

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
February 21, 1898. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 21, 1898, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 18 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent, 2—viz.: Messrs. Knight and McGrew.

The Clerk proceeded to read the Journal, whereupon Councilman Crall moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
February 11, 1898. }

Hon. John H. Mahoney, President of the Common Council:

Dear Sir—I have this 11th day of February, 1898, approved the following ordinances:

App. O. No. 1, 1898, the same being "An ordinance appropriating the sum of \$125 with which to pay a certain claim made by virtue of Section 8, of an act entitled 'An act to better regulate and restrict the sale of intoxicating and malt liquors, etc.'"

App. O. No. 2, 1898, the same being "An ordinance appropriating \$43,976.61 for the use of the Department of Public Works, and \$41,826.31 for the use of the Department of Public Safety."

Respectfully,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS, }
February 12, 1898. }

To the President and Members of the Common Council:

Gentlemen—I herewith return to you General Ordinance No. 2, without my signature.

After duly considering the same I deem it to be to the best interest of the city that said ordinance does not become a law. While the intent of the ordinance itself may be all right, there is no question in my mind but what it would be abused and surely lead to brutality.

I am also opposed to the passage of any law or ordinance that constantly requires the presence of the police to regulate it, as is required in this ordinance.

If friendly sparring or boxing is the object of the ordinance, there is no law at the present time prohibiting it, consequently there is no necessity, in my judgment, for such an ordinance.

Respectfully,

THOS. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS, }
February 12, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have to-day approved General Ordinance No. 1, 1898, ratifying, confirming and approving a certain contract between the City of Indianapolis and the Indianapolis Desiccating Company, whereby said company is authorized to construct, lay and maintain a railroad track at a public place of said city known as Sellers Farm.

Very respectfully,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication;

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
February 21, 1898. }

To the President and Members of the Common Council:

Gentlemen—I have the honor to submit herewith the annual reports of the various departments of the City Government for the year 1897. I am sure that I will be pardoned if I call attention to the fact that the reports submitted embrace the first year's business of Greater Indianapolis, which covers an area of nearly twenty-eight square miles of territory with a population of about 200,000 people. I feel confident that the recent annexation of suburban towns will prove a mutual advantage.

FINANCE DEPARTMENT.

The report of the City Comptroller shows total receipts, including proceeds from Park and Station House Bonds, \$1,494,536.22; total expenditures, \$1,113,203.98. Of this amount \$907,622.15 was paid for current expenses; \$142,874.32 for permanent improvements, and \$62,707.51 for extraordinary expenses. The available cash on hand January 1, 1898, was \$445,603.40.

The expenditures in permanent improvements were made up largely in expenses incurred in the erection of the new police station and dispensary, new engine houses, and expenditures in bridges. The extraordinary expenses were composed largely of the debts of annexed towns, the payment of bonds and \$5,000 paid to the Cincinnati, Hamilton & Indianapolis Railway Company on account of damages for the construction of the Virginia avenue viaduct, which matter had been in litigation since 1892.

The total bonded indebtedness on January 1, 1898, was \$2,030,500, which includes \$116,000 assumed by reason of the annexation of the towns of Haughville, Mt. Jackson and Brightwood and the City of West Indianapolis.

The boundaries of the city having been largely extended, the expenses have correspondingly increased. The tax levy, however, has remained the same as during the past seven years. I am of the opinion that with the closest economy in every department we will be able to live within the revenue derived from this levy, the lowest of any city of corresponding size in the United States.

In conclusion, I would say that the finances have had the same careful management that they have had for the past two years.

DEPARTMENT OF LAW.

There were sixty-eight cases pending January 1, 1897; forty-six were filed during the year; thirty-eight disposed of; leaving seventy-six still pending January 1, 1898.

The litigation between the city and C., H. & I. Railroad Company has been finally adjusted.

A case is now awaiting the decision of the Hamilton Circuit Court at Noblesville, which involves the question of the city's right to control her streets after 1901. As will readily be seen, this decision is of the greatest importance to the city.

The gas question, in which every citizen is interested, will shortly be presented to the court on its merits. The people have been denied the privilege of cheaper gas on account of the injunction granted by the Federal Court, but I have every reason to believe that they will very shortly enjoy the proper relief.

The total appropriations for the Law Department were \$13,040. Of this amount \$4,777.96 was expended, leaving a balance of \$8,242.24.

There was appropriated for special counsel and expenses in the street car litigation \$4,894.70. Of this \$908.32 was expended, leaving a balance of \$3,986.38.

DEPARTMENT OF PUBLIC WORKS.

The report of the Board of Public Works includes those of the City Civil Engineer, Superintendent of Streets, Chief of the Bureau of Assessments and Clerk of the Board. The total appropriations for this department during the year 1897 amounted to the sum of \$594,054.20, of which sum \$536,813.13 was expended, leaving unexpended \$57,241.07.

The report shows the construction of 49.81 miles of public improvements, at a cost of \$579,081.86, divided as follows:

Kind of Improvement.	Miles.	Cost.
Asphalt streets	3.74	\$185,252.67
Brick streets.....	1.01	16,474.54
Gravel streets	10.17	133,137.63
Gravel alleys.....	2.00	8,593.09
Bowldered alleys.....	.14	454.10
Cement sidewalks	21.55	102,217.50
Brick sidewalks27	461.63
Sewers	10.93	132,490.70
Totals	49.81	\$579,081.86

Since the Charter went into effect in 1891, nearly 278 miles of public improvements have been built at a cost of \$5,727,642.06. This is divided as follows:

Kind of Improvement.	Miles.	Cost.
Asphalt streets	35.08	\$2,243,112.94
Brick streets	19.11	842,806.49
Wooden block streets	5.46	378,429.79
Macadam streets	2.21	96,336.68
Gravel streets	44.91	485,762.83
Gravel alleys	7.37	21,540.61
Bowldered alleys	2.52	9,924.05
Cement sidewalks	71.48	376,756.52
Brick sidewalks	23.45	58,146.08
Sewers	66.23	1,200,599.87
Levees		14,227.20
Totals	277.82	\$5,727,643.06

After a perusal of the foregoing tables no further proof of the earnestness and enterprise of our citizens in the matter of public improvements will be necessary, as the figures speak for themselves.

I am glad to state that the overhead wires in the mile square have been placed underground. The removal of the unsightly poles adds greatly to the beauty of the city, as well as removing serious obstructions to the Fire Department in fighting fires.

I feel that the money expended on Pogue's Run and the State Ditch has been wisely spent and will be very beneficial to a large territory in the northeastern portion of the city, as well as affording relief to Pogue's Run itself, which for years has been a menace to the people of the entire territory through which it flows.

I am pleased to state that the disposal of garbage, which has always been a source of annoyance, has at last been taken care of in a very

satisfactory manner to the Boards of Public Works and Health. Considering that the contract was entered into in midsummer, and the other disadvantages under which the authorities and contractors have worked, I believe that the contract has been in the main satisfactory and will prove even more so during the coming year. The unsightly desiccating plant, formerly located in Kentucky avenue, near Greenlawn cemetery, has been removed to Sellers Farm.

The condition of our city water has been greatly improved. The demand for municipal ownership is still very strong and I am heartily in favor of such ownership as soon as practicable.

The city can soon congratulate itself upon the completion of the new Police Station and City Dispensary. This building has been greatly needed for years and will be a credit to the city.

On account of annexation, we have found it necessary for the protection of the residents of Haughville and Brightwood to erect engine houses at those points. These are now completed and ready for occupancy.

A lot has been purchased in the northeastern part of the city for an engine house in that locality, and I believe with another house in the southeastern portion of the city our fire protection will be adequate in every respect.

The City Engineer, Mr. Jeup, has rendered invaluable service during the year and is entitled to much credit for his vigorous enforcement of all contracts and seeing that they were carried out according to specifications.

In fact, I am glad to state that all sub-departments under this Board have been conducted in a satisfactory manner to the public.

I cannot refrain from saying a few words in regard to the manner in which the city's improved streets have been cleaned. And, while the contract has been let at a less price for the ensuing year, I am of the opinion that there will still be an improvement over the cleaning of last year. I feel that this can be accomplished by a rigid enforcement of the contract, which means that all improved streets must be kept *clean*.

DEPARTMENT OF PUBLIC SAFETY.

This department is in splendid condition. The fire force has been strengthened by the erection of new engine houses and purchase of new apparatus, and it gives me much pleasure to say that the fire loss in Indianapolis for the past year is the lowest it has been in years. I have to congratulate our citizens upon the reduction in fire insurance rates, which I believe is due principally to the efficiency of this department, and proves that the fire insurance companies have appreciated, in a substantial manner, the efforts put forth to strengthen and better this department.

I wish to commend the police force for their capable service during the past year. I feel confident that the completion of the new police telegraph system will greatly assist in making this department still stronger. I wish to congratulate Chief Fire Engineer Barrett and Superintendent Quigley upon the manner in which their respective departments have been managed.

The East Market has been conducted in a businesslike manner. This is particularly true from a financial standpoint.

The Hay Market, which is located in the eastern portion of the city, has not been a financial success, and I believe that a new and more central location should be found for it.

The Board, during the past year, has given a great deal of time, study and attention to the various branches of its business, and has conducted the affairs of its department in a careful manner.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.

This has been a busy year with the Board of Health. Particularly is this true of the latter portion of the year.

The Board has under its immediate supervision the carrying out of the garbage contract. I am glad to state that through its perseverance this contract is now working in a satisfactory manner.

I wish to congratulate the Board upon the service it has rendered in enforcing regulations for the purity of the city's milk supply. I am in favor of going still further, and would recommend the passage of an ordinance forbidding the sale, or offering for sale, of milk except where the cows have been examined under the direction of this Board and pronounced free from tubercular disease.

No single improvement attempted in recent years has been more needed or will be more appreciated by a large proportion of our population than the new City Dispensary. This building will be ready for occupancy shortly, and I am sure that the work of the Dispensary, already efficient and praiseworthy, will be made even more so by the improved facilities at its disposal.

The new building and equipment have helped to place the City Hospital among the foremost of similar institutions, and the training school for nurses in connection with the hospital has been conducted in a clean and businesslike manner and has been a great improvement over the former manner of conducting that department.

I wish to thank the Board for its work during the past year and for the manner in which the present Board is taking up matters pertaining to the health of the city. In this connection, I desire to recommend the establishment of free public baths, under the direction and control of this department. I feel that nothing will add more to the comfort and good health of a large number of our citizens, and I shall take pleasure in assisting to make provision for such an institution at the earliest possible moment.

PARKS.

The control of parks having reverted to the Board of Public Works, the Board has authorized the survey of lands and lots for park purposes, and I have hopes that by early spring ground will have been broken on the new proposed system. This will include not only the Fall Creek System, but such other local parks as the means already appropriated will permit.

CONCLUSION.

In conclusion, I shall endeavor during the coming year to see that the best interests of the city are subserved. Our rapid growth and increasing population impose new and additional burdens upon every official, but I am sure that these responsibilities will be met by all. I desire also to extend my thanks to your honorable body and to the heads of all departments and their subordinates, who have, during the past year, rendered faithful service.

Respectfully submitted,

T. TAGGART,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., Feb. 21, 1898. }

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

Gentlemen—I respectfully recommend that an appropriation be made for Mrs. Katie Friedrich, widow of Max Friedrich, deceased, the sum of one hundred four dollars and seventeen cents (\$104.17).

Said Max Friedrich was operating a saloon at No. 813 South East street, under license which would have expired June 11, 1898; said Max Friedrich having died September 13, 1897, the above amount being a rebate on his liquor license from September 13, 1897, to June 11, 1898.

Respectfully submitted,

E. M. JOHNSON,
City Comptroller.

With the following petition:

To the Honorable Common Council of the City of Indianapolis:

Gentlemen—Your petitioner, Katie Friedrich, respectfully shows to your honorable body that she is the widow of Max Friedrich, late a resident of the City of Indianapolis, Marion County, Indiana, who died in said city on the 13th day of September, 1897.

Your petitioner further shows that on June 11, 1897, her said husband obtained from the City of Indianapolis "a license to sell, for one year from said date, spirituous, vinous and malt liquors in less quantities than one quart at 813 South East street in said City, to be drunk on said premises." paying for said license the sum of two hundred and fifty (250) dollars.

Your petitioner further shows that the estate left by her late husband, including the rebate on the license herein described, was less than five hundred dollars, and that the debts of said estate have been all paid.

Wherefore, your petitioner asks your honorable body to refund to her the proportionate part of said license fee of \$250, paid to said City for the unexpired part of said year, to-wit: from September 13, 1897, to June 11, 1898.

KATIE FRIEDRICH.

STATE OF INDIANA, MARION COUNTY, ss:

Subscribed and sworn to before me, this 11th day of February, 1898.

Witness my hand and notarial seal, this 11th day of
February, 1898. EMIL C. RASSMANN,

Notary Public.

Which was read and referred to Committee on Accounts and Claims.

REPORTS FROM OFFICIAL BOARDS.

Seventh annual report of the Department of Public Works, of the City of Indianapolis, for the year ending December 31, 1897.

Which was received and ordered filed.

Communication from Board of Public Safety:

DEPARTMENT OF PUBLIC SAFETY,
INDIANAPOLIS, February 21, 1898. }

Hon. John H. Mahoney, President, and Members of the Common Council:

Gentlemen—I am directed by the Board of Public Safety to recommend to your honorable body the passage of an ordinance fixing the salary of the Assistant Market Master at \$75 a month, instead of \$1.75 a day. The office of Assistant Market Master is an important one, and the Board believes that the constantly increasing business of this branch of the Department of Public Safety justifies an increase of salary to the Assistant Market Master as above stated.

Respectfully submitted,

RICHARD C. HERRICK,
Secretary.

Which was read and referred to Committee on Fees and Salaries.

Seventh annual report of the Board of Public Safety, of the City of Indianapolis, for the year ending December 31, 1897.

Which was received and ordered filed.

Annual report of the Board of Health and Charities, of the City of Indianapolis, for the year ending December 31, 1897.

Which was received and ordered filed.

Third annual report of the Board of Park Commissioners, of the City of Indianapolis, for the year ending December 31, 1897.

Which was received and ordered filed.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Merrick, on behalf of the Committee on Accounts and Claims, to which was referred:

App. O. No. 4, 1898. An ordinance appropriating the sum of one hundred and six dollars and sixteen cents with which to pay a certain claim made by reason of the City Comptroller issuing a liquor license to John Hoffman, on the 4th day of January, 1898, to do business on the premises known as old No. 199 Meek street, in the City of Indianapolis, upon which premises a license had already been issued by said Comptroller to one James Reilly on the 9th day of June, 1897.

Made the following report:

INDIANAPOLIS, IND., February 17, 1898.

Hon. John H. Mahoney, President of the Common Council:

Dear Sir—We, your Committee on Accounts and Claims, have had App.

O. No. 4, 1898, under consideration and recommend that the same do pass.

RICHARD MERRICK.
EDWARD E. BERNAUER.
JOHN H. CRALL.

Which was read and concurred in.

Mr Costello, on behalf of the Committee on Finance, to which was referred:

App. O. No. 3, 1898. An ordinance appropriating the sum of four thousand, two hundred dollars (\$4,200), for the use of the Department of Public Works of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 17, 1898.

Mr. President:

We, your Committee on Finance, to whom was referred App. O. No. 3, 1898, have had the same under consideration and would recommend its passage.

Respectfully,

JAS H. COSTELLO.
FRANK S. CLARK.
W. F. SMITH.
RICHARD MERRICK.
E. D. MOFFETT.
EDWARD E. BERNAUER.
J. R. ALLEN.
ROBERT M. MADDEN.

Which was read and concurred in.

Mr. Rauch, on behalf of the Committee on Judiciary, to which was referred:

Resolution No. 29, 1897.—

Whereas, We, the Common Council of Indianapolis, have been chosen to represent the best interests of the tax-payers of this city; and since the inauguration and application of the Dingley tariff has still greater widened the breach between capital and labor, so that the classes are favored, to the injury of the masses, by causing a greater increased price of many commodities; and that labor wages are disproportionately reduced by this and by many employers cutting the scale of wages of many of their employes, still greater destroying and almost completely destroying the "right of contract" of labor, until it has little or no voice in any contracts; and that we believe these things to be unjust and undemocratic; therefore, be it

Resolved, That we, the Common Council of Indianapolis, will heartily co-operate in the attainment thereof, and believe that no contracts should be let by the City of Indianapolis to any bidders to do work for the city unless there is specified in the contracts (with a forfeiture clause) that the contractors will pay from thirty to fifty cents an hour for all skilled labor and hazardous occupations, and that the commonest kind of labor shall receive as the minimum of wage not less than twenty cents an hour.

Resolved, That we deplore the state of society whereby unjust and unmerciful business men and corporations are constantly jeopardizing our institutions by their cruel oppression of those under them.

And:

Resolution No. 1, 1898. Whereas, It is alleged that a number of persons in the plumbing business in this city have formed a combine for the purpose of monopolizing trade and arbitrarily raising prices, and that in order to accomplish such ends they prevent others who are not in accord with such methods and will therefore not join such combine, from purchasing material, to their great loss and injury; be it therefore

Resolved, That we, the Common Council of the City of Indianapolis, emphatically denounce such nefarious practices as being against the rights of man and the public interest; and, be it further

Resolved, That the City Attorney be instructed to render his opinion to the Common Council as to whether an amendment to any ordinance licensing and regulating plumbers that may hereafter be introduced, or now is in force, may be so amended that the public be protected against such unlawful combinations and practices.

Made the following report:

INDIANAPOLIS, IND., February 21, 1898.

Mr. President:

We, your Committee on Judiciary, have considered Resolution No. 1, 1898, and Resolution No. 29, 1897, and do submit herewith as our report the opinion of City Attorney, Mr. John W. Kern.

ALBERT E. RAUCH.

E. W. LITTLE.

J. R. ALLEN.

With the following communication from City Attorney:

CITY OF INDIANAPOLIS. }
OFFICE OF THE DEPARTMENT OF LAW, }
January 27, 1898. }

Albert E. Rauch, Esq., Chairman Judiciary Committee:

Dear Sir—I have considered the resolutions handed me, the first relating to the price to be paid laborers and employes of the city, and the second relating to certain combinations existing between plumbers and wholesale houses furnishing plumbers' supplies. In regard to the former, its passage would have no legal effect so far as fixing the price to be paid laborers employed by contractors, for the reason that this is a matter over which the Common Council has no jurisdiction. The Charter requires competition in the letting of all contracts for public work, and where competition is required it cannot say what price shall be paid by the contractor, either for labor or material used in carrying out such contract. The resolution does not attempt to fix what price shall be paid, but is merely an expression of an opinion as to what ought to be done. Of course, the Common Council has a right to express its opinion upon this or any other subject, but, of course, under the law it would go no further than to be simply an expression of the Council's opinion. Therefore, I cannot say that this resolution presents any legal question requiring an opinion from me.

As to whether or not it is expedient for your committee or the Common Council to pass a resolution expressing an opinion upon the matters

set forth in this resolution, and as to whether or not it is expedient to pass a resolution in the form in which the Moffett resolution is drawn, are questions that you must decide for yourselves.

As to the second resolution, inquiring as to whether or not the Common Council could pass an ordinance controlling the combinations referred to, I desire to say that there is a State statute passed by the last General Assembly which is said to prohibit trusts and combinations that interfere with the natural courses of trade. Wherever a State statute exists regulating or bearing upon a certain subject, an ordinance passed bearing upon the same subject is void. It is, therefore, my opinion that an ordinance passed by the Common Council in line with this resolution would not accomplish the ends desired.

Very truly yours,

JNO. W. KERN,
City Attorney.

Which was read and concurred in.

Mr. Clark, on behalf of the Committee on Public Safety and Comfort, to which was referred :

G. O. No. 12, 1898. An ordinance regulating the standing of vehicles, teams, horses or cattle, etc., and prohibiting the feeding of any animal upon any improved street in the City of Indianapolis; providing a penalty for the violation thereof; repealing conflicting ordinances, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., February 18, 1898.

Mr. President:

We, your Committee on Public Safety and Comfort, have had G. O. No. 12, 1898, under consideration and would recommend that it do not pass.

Respectfully,

FRANK S. CLARK.
W. F. SMITH.
E. D. MOFFETT.
ALBERT E. RAUCH.
T. A. BOWSER.

Which was read and concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Von Spreckelsen, on behalf of the Special Committee appointed to consider:

G. O. No. 74, 1897. An ordinance amending Section 33 of an ordinance creating the office of Building Inspector, defining the power and duties attached hereto, authorizing the inspection of buildings and other structures, regulating their construction, repair and removal, requiring the issuance of a license or permit in such cases before any work shall be begun, regulating the building of party walls and partition fences, prescribing in what proportion adjoining owners shall bear the expense of the same, in what manner such expense shall be levied and collected, and defining the terms upon which partition walls already established may be

used by adjoining owners, fixing a penalty for the violation thereof, repealing certain ordinances, providing for publication, and fixing the time when the same shall take effect, approved September 10, 1894.

Made the following report:

INDIANAPOLIS, IND., February 17, 1898.

Mr. President:

We, your Special Committee, to whom was referred G. O. No. 74. 1897, have had the same under consideration and recommend that same do not pass. We also submit the opinions of Mr. Louis Gibson, architect, and Mr. T. M. Goodloe of the Indianapolis Fire Inspection Bureau, all of which is herewith attached.

JOHN A. VON SPRECKEISEN.
JOHN H. CRALL.

With the following communications:

INDIANAPOLIS FIRE INSPECTION BUREAU, }
INDIANAPOLIS, IND., February 14, 1898. }

Mr. Jno. A. Von Spreckelsen, 722 Highland ave., City:

Dear Sir—As per your request, the writer has made examination of the model of the Jackson ventilator, and while it is a good thing for ventilating purposes we do not think it is as secure against fire as the flues now prescribed and required by the City Building Ordinance, and for that reason we should dislike to see them brought into general use in this city.

In order to prevent leaks in the roof this flue would have to fit very closely to the woodwork of the roof, and in case either the outer or inside tube were to rust, corrode or wear out in any way, as it would certainly do in time, it would leave the woodwork exposed to the heat which, in our opinion, would be sure to cause numerous fires.

We dislike to arbitrarily condemn anything of the kind, but our mission here being to prevent fires, and in that way to keep the insurance rates as low as possible, we feel it our duty to express our opinion clearly. Flues of all kinds are a great source of loss, and even the best brick flues that can be constructed are none too good when in constant use, and we would not like to see the metal flue going through the roof approved by the city.

Yours very truly,
T. M. GOODLOE,
Inspector.

INDIANAPOLIS, IND., February 17, 1898.

John A. Von Spreckelsen, Chairman:

Gentlemen—The City Clerk informed me of my appointment as a member of a committee to assist in the investigation of a proposed amendment to the building ordinance of this city. I am informed that your committee particularly wishes judgment as to that part of the ordinance which admits of the use of "the Jackson Combined Flue and Ventilator or other and similar flue and ventilating devices of like safety and efficacy."

I am anxious not only to be just and prudent in my opinion so far as it relates to the welfare of the city, but also wish to deal fairly and justly with any device which promises economy or additional comfort to any number of our citizens. I borrowed the model of the Jackson device from Mr. John C. Robinson, Building Inspector, for the purpose

of giving a personal investigation and of seeking the opinion of others who, from the nature of their calling, would be capable of giving a valuable opinion as to its merits.

The advantages claimed, as I understand it, are economy in construction and its use as a ventilator.

I judge no one will question but that it is more economical in first cost than a flue built under the existing ordinance, and while it is true on general principles that ceiling ventilation is not desirable, there are conditions when, no doubt, it would be advantageous.

I would regard it as unwise to admit the use of the Jackson device as a flue for hot air from stove, grate or furnace connection, for the reason that it is not as safe as the brick flue constructed under the existing ordinance. So far as I can see, it has not the advantage of the ordinary double collar, which the ordinance does not permit to be used. It is my judgment that when the ventilating device is closed that it would not have the advantages of the ordinary double collar. Again, the ordinary collar, when used for passing through floors or partitions, has a stovepipe passing through it. This stovepipe has the merit of arresting corrosion and the destruction of the collar itself.

The Jackson device would be certain of destruction in a short time by the products of combustion, and possibly by rust. I asked the opinion of Mr. Goodloe, who has practical charge of the affairs of the Board of Underwriters in this city, and he read to me a letter which he has written, I believe, to a member of your committee, in which he did not speak favorably of this device. He stated to me that he thought it would increase the risk of loss by fire. This would eventually mean an increase in insurance rates. No builder to whom I have shown this device speaks favorably of it. In seeking outside opinions, I did not express my own in advance.

It is my judgment that it would be very unwise to permit the use of the Jackson Combined Heater and Ventilator in any structure in this city.

I should advise a client of mine not to use it.

Respectfully,

LOUIS H. GIBSON.

Which was read and received.

Mr. Von Spreckelsen, on behalf of the Special Committee, to which was referred:

G. O. No. 11, 1898. An ordinance amending section seven (7) of General Ordinance No. 53, 1894—commonly known as the "Building Ordinance."

Made the following report:

INDIANAPOLIS, IND., February 17, 1898.

Mr. President:

We, your Special Committee to whom was referred G. O. No. 11, 1898, have had same under consideration and recommend that same do pass.

JOHN A. VON SPRECKELSEN.
JOHN H. CRALL.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

Under this order of business, the following ordinance was introduced:

By Mr. Costello:

App. O. No. 5, 1898. An ordinance appropriating the sum of one hundred four dollars and seventeen cents (\$104.17), with which to pay a certain claim made by virtue of Section 8 of an act entitled "An act to better regulate and restrict the sale of intoxicating and malt liquors," etc., approved March 11, 1895, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of one hundred four dollars and seventeen cents (\$104.17) be, and the same is hereby appropriated to pay the following claim made under and by virtue of Section 8 of an Act of the General Assembly of the State of Indiana, entitled "An act to better regulate and restrict the sale of intoxicating liquors," approved March 11, 1895.

Katie Friedrich, widow of Max Friedrich, deceased, the sum of one hundred four dollars and seventeen cents (\$104.17).

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to Committee on Accounts and Claims.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following ordinances were introduced:

By Mr. Bernauer:

G. O. No. 15, 1898. An ordinance amending Subdivision 2 of Section 6 of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances and fixing the time when this ordinance shall take effect," approved January 18, 1894, and fixing the time when this ordinance shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Subdivision 2 of Section 6 of an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances, and fixing the time when this ordinance shall take effect," approved January 18, 1894, be and the same is hereby amended to read as follows:

Sec. 2. For the Market:

The Market Master shall receive a salary at the rate of twelve hundred dollars per annum.

The Assistant Market Master shall receive compensation at the rate of seventy-five dollars per month or nine hundred dollars per annum.

One Janitor for the Market House shall receive compensation at the rate of one dollar and fifty cents per day.

One Janitor for the Market House shall receive compensation at the rate of one dollar and fifty cents per day.

The City Weighmaster shall receive a salary at the rate of twelve hundred dollars per annum.

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to Committee on Fees and Salaries.

By Mr. Costello:

G. O. No. 16, 1898. An ordinance ratifying the issue and sale of certain park bonds therein described; in pursuance of the provisions of an ordinance passed on the 1st day of March, 1897; pledging the faith and credit of the City of Indianapolis to the payment of the same; transferring the funds derived therefrom to the Department of Public Works; and authorizing such Department to expend the same for park purposes, subject to conditions and limitations contained therein, and fixing the time when the same shall take effect.

Whereas, This Common Council did on the 1st day of March, 1897, duly and legally pass and ordain an ordinance entitled "An ordinance for a loan of \$350,000 by the City of Indianapolis for the use of the Department of Public Parks, for park purposes, and authorizing the issue and sale of bonds for said amount payable from the general funds of said city; prescribing the time and manner of advertising the sale of said bonds and the receipt of bids for the same, together with the mode and terms of sale; appropriating the proceeds thereof, and fixing a time when the same shall take effect," which ordinance was duly thereafter, to-wit, on the 4th day of March, 1897, signed by the Mayor, and attested by the City Clerk in all respects in accordance with law; and

Whereas, By the terms of said ordinance the Mayor and Comptroller of said city were authorized to prepare and execute three hundred and fifty negotiable bonds of the City of Indianapolis, each for the principal sum of one thousand dollars, numbered consecutively from 1 to 350, inclusive, dated April 1st, 1897, designated the Indianapolis Park Improvement Bonds of 1897, payable at the banking house of Winslow, Lanier & Co., in the City and State of New York, with coupons thereto attached for semi-annual installments of interest at the rate of four per cent. per annum, payable on January 1st and July 1st of each year, the form and tenor and effect of each of which bonds being set out in such ordinance, and also provided that the Comptroller of said city should advertise for proposals for the sale of said issue of bonds, and should sell the same to the highest and best bidder, and also provided that the proceeds derived from the sale of such bonds, as therein authorized, should be and was thereby appropriated to the use of the Department of Public Parks, to be used and applied as follows:

Three hundred thousand dollars thereof should be used and applied to the purchase of real estate for park purposes, and fifty thousand dollars, together with any premium realized upon the sale of said bonds, should be used and applied to the payment of labor in improving such real

estate and adapting the same to the purposes of public parks, and to the payment of the expenses incident to the issue and sale of said bonds; and also authorized the City Comptroller, upon the requisition of the Board of Park Commissioners, to draw all proper and necessary warrants, and to do whatever acts might be necessary to carry out the provisions thereof, and also authorizing the City Treasurer to pay out the proceeds of the sale of such bonds upon the lawful warrant of the City Comptroller, and to do and perform such other acts as might be necessary to be done in the premises to aid in carrying into effect the provisions of such ordinance; and

Whereas, The Mayor and Comptroller of said city proceeded in accordance with the provisions and requirements of said ordinance to execute the said bonds, and the said Comptroller proceeded thereafter to advertise for proposals for the same, and did thereafter, in pursuance to the terms of said advertisements and in strict conformity with the provisions of the said ordinance, did on the 31st day of March, 1897, sell and deliver said bonds to Street, Wykes & Co., of the City and State of New York, at and for the price of \$373,485, their bid being the highest and best bid therefor; which sum of money was paid into the City Treasury for the purposes aforesaid, to be expended under the orders and directions of the said Department of Public Parks; and

Whereas, On the 5th day of November, 1897, in a proceeding theretofore commenced in the Circuit Court of Marion County, Indiana, and which was on the date aforesaid properly pending in the Supreme Court of Indiana on appeal, which proceeding was entitled Indianapolis Brewing Company vs. Edward E. Claypool et al., the said Supreme Court did decide that the Department of Public Parks of the City of Indianapolis was not a legally constituted department of said city, and that the Board of Park Commissioners, which constituted said department, had no legal existence and was without authority to do any legal act; and

Whereas, The City of Indianapolis is legally and morally bound to the payment of the said outstanding bonds and the interest thereon, the validity of which as binding obligations of said city has not been and will not be questioned; and

Whereas, It is the intention of this Council and the City of Indianapolis that the said fund so derived from the sale of said bonds shall not be diverted from the purpose for which such bonds were issued and sold, namely, for park purposes, and that the said amounts, to be expended for the sale or condemnation of real estate, and for labor, as expressed therein, shall not be changed; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the legality of the issue and sale and delivery of three hundred and fifty bonds of the City of Indianapolis, of the denomination of \$1,000 each, on the 31st day of March, 1897, to Street, Wykes & Co., of New York, for park purposes, is hereby affirmed, the action of the City Comptroller in the sale and delivery of such bonds is hereby ratified and approved, and the faith of said city is hereby pledged to their payment.

Sec. 2. That the said money so realized on the sale of such bonds, which is now in the treasury of said city, be and the same is hereby transferred to the custody of the Department of Public Works of said city, and said Department is authorized and empowered to expend the same in the purchase and condemnation of real estate for park purposes, to the extent of \$300,000, as fixed in said original ordinance, the remainder thereof to be expended, used and applied in labor in improving such real estate and adapting the same to the purposes of public parks: *Provided*, That the said Department of Public Works shall, in the condemnation or purchase of any tract of real estate for park purposes, the

purchase price for which shall be \$2,000 or more, or the amount to be paid by the city as damages in the condemnation of any tract of real estate shall be \$2,000 or more, first obtain the consent of the Common Council, by ordinance duly passed, to such purchase or payment, it being the express intention of this Council that the said Department of Public Works shall in no event expend more than \$2,000 of such fund, either in the purchase of any tract of real estate or as damages in the condemnation of any tract of real estate for park purposes, without the express consent of said Council first obtained by an ordinance embodying such consent first duly passed and ordained.

Sec. 3. This ordinance shall be in force from and after its passage.

Which was read a first time and referred to Committee on Finance.

By Mr. Rauch:

G. O. No. 17, 1898. An ordinance providing for the impounding of dogs, the appointment of a Pound-Master, defining his duties, and prescribing penalties for its violation.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Mayor is hereby authorized and directed to appoint a Pound-Master for said city, who shall serve at the pleasure of the Mayor, and shall receive a salary of six hundred dollars (\$600) per annum, payable quarterly, and whose duties shall be as hereinafter prescribed. Said Pound-Master shall, before assuming the duties of his office, take the usual oath of office, and execute his bond to the said city in the sum of three thousand dollars (\$3,000), conditioned for the faithful performance of his duties.

Sec. 2. It shall be the duty of the Pound-Master, with the advice and approval of the Board of Public Works, to provide a suitable inclosure or pound in which to confine such dogs as are herein required to be impounded; said pound or inclosure to be so located, at such distance from the residence portion of the city, as that there may be as little annoyance therefrom to residents and householders as possible.

Sec. 3. It shall be unlawful for any dog, whether licensed or unlicensed, to be permitted to be on any street, sidewalk or public place in said city, unless such dog is held by some person, and secured by a stout rope, cord, or chain, not to exceed four feet in length, or unless such dog is so securely muzzled that the same cannot bite nor do other injury, and any person who shall be the owner of any such dog, or who shall harbor about his house or premises any such dog, and shall allow the same to be at large without being secured as aforesaid, shall be fined in any sum not less than one nor more than five dollars.

Sec. 4. All unlicensed dogs in said city, and all licensed dogs, who shall be at large therein in violation of the provisions of the last preceding section, shall be impounded in the pound or inclosure provided for in the first section hereof.

It shall be the duty of the police officers of said city to capture and take or cause to be taken to the said pound all unlicensed dogs found in said city, and all licensed dogs, running at large as aforesaid.

It shall be lawful for any person, not a police officer, to capture any such dog, and deliver the same to the Pound-Master at the said pound, provided such delivery be at once and without any delay whatever. Such person so delivering any such dog to the Pound-Master shall be paid by such officer twenty-five cents for each dog so delivered, for which a receipt shall be given, which receipt shall be a voucher to be

used by such Pound-Master in his settlements with the City Comptroller, as hereinafter provided, and said Pound-Master shall keep a record of all dogs impounded, giving the sex, color, breed and date of impounding.

Sec. 5. Any dog impounded under the provisions of this ordinance may be released therefrom if the owner shall make demand therefor, prove his ownership, and pay to the Pound-Master the sum of one dollar for the use and benefit of such city. If such dog so claimed be unlicensed, such owner must also produce to the Pound-Master the receipt of the City Comptroller for the fee for license therefor required by the ordinances of said city.

During the time any dog shall be impounded, he shall be provided with food and water, and the dogs confined in such pound shall be so separated and kept that none shall be unnecessarily injured.

Sec. 6. All dogs which shall have remained in said pound for ten days without being claimed by their respective owners shall be offered for sale at such pound by the said Pound-Master to the highest bidder, after having given notice by publication in some daily newspaper in said city for at least one day previous to such sale. In any sale of dogs at public auction, as aforesaid, no bid shall be received for less than one dollar.

All dogs remaining unsold at any such sale shall within twenty-four hours thereafter be put to death by the said Pound-Master by the most painless method known to science, and the carcasses of all such dogs so killed shall be sold by said Pound-Master to the best advantage, if such sale be possible, and if such sale be not possible, then such carcasses shall be disposed of in such manner and according to such regulations as may be prescribed by the Board of Health. All sums of money secured by said Pound-Master from the sale of carcasses as aforesaid shall be paid to the City Comptroller, for the use of the city.

Sec. 7. The Pound-Master shall every month make a written verified report to the City Comptroller, in which he shall set forth a detailed statement of the number of dogs impounded, the number released and the number killed, together with the several amounts of money received by him, and from whom received, and also the amounts paid out by him for the capture and delivery of dogs, as hereinbefore provided, and shall exhibit with said report the receipts of the various persons to whom such money has been paid, and said Pound-Master shall, at the time of making such report, pay over to the said Comptroller all sums of money then remaining in his hands.

Sec. 8. Any person who shall capture any dog in said city and fail to deliver the same at once to the said Pound-Master, or who shall remove from any dog so captured any muzzle, fastening tag, or any other article by which such dog might be identified, or who shall fraudulently, for the purpose of obtaining the fee herein provided, or for any wrongful purpose, capture or deliver, or have in his possession for the purpose of delivering, any dog not subject to capture under the provisions of this ordinance, shall, on conviction, be fined in any sum not less than five nor more than fifty dollars.

Sec. 9. If written information is given by any inhabitant of said city to the Superintendent of Police that any person in said city has been bitten or attacked by any dog in said city, either within or without an inclosure, or that the quiet of any neighborhood in said city has been disturbed by the barking or howling of any dog therein, the said Superintendent shall cause the owner of or person harboring any such dog to be notified in writing of any such complaint, which notice shall require such owner or harborer to kill or remove such dog from said city, and if the person so owning or harboring any such dog shall fail to kill or remove such dog within twenty-four hours after receiving such notice, he shall be fined in any sum not less than two nor more than five dollars for

every day thereafter that such dog is permitted to live and remain within such city.

Sec. 10. The word "dog," wherever used in this ordinance, shall be so construed as to include all animals of the dog kind, male or female, over the age of three months.

Sec. 11. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Sec. 12. This ordinance shall be in force from and after its passage and publication once each week for two consecutive weeks in *The Sentinel*, a newspaper having a general circulation in said city.

Which was read a first time.

Mr. Rauch moved that G. O. No. 17, 1898, be referred to Committee on Public Safety and Comfort.

Mr. Costello moved as a substitute for Mr. Rauch's motion that G. O. No 17, 1898, be referred to Committee on Judiciary.

Which motion prevailed.

MISCELLANEOUS BUSINESS.

Mr. Colter offered the following resolution:

Resolution No. 3, 1898.—

Whereas, Willis D. Engle is desirous of erecting a frame dwelling-house upon lot six (6) in Ray's subdivision of the east part of outlot ninety-two (92) in the City of Indianapolis; and

Whereas, Said lot is located within the fire limits of the City of Indianapolis, and the erection of such building is prohibited by the ordinance defining such fire limits; therefore, be it

Resolved by the Common Council of the City of Indianapolis, Indiana, That Willis D. Engle be and he is hereby given permission to erect a frame dwelling-house upon lot number six (6) in Ray's subdivision of the east part of out lot ninety-two (92) in the City of Indianapolis, the same being in the rear of number three hundred and eighteen (318) South Noble street, in the City of Indianapolis.

Which was read and referred to Committee on Public Safety and Comfort.

Mr. Shaffer offered and moved the adoption of the following resolution:

Resolution No. 4, 1898.—

Whereas, As the time for paying vehicle licenses falls due on the first of the year, and as it works hardships on a great many people, being in the winter; therefore, be it

Resolved, That the time for paying said license be extended from January 1st, 1898, to April 1st, 1898.

Mr. Costello moved that Resolution No. 4, 1898, be referred to Committee on Judiciary.

Which motion prevailed.

Mr. Moffett moved that the rule prohibiting smoking in the Council Chamber, be suspended for the evening.

The ayes and nays being called for by Messrs. Harston and Higgins, the roll was called, which resulted in the adoption of Mr. Moffett's motion by the following vote:

AYES 16—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Little, Merrick, Moffett, Rauch, Scanlon, Shaffer, Von Spreckelsen and President Mahoney.

NAYS 3—viz.: Messrs. Higgins, Madden and Smith.

ORDINANCES ON SECOND READING.

On motion of Mr. Costello, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

App. O. No. 3, 1898. An ordinance appropriating the sum of four thousand, two hundred dollars (\$4,200), for the use of the Department of Public Works of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

And was passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

On motion of Mr. Little, the following entitled ordinance was taken up and read a second time:

G. O. No. 4, 1898. An ordinance providing that city employes shall receive their pay from the city at least once every two weeks and may be advanced fifty per cent. of any money due them from the city upon proper application showing dire necessity for the same.

Mr. Smith moved that the amendment to G. O. No. 4, 1898, as recommended by the Committee on Judiciary (see page 144) be adopted.

Which motion prevailed.

Mr. Little offered the following amendment to G. O. No. 4, 1898:

That the words "Indianapolis Sun" in line 3, Section 2, be stricken out, and the words "Indianapolis Sentinel" substituted therefor.

Which amendment was read and adopted.

On motion of Mr. Rauch, G. O. No. 4, 1898, was then ordered engrossed, as amended, read a third time, and passed by the following vote:

AYES 15—viz.: Messrs. Bernauer, Clark, Colter, Costello, Higgins, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 4—viz.: Messrs. Allen, Bowser, Crall and Harston.

On motion of Mr. Rauch, the following entitled ordinance was taken up and read a second time:

G. O. No. 8, 1898. An ordinance providing for a standing committee on parks and fixing a time when the same shall take effect.

On motion of Mr. Little, G. O. No. 8, 1898, was then ordered engrossed, read a third time, and failed of passage by the following vote:

AYES 2—viz.: Messrs. Bowser, and Little.

NAYS 17—viz.: Messrs. Allen, Bernauer, Clark, Colter, Costello, Crall, Harston, Higgins, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

On motion of Mr. Colter, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

G. O. No. 11, 1898. An ordinance amending section seven (7) of General Ordinance No. 53, 1894—commonly known as the "Building Ordinance."

And was passed by the following vote:

AYES 18—viz.: Messrs. Bernauer, Bowser, Clark, Colter, Costello, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 1—viz.: Mr. Allen.

Mr. Clark moved that the Council do now adjourn.

The ayes and nays being called for by Messrs. Madden and Harston, the roll was called, and the motion was lost by the following vote:

AYES 4—viz.: Messrs. Bernauer, Clark, Costello and Scanlon.

NAYS 15—viz.: Messrs. Allen, Bowser, Colter, Crall, Harston, Higgins, Little, Madden, Merrick, Moffett, Rauch, Shaffer, Smith, Von Spreckelsen and President Mahoney.

Mr. Madden moved that the following entitled ordinance be recalled from the Committee on Public Safety and Comfort:

G. O. No. 7, 1898. An ordinance regulating hauling and transportation of sand, gravel and dirt; defining what shall constitute a load for two horses; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

Mr. Clark moved to lay Mr. Madden's motion on the table.

The ayes and nays being called for by Messrs. Harston and Higgins, the roll was called, which resulted in the adoption of Mr. Clark's motion by the following vote:

AYES 11—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Colter, Costello, Harston, Moffett, Rauch, Shaffer and Smith.

NAYS 8—viz.: Messrs. Crall, Higgins, Little, Madden, Merrick, Scanlon, Von Spreckelsen and President Mahoney.

On motion of Mr. Madden, the Common Council, at 9:10 o'clock P. M., adjourned.

Geo. H. Mahoney

President.

ATTEST:

Chas H. Stuckmeyer City Clerk