, the Mayor, appoint a special committee of three Councilmen, to act in connection with a like committee of the Board of Aldermen and the City Attorney, to enquire into the condition of the tracks and equipments of the Citizens' Street Railway Company and the management of the same; said committee to report, at the next regular meeting of this Council, as to whether the said company are complying with the provisions of the ordinance under which it is allowed the use of the streets; in what particulars it is violating said ordinance, if any; what remedy the city has, as against said company, for violation of said ordinance; whether it is for the best interest of the city to continue this monopoly of the street railway business; and whether the Council can legally grant the right-of-way to any other company.

Councilman Marsee moved that the first part of the preceding motion be stricken out, and that it be amended, so as to read :

That the Council and Aldermanic Committees on Railroads with the City Attorney be instructed to enquire, etc.

An "aye and nay" vote was demanded on Councilman Marsee's proposed amendment; and the amendment was duly adopted, as follows:

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Marsee Morris, Morse, McKay, Off, Reading, Reasner, Rodibaugh, Steeg, Walker, and Wiese.

NAYS, 6—viz.: Councilmen Cummings, Maus, McGinty, Showalter, Tucker, and Wright.

Councilman Layman offered the following motion:

That the motion offered by Mr. Cummings, referring to the Citizens' Street Railway, be reconsidered.

And the vote thereupon resulted as follows:

AYES, 11—viz.: Councilmen Anderson, Bermann, Cummings, Layman, Maus, Morse, McKay, Off, Rodibaugh, Showalter, and Wiese.

NAYS, 11—viz.: Councilmen Brown, Bruner, Marsee, Morris, McGinty, Reading, Reasner, Steeg, Tucker, Walker, and Wright.

The preceding vote resulting in a tie, the Clerk, in compliance with the provisions of section 46 of the Charter, called upon Mayor Caven to give the casting vote.

His Honor having voted in the negative, the proposition to reconsider was thereby defeated.

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

That John Greene be granted ninety days' extension of time, in which to complete his contract for improving Lawrence street.

Councilman McGinty offered the following motion; which was referred to the Council and Aldermanic Committees on Gas-Light, for joint consideration:

That the Indianapolis Gas-Light and Coke Company be directed to change the gas from the lamp situated on the third alley south of South street, on the east side of West street, and light the lamp at the corner of Root and West streets, south of McCarty street.

Councilman McKay offered the following motion; which was referred to the Council and Aldermanic Judiciary Committees, for joint consideration:

That the Common Council and Board of Aldermen of the City of Indianapolis hereby indicate their desire that the General Assembly of the State of Indiana should, at an early day, pass such a law as will require one Treasurer to collect all taxes in the County of Marion, including the City of Indianapolis; also, require one Assessor to make all assessments necessary for the collection of taxes in Centre

Township, including the City of Indianapolis; and that both officers be paid by salary—the Treasurer receiving no fees or percentage, except on collection of delinquent taxes.

Councilman Showalter offered the following motion :

Inasmuch as the City of Indianapolis has offered a reward of five hundred dollars for the arrest of ex-Councilman Bugbee, and said city not being liable to any loss by the absconding of said Bugbee; Therefore,

Moved, That the reward be, and is hereby, revoked.

An "aye and nay" vote was demanded on the adoption of the preceding motion; which, being taken, resulted as follows :

AYES, 11—viz.: Councilmen Bermann, Cummings, Layman, Morris, McGinty, Reading, Showalter, Steeg, Walker, Wiese, and Wright.

NAYS, 11—viz.: Councilmen Anderson, Brown, Bruner, Marsee, Maus, Morse, McKay, Off, Reasner, Rodibaugh, and Tucker.

The preceding vote resulting in a tie, the Clerk, in compliance with the provisions of section 46 of the Charter, called upon Mayor Caven to give the casting vote.

His Honor having voted in the affirmative, aforesaid motion was duly adopted by a vote of 12 to 11.

Councilman Steeg offered the following motion; which was referred to the Committee on Streets and Alleys :

That Hammons & Chamberlain be allowed the privilege to construct a driveway across the sidewalk in front of their place of business, on Dougherty street, said driveway to be bowldered at their own expense, and the work done under the supervision of the City Civil Engineer.

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

That the Chief of the Fire Department be instructed to report to this Council the cost of connecting, by telephone, the several engine and reel houses with the Fire Department Headquarters.

Also, offered the following motion :

That the Fire Board and the Chief of the Fire Department be, and are hereby, authorized to employ two additional men for the Skinner Truck, at the regular fireman's pay, \$1.75 a day.

Councilman McKay moved to amend preceding motion by striking out the closing portion thereof, and inserting "who shall be called minute men, and be paid \$20 a month."

Councilman Tucker moved to lay foregoing proposed amendment on the table; which motion failed of adoption.

Councilman McKay's amendment was then duly adopted.

The question then being on the amended motion, it was duly adopted.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.