

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 21, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, January 21st, A. D. 1879, at half-past seven o'clock, in regular session.

PRESENT—His Honor, the President, Wm. D. Wiles, in the Chair, and Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and Stratford—9.

ABSENT—Alderman Chandler—1.

The Proceedings of the Board of Aldermen, for the regular session, held on January 7th, 1879, having been printed, and placed on the desks of the Aldermen, said proceedings were duly approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was read :

To the Board of Aldermen of the City of Indianapolis :

Gentlemen :—The Common Council, at its regular session, held on last evening (January 20th, 1879), refused to concur in your unfavorable action of the 7th instant, when your honorable body withheld concurrence in the recommendation of the Council Judiciary Committee and the City Attorney to refund to Joseph K. Sharpe the sum of \$42.25, upon his complying with certain conditions recommended. [See clause 1 of report from before mentioned committee and city officer, on pages 711 and 712, *ante*.] Said body determined to adhere to its action of the 6th instant, when it concurred in aforesaid recommendation.

I hereby notify your honorable body of these non-concurrent proceedings, that you may take such further action in the case as in your judgment may seem best.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

On Alderman Grubbs's motion, the Board of Aldermen receded from its action, as set forth in preceding message and on page 728, *ante*, and concurred in the proceedings had by the Common Council on January 6th, as published on pages 712 and 713, *ante*.

The following message was duly received :

Gentlemen:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held last evening (January 20th, 1879), for your action upon same.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

Mayor Caven's report of the amount of fines (\$96.85) by him collected during the months of October, November, and December, 1878, and due the "Home for Friendless Women"; also, the amount due the city treasury (\$27.00), by him collected during the month of December, 1878 [see page 733, *ante*], was read, and was duly approved.

City Civil Engineer's report of the following estimate was read :

To the Mayor and Common Council:

Gentlemen:—I herewith report the following estimate, in accordance with instructions from the Common Council and Board of Aldermen :

A first and partial estimate in behalf of R. P. Dunning, for grading and bowldering Georgia street, from Meridian street to Illinois street—

637½ lineal feet, at \$1.19..... \$758 62

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

And the action of the Common Council, in approving such estimate [see page 734, *ante*], was duly concurred in.

The following estimate resolution [which had been duly adopted by the Common Council—see page 734, *ante*] was then read :

Resolved by the Common Council and Board of Aldermen, That the foregoing first and partial estimate, allowed R. P. Dunning, for grading and bowldering Georgia street, from Meridian street to Illinois street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And was adopted by the following vote :

AYES, 9—viz.: Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

The following resolution [which had been duly adopted by the Common Council—see page 735, *ante*] was read :

WHEREAS, On the 18th day of November, 1878, the Common Council ordered a precept to issue in the case of David A. Haywood vs. Talbott Bullard's Heirs—viz., Katharine Bullard, Wm. H. Bullard, and Harry F. Bullard—which action was concurred in by the Board of Aldermen on the 19th day of November, 1878;

AND WHEREAS, There was an error in the description of the property precepted, as given in the affidavit on which said precept was ordered to issue: Therefore,

Be it Resolved, That all action heretofore taken by the Common Council and Board of Aldermen, in ordering said precept to issue, is hereby rescinded and annulled, and the said David A. Haywood is hereby authorized to file a new affidavit for precept in said matter.

And was adopted by the following vote :

AYES, 9—viz.: Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

City Clerk's report that the following affidavits had been filed in his office, for the collection of street assessments by precept :

John Greene vs. Ingram Fletcher, for.....	\$10 50
James Mahoney vs. William H. Kilvert, for.....	17 68
David A. Haywood vs. Talbott Bullard's Heirs—viz., Katharine Bullard, William M. Bullard, and Harry F. Bullard, for	179 33

and recommending that the precepts be ordered to issue [see page 735, *ante*], was read; and the action of Common Council, in approving such recommendation and in ordering the precepts to issue, was concurred in by the following vote :

AYES, 9—viz.: Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

The following paragraph in the report of the City Attorney [see page 736, *ante*], was read; and was duly approved :

I would also report that I have collected the sum of \$5, being the amount of the fine in the case of *The City v. Coleman*, in the Superior Court, upon appeal from the Mayor's Court, for the violation of a city ordinance. I have paid the same to the City Treasurer, and herewith file his duplicate receipt therefor.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, during the two weeks ending January 20th, 1879 [see page 737, *ante*], was read, and was duly received.

Annual Report from the Treasurer of the Board of Trustees, and a like report from the Treasurer of the Board of Managers of the Home for Friendless Women, for the year 1878 [see pages 737 to 739, *ante*], were read, and were duly received.

The following report from the Council Committee on Streets and Alleys [which had been concurred in by the Common Council—see page

741, *ante*], was read; and the favorable action of the Common Council thereon was duly approved:

To the Mayor and Common Council:

Gentlemen:—Your committee, to whom was referred the motion of Councilman Steeg—"That Hammond & Chamberlain be allowed the privilege to construct a drive-way across the sidewalk in front of their place of business, on Dougherty street—the same to be bowldered at their own expense and under the direction of the City Civil Engineer"—would report that we have examined the premises, and would recommend that the motion be passed.

Respectfully submitted,

S. MORRIS,
MARTIN MCGINTY,
Committee on Streets and Alleys.

Petition from Robert Ellis, for issuance of an auctioneer's license [see page 733, *ante*], was read; and the action of the Common Council, in granting the prayer of such petition, was duly concurred in.

The following Council motions were read, and were severally adopted:

That the Union Railway Company be requested to place safety-gates to protect their Virginia avenue crossings.

That the City Marshal be instructed to notify the East and West Market Weigh-Masters to weigh everything offered them to be weighed for the city free of charge.

That the Police Board be requested to strictly enforce the ordinance regulating the weighing and measuring of coal and coke, and that they cause the frequent stoppage of carts and compel the weight of the contents to be verified. Also to see that all violations of General Ordinance 44, 1877, are promptly prosecuted.

That the joint Committees on Markets be, and they are hereby, ordered to investigate the accounts of J. B. Hampton, late Market-Master, and report to this Council whether there is anything due from him to the city.

The following Council motion was read; and then, at Alderman Foster's suggestion, it was referred to the Aldermanic Committee on Gas-Light:

That the City Civil Engineer be directed to re-light the lamp on the corner of South and Eddy streets, and to dismantle such other lamp in that vicinity as can best be dispensed with.

The following Council motion was read; and then, at Alderman Foster's suggestion, it was referred to the Board of Public Improvements, who were given power to act:

That the Chief of Police notify all persons to clean their sidewalks, in compliance with the ordinance pertaining to the same.

The following Council motion was read:

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.

Alderman Grubbs offered the following as an amendment to foregoing motion; and the proviso was duly added, viz.:

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

The preceding motion, amended as above, was then duly adopted.

NEW BUSINESS.

The Committee on Revision of Ordinances, through Alderman Grubbs, submitted the following report; which was duly received:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Revision of Ordinances, to whom was referred G. O. 1, 1879, entitled "An Ordinance to amend section 2 of G. O. 44, 1877, regulating the Weighing and Sale of Coal and Coke," etc., have had the same under consideration.

At the meeting of the committee, several leading coal dealers were present, and the expression from them was to the effect that they had favored a license, and had paid the same, as a compensation to the city for such extra expense as might be incurred in the strict enforcement of the ordinance regulating the weight of coal delivered to consumers; that if the ordinance could, and would, be as well enforced without the payment of such license, they would prefer not to pay it. All present disclaimed any purpose to shut out honest competition, no matter how small, and only insisted that the ordinance regulating the weight of the coal sold be *strictly* and *persistently* enforced, and dishonest dealers thus driven from the trade.

The said G. O. 44, 1877, contains a provision that, upon a second conviction as to short weight, the offender shall forfeit his license. This provision, even in the absence of any license fee, is sufficient to secure fair treatment towards the consumer, if those whose duty it is to enforce the city ordinances will make *frequent* and *regular* stoppages of carts, and test the weight of their contents.

The license, as at present fixed, is so large as to prohibit dealers who sell in small quantities, and have but a limited capital, from engaging in the trade; and, by reason of this, many persons of limited means are put to inconvenience, and, to a certain extent, the city is assisting in placing the coal trade in the hands of a few dealers.

Your committee recommend the passage of said G. O. 1, 1879, as it came from the Council.

D. W. GRUBBS,
W. F. PIEL,
R. S. FOSTER.

On Alderman Stratford'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, 9—viz.: Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

Aforesaid ordinance was then read the second and third times, 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, 8—viz. : Aldermen Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS, 1—viz. : Alderman Coburn.

Alderman Grubbs then introduced—

G. O. 5, 1879—An Ordinance amending section one (1) and two (2) of "An Ordinance regulating the Weighing and Sale of Coal and Coke in the City of Indianapolis,"

And it was read the first time.

Alderman Ridenour offered the following motion :

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.

Alderman Stratford offered the following addition to preceding motion ; which was duly adopted :

Provided, The City Civil Engineer can not do the same.

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

Alderman Ridenour, also, offered the following motions ; which were severally adopted :

That the Judiciary Committee, with the City Attorney, be instructed to prepare a bill, and have our representatives submit the same to the Legislature, now in session, asking its action, regulating the purchase and sale of all classes of coal and coke, and where proper, amending the statutes relating to the weights and measures of 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)."

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.