PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS,

Monday, March 12th, 1877—7 o'clock P. M.

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members:

Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Absent—Councilmen Kenzel and McGill—2.

The proceedings of the regular session, held March 5th, 1877, were read and approved.

REPORTS FROM CITY OFFICERS.

The Street Commissioner submitted the following report:

Indianapolis, March 12, 1877.

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

Gentlemen:—I have, as directed, notified the President of the Street Railroad to fill up the railroad track between its rails from First to Tinker streets, on North Illinois street, and they have failed to comply with said order.

LEANDER A. FULMER,

Street Commissioner.

Which was received.

Mr. Darnell moved that the City Attorney be instructed to institute suit against the Street Railroad Company for the collection of the cost of said repairs.

Which was adopted.

The City Attorney submitted the following report:

Indianapolis, March 12, 1877.

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

Gentlemen:—In the case of the Indianapolis & Brownsburgh Gravel Road Company vs. The City, trial has been had before a jury in the Circuit Court which consumed nearly a week, and resulted in a verdict against the city for \$1500. The Gravel Road Company are not satisfied, and have moved for a new treal, but they have made a proposition to settle the matter for \$2,250. As this is a case in which there is grave doubt in regard to the final decision, and the city will eventually have to pay the costs of the litigation, I would recommend that the proposition be accepted.

I would also say that Gen. Harrison, who was associated with me in the trial of the case, is of the opinion that the city had better accept the proposition.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Mr. Thalman offered the following motion:

Moved, That the City Attorney be authorized to compromise with the company, providing they will divide the difference. If they refuse to do so, that the City Attorney be directed to contest the case through the courts to the very end.

Which was adopted.

The City Clerk submitted the following resolution:

WHEREAS, At a regular session of the Common Council of the city of Indianapolis, held on the 11th day of December, 1876, a certain precept was ordered to issue against L. Dickinson, (christian name unknown); also on the same date, to-wit, December 11, 1877, a certain precept was ordered to issue against Caroline Harris, both of which precepts having been issued upon affidavits filed by James Mahoney for work performed by him in grading and graveling the west side of Missouri street, between Vermont street and Indiana avenue; and,

WHEREAS, The estimate upon which said precepts were ordered to issue is erroneous in this, that the description of the property assessed against said L. Dickinson and Caroline Harris is incorrect and void; therefore be it

Resolved, That all action had upon said precepts be, and the same is hereby reconsidered and annulled. That the City Engineer be, and is hereby directed to prepare a new and corrected estimate, and report the same to this Council for approval, and that said James Mahoney is hereby authorized to file new affidavits for precepts.

Which was adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGinty, Reed, Schmidt, Steinhauer, Stratford, Thalman Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

Negative-None.

The City Attorney submitted the following report:

Indianapolis, March 12, 1877.

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

Gentlemen:—We have examined the petition of Geo. F. McGinnis, guardian of Kizzie Galloway, asking taxes refunded on lot 1, square 30, claiming that the assessment is too high, compared with the adjoining lot. The said lot 1 is a corner lot, having the advantage of Vermont street for access, whilst the adjoining lot fronts only on the canal, and is much less valuable for this reason, and for the further reason that we think all such cases should be presented at the proper time to the Board of Equalization.

We respectfully report against the prayer of the petitioner.

Respectfully submitted,

WILLIAM HADLEY,
City Assessor.
R. O. HAWKINS,
City Attorney.

Which was concurred in.

Also, the following report:

Indianapolis, March 12, 1877.

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

Gentlemen:—We have examined the petition of Hattie E. Small, a widow, and find that she is entitled to the exemption allowed by law, and recommend that she be allowed \$7.50, as the amount due her for the year 1875, and that the Committee on Accounts and Claims embrace that amount in the next account ordinance.

Respectfully submitted,

WM. HADLEY,
City Assessor.
R. O. HAWKINS,
City Attorney.

Which was concurred in.

Also, the following report:

Indianapolis, March 12, 1877.

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

Gentlemen:—We have examined the petition of C. A. Elliott to refund taxes on what is claimed to be an over estimate. In all cases of appraisement of property the Board of Equalization hears complaints and makes adjustment,

and by reference to the minutes of the proceedings of said Board we find that a complaint was made in this particular case, and that no deduction was made.

We therefore recommend that the prayer of the petitioner be not granted.

Respectfully submitted,

WILLIAM HADLEY,
City Assessor.
R. O. HAWKINS,
City Attorney.

Which was concurred in.

INTRODUCTION OF ORDINANCES.

Mr. Adams introduced general ordinance No. 7, 1877, entitled:

An ordinance to amend section one of an ordinance entitled "An ordinance fixing the fees of Mayor, Marshal, witnesses and jurors in certain cases, and providing the manner of taxing and collecting such fees," passed January 31, 1876.

Which was read the first time.

Mr. Craft introduced appropriation ordinance No. 19, 1877, en titled:

An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis on account of the Fire Department for the month of February, 1877.

Which was read the first time.

Mr. Craft moved that the rules be suspended, and that the ordinance be taken up and read the second time, engrossed and read the third time, and put upon its passage.

Which motion was adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGinty, Ransdell, Reed, Schmidt,

Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative-None.

The ordinance was then read the second time.

The question being on engrossment, Mr. Schmidt moved that the claim of E. H. Pritchard be referred back to the Fire Board for further investigation.

Which motion was adopted by the following vote:

Affirmative—Councilmen Adams, Byram, Darnell, Izor, Morse, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thomas, Wright, Arthur L., and Wright, William G.—13.

Negative—Councilmen Bugbee, Case, Craft, Diffley, McGinty, Thalman and Webster—7.

The ordinance was then engrossed.

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

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGinty, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative-None.

The Board of Health submitted the following report:

Report of deaths in the city of Indianapolis from 6 o'clock P. M. on the 24th day of February, to 6 o'clock P. M. on the 3d day of March, 1877:

Under	1 year		 	1	1
1 to	2 year	E	 		4
2 to	3 "		 		4
3 to	4 "		 		1

March 12, 1877.]	COMMON COUNCIL.	1227
4 to 5 yea 5 to 10 " 10 to 20 " 20 to 30 " 30 to 40 " 40 to 50 " 50 to 60 " 60 to 70 " 70 to 80 " 80 to 90 "		0 1 4 1 2 0 0 0 0
		0 0 2 31
	Respectfully submitted,	
J. W. Marsee, Secretary B Which was re	F. M. HOOK, M. D. President Board of He coard of Health.	,
	owing report:	

Report of deaths in the city of Indianapolis from 6 o'clock P. M., on the 3d day of March, 1877, to 6 o'clock P. M., on the 10th day of March, 1877:

Under	1	year					•		٠	۰	•	۰	0	•					۰	•	•									٠	1	0	
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90 to	100	66																					 									0	

Above 100 years	0
Unknown	0
F	Respectfully submitted,
	F. M. HOOK, M. D.,
J. W. Marsee,	President Board of Health.

Secretary Board of Health.

Which was received.

SPECIAL ORDER.

The special order for the evening being the election of two members of the Board of Directors of the Union Railroad Transfer and Stock Yards Company, as provided in general ordinance No. 51, 1876—

Nominations being in order, the names of Dr. J. M. Kitchen, Dr. J. H. Woodburn, Herman Sturm, Samuel Patterson, Napoleon B. Taylor, and Thomas Cottrell were placed in nomination.

Mr. Darnell moved to vote viva voce.

Mr. Schmidt moved to lay Mr. Darnell's motion on the table.

The ayes and noes being demanded, Mr. Schmidt's motion was adopted by the following vote:

Affirmative—Councilmen Buehrig, Bugbee, Diffley, Izor, Mc-Ginty, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, and Wright, Wiliam G.—12.

Negative—Councilmen Adams, Byram, Case, Craft, Darnell, Morse, Ransdell, Thalman, and Wright, Arthur L.—9.

The Chair appointed Councilmen Steinhauer and Diffley as tellers.

A ballot was then had, which resulted as follows:

Dr. J. M. Kitchen received				13 V	otes.
Dr. J. H. Woodburn received				8	46
Herman Sturm received .				2	"
Thomas Cottrell received .				8	"
Napoleon B. Taylor received				10	" -

Dr. J. M. Kitchen having received a majority of all the votes cast, was declared duly elected by the Chair.

Upon the first ballot, there being but one Director elected, a second ballot was taken, which resulted as follows:

Dr. J. H. Woodburn receive	d		•	13	votes
Herman Sturm received .				I	"
Thomas Cottrell received				8	66

Dr. J. H. Woodburn having received a majority of all the votes cast, was declared duly elected by the Chair.

Mr. Craft, by permission, offered the following resolution:

Resolved, That the ballot just had for directors of the Belt Railroad be declared void, and the matter made the special order for next Monday night.

Dr. Stratford moved to amend Mr. Craft's resolution so as to read, "that the last ballot, by which Dr. Woodburn was elected a Director of the Belt Railroad, be declared void, and that the matter be made the special order for next Monday night."

Mr. Reed moved to lay Dr. Stratford's motion to amend upon the table.

The ayes and noes being demanded, Mr. Reed's motion was adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Pouder, Ransdell, Reasener, Thalman, and Wright, Arthur L.—13.

Negative—Councilmen Buehrig, Diffley, McGinty, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—10.

Mr. Craft moved the previous question on the above resolution.

Which was adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Pouder, Ransdell, Reasener, Stratford, Thalman, Wright, Arthur L., and Wright, Wiliam G.—15.

Negative—Councilmen Buehrig, Diffley, McGinty, Reed, Schmidt Steinhauer, Thomas, and Webster—8.

Mr. Craft's resolution was then adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Ransdell, Reasener, Thalman, Wright, Arthur L., and Wright, William G.—13.

Negative—Councilmen Buehrig, Diffley, McGinty, Pouder, Reed, Schmidt, Steinhauer, Stratford, Thomas, and Webster—10.

Mr. Ransdell offered the following resolution:

Resolved, That each of the Belt Railroad Trustees be required to enter into a separate bond in the sum of \$-----, payable to the city, and that said bond be submitted to the Council for approval before the city bonds are signed and delivered to them.

Mr. Darnell moved to fill the blank in the resolution with \$500,000.

Mr. Reed moved to fill the blank with \$50.

Mr. Thalman moved to fill the blank with \$50,000.

The question being on the highest amount, the ayes and noes were demanded.

Those who voted in the affirmative were:

Councilmen Bugbee, Darnell, and Pouder—3.

Those who voted in the negative were:

Councilmen Adams, Buehrig, Byram, Case, Craft, Diffley, Izor, Morse, McGinty, Ransdell, Reasener, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

So the motion was not adopted.

On motion, the blank was then filled with \$50,000.

The resolution, as amended, was then adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Craft, Darnell, Diffley, Izor, Morse, McGinty, Pouder, Ransdell, Reasener, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilmen Buehrig and Case—2.

Mr. Darnell offered the following resolution:

Resolved, That the Belt Road Trustees be instructed not to allow the said city bonds to be removed from Marion county before the same are delivered to the company.

Which was adopted by the following vote:

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Pouder, Ransdell, Reasener, Schmidt, Thalman, Wright, Arthur L., and Wright, William G.—13.

Negative—Councilmen Darnell, Diffley, Izor, Morse, McGinty, Steinhauer, Stratford, Thomas, and Webster—9.

ROLL CALL.

Mr. Bugbee offered the following motion:

Moved, That the Street Commissioner be, and is hereby directed to repair the bridge over Pogues Run at the crossing of Orange avenue.

Which was adopted.

Also, the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—Your petitioners, Trustees of the Third Christian congregation of the city of Indianapolis, respectfully represent that in March, 1873, the said congregation made an addition to the lot on which its church building on Home avenue stands, by the purchase of lot No. 16 in Fletcher's subdivision of Butler and Fletcher's addition to the city of Indianapolis, with a view to enlarging its Chapel; but subsequently the enlargement, as at first contemplated, was abandoned, and afterwards, to-wit, on the 17th of February, 1874, a sale was made of thirty feet on Ash street by forty feet back, and thirty feet out of the west end of said lot by forty feet deep, executing bonds for deeds when the conditions therein set forth should be complied with. The said conditions thus far have only been partially complied with, so that in one of the cases it has become apparent that the lot in that case will revert to the congregation, with possibility that the other may also revert to the congregation.

We find delinquent and current city taxes charged against said lot, as we think incorrectly, and therefore pray your honorable body to order the release of said lot from said delinquent and current taxes.

JOHN M. BRAMWELL,
R. M. COSBY,
A. J. TARLETON,
Trustees Third Christian Congregation.

Which was referred to the City Assessor and City Treasurer.

Mr. Byram offered the following motion:

Moved, That G. L. Rittenhouse be permitted to pave with brick the side-

walk in front of his property at 77 West Second street, the same to be done under the supervision of the civil engineer, and to be done within sixty days.

Which was adopted.

Mr. Diffley presented the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—The undersigned would respectfully petition your honorable body to vacate the ten feet alley in square No. 89, running from Mobile to Louisiana street, and situated between lots Nos. 10, 11, 12, 13 and 14. We would represent that we are the owners of all the ground through which the above alley runs, and it is to give a rear entrance to the same lots that it was opened for. We desire no rear entrance, and want it closed. It could never be of use to the public, and is a detriment to us.

MANSUR H. WRIGHT, WILLIAM H. JONES, HENRY COBURN.

Which was referred to the Committee on Opening and Laying Out of Streets and Alleys.

Mr. McGinty presented the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—Your petitioner would respectfully represent that he is the owner of the property on South Tennessee street, opposite the Rolling Mill, known as the Greenleaf property, and that said property has been standing idle some time, and that now it can be rented to a party who proposes to put to work a large number of hands, provided there can be a switch connecting with the Rolling Hill track and running across the sidewalk to the premises aforesaid. I propose to put in said switch and side track, and will make it conform to the grade of the street and sidewalk, and properly plank the same. And I most respectfully ask the passage of an ordinance to allow me to do so, and thereby set in motion more of the wheels of industry, and give idle men employment.

Most respectfully submitted,

A. D. STREIGHT.

Which was received.

On motion, the prayer of the petitioner was granted.

Mr. Ransdell offered the following motion:

Moved, That the City Engineer be instructed to examine and report to this Council at its next regular meeting, the best and most economical plan for draining the water from the intersection of Walnut street and the Indianapolis, Cincinnati and Lafayette Railroad track.

Which was adopted.

Also, the following motion:

Moved, That the Street Commissioner be instructed to repair the sidewalk on the northwest corner of Michigan and Tennessee streets.

Which was adopted.

Also, the following motion:

Moved, That the Street Commissioner be instructed to repair Tennessee street from New York to First street, in accordance with the recommendation of the Committee on Streets and Alleys, made to Council during October or November last.

Mr. Craft moved to refer the above motion to the Committee on Streets and Alleys and the Street Commissioner, with instructions to report as soon as practicable.

Mr. Schmidt offered the following motion:

Moved, That the Committee on Sewers be, and is hereby directed to examine the Gas Company sewer, which runs into the South street sewer, and ascertain whether the tar and oil is not injuring the South street sewer.

Which was adopted.

Mr. Steinhauer offered the following motion:

Moved, That the Street Commissioner be, and is hereby instructed to plank the crossing of the Union Railroad Company's track on the west side of Vir-

ginia avenue, between Louisiana and Georgia streets, where the same is not already planked.

Which was adopted.

Also, the following motion:

Moved, That the Street Commissioner be instructed to notify the P. C. & St. L. R. R. Co., known as the Panhandle Route, to plank or bowlder the crossing on the north side of their Freight Depot on Virginia avenue, near Georgia street.

Which was adopted.

Dr. Stratford presented the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—We the undersigned, do herein submit to your just consideration the following facts, and respectfully ask that our petition be granted:

During the year 1874, we were each of us members of the police force of the city of Indianapolis; that we were each of us receiving for our services as such policemen the sum of two dollars and fifty cents per day; that during the month of July, 1874, said city, after accepting and applying our said services to her use and benefit, did declare that we severally forfeit to said city ten days' services, amounting to twenty-five dollars each; and that said city did without right keep and retain from each of us the sum of twenty-five dollars, and applied the same to her own use, and that said city does still retain and keep in her own possession said sums of money to us belonging.

Wherefore we hope that you will direct that the City Treasurer of said city pay to each of us the sum of twenty-five dollars for said services.

MICHAEL J. WARD, JOHN SCANTLIN, CHARLES ASMUS, JOHN HENCHEN.

City of Indianapolis to Michael J. Ward, Dr.:

For ten days' work and labor as police officer during month of July, 1874, at two dollars and fitty cents per day, \$25.00.

City of Indianapolis to John Scantlin, Dr.:

For ten days' work and labor as policeman during month of July, 1874, at two dollars and fifty cents per day, \$25.00.

City of Indianapolis to Charles Asmus, Dr.:

For ten days' work and labor as policeman during month of July, 1874, at two dollars and fifty cents per day, \$25.00.

City of Indianapolis to John Henchen, Dr.:

For ten days' work and labor as policeman during month of July, 1874, at two dollars and fifty cents per day, \$25.00.

Which was referred to the Committee on Accounts and Claims.

Also, the following motion:

Moved, That there be appointed by the chair, consisting of four members of this Council, two from each of the two political parties casting the highest number of votes at the last city election, who, together with His Honor the Mayor, who is also made a member of the committee, shall prepare an ordinance districting the city into ward and aldermanic districts, under the act recently passed by the Legislature providing therefor.

Mr. Darnell moved to lay Dr. Stratford's motion on the table.

Which motion to lay on the table was adopted by the following vote:

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Ransdell, Wright, Arthur L. and Wright, William G.—11.

Negative — Councilmen Buehrig, McGinty, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, and Webster—10.

Mr. Thalman presented the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—The undersigned, owners of the real estate fronting on Vermont, Blake and Douglass streets, between Bright and Blake streets, respectfully petition against the passage of an ordinance providing for the opening of West Vermont street from the first alley east of Douglass street (the present western terminus of Vermont street), west to Blake street; the width to be the same as the present street, to-wit, 60 feet.

And your petitioners will ever pray, etc.

JAS. J. BOYLE, JOHN S. SPANN, WM. LOVE, JNO. C. WRIGHT, J. M. KITCHEN, (If I am not assessed.)

Which was referred to the Committee on Opening and Laying Out of Streets and Alleys.

Mr. A. L. Wright offered the following motion:

Moved, That Israel Taylor have permission to curb and pave the sidewalk in front of his property on Fort Wayne avenue, and that the City Engineer be directed to set the grade stakes—said work to be done within 60 days, and at his own expense.

Which was adopted.

Also, the following petition:

Indianapolis, March 12, 1877.

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

Gentlemen:—Your petitioners show that on the 28th day of February, 1877, they purchased six (6), "War Fund" City Orders, issued by authority of the Common Council of said city, numbered respectively: 5303, 1207, 1199, 996, 993, and 5322, dated January 3, 1865, payable December 1, 1865, to Theodore P. Haughey, or bearer.

That prior to said purchase, by authority of an ordinance of said city, a portion, if not all of said orders, were surrendered and cancelled, and other

orders issued in their stead, which substituted orders have long since been taken up and paid by said city.

That certain of said "War Fund" Orders, after being surrendered as afore-said, were abstracted from the archives of said city and purchased by your petitioners as aforesaid, without any knowledge of such abstraction or surrender; but that on discovery thereof they stopped payment of their check given in payment thereof, but are threatened by the vender of said Orders with suit on said check.

That your petitioners have made diligent search, but are unable to ascertain whether said Orders are valid outstanding obligations of said city, and they therefore pray that a committee may be appointed, or other means adopted by said Common Council to investigate and report thereon, and thereupon will your honorable body declare by an ordinance the extent of the liability of said city on said Orders.

And your petitioners will ever pray, etc.

LEMON & KING.

Which was referred to the Committee on Finance, Treasurer and Clerk.

Mr. A. L. Wright moved that the rules be suspended, and that general ordinance No. 7, 1877, be taken up and read a second and third time and placed upon its passage.

Which motion was adopted by the following vote:

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilman Stratford—1.

General ordinance No. 7, 1877, entitled:

An ordinance to amend section one of an ordinance entitled, "An ordinance fixing the fees of Mayor, Marshal, witnesses, and jurors in certains cases, and providing the manner of taxing and collecting such fees," passed January 31st, 1876.

Was then taken up and read a second time, ordered engrossed, read a third time and passed by the following vote:

Affirmative — Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative-None.

On motion, the Council adjourned.

I Comen Mayor.

Attest:

__City Clerk.