

# PROCEEDINGS OF COMMON COUNCIL.

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## REGULAR SESSION—SEPTEMBER 1, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, September 1st, A. D. 1879, at half-past seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the chair, and 21 members, viz.: Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

ABSENT—Councilmen Bermann, Prier, Tucker, and Wiese—4.

The Proceedings of the Common Council, for the regular session, held on August 18th, 1879, and for the first session of the Board of Equalization, held on August 20th, 1879, having been printed, and placed on the desks of the Councilmen, said journals were duly approved as published.

Sealed proposals for making the below-described improvements [under the provisions of the special ordinances noted before the same], were opened, read, and referred to the Committee on Contracts:

- S. O. 2, 1879. Grading and graveling the first alley north of Woodlawn avenue, from Dillon street to Olive street.
- S. O. 17, 1879. Grading and graveling Shelby street, from the southern terminus of Virginia avenue to Colgrove street.
- S. O. 24, 1879. Grading the first alley east of Mississippi street, from Garden street to Pogue's Run.
- S. O. 25, 1879. Grading, and paving with brick, and curbing with stone, the south sidewalk of New York street, from Liberty street to Noble street.
- S. O. 26, 1879. Grading, and paving with brick, the west sidewalk of State avenue, from Washington street to Market street.
- S. O. 32, 1879. Grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets.
- S. O. 35, 1879. Grading and graveling Chesapeake alley and sidewalks, from Missouri street to the first alley west of Missouri street.

On Councilman Brown's motion, the Committee on Contracts was instructed to report on the Shelby street bids at this session.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, presented the following communication; which was referred to the Committee on Printing:

DEPARTMENT OF THE INTERIOR, }  
CENSUS OFFICE, }  
Washington, D. C., August 2, 1879. }

To His Honor, the Mayor of Indianapolis:

*Sir*:—It is proposed, in connection with the Tenth Census, to publish a special report concerning the Social Statistics, Industries, and General Characteristics of the Cities of the United States.

The undersigned has been appointed the agent of the Census Office for the collection of these statistics and the preparation of this report.

To facilitate this work, will you kindly send me the last issue of City Documents covering every detail that can be of value as a matter of general information, such as Finance Reports, Health Reports, Water-Works Reports, Fire Department Reports, Public Works Reports, Reports of Charities and Corrections, etc., etc.

Any further information concerning the Industries and Population of your city will be of value.

If an official map has been issued a copy of it will be of great service in this connection.

Stamps are enclosed to cover the postage on the documents requested.

Your obedient servant,

GEORGE E. WARING, JR.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimates (presented therewith) were duly approved:

To the Common Council of the City of Indianapolis:

*Gentlemen*:—I herewith present the following estimates:

A first and final estimate in behalf of R. P. Dunning, for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee street—

420 lineal feet, at \$1.39 .....	\$588 80
480 lineal feet, at 99 cents .....	415 80
887.7 square yards extra bowldering, at 42 cents .....	372 83

Total estimate .....	\$1,372 43
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Also, a first and final estimate in behalf of George Woodfill & Son, for grading and paving the sidewalks of Pratt street, from Illinois street to Mississippi street—

978 lineal feet, at 25 cents .....	\$244 50
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Also, a first and final estimate in behalf of Henry Clay, for grading and graveling New York street, widening and curbing the sidewalks and bowldering the gutters thereof, between Tennessee and Missouri streets—

1703.33 lineal feet graveling, at 26 cents .....	\$442 87
1882.33 lineal feet curbing, at 34 cents .....	640 10
1688.33 lineal feet bowldering, at 43 cents .....	725 98
217.8 yards extra bowldering, at 43 cents .....	93 59
35 yards extra gravel, at 65 cents .....	22 75
<b>Total estimate .....</b>	<b>\$1,925 29</b>

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read :

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of R. P. Dunning, for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee 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 it was duly adopted by the following vote :

**AYES,** 20—viz. Councilmen Bieler, Brown, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, King, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None

The following estimate resolution was also read :

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of George Woodfill & Son, for grading and paving the sidewalks of Pratt street, from Illinois street to Mississippi 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 it was duly adopted by the following vote :

**AYES,** 20—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Morrison, McGinty, McKay, O'Connor, Pearson, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

The following estimate resolution was also read :

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis.* That the accompanying first and final estimate in behalf of Henry Clay, for grading and graveling New York street, widening and curbing the sidewalks and bowldering the gutters thereof, from Tennessee street to Missouri 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 it was duly adopted by the following vote :

**AYES,** 20—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

The City Clerk submitted the following report (prepared by ex-City Clerk Benj. C. Wright); which was referred to the Council and Aldermanic Committees on Finance :

To the Mayor and Common Council :

*Gentlemen:*—I herewith submit an itemized statement, showing the amount of orders drawn on the city treasury during the month of August, 1879 :

Board of Health.....	\$	24	50
Bridges ..		87	71
City Assessor's Department.....		319	00
City Civil Engineer's Department.....		166	30
City Dispensary.....		529	38
City Hall.....		88	40
City Hospital and Branch.....		784	09
Coal-oil Light.....		15	00
Damages and Costs.....		1,607	65
Fire Department.....		5,065	47
Fountains .....		5	70
Gas .....		4,668	36
Incidentals .....		14	85
Interest on Bonds.....		58,196	75
Markets .....		26	00
Market-Masters' Fees.....		171	96
Parks.....		105	00
Police .....		3,683	20
Printing .....		340	13
Salary .....		154	25
Station Houses.....		229	94
Street Improvements.....		769	24
Street Repairs.....		5,101	54
Tomlinson Estate.....	\$	82,154	42
			45 20
Total.....	\$	82,199	62

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The same officer submitted the following report; which was received, and the appointments duly confirmed :

*Indianapolis*, September 1, 1879.

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

*Gentlemen:*—I have appointed George T. Breunig and Frank W. Ripley as my deputies. I have also appointed George T. Breunig as Clerk of the Board of Aldermen, and respectfully request your honorable bodies to confirm such appointments.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The same officer presented the following communication; which was received :

*Indianapolis, Ind.*, September 1, 1879.

To Joseph T. Magner, Esq., Clerk of City of Indianapolis:

*Sir:*—At a meeting of the Board of School Commissioners of the City of Indianapolis, held on the evening of August 15, 1879, the following was unanimously adopted as the tax levy for school purposes in this city for the present year :

Resolved, That the tax levy for 1879 and 1880 be adopted and established as follows:

For tuition purposes .....	8½ cents per \$100
For special fund .....	8 cents per 100
For library fund.....	1½ cents per 100
Total.....	18 cents per \$100

and that the President and Secretary be directed to certify the action of this Board to the City Clerk and cause the same to be placed on the tax duplicate against all property assessed for city purposes.

For the Board of School Commissioners,

W. A. BELL, President.  
J. J. BINGHAM, Secretary.

The same officer presented the following petition; which was referred to the Council and Aldermanic Committees on Markets:

Indianapolis, September 1, 1879.

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

*Gentlemen:*—Your petitioner would respectfully state, that at the last sale of market-stands at the East Market, he paid ten dollars to the City Treasurer for rent of garden stand No. 34, and files herewith Treasurer's duplicate receipt.

Afterwards, through some misunderstanding, the same stand was rented to another party, and a lease given said party. As your petitioner has had no use or benefit of said stand, and as the same is held by some other person, he now asks that the amount (\$10) paid for rent, as aforesaid, be refunded to him.

And your petitioner will ever pray.

HENRY GIMBER, per W.

The same officer presented the following invitation; which was duly accepted:

Indianapolis, September 1, 1879.

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

*Gentlemen:*—It affords us sincere pleasure to extend an invitation to your honorable body to attend the celebration of the twelfth anniversary of the German Protestant Orphan Home of this city, which will take place at the grounds of said Orphan Home, on the 14th day of September, 1879.

Hoping that you will participate in the festivities of this occasion,

We remain respectfully,

THE COMMITTEE.

The same officer presented the following contract and bond; which was referred to the Council and Aldermanic Committees on Finance:

THIS AGREEMENT, Made and entered into this 1st day of September, 1879, by and between The City of Indianapolis, party of the first part, and The Indianapolis Fertilizer Company, party of the second part;

*Witnesseth,* That the said party of the first part, for and in consideration of one hundred and ten dollars, and the covenants and agreements herein contained, to be kept and performed by the party of the second part, does hereby give and grant to the said party of the second part the exclusive right and privilege, for and during the term of one year from the 1st day of July, 1879, to remove from the streets, alleys, lots, yards, and public places of said City of Indianapolis, all dead animals of every description; the said party of the second part to have the right and privilege to have and appropriate all such dead animals so removed to her own use—

it being understood that the above rights and privileges are granted by said City of Indianapolis only to the extent of her right and power to grant them, and that she shall be in no way liable to the party of the second part on account of any failure of said party of the second part to enforce her rights under this contract to dead animals, or the right to remove the same, as against other parties than the City of Indianapolis.

*In Consideration Whereof,* The said party of the second part covenants and agrees to pay the said city, on demand, the sum of one hundred and ten dollars, and undertakes and agrees that she will, during the term of this contract, remove all the dead animals from the streets, alleys, lots, yards, and public places of said city; that she will promptly and faithfully do such work, and so remove said dead animals; and that she will faithfully comply with all the ordinances, rules, or regulations of said city now in force or that may hereafter be enacted by the proper authorities of said city concerning or regulating the matter of the removal and disposition of dead animals.

And said party of the second part further agrees to remove all such dead animals to what is known as the "Sellers' Farm," and in disposing of the same to use the most approved machinery and appliances for destroying the offensive odors and smells, and to use every proper precaution and care to prevent any nuisance arising therefrom, or anything done by said party of the second part.

This contract shall not be assignable or transferable by the party of the second part without the consent of the Common Council and Board of Aldermen of said city first obtained.

In case the Common Council and Board of Aldermen of said city shall, at any time during the continuance of this contract, deem the party of the second part to have failed to perform any of the stipulations of this contract, or violated any of the ordinances or regulations of the city upon the subject of dead animals or the removal thereof, they shall have the power and right to wholly terminate and put an end to this contract, by giving the said party of the second part ten days' notice; and after the expiration of said ten days this contract shall be wholly terminated and ended, and no right of action of any kind whatever shall enure to the said party of the second part by reason of the termination of the contract as aforesaid.

The said party of the second part further agrees to provide all necessary apparatus, wagons and tools, to enable her to promptly remove and dispose of all such dead animals in a proper manner; and to execute to the said city a bond, in the penal sum of fifteen hundred dollars, with sureties to the satisfaction of the Common Council and Board of Aldermen, conditioned for the faithful performance of this contract on the part of the party of the second part.

*In Witness Whereof,* The parties have by their proper officers signed their names and caused their official seals to be affixed, the day and year first above written

INDIANAPOLIS FERTILIZER COMPANY. (Seal)  
R. S. SINCLAIR, Treasurer.

[ B O N D . ]

KNOW ALL MEN BY THESE PRESENTS, That we, The Indianapolis Fertilizer Company and J. O. Radcliffe, are held and firmly bound to the City of Indianapolis in the penal sum of Fifteen Hundred Dollars, the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

The conditions of this obligation are such that, if the said Indianapolis Fertilizer Company shall faithfully comply with the foregoing contract, made and entered into this 1st day of September, 1879, with the City of Indianapolis, and fulfill all the conditions and stipulations therein contained, according to the true intent and meaning thereof, then this obligation to be void; otherwise to remain in full force and virtue in law.

Witness our hands and seals this 1st day of September, 1879.

INDIANAPOLIS FERTILIZER COMPANY. [Seal.]  
R. S. SINCLAIR, Treasurer.  
J. O. RADCLIFFE. [Seal.]

The same officer presented the following report (prepared by ex-City Treasurer Wm. M. Wiles); which was referred to the Council and Aldermanic Committees on Finance :

*Report of Wm. M. Wiles, City Treasurer, of the total Receipts and Disbursements of the "Tomlinson Estate."*

RECEIPTS—RENTS.

Amount received by H. W. Tutewiler, ex-City Treasurer, for thirteen months, ending June 30th, 1875.....	\$5,158 57
Amount received by H. W. Tutewiler, ex-City Treasurer, for twelve months, ending June 30th, 1876.....	4,895 22
Amount received by H. W. Tutewiler, ex-City Treasurer, for fourteen months, ending September 1st, 1877.....	6,306 86
Amount received by Wm. M. Wiles, City Treasurer, for two years, ending August 30th, 1879.....	5,952 95
	<u>\$22,318 60</u>

DISBURSEMENTS.

By Henry W. Tutewiler, ex-City Treasurer—

For repairs, thirteen months, ending June 30th, 1875.....	\$ 378 60
For insurance, thirteen months, ending June 30th, 1875.....	102 25
For commission, thirteen months, ending June 30th, 1875.....	257 92
For repairs, twelve months, ending June 30th, 1876.....	38 50
For insurance, twelve months, ending June 30th, 1876.....	133 05
For commission, twelve months, ending June 30th, 1876.....	244 76
For repairs, fourteen months, ending September 1st, 1877.....	99 56
For insurance, fourteen months, ending September 1st, 1877.....	162 25
For commission, fourteen months, ending September 1st, 1877.....	315 34

By Wm. M. Wiles, City Treasurer—

For repairs and insurance two years, ending August 30th, 1879.....	611 52
Balance on hand August 30th, 1879.....	19,974 85
	<u>\$22,318 60</u>

Aggregate amount of annuity paid to Mrs. Mary T. Tomlinson, as per agreement of April 27th, 1874..... \$38,500 00

WM. M. WILES, City Treasurer.

The City Treasurer submitted the following report; which was received, and the appointment duly confirmed :

*Indianapolis, September 1, 1879.*

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

*Gentlemen* :—I have appointed Francis A. Blanchard as Deputy City Treasurer, and respectfully request your honorable bodies to confirm such appointment.

Respectfully submitted,

W. G. WASSON, City Treasurer.

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

Indianapolis, September 1, 1879.

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

*Gentlemen*:—The Superior Court in General Term, at a session held this morning, affirmed the judgment of the Court in Special Term, in the case of William C. Thompson et al. vs. The City et al.; the finding and judgment of the Court below being in favor of the city.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The same officer submitted the following report; which was concurred in:

Indianapolis, September 1, 1879.

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

*Gentlemen*:—In obedience to your instructions, I have examined and herewith submit an opinion as to the construction to be given to that portion of section 52 of the city charter, which reads as follows:

“No member of the Common Council, or other officer of such city, shall, either directly or indirectly, be a party to, or in any manner interested in, any contract or agreement with such city, for any matter, cause or thing by which any liability or indebtedness is in any way or manner created against such city.”

There can be no doubt that this provision of the charter prohibits members of the Common Council and Board of Aldermen, as also all other city officers, from being in any way interested in any contract with the city which is regularly entered into. But some confusion seems to have arisen as to whether this statute should be construed as prohibiting members of the Common Council and Board of Aldermen from making sales in open market of articles of merchandise to officers of the city authorized to purchase the same for the use of the city; and if so, would the prohibition apply alike to sales made to the city by a firm of which a Councilman, Alderman, or other city officer, is a member?

At common law, all such contracts or sales are prohibited on the grounds of public policy. This statute is simply declaratory of the rule at common law, and should be liberally construed. A sale of merchandise to the city constitutes a contract within the meaning of the law, and an indebtedness or liability is thereby created against the city.

I am, therefore, of the opinion that a strict legal construction of the section referred to would prohibit the making of all contracts or sales of the character above mentioned.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

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

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

*Gentlemen*:—The following reports of the City Hospital and Branch, for the month of August, 1879, are respectfully submitted:



	First Week.	Second Week.	Third Week.	Fourth Week.	Three Days.	Monthly Total.
Number of paid Officers and Employes in Hospital .....12						
Number of paid Officers and Employes in Branch..... 1						
Number of beds in Hospital .....						
Number of beds in Branch.....						
No. of adult patients in Hospital at beginning of week.....	29	28	29	31	32	.....
No. of infant patients in Hospital at beginning of week....	2					.....
No. of adult patients received during week .....	8	7	11	12	3	.....
No. of infant patients received or born during week.....						.....
No. of adult patients discharged during week .....	10	7	7	8	3	.....
No. of infant patients discharged during week.....	2					.....
No. of adult patients who died during week.....	1					.....
No. of infant patients who died during week.....						.....
No. of patients in Branch at beginning of week.....						.....
No. of patients in Branch at end of week .....						.....
No. of adult patients in Hospital and Branch at end of week	28	29	30	32	32	.....
No. of infant patients in Hospital and Branch at end of week						.....
No. of pay-patients at beginning of week.....						.....
No. of pay-patients at end of week .....						.....
Aggregate number of days of patients in Hospital.....	183	197	205	219	102	.....
Aggregate number of days of patients in Branch.....						.....

Total expenditures for month .....	\$1,092 47½
Cash collected from pay-patients and other sources, and paid to City Treasurer .....	
Aggregate number of days subsistence furnished .....	1331
Average daily cost of each patient .....	\$1 20 <sup>88</sup> / <sub>151</sub>
Average daily cost for patients, officers, and employes.....	82 <sup>106</sup> / <sub>1331</sub>

WILLIAM N. WISHARD, M. D., Superintendent.

The Chief Fire Engineer submitted the following report; which was received :

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

Gentlemen:—I herewith submit for your consideration my first Quarterly Report of the running expenses of the Fire Department, for the fiscal year commencing June 1st, 1879:

RECEIPTS.

June 1.	Balance on hand, as per last report.....	\$192 64
9.	Joe Polaski, old rags .....	81
16.	Jerry Murphy, one horse .....	80 00
19.	Freight refunded from Ahrens & Co.....	1 90
19.	John Foudray, one horse .....	50 00
25.	Kingan & Co., by cash for lock .....	3 00
30.	S. A. Mendenhall, by cash for kindling .....	4 00
July 1.	George Dierks, 35 feet old hose at 10 cents .....	3 50
2.	R H Adams, 56 feet old hose, at 10 cents .....	5 60
2.	R H. Adams, one old coupling.....	2 00
2.	George Bradymeyer, 9 feet old hose .....	90
7.	Franklin Stevenson, 10 feet old hose.....	1 00
9.	J. C. Brinkmeyer, old brasses .....	35 10
12.	Cabinet Sewing Machine Co .....	25 00
12.	Female Reformatory .....	53 00

July 26.	James Holderman, for old flooring.....	\$ 3 00
26.	Charles Snider, 6 feet of old hose at 10 cents .....	60
30.	Deaf and Dumb Asylum .....	53 00
Aug. 1.	Charles Link, 9 feet of old hose .....	90
4.	Kingan & Co., for private box .....	25 00
5.	John Darroh, 8 feet of old hose .....	80
6.	Frank M. Mirth, 5½ feet of old hose .....	55
8.	George Huffman, 40 feet old hose at 5 cents.....	2 00
14.	William Wilkinson, 8 feet old hose at 10 cents.....	80
25.	Old iron .....	50
25.	J. J. Ringer, 2½ feet old hose.....	25
25.	Samuel Griswold, 2½ feet old hose .....	25
Total .. .....		\$546 10

## DISBURSEMENTS.

June 5.	Wooten Desk Co., for one lock for desk .....	25
7.	To five hundred postal cards .....	5 00
12.	C, C, C. & I. R. R., for freight .....	40
17.	Freight on coil from Cincinnati .....	1 90
17.	Toll on gravel road .....	06
19.	For two blank books .....	1 00
23.	George M. Smith, load of hay.....	15 89
23.	Charles Meyers, load of hay .....	11 00
24.	Freight on couplings .....	96
25.	James Corey, load of hay .....	11 44
July 5.	American Express Company.....	15 65
15.	Postage stamps .....	5 00
28.	G. C. Cunningham, load of corn .....	18 67
Aug. 1.	C Meyer, Fourth of July decorations.....	5 00
2.	Stencils and brush, for I F D. on telegraph poles.....	85
7.	American Express Company.....	45
14.	Telegraph despatch from Evansville .....	25
15.	Express package from Chicago.....	40
22.	Putting horse shoe.....	30
26.	U. S. Express, for packages from Chicago.....	25
Total .. .....		\$89 72
Total receipts .. .....		546 10
Balance on hand .....		\$456 38

We have examined the above vouchers and find them correct, and move the approval of the same.

James T. Layman,  
John R. Pearson,  
Fire Board.

The following amounts have been paid for supplies to date:

Arnica .....	\$ 4 00
Block coal.....	151 65
Brooms .....	7 50
Corn .....	86 86
Crushed coke.....	16 97
Castile soap .....	3 48
Common soap .....	5 85
Hay .....	144 84
Horses (two) .....	400 00
Horse-shoeing .....	91 49
Hose-bands.....	6 00

Hose (large).....	\$ 2,050 00
Hose.. (small).....	11 00
House furnishings and bedding.....	36 27
Matches.....	7 25
New harness.....	16 51
Oats.....	301 47
Oil meal.....	3 00
Repairs on apparatus.....	525 64
Repairs on houses.....	486 46
Repairs on harness.....	9 22
Shorts.....	17 50
Sponges.....	5 25
Stoves, pipes, and repairs on same.....	2 30
Whips.....	11 00
Telephone account.....	13 00
Horse-bedding.....	59 21
Hose-couplings.....	108 00
Harness-shop account.....	7 74
Repairs on Furniture.....	3 25
Paper bags.....	5 25
Supply rooms.....	153 77
Vitrol for telegraph battery.....	229 52

Total for the first quarter ending August 31, 1879..... \$4,981 35

Respectfully submitted,

J. G. PENDERGAST, Chief Fire Engineer.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

*Report of Deaths in the City of Indianapolis, from August 16th to 31st, 1879, inclusive.*

Under 1 year.....	18
1 to 2 years.....	7
2 to 5 ".....	8
5 to 10 ".....	8
10 to 15 ".....	3
15 to 20 ".....	4
20 to 25 ".....	1
25 to 30 ".....	2
30 to 40 ".....	3
40 to 50 ".....	0
50 to 60 ".....	4
60 to 70 ".....	3
70 to 80 ".....	1
80 to 90 ".....	2
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	4
Total.....	68

Henry Jameson, M. D., President.

William Wands, M. D.

William E. Jeffries, M. D., Secretary.

Also, the following report ; which was approved :

Indianapolis, September 1, 1879.

To the Hon. Mayor, Common Council, and Board of Aldermen :

*Gentlemen* :—During the month of August legal notices to clean, disinfect, etc., have been served as follows :

By Sanitary Officers.....	581
By Day Patrolmen .....	50

The deaths during the month were distributed as follows :

In northeast quarter of city.....	31
In southeast quarter of city.....	39
In northwest quarter of city.....	35
In southwest quarter of city.....	13

Washington street and Meridian street being the dividing lines.

Scarlet fever is assuming sufficient proportions to cause some solicitude, and a white flag has been ordered to be placed in a conspicuous place at every house in which is scarlet fever.

Respectfully,

Henry Jameson, M. D., President,  
W. E. Jeffries, M. D., Secretary,  
Board of Health.

The Board of Public Improvements, through President McKay, submitted the following report ; which was read and considered by clauses, and the same were severally concurred in :

To the Common Council of the City of Indianapolis :

*Gentlemen* :—We would report as follows upon sundry papers referred to us :

1st. Is a motion directing the Street Commissioner to clean the gutter on the west side of Illinois street, from Merrill street to Morris street ; also on Maple street, from McCarty street to Morris street.

We recommend said work be done.

2d. Is a motion directing the Street Commissioner to clean the gutters of West street, from Kentucky avenue to Morris street.

We recommend said work be done.

3d. Is a motion directing the Street Commissioner to fill the chuck-hole in Dillon street, between Bates street and Georgia street.

We recommend said work be done.

4th. Is a motion directing the Street Commissioner to fill the chuck-holes with gravel in Mississippi street, from Washington street to Second street.

We recommend said work be done.

5th. Is a motion directing the Street Commissioner to raise the canal bridge on West street, between Market and Ohio streets.

We recommend said work be done.

6th. Is a motion directing the Street Commissioner to clean the gutters of Maryland street, between Missouri and West streets.

We recommend said work be done.

7th. Is a motion directing the Street Commissioner to fill with gravel the chuck-holes on Washington street, between White river bridge and the I. B. & W. Railroad tracks.

We recommend this work be done at a cost not to exceed twenty-five dollars.

8th. Are two motions directing the Street Commissioner to clean the gutters and fill the chuck holes on Pine street, from Washington street to the Indianapolis, Cincinnati and Lafayette Railroad; also to clean the gutters of Georgia street, from Noble street to Dillon street.

We would report that this work has been done.

9th. Is a motion permitting John Frederick to dig, and wall with brick, a well in front of his lot on West street, between St. Clair and Pratt streets.

We would report that this work was completed before the above motion reached us.

10th. Is a motion instructing the Street Commissioner to lay a cement pipe, of a size sufficient to provide proper drainage from the corner of Woodlawn avenue and Reid street, south on Reid street to Pleasant Run.

We have examined the locality referred to, and are of the opinion that a proper drainage could be established by an improvement of the streets between the points named under special ordinance, and we herewith present the following entitled ordinances for said improvement :

An Ordinance to provide for grading and graveling Reid street and sidewalks, from Woodlawn avenue to Prospect street.

An Ordinance to provide for grading and bowldering the west gutter of Reid street, from Prospect street to Pleasant Run.

Respectfully submitted,

M. H. McKay,  
J. L. Bieler,  
Board of Public Improvements.

The following entitled Special Ordinances were then read the first time :

S. O. 42, 1879—An Ordinance to provide for grading and graveling Reid street and sidewalks, from Woodlawn avenue to Prospect street.

S. O. 43, 1879—An Ordinance to provide for grading and bowldering the west gutter of Reid street, from Prospect street to Pleasant Run.

The Board of Public Improvements and the Street Commissioner submitted the following report; which was referred to the Council and Aldermanic Committees on Finance :

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

We herewith report the expenditures of the Street-Repairs Department for the month of August, 1879, together with total expenditures for the fiscal year, to September 1st, 1879:

Pay-rolls .....	\$ 3,543 29
Lumber .....	161 48
Freight on stone.....	120 00
Hardware.....	79 74
Bowlders .....	69 00
Blacksmithing.....	48 55
Stone curbing.....	41 86
Sand .....	33 60
Gravel .....	10 00
Lime, etc.....	1 77

Total..... \$ 4,109 29

Total expenditures per last report ..... 7,533 18

Total expenditures to September 1st, 1879..... \$ 11,642 47

Respectfully submitted,

M. H. McKay,  
J. L. Bieler,  
Board of Public Improvements.  
L. A. Fulmer, Street Commissioner.

## REPORTS, ETC., FROM COMMITTEES.

The Committee on Bridges, through Councilman King, submitted the following report; which was duly concurred in:

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

*Gentlemen*.—Your Committee on Bridges, to whom was referred the following motions: To examine McCarty street bridge over Pogue's Run, and Liberty street bridge over Pogue's Run, and to see what repairs are needed.

We have examined the same, and would recommend that the Street Commissioner be instructed to lay a new floor on Liberty street bridge out of lumber already bought for bridge floors; and also to put in joists in place of broken joists in McCarty street bridge over Pogue's Run, and to patch the floor where needed.

Respectfully submitted,

George King,  
M. H. McKay,  
Committee on Bridges.

The Committee on Contracts, through Councilman Brown, submitted the following report; which was concurred in, and the several contracts awarded, as recommended:

To the Mayor and Common Council:

*Gentlemen*.—Your Committee on Contracts, to whom was referred the proposals presented to Council, August 18, 1879, have examined the same, and find them to be as follows, viz.:

First. For grading and graveling the first alley north of Lockerbie street, from Liberty street to the first alley west of Noble street.

John Schier, 18½ cents per lineal foot front on each side.

James Mahoney, 13½ cents per lineal foot front on each side.

William Morrison, 12½ cents per lineal foot front on each side.

John L. Hanna, 12½ cents per lineal foot front on each side.

John L. Hanna, being the lowest and best bidder, we recommend that he be awarded the contract.

Second. For improving the north sidewalk of Washington street, where not already properly improved, from White river bridge to Ray street, by grading and graveling.

Henry Clay, \$1.15 per lineal foot front.

John L. Spaulding, 90 cents per lineal foot front.

J. L. Spaulding, being the lowest and best bidder, we recommend he be awarded the contract.

Third. For grading the first alley north of Maryland street, from Benton street to the first alley east of Benton street.

James Mahoney, 43 cents per lineal foot front on each side.

John L. Hanna, 38 cents per lineal foot front on each side.

Fred Gansberg, 37 cents per lineal foot front on each side.

James W. Hudson, 23½ cents per lineal foot front on each side.

James W. Hudson, being the lowest and best bidder, we recommend he be awarded the contract.

Fourth. For grading and paving with brick, except where already paved, the south sidewalk of St. Mary street, from Alabama street to Delaware street.

John L. Hanna, 30 cents per lineal foot front.  
 James W. Hudson, 27 cents per lineal foot front.  
 John Schier, 24 $\frac{3}{4}$  cents per lineal foot front.  
 E. B. Elliott, 24 cents per lineal foot front.

E. B. Elliott, being the lowest and best bidder, we recommend he be awarded the contract.

Fifth. For grading and graveling the alley between McCarty and Sinker streets, from the first alley west of New Jersey street to the first alley east of Alabama street.

John L. Hanna, 18 cents per lineal foot front on each side.  
 F. Gansberg, 15 cents per lineal foot front on each side.  
 James Mahoney, 10 $\frac{1}{2}$  cents per lineal foot front on each side.

James Mahoney, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

M. L. Brown,  
 F. W. Hamilton,  
 J. H. Sheppard,  
 Committee on Contracts.

Also, the following report; which was concurred in, and the contract awarded, as recommended:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Contracts, to whom was referred the proposals to improve Shelby street, have examined the same and find them to be as follows, viz.:

Dewey, Twiname & Graham, 75 cents per lineal foot on each side.  
 R. P. Dunning, 65 cents per lineal foot on each side.  
 James Mahoney, 56 cents per lineal foot on each side.  
 Fred Gansberg, 53 cents per lineal foot on each side.

Fred Gansberg, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

M. L. Brown,  
 F. W. Hamilton,  
 J. H. Sheppard,  
 Committee on Contracts.

The Committee on Finance, through Councilman Kahn, submitted the following report; which was concurred in:

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

*Gentlemen:*—Your Committee on Finance submit the appended statement of the estimated expenses during the current fiscal year ending on May 31, 1880, as agreed upon by the several official boards and standing committees, and recommend approval of the same; and we also most urgently request that the several boards and standing committees use their utmost diligence in keeping the expenditures strictly within the limit of these estimates.

Respectfully submitted,

Leon Kahn,  
 M. L. Brown,  
 Peter F. Bryce,  
 Committee on Finance.

## Estimate of Expenditures during the Fiscal Year ending on May 31st, 1880.

## ON ACCOUNT OF

Board of Health.....	\$500 00
Bridges.....	5,000 00
City Assessor's Department.....	3,000 00
City Civil Engineer's Department.....	1,800 00
City Commissioners.....	375 00
City Dispensary.....	1,000 00
City Hall (Janitor's assistants, rent, office fixtures, supplies, and ice)..	3 800 00
City Hospital and Branch.....	10,600 00
City Treasurer's percentage.....	14,000 00
Coal-oil Light.....	600 00
Costs and Damages.....	11,000 00
Drinking Fountains.....	
Elections.....	710 00
Fire Cisterns.....	800 00
Fire Department.....	66,494 00
Gas.....	60,000 00
Incidentals.....	800 00
Insurance.....	178 37
Interest on Bonds.....	131,591 50
Markets.....	500 00
Parks.....	900 00
Police Department.....	43,960 00
Printing, (printing, advertising, stationery, and posting bills).....	5,600 00
Salaries.....	16,403 75
Sewers.....	1,000 00
Station Houses.....	2,700 00
Street Improvements (city's portion).....	5,000 00
Street Repairs.....	35,000 00
Taxes refunded.....	1,000 00
Tomlinson annuity.....	7,000 00
Tomlinson estate (repairs, etc.).....	600 00
Tunnel.....	20 00
Water rent.....	25,056 00

Total estimate of expenditures..... \$456,988 62

The Committees on Public Light, through Councilman Rooker, submitted the following report; which was concurred in:

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

Your Committees on Public Light would report that the Indianapolis Gas-Light and Coke Company have put in service two hundred of the street lamps which were discontinued under the temporary contract of 1878-1879, and that the full quota of street lamps (2,400), as stipulated in the new temporary contract approved on July 22d, 1879, are now fully in use.

The Indianapolis Gas-Light and Coke Company, however, entered into a verbal agreement with your committees to shift the burners, etc., from any of the lamps now in use to any of the four hundred and forty lamps yet remaining out of service, by the reduction under the temporary contract of August 2d, 1878. It is the desire of the gas company that this work of changing may be entered upon and completed at one time. Your committees, therefore, request that the Councilmen and Aldermen notify us, before the next regular sessions of their respective bodies, of any changes which, in their judgment, they may think should be made under the terms of aforesaid verbal arrangement.

Respectfully submitted,

C. F. Rooker,  
F. W. Hamilton.

T. E. Chandler,  
D. W. Grubbs,  
John Newman.



Also, the following report; which was received, and so much of the same as requires an opinion from the City Attorney, was referred to such officer for report:

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

Your Committee on Public Light, to whom was referred (with power to act thereon) a motion directing the City Civil Engineer to re-advertise for bids for erecting public gas-lamps on West street, from Georgia street to Kentucky avenue, would state that we deem it impolitic, at this time, to give any such order, for the following reasons:

The number of public gas-lamps on August 2d, 1878, was 2,840. No new lamps have been erected since in April of that year. On August 19th, 1878, a new contract was made with the Indianapolis Gas-Light and Coke Company, under the terms of which 640 lamps were discontinued, leaving 2,200 in use. On July 22d, this year, a new contract was made with said company, and the number of lamps was increased to 2,400. The added 200 lamps are now all in use, having been selected from the 640 discontinued from service in 1878. Every new lamp erected would, therefore, increase the expenditure on account of public gas-lighting, as per the terms of aforesaid late agreement, by the sum of \$25 per annum.

With the low general tax-levy of this year, the utmost economy in every department of expenditure must be exercised. The total estimate of the city's expenses for the fiscal year ending on May 31st, 1880, is \$456,988.62, and your committees have been compelled to ask that \$60,000 (or nearly one-ninth of the entire cost of running the city) be paid to the Indianapolis Gas Light and Coke Company. The exact amount paid this company during the twelve and one-half months, ending on May 31st, 1879 (part of which time 2,840 lamps were in service), was \$59,331.23. With the foregoing facts before us, we dare not favor, no matter how expedient or important, any augmenting of expenditure on account of public gas-lighting.

Again: We deem it impolitic to exercise the power you have given us to increase the expenditure in the Department you have placed in our charge, because we fear, and know, it would open the way for the introduction and demanded passage of many additional ordinances for lighting other streets not now lighted.

We would, however, call the attention of your honorable bodies to the following facts with regard to the locality described in the motion to us referred. West street, from Georgia street to Kentucky avenue, is crossed and occupied by more than one dozen company and private railroad tracks. Among these are the main and switch-tracks of the Indianapolis, Bloomington & Western Railway Company, the Indianapolis & St. Louis Railway Company, the "Vandalia Line," and the Indianapolis & Vincennes Railway Company—four of the most important railway companies to which the right-of-way in and upon the streets of our city has been granted. Your committees have been informed that the erection of only four street lamps is asked between the thoroughfares which limit the gas-lighting, and that the "Vandalia Line" have pledged themselves to pay for the erection of two of these four lamps. The foregoing facts suggest to us the inquiry, Could not these four companies be induced, not only to pay for the erection of the lamps, but also to divide among themselves the small aggregate expense of \$100 per annum for the gas consumed in said lamps?

Before leaving this subject, your committees would remind your honorable bodies that liberal and important franchises have been, by you, granted to a full score of railway companies and manufacturing establishments, by which the streets of this city are occupied by so many tracks that our city map looks like an enormous spider-web. Most of these tracks are used or obstructed after nightfall. At this time, not one of this network of tracks is gas-lighted except at the expense of the city's tax-payers. Of course, the lives of these tax-payers would be jeopardized in crossing a railway track laid in or intersecting an unlighted street. But in the event of any person or property being injured by a passing railway train, the company is held liable for the damage done. Would it not be politic, then, for the companies and owners of railway tracks within the city limits to provide for efficiently lighting the same, at their own expense? And is it within your power to

compel them to do so? We would call your attention to the 42d clause of section 53 of the City Charter, and recommend that a report hereon be demanded from the City Attorney.

Respectfully submitted,

C. F. Rooker,  
F. W. Hamilton,  
Committee on Public Light.

Councilman Rooker moved that when this Council adjourns, it adjourn to meet on next Monday evening (September 8th, at 7½ o'clock), and that the Fall Creek nuisance matter be made the special order for such meeting.

Councilman Lamb moved to amend by including the Pogue's Run nuisance matter; which amendment was adopted.

Councilman Downey moved to lay Councilman Rooker's motion on the table; which motion to lay on the table failed of adoption by the following vote:

AYES, 6—viz. Councilmen Bieler, Carey, Downey, Hamilton, Sheppard, and Wood.

NAYS, 15—viz. Councilmen Brown, Bryce, Dowling, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Shilling, and VanVorhis.

Councilman Rooker's motion, as amended, was then adopted.

#### MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Mayor and Common Council:

*Gentlemen:*—At a regular session of the Board of Aldermen, held on Wednesday evening, August 20th, 1879, the following motion was duly adopted by said body, and I herewith submit said motion for your consideration and action upon same.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

That Robert Evans be permitted to pave with brick the sidewalk in front of his property, on west side of N. Meridian street, above Seventh street—the work to be done at his own expense, and under the direction of the City Civil Engineer.

And the motion therein embodied was concurrently adopted.

By consent, Councilman Brown presented the following contracts and bonds; which contracts were severally concurred in, and the bonds approved:

Contract and bond of John L. Hanna, for extending and repairing the stone abutments, and re-building the Ohio street bridge over Pogue's Run. Penalty of bond, \$800; surety, Ingram Fletcher.

Contract and bond of John L. Hanna, for grading and graveling the first alley north of Lockerbie street, from Liberty street to the first alley west of Noble street. Penalty of bond, \$100; surety, R. P. Dunning.

Contract and bond of James W. Hudson, for grading the first alley north of Maryland street, from Benton street to the first alley east of Benton street. Penalty of bond, \$150; surety, R. P. Dunning.

Contract and bond of E. B. Elliott, for grading, and paving with brick (except where already paved), the south sidewalk of St. Mary street, from Alabama street to Delaware street. Penalty of bond, \$200; surety, M. M. Hook.

Contract and bond of James Mahoney, for grading and graveling the alley between McCarty and Sinker streets, from the first alley west of New Jersey street to the first alley east of Alabama street. Penalty of bond, \$150; surety, John Schier.

Contract and bond of Fred. Gansberg, for grading and graveling the roadway of Shelby street, from the southern terminus of Virginia avenue to Colgrove street. Penalty of bond, \$8,000; sureties, Richard Carr and John Schier.

#### APPROPRIATION ORDINANCES.

The following entitled Appropriation Ordinances were introduced, and were severally read the first time :

By the Fire Board, through Councilman Pearson :

Ap. O. 56, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

By the Hospital Board, through Councilman Morrison :

Ap. O. 57, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.

By the Police Board, through Councilman Downey :

Ap. O. 58, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

By the Committees on Accounts and Claims, through Councilman Van-Vorhis :

Ap. O. 59, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

By the Committees on Printing, through Councilman Hamilton :

Ap. O. 60, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Appropriation Ordinance 56, 1879, was then read the second time, and ordered to be engrossed.

Appropriation Ordinance 57, 1879, was then read the second time.

Councilman VanVorhis moved to strike out the item "W. I. Ripley, one horse, \$80."

The question being on the adoption of the foregoing motion, the ayes and nays were demanded; which, being taken, said motion failed of adoption as follows :

**AYES**, 5—viz. Councilmen Carey, Downey, King, O'Connor, and VanVorhis.

**NAYS**, 16—viz. Councilmen Bieler, Brown, Bryce, Dowling, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, Pearson, Rooker, Sheppard, Shilling, and Wood.

Aforesaid ordinance was then ordered to be engrossed.

Appropriation Ordinance 58, 1879, was then read the second time, and ordered to be engrossed.

Appropriation Ordinance 59, 1879, was then read the second time, and ordered to be engrossed.

Appropriation Ordinance 60, 1879, was then read the second time, and ordered to be engrossed.

Ap. O. 56, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$695.58.]

Was then read the third time, and passed by the following vote :

**AYES**, 21—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

Ap. O. 57, 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, \$1,092.47.]

Was then read the third time, and passed by the following vote :

**AYES**, 21—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

Ap. O. 58, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$163.84.]

Was then read the third time, and passed by the following vote :

**AYES, 21**—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

Ap. 59, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$8,793.89.]

Was then read the third time, and passed by the following vote :

**AYES, 21**—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

Ap. O. 60, 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, \$513.26.]

Was then read the third time, and passed by the following vote :

**AYES, 21**—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

#### NEW ORDINANCES.

Under this order of business, the following entitled ordinances were introduced, and were severally read the first time :

By Councilman Brown :

S. O. 44, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Linden street, from Prospect street to Orange street.

The foregoing Special Ordinance was accompanied by the following petition ; which was received :

*Indianapolis, September 1, 1879.*

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

*Gentlemen* :—The undersigned, owners of the real estate fronting on Linden street, between Prospect street and Orange street, respectfully petition for the passage of an ordinance providing for the erection of lamp-posts, lamps and fixtures on said street.

And your petitioners will ever pray, etc.

John Schley, No. 50; Robert R. Walden, No 36;  
Fred. W. Newkirk, No 42; G. W. Hedrick, No.  
18; John Gunn, No. 103; C. Claffey, No. 87; H. F.  
Resener, No. 54; W. W. Sellers, No. 28; L. G.  
Dynes, No. 45; R. R. Reeves, No. 53; Wm. Claffey,  
No. 79; W. H. Blair, No. 10; H. H. Garrard, No.  
51; A. Simmons, No. 106.

On motion, the foregoing ordinance and petition were referred to the Committee on Public Light.

By Councilman Brown :

G. O. 52, 1879—An Ordinance amending section 4 of an ordinance 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 31st, 1880," ordained and established May 20th, 1879.

On motion the foregoing entitled ordinance was referred to the Council and Aldermanic Committees on Finance.

Councilman Hamilton, by consent, introduced the following as a substitute for G. O. 46, 1879, which was read the first time on August 18th, [see page 368, *ante*]:

G. O. 46, 1879—An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk.

Councilman Pearson moved to suspend the rules, for the purpose of placing the foregoing entitled ordinance on its second and third reading and final passage; which motion failed of adoption by the following vote (it requiring a two-thirds vote of the members elect):

AYES, 16—viz. Councilmen Bieler, Brown, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, Pearson, Rooker, Sheppard, Van-Vorhis, and Wood.

NAYS, 5—viz. Councilmen Bryce, Carey, Dowling, O'Connor, and Shilling.

By Councilman Kahn :

S. O. 45, 1879—An Ordinance to provide for grading and graveling the second alley west of Noble street, from Lockerbie street to New York street.

The foregoing special ordinance was accompanied by the following petition; which was received :

*Indianapolis, August 18, 1879.*

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

*Gentlemen* :—The under-igned, owners of the real estate fronting on the second alley west of Noble street, from Lockerbie street to New York street, respectfully petition for the passage of an ordinance providing for grading and graveling the above described alley, as the same is in very bad condition.

And your petitioners will ever pray, etc.

Herman Minter, 320 E. New York street; George H.  
Webber, 75 E. Lockerbie street.

By Councilman Lamb :

G. O. 53, 1879—An Ordinance to amend sections two (2), and nine (9), of "An Ordinance prescribing Rules and Regulations for the government of the City Council, its Officers, and Officers connected with City the Government (ordained and established on June 12th, 1865)," together with all ordinances amendatory to aforesaid original sections.

Councilman Lamb moved to suspend the rules, for the purpose of placing the above entitled ordinance on its second and third readings, and final passage; which motion was adopted by the following vote:

**AYES, 19**—viz. Councilmen Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, VanVorhis, and Wood.

**NAYS, 2**—viz. Councilmen Bieler and Shilling.

General Ordinance 53, 1879, was then read the second time, amended by inserting the words, "7. Board of Public Improvements," and ordered to be engrossed, and then read the third time and passed by the following vote:

**AYES, 21**—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, and Wood.

**NAYS**—None.

By Councilman Rooker:

**S. O. 46, 1879**—An Ordinance to provide for grading, and paving with brick, the south sidewalk of Seventh street, from Illinois street to Tennessee street.

**Ap. O. 61, 1879**—An Ordinance appropriating the sum of Four Hundred Dollars, to be paid to the Chief of Police and Street Commissioner, to defray the expense of keeping and maintaining a horse and vehicle by each of said officers.

On motion by Councilman Hamilton, the foregoing ordinance was referred to the Finance Committee.

By Councilman Bieler:

**S. O. 47, 1879**—An Ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service-pipes), on Waters street, from McCarty street to Stevens street.

On motion by Councilman Brown, the foregoing ordinance was referred to the Committee on Public Light.

Councilman Carey asked leave of absence for one month; which request was granted.

#### MISCELLANEOUS.

Under this order of business, sundry papers were presented, and were severally disposed of as follows:

Councilman Bryce presented the following communication; which was referred to the Council and Aldermanic Committees on Judiciary and the City Attorney for investigation:

Indianapolis, Ind., September 1, 1879.

To the Honorable Council of the City of Indianapolis :

*Gentlemen.*—For several years past I have been making a very limited use of Pennsylvania street in front of my factory, placing thereon goods of my manufacture or about to be manufactured—said goods never taking up more than six feet from the edge of the pavement. Neither the Street Commissioner, whose duty it was, nor the police have ever given me any notice to keep said street perfectly clear, and it is a fact that Sinker, Davis & Co., Hetherington & Berner, Indianapolis Machine and Bolt Works, and in fact nearly all the other manufacturers in the city, have encumbered the streets in front of their establishments to a like or greater degree than I. Last week Mr John G. Pendergast, who is now in the employ of the city in the Fire Department, swore out a warrant against me for placing some lumber in the street in front of my shop, had me arrested, and after being treated by the city officials like a common felon and prosecuted with a zeal worthy of a better cause, I was fined by the Mayor of the City the sum of \$14.45, which sum included costs mostly made up of witness fees claimed by Pendergast, and the other firemen, whose services are wholly due and paid for by the city.

This prosecution was wholly malicious and personal, and Mr. Fulmer, the Street Commissioner, informs me that the lumber did not obstruct the street, else he would have notified me to remove it. If the ordinance, for the violation of which I was fined, is to be rigidly and impartially enforced, I have no complaint to make; but I earnestly protest against being singled out and fined, whilst hundreds of others all around me more guilty than I escape punishment.

I therefore respectfully request either a strict execution of the law against all violators, or a refunding of the fine and costs to me. I also request that the witness fees collected by Mr. Pendergast and the firemen be deducted from their salaries.

Very respectfully,

EWALD OVER.

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

That the Street Commissioner be, and is hereby, directed to pave with bowlders that portion of the first alley west of Tennessee street on Kentucky avenue that crosses the sidewalk.

Councilman Morrison presented the following petition :

Indianapolis, September 1st, 1879.

To the Honorable Mayor and Common Council :

*Gentlemen.*—This petition is to certify that we, the undersigned business men of the City of Indianapolis, Ind., do appreciate the effort of W. N. Lake to walk one thousand quarter miles in one thousand quarter hours. And we do believe that said performance will be beneficial to our business, as his exhibitions draw large crowds to the cities wherever he walks, as our sister city Lafayette was benefited several thousand dollars during his walk there, and was witnessed by upwards of twenty thousand people. We do hereby pray your honorable body to grant said W. N. Lake the privilege of laying a track of sawdust and using three feet of the sidewalk around the Circle Park, and also grant him the privilege of placing a tent inside of the Park gate. Said Lake does pledge himself to your honorable body that the very best of order shall be maintained, and that nothing that can in the least offend will be allowed. The exhibition to be given under strictly moral principles. Said Lake is not walking for any stipulated sum or sums, but is depending entirely upon a liberal donation from the citizens and the public at large. The time occupied for the above designated feat is ten days and eleven hours. Said Lake will give bond that said track will be removed as soon as the walk is over.

Joseph R. Perry, W. M. Davis, H. Bamberger, J. A. Craig, C. W. Tutewiler & Co., Bingham, Walk &



Mayhew, C. F. Yohn, Fancy Bazaar, T. M. Bassett, Charles Lauer, Charles Feller, L. I. Mossler & Son, I. N. Heller & Co., I. L. Frankem, H. Craft, Hess, Baylor & Co., Joseph Becker, Rivet & Pardridge, L. S. Ayres & Co., Charles Mayer & Co., R. W. & L. H. Miller, E. R. Egnew, Occidental Hotel, Jos. Solomon, J. A. McKenzie, John A. Reaume, F. Reed, Christian Brink.

Councilman VanVorhis moved to refer the foregoing petition to the Hospital Board; which motion was lost.

On Councilman McKay's motion, the prayer of the petition was granted, by the following vote:

**AYES**, 15—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Harmening, King, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, and Wood.

**NAYS**, 5—viz. Councilmen Downey, Hamilton, Lamb, Shilling, and VanVorhis.

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

That the Street Commissioner be directed to clean the gutters on Tennessee street, from McCarty to Ray streets; also to clean the gutters on McCarty street from Illinois street to Pogue's Run.

Councilman McKay presented the following petition; which was referred to the Committee on Streets and Alleys:

*Indianapolis, August 28, 1879.*

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

The undersigned, citizens of the City of Indianapolis, all tax-payers and residents on North West street and north of First street, and in the immediate vicinity thereof, would respectfully submit the following petition to your honors:

1st. Your petitioners would respectfully represent, that said West street, north from First street, is now owned by a gravel road or turnpike company, and that the centre of said road (or West street) is high above the sidewalks on either side thereof, leaving deep gutters and holes on either side of said street, and that all of the water falling on said street runs into said gutters and holes, forming large pools at various places along said gutters, the principal pool formed being at the intersection of West and Second streets. There being no drainage for running said water off, it there remains until dried up, festering and putrifying in the rays of the sun, and thereby endangering the health of the city, as well as greatly impairing the value of property in all that vicinity.

2d. The Board of Health has been repeatedly informed of the condition of said street, but can do nothing for us, as the sidewalks, which have been graded and improved, are so much lower than the streets, and no provision having been made by the City of Indianapolis, or the owners of said gravel road for draining the same. Therefore, your petitioners being tax-payers in said City of Indianapolis, and paying taxes as we do, at the same per cent. on the one hundred dollars as other citizens within said city who have their streets improved, would respectfully pray your honors to condemn and vacate said West street north from First street, as a turnpike or gravel road, and to open, grade, and drain said street north from First street to the city limits, for the use of all the citizens of said city of Indianapolis.

as a public highway and street. As said gravel road or turnpike is now maintained it is a nuisance, diminishes the value of property in all that part of the City of Indianapolis, and on account of the water standing there, festering and smelling in the sun for days and weeks together, it does thereby greatly endanger the health of the City of Indianapolis; and for these reasons ought to be abated as a nuisance, and graded and properly drained as a street. And in justice to all the tax-payers in that section of the City of Indianapolis, your petitioners will ever pray that said turnpike or gravel road shall be immediately condemned and vacated as such gravel road, and be opened, graded, and drained as a street within said city, for the proper use of said city, etc.

L. P. Culloden, 524 N. West street; William Gordon, 520 N. West street; Horace T. Mathews; J. W. Ely, 563 N. West street; George J. Miller, 600 N. West street; James Smith, Nicholas Russel, Josiah Smith.

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

To the Honorable Common Council of the City of Indianapolis:

Your petitioner would respectfully show that she is the present owner of lot No. 27, square 2, in Wiley and Martin's northwest addition to said city of Indianapolis. That prior to the time of my acquiring the title to said lot, the following has been the appraised value thereof, with improvements, since the year 1876, and which appraisement has been excessive and wrongful, and the tax thereon oppressive, which has been left delinquent by the former owner:

1876—Value of lot, \$400; improvements, \$150; rate, \$1.40; tax .....	\$7 70
1877—Value of lot, \$300; improvements, \$150; rate, \$1.12; tax .....	5 60
1878—Value of lot, \$300; improvements, \$100; rate, \$1 08; tax .....	4 32
1879—Value of lot, \$250; improvements, \$150; rate, \$1.08; tax .....	4 75
	\$22 37

With the penalty, making about the sum of .....\$28 00

That the valuation placed upon the property by the township assessor has been, for the last five years—lot, \$200; improvements, \$100. And the same has been the full value of said property during the whole of said time.

Wherefore, your petitioner asks that she be allowed a rebate of said tax, prorating with the assessment placed upon said real estate by the township assessor, and for all other proper relief.

August 28, 1879.

Her  
RINEY & REEVES.  
Mark.

Councilman Pearson, in behalf of the Fire Board, Committees on Water, and City Attorney, submitted the following report; which was concurred in:

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

*Gentlemen:*—The Fire Board and your Committees on Water, together with the City Attorney, who were instructed to investigate the charges of mismanagement on the part of the Chief Fire Engineer, at the time of the destruction of the Encaustic Tile Works by fire, met, and after full investigation of the charges published in the Indianapolis Sentinel of August 11th, 1879, we are of the opinion

that said charges are false and entirely without foundation in fact; and that the evidence produced entirely exonerated the Chief, and showed conclusively that he did his duty with ability.

Respectfully submitted,

James T. Layman,  
John R. Pearson,  
Fire Board.

Geo. P. Wood,  
M. H. McKay,  
M. L. Brown,

Council Committee on Water.

John A. Henry, City Attorney.

On Councilman Pearson's motion, it was ordered—

That the City Marshal is hereby instructed to notify the Indianapolis, Cincinnati & Lafayette R. R. Co. to repair the streets between their tracks with planks at the crossings of Pratt and First streets, and the same to be done within twenty days.

On Councilman Rooker's motion, it was ordered—

That the Water Works Committee inquire into the fact as to whether or not the Water Works Company is complying with the terms and conditions of its charter, in furnishing water to the city and consumers; and also inquire in what particulars the company fails to comply with the terms of its charter, and that said committee promptly report at the next regular meeting of this Council.

That the Street Commissioner be directed to repair the gutter on the west side of Meridian street at the crossing of Fifth street, as the said gutter is so deep that vehicles are liable to be broken down in crossing.

That the present Civil Engineer be, and he is hereby, required to comply with the requirements of the resolution of this Council, adopted May 14, 1879 (see printed proceedings, page 236), requiring him to make a survey of that portion of the track of the I., C. & L. R. R track above the level of the street grades, etc.

The same Councilman presented the following bond; which was approved:

THIS AGREEMENT, made and entered into this — day of ———, 1879, witnesseth that—

WHEREAS, The undersigned and others have petitioned the Common Council and Board of Aldermen for the opening and extension of Fifth street, in the City of Indianapolis, from its western terminus, at the east end of the bridge over the canal, to the Michigan road; and,

WHEREAS, The said Common Council and Board of Aldermen have, by resolution, directed that the said opening of said street be referred to the City Commissioners for their action thereon, as soon as a sufficient number of said petitioners shall file in the office of the City Clerk a bond or an agreement to hold the City of Indianapolis free and harmless from the payment of any and all damages that may be appraised on account of any and all lands condemned and appropriated in such extension of said street.

Now, therefore, for the purpose of securing the opening and extension of said street as aforesaid, and in compliance with the said resolution of said Common Council and Board of Aldermen, we the undersigned persons who signed said petition for the opening and extension of the said street as aforesaid, do hereby covenant and agree to and with the City of Indianapolis, to assume and pay all

damages that may be appraised and assessed by said City Commissioners to any person or persons on account of any and all lands condemned and appropriated in such extension of said street, and save said city harmless from the payment of said damages or any part thereof.

In witness whereof, we have hereunto set our hands and seals the day and year above written.

THEO. P. HAUGHEY. [Seal.]  
GEORGE SUTTER. [Seal.]

The same Councilman offered the following motion ; which was referred to the Police Board :

That the City Civil Engineer be, and is hereby, directed to advertise for proposals for building cells at the Sixth Street Station House; such work to be performed according to plans and specifications prepared by, and on file in, said Engineer's office.

Councilman Sheppard offered the following motion ; which was referred to the Board of Public Improvements, with power to act :

That the Street Commissioner be, and is hereby, directed to immediately repair the bridge across the tail-race back of Geisendorff's mill.

Councilman Shilling offered the following motions ; which were referred to the Board of Public Improvements :

That the Street Commissioner be directed to clean the gutters and fill chuck-holes on Blackford street, between North and Washington streets.

That the Street Commissioner be directed to fill the chuck-holes on New York street, between the Canal and Blake street.

The same Councilman presented the following remonstrance ; which, (together with S. O. 41, 1879, and petition accompanying said ordinance), were referred to the Board of Public Improvements :

*Indianapolis*, September 1, 1879.

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

*Gentlemen* :—The undersigned, owners of the real estate fronting on Blackford street, between New York street and Michigan street, respectfully remonstrate against the passage of an ordinance providing for the grading and paving with brick, the west sidewalk of Blackford street, between New York and Michigan streets, as your petitioners are unable to pay the cost of such improvement at this time.

And your petitioners will ever pray, etc.

A. G. Sanborn, 35 feet ; J. Fitzgerald, 35 feet ; Miranda Rhoads, 35 feet ; Mrs. Rebecca Rozier, for Heirs of Aaron Rozier, 35 feet ; Dain & McCullough, for J. Paison, 35 feet ; Dain & McCullough, for J. N. Marshall, 25 feet ; Charles Williams, 35 feet ; W. F. Kuhn, 35 feet ; Wm H English, 35 feet ; Jesse Jones, 35 feet ; Ashley Johnson, 110 feet ; Trustees Fifth Presbyterian Church, 70 feet—total, 530 feet.

Councilman Wood offered the following motions ; which were referred to the Board of Public Improvements :

That the Street Commissioner be, and is hereby, directed to clean the gutters on West street, between Washington street and Kentucky avenue.

That the Street Commissioner be, and is hereby, directed to fill the chuck-holes on West street, between Kentucky avenue and Vandalia tracks.

On Councilman McKay's motion, it was ordered—

That hacks and express wagons be permitted to stand on corners at the intersection of Washington and Illinois streets, and at the intersection of Washington and Pennsylvania streets, during the week of the State Fair, providing the streets are not to be blocked by said hacks or express wagons.

Councilman Pearson moved to re-consider the vote by which the Council refused to suspend the rules, for the purpose of taking up and placing on its passage G. O. 46, 1879 [see page 426, *ante*].

Which motion to re-consider was adopted by the following vote :

AYES, 19—viz. Councilmen Bieler, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, Van Vorhis, and Wood.

NAYS, 1—viz. Councilman Brown.

Councilman Dowling moved to suspend the rules, for the purpose of taking up G. O. 46, 1879, and placing the same on its second and third reading, and final passage; which motion was adopted by the following vote :

AYES, 20—viz. Councilmen Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, King, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, Van Vorhis, and Wood.

NAYS—None.

General Ordinance 46, 1879, was then read the second time.

On Councilman Carey's motion, the first section of said ordinance was amended by striking out the words "said bodies," and inserting in lieu thereof the words "Common Council and Board of Aldermen."

On Councilman Lamb's motion, the sixth section of said ordinance was amended, by inserting after the word "incompetency," the words "for making false, unauthorized, or deceptive report of any committee proceedings."

The ordinance, as amended, was then ordered to be engrossed,

G. O. 46, 1879—An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk.

Was then read the third time, and passed by the following vote :

**AYES**, 18—viz. Councilmen Bieler, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, King, Lamb, Morrison, McGinty, O'Connor, Pearson, Rooker, Sheppard, Shilling, Van Vorhis, and Wood.

**NAYS**, 2—viz. Councilmen Brown and McKay.

Councilman Pearson called up the following entitled ordinance ; which was read the second time and ordered to be engrossed, and then read the third time, viz. :

G. O. 39, 1879—An Ordinance amending sections two (2) and three (3) of an ordinance entitled "An Ordinance amending sections two (2), three (3), and four (4) of an ordinance entitled 'An Ordinance re-organizing the Fire Department (ordained and established August 15th, 1876'; ordained and established May 28th, 1878)."

And it was duly passed by the following vote :

**AYES**, 18—viz. Councilmen Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, King, Lamb, Morrison, McKay, O'Connor, Pearson, Rooker, Sheppard, Shilling, Van Vorhis, and Wood.

**NAYS**—None.

On motion by Councilman VanVorhis, G. O. 43, 1879, was made a special order for next Monday night.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: JOS. T. MAGNER, City Clerk.