

PROCEEDINGS  
OF THE  
COMMON COUNCIL.  

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL, }  
*Monday, February 18th, 1878—7 o'clock P. M.* }

The Common Council of the City of Indianapolis met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Brown, Bugbee, Case, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—19.

Absent—Councilmen Byram, Izor, Poudier, Reading, Sindlinger, and Wood—6.

The proceedings of the regular session, held February 4th, 1878, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

Sealed proposals for making the below described improvements were received, opened, read, and referred to the Committee on Contracts :

1. For erecting a footway over the Union Railway tracks, connecting the east sidewalk of Alabama street with the east sidewalk of Virginia avenue.

2. For the construction of a brick sewer, from the east line of the Central Station House, in and along Pearl street, to the first alley east of Delaware street; thence, south, in and along said alley, to Maryland street; thence, west, in and along Maryland street, to and connecting with the Virginia avenue sewer.

3. For grading and graveling the first alley east of Cook street, from Georgia to Louisiana street.

4. For grading, and paving with brick, the sidewalks of First street, from Illinois to Meridian street.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the Mayor, submitted the following report; which was approved:

*Indianapolis*, February 18, 1878.

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

*Gentlemen*:—The amount of fines collected by me during the month of January, 1878, due the City Treasury, is \$43.75; which amount I have paid the City Treasurer, and file, herewith, his duplicate receipt for the same.

Respectfully submitted,

J. CAVEN, Mayor.

Also, presented the following invitation; which was accepted:

To His Honor, Mayor Caven, and Members of the Council of the City of Indianapolis:

*Gentlemen*:—You are respectfully invited to attend, to-morrow, the 19th instant, at ten o'clock, at St. John's Cathedral, the funeral service of Pope Pius IX. I need not say that your attendance, in a body, on such an occasion, would be most gratifying to the Catholic clergy, to the members of the Catholic church, and your most humble servant,

AUG. BESSONIES, Adm'r,  
Pastor St. John's Church.

Also, presented the following memorial; which was referred to the Committee on Public Buildings:

To the Honorable, the Common Council of the City of Indianapolis, Indiana:

The undersigned respectfully represent to your honorable body, that the rooms which you occupied as the city offices, and recently vacated, were left

in a badly injured condition, in violation of the contract. See Council Proceedings, of 1869 and 1870, page 810, the section of which, as follows, refers to the matter :

"The said party of the second part agrees to take good and proper care of said demised premises, and to use all reasonable and necessary care to prevent injury thereto by fire or otherwise, and, upon the expiration of this tenancy, deliver up said premises to the parties of the first part in as good condition as the same are when the lessee enter into possession—usual wear and tear, injury by the act of God, and accident by fire excepted."

We, therefore, respectfully request that you appoint a committee to confer with the undersigned in regard to the amount which the Council should pay by reason of the said injuries to said building.

Respectfully submitted,

Indianapolis, February 18, 1878.

COTTRELL & KNIGHT.

Also, presented the following communication; which was referred to the Committee on Judiciary and City Attorney :

EXECUTIVE DEPARTMENT OF INDIANA, QUARTERMASTER GENERAL'S OFFICE, }  
Indianapolis, February 14, 1878. }

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

*Gentlemen* :—Among the records of this office there are two (2) bonds given by the City of Indianapolis—one of date May 27th, 1870, for the sum of \$4,200, on which one hundred and twenty (120) Springfield rifles and accoutrements were drawn for a military company known as "Company A, Indianapolis National Guards," John L. Hanna, captain; and one of date September 28th, 1871, for the sum of \$3,200, on which one hundred Springfield rifles and accoutrements were drawn for a military company known as "The Business College Volunteers."

These companies having disbanded, and the arms not having been returned, or any account of them rendered to this office, I must call upon you to see that either the arms are returned or their value paid into the State treasury. I am informed that a part of these arms are in the warehouse of R. S. Foster & Co., who demand a considerable sum for storage. The conditions of the bonds are, that the arms are to be returned to the State upon demand, in good condition, and without cost to the State.

Your immediate attention to this matter will oblige, yours, truly,

SAMUEL BECK, Q. M. Gen'l Indiana.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received:

*Indianapolis, February 18, 1878.*

To the Mayor and Common Council :

*Gentlemen* :—I was directed to advertise for proposals to grade and gravel Morris street and sidewalks, from Chestnut street to Madison avenue—an ordinance, to that effect, having passed the Council and Board of Aldermen February 4th and 5th, 1878, respectively.

I find nothing on record to show that said street has ever been opened between the points named; and being claimed as private property, I have withheld the advertising of the ordinance, to report the facts to you.

Respectfully submitted,

BERNARD H. DEITZ, City Civil Engineer.

By R. M. PATTERSON, Assistant.

Aforesaid officer was then, on motion, instructed to report as whether a satisfactory grade could be established for such unopened street, between the points named.

The same officer submitted the following report; which was received :

*Indianapolis, February 18, 1878.*

To the Mayor and Common Council :

*Gentlemen* :—In compliance with your instruction I have prepared, and herewith present, an ordinance providing for the erection of lamp-posts, etc., on Michigan street, from East street to Noble street.

Respectfully submitted,

BERNHARD H. DEITZ, City Civil Engineer.

By R. M. PATTERSON, Assistant.

The following ordinance was then read the first time :

S. O. 5, 1878—An ordinance to provide for the erection of lamp-posts, lamps, and fixtures, complete to burn gas, except the service-pipes, on Michigan street, from East street to Noble street.

The City Clerk submitted the following report; which was duly concurred in :

*Indianapolis, February 18, 1878.*

To the Mayor and Common Council :

*Gentlemen* :—I hereby report the following affidavit, now on file in my office, for the collection of street assessment by precept, to-wit :

Fred. Gansberg vs. Josephine Balz, for..... \$12 10

And recommend that you order the precept to issue.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk

The precepts were ordered to be issued by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Case, Cochran, Dill, Layman, Marsee, Morse, McGinty, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

The same officer submitted the following report and annexed papers ; which were received and duly approved :

*Indianapolis*, February 18, 1878.

To the Mayor and Common Council :

*Gentlemen*:—I herewith submit the advertisement, and proof of the publication of the same, inviting sealed proposals for the construction of a brick sewer, from the east line of the Central Station House, in and along Pearl street, to the first alley east of Delaware street ; thence, south, in and along said alley, to Maryland street ; thence, west, in and along Maryland street, to connect with the Virginia avenue sewer.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

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#### NOTICE TO CONTRACTORS.

OFFICE OF CITY CLERK, *Indianapolis*, Feb. 7, 1878.

Notice is hereby given that sealed proposals will be received by the Common Council of the City of Indianapolis, at a regular session of said body, to be held on the 18th day of February, 1878, for the following work, viz :

For the construction of a brick sewer from the east line of the Central Station House, in and along Pearl street, to the first alley east of Delaware street ; thence, south, in and along said alley to Maryland street ; thence, west, in and along Maryland street to connect with the Virginia avenue sewer.

Said sewer to be constructed with the requisite number of man-holes and house-connections, and in all respects in accordance with the plans and specifications on file in the office of the Civil Engineer of said city, and also under the provisions of an ordinance passed by the Common Council of said city on the 4th day of February, 1878, and by the Board of Aldermen on the 5th day of February, 1878, which said ordinance is now on file in my office, where the same can be seen on application. Said sewer to be fully and properly completed within ninety (90) days from the date of the approval of the contract and bond of the contractor to whom the contract shall be awarded.

Bidders are hereby notified that their proposals must state the price per lineal foot run for which they will build said sewer ; also man-holes and house-

connections, each complete, and the price to be written out in full and no erasures made. The proposals to be deposited with the City Clerk by 4 o'clock P. M. of the day that the bids are to be received.

The Common Council and Board of Aldermen reserve the right to reject any or all proposals that may be received for doing said work.

By order of the Common Council and Board of Aldermen.

BENJ. C. WRIGHT, City Clerk.

STATE OF INDIANA, *Marion County, ss.:*

Personally appeared before the undersigned, W. H. Read, book-keeper of the Indianapolis Daily Sentinel, a public daily newspaper of general circulation, printed and published in Indianapolis, in the county aforesaid, who, being duly sworn, upon his oath saith that the notice, of which the attached is a true copy, was duly published in said paper one day each week for two consecutive weeks, the first of which publication was on the 7th day of February, and the last publication was on the 14th day of February, 1878.

W. H. READ.

Subscribed and sworn to before me, this 18th day of February, 1878.

[L. S.]

C. J. WHITRIDGE, N. P

The City Commissioners presented the following report; which was referred to the Committee on Judiciary and City Attorney:

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

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

1st. That they were duly appointed by the Judge of Civil Circuit Court of Marion county, to act as Commissioners to assess damages and benefits, "accruing to the owners of lands and lots through which any street is proposed to be constructed or altered, or any building appropriated, or through which any creek or other water-course is proposed to be straightened, or of which the course is proposed to be altered."

2d. That they did, as required by law, take and subscribe the oath and affirmation by law required.

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

## II.

Your Commissioners do further report—

1st. That on the 4th day of February, 1878, they met at the City Commissioners' room, No. 9, in City Hall, Indianapolis, pursuant to the notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of the proposed vacation of that part of Market street running between Tennessee and Mississippi streets, also that part of Wabash street running between Tennessee and Mississippi streets, also that part of Huron street or alley running between Market and Ohio streets, in the City of Indianapolis, more fully described in the petition to us referred, and hereto annexed, marked "Exhibit B."

3d. That they did inquire into the matter of the service of notices upon property owners, and do herewith report said notices, with the Marshal's indorsement of service thereon.

4th That Gen. John Love appeared on behalf of the State House Commissioners, and reports that no person will be damaged by the vacation of said part of Market street and Wabash street, lying between Tennessee and Mississippi streets, and that part of Huron street or alley lying between Market and Ohio streets, and that the City of Indianapolis, generally, will be benefitted by said proposed vacation of said parts of Market, Wabash, and Huron streets, as above described.

#### IV.

Your Commissioners do further report—

1st. That they did view the streets proposed to be vacated, and do fully concur in the opinion of Gen. John Love, above expressed.

Your Commissioners do, therefore, recommend that the said parts of Market, Wabash, and Huron streets, as described in the accompanying petition, be vacated as prayed for.

Respectfully,

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

February 6, 1878.

#### REPORTS FROM STANDING COMMITTEES.

The Committee on Benevolence and Hospitals, through Councilman Walker, submitted the following report:

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

*Gentlemen:*—Your Committee on Benevolence and Hospitals, to whom was referred the petition of Mrs. Delitha Harvey and others, asking a donation

for the "Young Women's Boarding House," would report that we have had the matter under consideration, and recommend that an appropriation of one hundred dollars be made for the benefit of the above named institution.

Respectfully submitted,

I. C. WALKER,  
J. W. BUGBEE.

After considerable debate on the above report, Councilman Thomas moved to non-concur in the committee's recommendation ; upon which motion, a call of the "ayes and nays" were demanded, and, being taken, resulted as follows :

Affirmative—Councilmen Bagby, Brown, Morse, McGinty, Reed, Steinhauer, Thomas, A. L. Wright, and W. G. Wright—9.

Negative—Councilmen Bugbee, Case, Cochran, Dill, Layman, Marsee, Tucker, Walker, and Watts—9.

It proving a tie vote, the City Clerk called for an expression from the Mayor, and His Honor voted in the affirmative, thus determining the refusal of the Common Council to order the appropriation recommended.

The Committee on Gas-Light, through Councilman Tucker, presented the following propositions, and submitted the appended report :

*Indianapolis*, February 9, 1878.

To His Honor, the Mayor, and Common Council of the City of Indianapolis :

*Gentlemen* :—The Citizens' Gas-Light and Coke Company having been requested, by the Committee on Gas-Light, to submit a proposal to light the Illinois street tunnel with gas; also, to light, extinguish, and keep in repair the fourteen tunnel lamps, on a time-table of 4,300 hours per annum, the burners to be adjusted to consume four cubic per hour, for the period of one year, commencing immediately after this date—would respectfully beg leave to submit their proposal, as follows, to-wit :

Will furnish the 240,800 cubic feet of gas at \$2 per M. ....	\$481 60
Will light and extinguish the lamps for. ....	80 00
Will keep the lamps in repair for. ....	25 00
Total. ....	\$586 60

Respectfully submitted,

L. VAN LANINGHAM, Secretary.



Mr. Albert Izor, Chairman of the Committee on Gas:

*Dear Sir*:—At your request we make the following proposition:

The Indianapolis Gas-Light and Coke Company will furnish gas, for a period of one year, for the Illinois street tunnel, with fourteen four-foot regulated gas-burners, upon a time-table of 4,330 hours and 30 minutes per year, for \$485.

The company will light, extinguish, clean, and keep the burners and lamps in repair, for the same period, for \$65; the city to bear the expense of putting the lamps and fixtures in proper condition, the company to return them at the expiration of the contract, in like good order.

Nothing in this proposition shall be construed as changing, modifying, or, in any way, affecting the legal rights of either party under contracts heretofore made and existing between the city and the Indianapolis Gas-Light and Coke Company, except as herein particularly specified.

Very respectfully,

THE INDIANAPOLIS GAS-LIGHT & COKE CO.,  
H. WETZEL, Secretary.

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Your Committee on Gas-Light, to whom was referred the motion to receive bids for lighting of the Illinois street tunnel, would most respectfully recommend that the bid from the Indianapolis Gas-Light & Coke Company be received, and the contract be awarded to said company—their bid being the lowest and best bid.

Most respectfully submitted,

ALBERT IZOR,  
W. H. TUCKER.

On motion, the report of the committee was concurred in, and said contract duly awarded to the Indianapolis Gas-Light and Coke Company, as recommended.

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

Your Committee on Gas-Light, to whom was referred the ordinance to provide for the erection of lamp-posts, and lighting of Walnut street, between New Jersey and East street, recommend said ordinance be passed.

Most respectfully submitted,

ALBERT IZOR,  
W. H. TUCKER.

Councilman Tucker, for the Aldermanic and Council Committees on Parks, submitted the following report; which was received:

*Indianapolis*, February 18, 1878.

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

*Gentlemen* :—The Council and Aldermanic Committees on Parks would respectfully report that we have conferred with the County Commissioners regarding the proposed erection of a work-house by the county and city, jointly. The Commissioners regard the project with great favor, and would gladly do their share, but they deem it useless, at present, inasmuch as, under existing laws, criminals could not be worked to any advantage, and before any further steps can be taken in the matter necessary state legislation must be had.

ENOS B. REED,  
W. H. TUCKER,  
M. STEINHAUER,  
W. H. SNIDER.

The Committee on Streets and Alleys, through Councilman Watts, submitted the following report; and the recommendation of reference, therein contained, was duly concurred in :

*Indianapolis*, February 18, 1878.

To the Mayor and Common Council :

*Gentlemen* :—Your Committee on Streets and Alleys, to whom were referred special ordinance No. 3, 1878 [“to provide for grading and graveling the north and south alley (located between Russell avenue and Illinois street), from McCarty street to second alley north of McCarty street”], and the petition for and remonstrance against the passage of the same, having carefully considered the case and visited the locality of the said alley, do now report :

The drainage in and through said alley is bad, and is proving the nuisance set forth by Fred. Kissel in his petition. Something ought to be done, if it be only to order the alley to be graded, and then compel the remonstrants to further improve same by graveling, under direction of City Civil Engineer.

We would recommend that all the papers in this case be referred to the Board of Health, for examination and report.

Respectfully submitted,

JAMES E. WATTS,  
JAMES T. LAYMAN.

#### REPORT FROM SELECT COMMITTEE.

Councilman Reed, for select committee to whom had been referred the petition of the Capitol Gas Improvement and Construc-

tion Company, asking for certain franchises, submitted the following report; and the Council granted further time, as asked for:

To His Honor, the Mayor, and Common Council:

*Gentlemen*:—Your special committee, to whom was referred the proposition of the Capitol Gas Improvement and Construction Company of Washington, D. C., would beg leave to report that they have had the same under advisement, and are disposed to think favorably of the same, but would ask leave for further time, until your committee can become acquainted with promised additional facts in regard to the propositions and status, financial standing, etc., of the company proposing to furnish our city and citizens with that great *desideratum*, cheap gas.

Respectfully,

ENOS B. REED,  
JAMES T. LAYMAN,  
A. L. WRIGHT,  
T. E. CHANDLER.

February 18, 1878.

#### MESSAGE FROM BOARD OF ALDERMEN.

The following message from the Board of Aldermen was received:

To the Mayor and Common Council:

*Gentlemen*:—The Board of Aldermen, at its last regular session, held February 5th, 1878, refused to concur in the amendment adopted by your honorable body February 4th, 1878, providing that the sum of fifty dollars be paid by each member of the Board of Aldermen, thus equaling the amount appropriated by the Common Council and Board of Aldermen, on November 2nd, 1877.

Respectfully,

GEO. T. BREUNIG,  
Clerk of Board of Aldermen.

On motion, the Common Council refused to recede from its action of the 4th instant.

#### INTRODUCTION OF ORDINANCES.

Councilman Marsee introduced the following ordinance; which was read the first time:

G. O. 3, 1878—An ordinance providing for the appointment of a Superintendent of Fire-Plugs.

On Councilman Marsee's motion, the rules were suspended for the purpose of taking up the above entitled ordinance, together with general ordinance No. 1, 1878, that the said ordinances might now be read the second and third times, and placed on their passage, by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Case, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright  
—19.

Negative—None.

The following ordinance was read the second time and ordered to be engrossed, and then read the third time :

G. O. 1, 1878—An ordinance to protect the Fire-Hydrants of the City of Indianapolis ;

And was passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Case, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright  
—19.

Negative—None.

The following ordinance was read the second time and ordered to be engrossed, and then read the third time :

G. O. 3, 1878—An ordinance providing for the appointment of a Superintendent of Fire-Plugs ;

And was passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Case, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright  
—19.

Negative—None.

Councilman Case was excused for balance of this session.

## INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Brown presented the following petitions ; which were referred to the Committee on Judiciary and City Attorney :

STATE OF INDIANA, *County of Marion :*

To the Honorable Common Council of the City of Indianapolis :

The undersigned, your petitioner, respectfully represents to your honorable body, that she is the widow of Henry Deery, who has been dead for more than thirteen years last past; that, at time of his death, he left one child, Alice; that since his death your petitioner and said child have remained and still are unmarried females; that, by virtue of the law of descent, the undersigned and said heir inherited the estate of said Henry Deery, which did not exceed in value \$1500.

That thereafter, to-wit, on the 6th day of February, 1867, the undersigned invested said sum, for the benefit of herself and said heir, in the following described property, to-wit: Lot No. 68, in Yohn's sub. of out-lot 181, in the City of Indianapolis, in the County of Marion, State of Indiana, of the assessed value of \$1,700; that, since 1872, said real estate and about \$100 in personalty is all the property, real or personal, that your petitioner and said heir have owned, or had any interest in; that, since 1872, the undersigned has paid the sum of \$53.15, as named in the receipts on file herewith, which sum was assessed against said property as taxes claimed to be due thereon, and so collected of your petitioner; that, by virtue of an Act made to provide for a uniform assessment of taxes, approved December 21st, 1872 (see 1st vol. Statutes of 1876, p. 74, Sec. 7, clause 8), the interest of the undersigned and said heir, in said realty, to the amount of \$500 each, was, under said Act, exempt from taxation.

Wherefore, your petitioner prays that your honorable body cause to be refunded to her \$30.75 of said sum so assessed.

Her  
ALICE ~~X~~ DEERY.  
mark.

STATE OF INDIANA, *County of Marion, ss :*

Before me, the undersigned, a notary public in and for said county, in said State, personally appeared Alice Deery, who subscribed her name to the foregoing instrument, and swore that the matters and things therein contained are true in substance and in fact, as affiant very believes.

This 22d day of January, 1878.

[L. S.]

ORLANDO A. HAZZARD, N. P.

STATE OF INDIANA, *County of Marion, ss :*

To the Honorable Common Council of the City of Indianapolis :

The undersigned, your petitioner, respectfully represents to your honorable body that she is the widow of James E. Petty, who died in March, 1872; that at the time of his death he left four children, viz., three girls and one boy; that one of said girls died in June, 1875; that since the death of said James E. Petty, your petitioner and the other two girls have remained, and still are, unmarried females.

That the said James E. Petty died intestate, the owner in fee simple of the following described realty, to-wit: Being part of the southeast quarter of section 35, in township 16, north range 3 east, etc, of the assessed value of \$2,500; also the west  $\frac{1}{2}$  of out-lot No. 14, in out-lot 159, of the value of \$300.

That the undersigned and said heirs, by virtue of the law of descent, inherited the foregoing described realty, owned by James E. Petty at the time of his death; that they still retain their respective interests in the same; that the foregoing described realty is all that the undersigned and said heirs have had any interest in since his death; that the personal property of the undersigned and said female heirs is not worth more than \$25; that, since 1872, your petitioner has paid the several sums of money named in the receipts filed herewith, aggregating in amount \$43.61, as taxes assessed against the said property, and so collected from the undersigned; that, by virtue of an Act made to provide for a uniform assessment of taxes, etc., approved December 21st, 1872 (see 1st Revised Statutes of 1876, page 74, sec. 7, clause 8), the interest of your petitioner and of said female heirs were, under said Act, exempt from taxation.

Wherefore, your petitioner prays that your honorable body cause to be refunded to her \$31.50 of said sum.

Her  
MARGARET X PETTY.  
mark.

STATE OF INDIANA, *County of Marion, ss :*

Before the undersigned, a notary public in and for the county of Marion and State of Indiana, personally appeared Margaret Petty, who acknowledged the execution of the foregoing instrument, and swore that the matter and things set forth therein are true in substance and in fact, as affiant verily believes. This 23d day of January, 1878.

[L. S.]

O. A. HAZZARD, N. P.

STATE OF INDIANA, *County of Marion, ss :*

To the Honorable Common Council of the City of Indianapolis :

The undersigned, your petitioner, respectfully represents to your honorable body that her husband, George C. Schmidt, has been dead for more than ten years last past; that, at the time of his death he left the undersigned his widow,

and six children, viz., two boys and four girls; that two of said girls have been married for more than five years last past; that your petitioner and the other two females have remained for more than ten years last past, and still are, unmarried females.

That George C. Schmidt was, at the time of his death, the owner in fee simple of the following described real estate, viz.: Lot No. 39, in S. A. Fletcher Jr's Subdivision of out-lot No. 169, in the City of Indianapolis, Marion County, Indiana, of the assessed value of \$3,600; that your petitioner and said heirs have each owned a one-seventh (1-7) interest in said realty for more than ten years last past, and still retain their respective interests in the same.

Your petitioner says that the interests she and the two unmarried females retain in said property is all the property, real or personal (with the exception of about \$100 in personalty), that has come to their possession, or in which they have had, in the last ten years, or now have, any interest in. Your petitioner says that, since the year 1872, she has paid the sum of \$86.20, as named in the receipts on file herewith, which sum was assessed against said realty as taxes claimed to be due thereon, and so collected of the undersigned; that, by virtue of a law made to provide for a uniform assessment of taxes, etc., approved December 21st, 1872 (see 1st vol. Revised Statutes of 1876, p. 74, sec. 7, clause 8), the interest of the undersigned, and of said two unmarried females, was, to the amount of \$500 each, exempt from taxation.

Wherefore, your petitioner prays that your honorable body cause to be refunded to her \$35 of said sum.

MARGARET SCHMIDT.

STATE OF INDIANA, *County of Marion, ss:*

Margaret Schmidt, being duly sworn, on her oath says, that the matter and things set out in the foregoing petition, are true in substance and in fact.

Subscribed and sworn to before the undersigned, a notary public in and for said county, in said State, this 26th day of January, 1878.

[L. S.]

O. A. HAZZARD, N. P.

STATE OF INDIANA, *County of Marion, ss:*

To the Honorable Common Council of the City of Indianapolis:

The undersigned, your petitioner, respectfully represents to your honorable body that she is the widow of Hughey Slevin, who died in August, 1872; that at the time of his death he left six children, viz., five boys and one girl; that, since his death, your petitioner and said girl have remained, and still are, unmarried females; that, since his death, she and said heirs have each held, as tenant in common, and each claim a one-seventh (1-7) interest in the following described real estate, to-wit: Lots numbered 35 and 36, in Drake and Mayhew's First Addition to the City of Indianapolis, of the assessed value of \$1200.

That since the death of said Hughey Slevin, in 1872, the undersigned and said female heir, have not owned nor had any interest in any other real estate; that their personal property is not worth more than \$15; that, since 1872, your petitioner has paid the sum of \$59.70 as taxes claimed to be due on said property, as is shown by the receipts on file herewith; that, by virtue of an Act made to provide for a uniform assessment of taxes, etc, approved December 21st, 1872 (see 1st Revised Statutes of 1876, p. 74, sec. 7, clause 8), the interest of the undersigned and of said female heir in said realty was exempt from taxation.

Wherefore, your petitioner prays that your honorable body cause to be refunded to her \$17 of said sum.

sd.  
41

Her  
HARRIET X SLEVIN.  
mark.

STATE OF INDIANA, *County of Marion, ss :*

Before the undersigned, a notary public in and for said county of Marion, and State of Indiana, personally appeared Harriet Slevin, who acknowledged the execution of the foregoing instrument, and swore that the matter and things therein set forth are true in substance and in fact, as affiant verily believes.

This 23d day of January, 1878.

[L. S.]

O. A. HAZZARD, N. P.

Councilman Cochran offered the following resolution :

WHEREAS, The Citizens' Street Railway Company of Indianapolis, the Indianapolis Gas-Light & Coke Company, the Citizens' Gas-Light & Coke Company, and the Water-Works Company of Indianapolis, have not complied, and are not complying, with the provisions of their charter-ordinances and ordinances amendatory, but have permitted persons in their employment to dig trenches in the public streets and sidewalks, for the purposes of said corporations;

AND WHEREAS, Said corporations have failed to restore and keep them in repair, as provided in their respective charter-ordinances;

AND WHEREAS, Said corporations have been notified by this Council, at various times, of their failure to comply with the provisions of their respective charters, and have utterly failed to comply with the requests of the City Council;

*Resolved,* That the Street Commissioner, under the supervision of the Board of Public Improvements, the City Attorney, and the City Civil Engineer, be, and is hereby, ordered to proceed at once to enforce the provisions of the charter-ordinances and ordinances amendatory of said corporations.

Which was adopted by the following vote :



**Affirmative**—Councilman Bagby, Brown, Bugbee, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

**Negative**—None.

Councilman Dill presented the following remonstrance; which was referred to the Committee on Revision of Ordinances:

To his Honor, the Mayor, and Common Council of the City of Indianapolis:

*Gentlemen*:—We, the undersigned citizens of Indianapolis, doing business on Washington and Illinois streets, in front, and in the vicinity, of the Occidental, Bates, and Grand Hotels in this city, and some of whom are owners of said hotels and of property adjoining them, hereby remonstrate against the petition from hackmen and others, introduced at your last meeting or session, on Monday evening, the 21st instant, and then referred to a committee—said petition asking for a repeal of a certain ordinance regulating the standing places for hacks, etc., now in force.

Henry Schnull, Henry Severin, Wm. Haerle, W. W. Miller, Occidental Hotel Shoe Store; Wm. B. Pettit, Occidental Hotel; Chas. F. Hunt, Receiver Grand Hotel; H. Bates; Frank M. Ryan, 23 S. Illinois street; Phil. Epstein, No. 13 S. Illinois street; N. Rheinimer, No. 47 W. Washington street; A. Joseph, 7 S. Illinois street; N. Newgarden, 45 W. Washington street; R. Stern, 43 W. Washington street; Newton Claypool, Claypool's Block; H. B. Cole & Co.; J. W. Hess, Dry Goods Merchant; Bowen, Stewart & Co.; J. A. McKenzie; L. S. Ayres & Co.; W. H. Potter, Photographer; Elmer Cady (reconsidered), 42 N. Illinois street; H. H. Lee; Roll & Morris; John A. Reaume, 24 S. Illinois street; Robt. M. Leck, 28 S. Illinois street; August Mai, 43 S. Illinois street; George Fuerchtenicht; Baker & Randolph, 33 & 35 S. Illinois street; John Lyons, 37 S. Illinois street (reconsidered); Wm. C. Astley (reconsidered); William Gray, 18 & 20 N. Illinois street; Chas. Beyschlag, 18 & 20 N. Illinois street; Charles Soehner, Sr.; Chas. Soehner, Jr.; H. Glick, under Bates House.

Councilman Layman offered the following motion; which was adopted:

*Moved*, That the Street Commissioner be instructed to haul the old lumber (which is of no use to the city) from the old Delaware street bridge to the different fire-engine houses, for kindling.

Councilman Marsee offered the following motion; which was adopted:

*Moved*, That McCune & Son have privilege to erect a telephone, from No. 230 E Washington street to No. 100 N. Illinois street.

Councilman Steinhauer, in same connection, offered the following motion; which was adopted:

*Moved*, That the posts, or erection of the same, for putting up telephones, be done under the direction of the City Civil Engineer.

Councilman Morse offered the following motion; which was adopted:

*Moved*, That the City Civil Engineer be directed to advertise for proposals for the building of stone abutments on the canal, at the crossing of Vermont street.

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

*Moved*, That the Street Commissioner be directed to fill the chuck-holes in West street, between Shearer and Merrill streets, with rolling-mill cinders. There is a very dangerous hole at the intersection of Shearer and West streets, and it is impossible to haul any heavy load over it. Coffin, Wheat & Fletcher are daily complaining over this dangerous place.

Councilman Reed presented the following petition; which was referred to the Committee on Revision of Ordinances:

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

Your petitioner respectfully states that he is engaged in the business of transferring passengers and baggage to and from the Union Depot and the various hotels in the City of Indianapolis, by an Omnibus and Baggage-Wagon Line; that his office is located at No. 11 N. Illinois street, in said city; and that, in the proper and prompt prosecution of his said business, it is sometimes necessary that one or more of his omnibuses and baggage-wagons

should stop or stand on the street in front of his said office for longer periods of time than those limited by the city ordinances governing the stands of public vehicles.

Wherefore, your petitioner asks of your honorable body that permission be granted to him to have one or more of his vehicles stand on the street, in front of his said office, for and during such periods of time as the necessities of his business may require.

And your petitioner will ever pray, etc.

W. F. BIRD.

Indianapolis, February 18, 1878.

The same gentleman offered the following motions; which were adopted:

*Moved*, That the City Attorney be instructed to report to this Council the status of the \$25,000 bond given by the Citizens' Gas-Light Company for the faithful performance of said company's contract with the city, and whether or not, in his opinion, in case of forfeiture, the bond, or any portion thereof, could be recovered.

*Moved*, That the attention of the Board of Public Improvements be directed to the imperfect condition of the streets along and across which the Citizens' Gas-Light Company have laid their pipes, with a view to the Board's taking such action as will cause said streets to be placed in at least as perfect a condition as they were before being disturbed.

Councilman Steinhauer presented the following petition; which was referred to the Committee on Opening, etc., Streets and Alleys:

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

Your petitioner, Henry Kruse, respectfully represents to your honorable bodies that heretofore, to-wit, on the 5th day of April, in the year 1873, he was the owner in fee simple of lot numbered two (2), in Herman Heinrich Shroer's Addition to the City of Indianapolis, Marion county, Indiana; that, on said day, he sold and conveyed the same to Morris Howland, Thomas Webb, and Daniel M. Ransdell; that the said Howland, Webb, and Ransdell, at the same time, executed to your petitioner a mortgage on said real estate, to secure the balance of the unpaid purchase-money. That afterwards, to-wit, on the — day of —, 187—, the said Daniel M. Ransdell conveyed his interest in the said real estate to the said Howland and Webb. That subsequently thereto, to-wit, on the 8th day of July, 1874, the said Howland and Webb subdivided said real estate into sixty-one lots, together with streets and alleys, which plat was duly filed in the Recorder's Office of said county

of Marion, and recorded in Plat Book No. 7, on page 21, an exact copy of which is hereto annexed, and, for greater certainty, marked "Exhibit A." That none of said lots have ever been sold or conveyed to any person or persons.

That, the said Howland, Webb, and Ransdell failing to pay said purchase-money, your petitioner afterwards, to-wit, on the 24th day of November, in the year 1876, began a suit in the Superior Court of said county of Marion, to foreclose his said mortgage; that such proceedings were had therein as that afterwards, to-wit, on the 9th day of January, in the year 1877, your petitioner obtained a decree of said court, foreclosing his said mortgage, and ordering said real estate sold for the purpose of satisfying the said claim of your petitioner, which decree is entered in Order Book No. 40, on page 508, of the records of said court.

That afterwards, to wit, on the 10th day of February, 1877, the sheriff of said county, by virtue of said decree, sold said real estate, your petitioner becoming the purchaser thereof. That, defendants in said action failing to redeem said premises, or any part thereof, the said sheriff, on the 14th day of February, in the year 1878, executed to your petitioner a deed, conveying to him the entire real estate shown in the plat hereto annexed.

That your petitioner is now the owner of said real estate, and that no other person or persons has any interest whatever therein, or in any part thereof; that said real estate is, at the present time, unfitted for anything except for gardening or farming purposes; that your petitioner desires to put the same under fence, and use the same for such purposes.

Wherefore, he prays that your honorable bodies will grant him an order, vacating all the streets and alleys therein.

And your petitioner will ever pray, etc.

HENRY KRUSE, Petitioner,

By BURNS & DENNY, his Attorneys.

STATE OF INDIANA, *County of Marion*, ss :

Henry Kruse, the foregoing petitioner, being duly sworn, upon his oath says that the matters set forth in the foregoing petition are true.

HENRY KRUSE.

Subscribed and sworn to before me, this 18th day of February, 1878.

[L. s.]

CALEB S. DENNY, Notary Public

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EXHIBIT A.

P. B. 7, p. 21. No. 7,685.

Howland and Webb's Second Addition, being a subdivision of lot No. 2 in Herman Heinrich Schroer's Subdivision of twenty-seven and ninety-hundredths (27.90) acres in section 13, township 15, range 3 east.

The red lines and figures indicate the outlines; the point "A" is the south-

west corner of said lot No. 2. For size, number, and location of lots, width of streets and alleys, see plat in feet and hundredths.

MORRIS HOWLAND,  
THOMAS WEBB.  
*Indianapolis, July 8, 1874.*

SMITH & DEITZ, Surveyors.

STATE OF INDIANA, *Marion County, ss :*

Before me, John A. Lehrritter, a notary public in and for said county, this eighth (8th) day of July, 1874, came Morris Howland and Thomas Webb, and acknowledged the execution of this plat.

Witness my hand and notarial seal.

JOHN A. LEHRRITTER, Notary Public. [L. s.]

Recorded July 29th, 1874, at 2½ o'clock, P. M.

STEEG & BERNHAMER,  
15 Thorpe Block.

The same gentleman presented the following proposition :

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

*Gentlemen* :—We will give you one hundred dollars (\$100) for the gas fixtures and stoves heretofore located on the third floor of the City Hall.

Yours, very respectfully,

INDIANAPOLIS MAENNERCHOR.

In connection with the above bid, Councilman Marsee offered the following motion ; which was adopted :

*Moved*, That the Committee on Gas-Light, with the like committee from the Board of Aldermen, be authorized to dispose of such articles remaining in the old Council Chamber as the present occupants may wish to purchase.

Councilman Tucker presented the following petition ; which was read :

*Indianapolis, February 15, 1878.*

To the Common Council and Board of Aldermen :

*Gentlemen* :—Your petitioners would most respectfully represent to your honorable bodies that we have suffered long from a nuisance that should be abated. We refer to the connection of the Gas Company's sewer with the public sewers, which not only give rise to odors most foul, but effectually shuts off our privilege to tap sewers. We believe this nuisance not only pro-

duces sickness, but is destructive to the sewers; and we pray that immediate relief be granted us.

R M Cosby, 90 feet; Geo T Sullivan, Peter F Bryce, E. L. Atkinson, Frederick Hartman, Peter Dreier, L. C. Bowser, E. H. Perkins, H G Hannaman, Dr B Atkinson, G H. Voss, J P Smith, Charles J Smock, R Jackson, J P Kemper, Dr L Isgrigg, F Vehling, James Kennedy, Wm. Vehling, I P. Callahan, P H Hart, A T Hart, J W Marsee, Mary J Swain, Matilda Gauss, J E Allison, Charles Richmann, A S Foster, Henry C Buddenbaum, John W Buddenbaum, N Yoke, W H Lunt, J M Buchanan, Charles Schreunt, J M Backus, E B Wheeler, T N Bryan, W H Snider, Jacob Coffman, W H Tucker, John L Marsee, John Manteith, J S Bishop.

And then the same gentleman offered the following motion; which was adopted:

*Moved*, That above petition be referred to Committee on Sewers of the Council and Board of Aldermen.

The same gentleman offered the following motion; which was laid on the table:

*Moved*, That the communication from Cal. F. Childers to this Council, offered by Councilman Reed, wherein Geo. E. Lowery, foreman in the Street Department of this city, was charged with maliciously breaking, or causing to be broken, street foot-bridges, be taken from the table, and referred to a special committee of three from the Council and two from the Board of Aldermen, with instructions to inquire into the matter.

Councilman Walker presented the following petition; and the prayer of the same was duly granted:

*Indianapolis*, February 10, 1878.

To the Mayor and Common Council:

*Gentlemen*:—Your petitioners respectfully requests that a license be granted them, to auctioneer for a period of three months—said license to be issued in accordance with an ordinance now in force regulating such matters.

And your petitioners will ever pray.

L. I. MOSSLER & BRO.

The same gentleman presented the following invitation ; which, on motion, was duly accepted :

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

*Gentlemen* :—You are respectfully invited to attend the commencement exercises of the College of Physicians and Surgeons of Indiana, to be held at the Grand Opera House, on 21st instant, at 7:30 P. M.

On behalf of the Faculty.

I. C. WALKER.

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

*Moved*, That the city build a levee from the Patterson levee, and to intersect Michigan street levee at the east end of White River bridge, on Michigan street. The banks, in present condition, are insufficient to protect against high waters and endanger the Michigan street levee, also doing great damage to other property by overflow. The proposed distance of levee is about four hundred feet, to make all secure between the proposed points.

Councilman A. L. Wright presented the following petition ; which was referred to the Committee on Public Buildings :

To the Mayor, Members of the Common Council, and

Board of Aldermen of the City of Indianapolis :

We, the undersigned, would request that R. J. Johnson be granted Room No. — in the basement of new Court House, to be used and occupied by him as a first-class restaurant.

John T Pressly, John W Russell, H B Fatout, E M Johnson, A G Fosdyke, Dorman N Davidson, C J Dobbs, B K Elliott, R O Hawkins, Austin H Brown, Samuel Hanway, Dan Howe, J E Heller, John Schley, A L Newland, Cal Rooker, Jno A Holman, Chas P Fant, H B Davis, Will F Keay, W K Sproule, A J Many, W W Henderson, Frank Adams, W G McVey, R N Harding, E J Metzger, R P Craft, C H Harmenting, John Horton, E R Tomlinson, Marshall C Woods, S L Harvey, W D Kerr, J C Belman, J Marshall Moore, S W Messick, R D Slater, J F Brown, D B Williams.

If a suitable arrangement can be made with any party to whom a room has been assigned, for the use of the room for the purpose mentioned, and

it can be arranged so that no smell is occasioned by such occupancy, we will be glad to have the restaurant.

E P Doody, Carl Habich, Joshua Widcomb, R H Patterson, Moses Hatfield, C F Darnell, Geo W Orr, William M Wiles, William Hadley, B C Wright, E C Buskirk, John D Nicholas, M B Williams, J George Stilz, J B Julian, D W Brouse.

I guarantee no smell.

R. J. JOHNSON.

The same gentleman offered the following motion; and said matter was referred to the committee designated therein:

*Moved*, That the Committee on Judiciary, to whom was referred the report of the City Commissioners in vacating Market street, be requested, in their action in the premises, to protect the city in all the drainage privileges she may now, or in the future, want.

The same gentleman offered the following resolution:

*Resolved*, That the Mayor be, and he is hereby, authorized and instructed to execute the contract between the City of Indianapolis and the Indianapolis Gas-Light and Coke Company, as printed upon pages 713 and 714 of the Council Proceedings of February 4th, 1878.

Which was passed by the following vote:

Affirmative—Councilmen Bagby, Brown, Bugbee, Cochran, Dill, Layman, Marsee, Morse, McGinty, Reed, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Councilman Watts was excused for the balance of this session.

#### ORDINANCES ON SECOND READING.

On Councilman Thomas's motion, it was ordered that ordinances be taken up as they appear on the files of the City Clerk.

The titles and endorsements of the following ordinances were then read, and the several ordinances were, on motion, stricken from the files:



- G. O. 54, 1874—An ordinance providing for the construction of a sewer in and along New Jersey street, from Ohio street to a point on Washington street where connection can be made with the Washington street sewer; and providing for the assessment and collection of benefits. [Introduced by Councilman Bigham, on June 29, 1874, and read the first time. Postponed November 24, 1874. Referred to Committee on Sewers on March 27, 1875. Committee on Sewers recommend (July 24, 1876) that ordinance be passed. Postponed August 14, 1876.]
- G. O. 52, 1875—An ordinance for the inspection of Live-Stock, Meats, and Fish, and how the same shall be subject to inspection, and regulating the condemnation and sale thereof. [Introduced by Councilman Reed, on July 12, 1875, and read the first time. Postponed August 14, 1876.]
- G. O. 55, 1875—An ordinance to build a brick sewer on and along E. Michigan street, from Randolph street to Pogue's Run. [Introduced by Councilman Craft, on July 19, 1875, and read the first time. Postponed August 14, 1876.]
- G. O. 67, 1875—An ordinance to provide for the construction of a three-foot brick sewer in and along Virginia avenue, from the first alley north of McCarty street, southeast, to connect with the Shelby street sewer. [Introduced by Councilman Stratford, on August 16, 1875, and read the first time. Taken up November 1, 1875, and made Special Order for next Monday night. Taken up November 8, 1875, and Clerk directed to deliver same to Committee on Sewers, with remonstrance, and made a Special Order for next Monday night. Reported on November 15, 1875, and laid over until March 1, 1876. Postponed August 14, 1876.]
- G. O. 82, 1875—An ordinance concerning the obstruction of Streets, Alleys, and Lanes. [Introduced by Councilman Craft, on October 25, 1875, and read the first time. Postponed August 14, 1876.]
- G. O. 89, 1875—An ordinance appropriating money to purchase so much of the Indianapolis and Pendleton Gravel Road as lies within the city limits. [Introduced by Councilman Adams, on November 8, 1875, and read the first time. Postponed August 14, 1876.]
- G. O. 97, 1875—An ordinance to provide for building a brick sewer, three feet in diameter, in and along Ohio street, from Illinois street to, and connecting with, the Pennsylvania street sewer. [Introduced by Councilman Schmidt, on December 13, 1875, and read the first time. Postponed August 14, 1876.]
- G. O. 30, 1876—An ordinance relative to Contracts for Fuel, Materials, Provisions, and other articles furnished to the City of Indianapolis. [Substituted for ordinance introduced May 22, 1876. Introduced July 24, 1876, and read the first time. Postponed August 14, 1876.]

- G. O. 47, 1876—An ordinance to provide for the construction of a brick sewer from State street, in the City of Indianapolis, in and along English avenue and Laurel or Spruce street, to Pleasant Run. [Introduced by City Civil Engineer, on August 14, 1876, and read the first time.]
- G. O. 53, 1876—An ordinance defining Profanity, and to prohibit the same. [Introduced on October 2, 1876, and read the first time.]
- G. O. 11, 1877—An ordinance in relation to the Sellers' Farm, and prescribing certain penalties. [Introduced by Councilman Darnell, on April 9, 1877, read the first time, and made the Special Order for Monday evening, April 23, 1877. Taken up April 30, 1877, and postponed.]
- G. O. 29, 1877—An ordinance requiring a License for Vehicles used for the purpose of hauling Sawdust in the City of Indianapolis. [Introduced by Councilman Izor, on July 2, 1877, and read the first time.]
- G. O. 2, 1878—An ordinance to repeal an ordinance entitled "An ordinance creating a Board of Public Improvements, prescribing their powers and duties, and the manner of their election." [Introduced by Councilman Dill, on January 21, 1878, and read the first time.]

The following ordinance was read the second time, and referred to the Committee on Revision of Ordinances :

- G. O. 52, 1876—An ordinance to protect the Court House Fence.

The following ordinance was, also, read the second time, and then referred to the Committee on Railroads and the City Attorney :

- G. O. 17, 1877—An ordinance appropriating fifteen thousand dollars, for the purpose of fulfilling the contract existing between the City and the Cleveland, Columbus, Cincinnati and Indianapolis Railroad Company, and other matters connected therewith.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.