

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—FEBRUARY 2, 1891.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 2d, A. D. 1891, at 7:30 o'clock, in regular session.

PRESENT—Hon. Thomas L. Sullivan, Mayor, and *ex officio* President of the Common Council in the Chair, and 24 members, viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and and Yontz.

ABSENT, 1—viz: Councilman Austin.

The Proceedings of the Common Council for the regular session held January 19th; the special session held January 20th, and the adjourned session held January 24th, 1891, having been printed and placed upon the desks of the Councilmen, said Journals were approved as published.

REPORTS FROM CITY OFFICERS.

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

Indianapolis, February 2, 1891.

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

Gentlemen:—Your honorable body has submitted to us two questions. The first is, in substance, whether a section of a city ordinance may be amended without setting out the amended section at full length?

We are clearly of opinion that this question should be answered in the affirmative. There is a provision in the constitution of Indiana, applicable to laws passed by the Legislature, that "no act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length." (R. S. 1881, Sec 117) This and similar constitutional limitations respecting the passage of laws by the Legislature have no application to city ordinances. (*Green vs. City of Indianapolis*, 25 Ind. m 490 *Baumgartner vs. Hasty*, 100 Ind. 575. *People vs. Hanrahan*, 75 Mich. 611.) In several states there is a provision in reference to city ordinances similar to the one above quoted, but no such provision, applicable to city ordinances, is found in either the constitution or statutes of Indiana.

The second question submitted to us is, in substance, whether the Citizens' Street Railroad Co. can be compelled by appropriate legislation, when future street improvements are made, to pay for the improvement of that portion of the street occupied by its tracks?

The mere fact that the Street Railroad Company does not own the fee simple, but only what is called an easement, in the portion of the street occupied by it for its tracks, is not sufficient to exempt it from assessments for the improvement of such street. (*Cooley on Taxation* 274, 458; 2 *Desty Taxation* 1248.) And if the law so

provides, such assessments may not only be made a lien on the tracks and be collected as other assessments for street improvements, but, they may be enforced by execution and sale of the property of the company.

(2 *Desty Taxation*, 1342; *Hazzard vs. Heacock*, 39 Ind., 123; *The City of New Haven vs. Fair Haven &c. R. R. Co.*, 38 Conn 422.)

If the Street Railroad Company is exempt from such assessment it must be upon some other ground.

It can not claim exemption upon the ground that a law of Legislature, imposing such liability, would impair the obligation of any contract between it and the State. In the general law for the incorporation of street railroad companies, under which the Citizens' Street Railroad Company and its predecessor, the Citizens' Street Railway Company, were organized, there is this express reservation: "This act may be amended or repealed at the discretion of the Legislature." (R. S. 1881, Sec. 4153.)

Whatever may be the limitations upon the power so reserved by the Legislature, the authorities show beyond any question that the exercise of it by requiring the Street Railroad Company to pay its proportion of the cost of the future improvement of streets, occupied by its tracks, would not violate any contract between the State and such company.

Pierce on Railroads, (2Ed.) 456; 3 *Wood Railways*, 1696, Sec. 493; 2 *Morawetz Corporations*, (2Ed.) 1093 et seq; *Spring Valley Water Works vs. Schottler*, 110 U. S. 347, s. c. 61 Cal. 3, 18; *People vs. O'Brien*, 111 N. Y. 1; *Mayor vs. Twenty-third St. R. R. Co.*, 113 N. Y. 311; *Portland &c. R. R. Co. vs. Deering*, 78 Me. 71; s. c. 57 Am. Rep. 784.)

Even if no such reservation of a right to amend had been contained in the street railroad law, the State, by passing a law making the Street Railroad Company liable for assessments for future street improvements, would violate no vested right given to it by its charter or by any other State law. "It is a familiar rule that grants made by the government are to be construed in favor of the grantor, and this is especially true when they effect the interests of the people which are held in trust by the government. The State is not presumed to grant away such rights and franchises unless it is done in clear terms or by an implication which is strictly necessary."

(*Wattuppa Reservoir Co. vs. Fall River*, 147 Mass., 548 560)

Although local assessments in some respects differ from ordinary taxes, they are referable to, and are made by virtue of, and taxing power of the State. (2 *Desty on Taxation*, 1117; *Cooley Taxation*, 147-148.) All property in the State is held, and all charters are granted, subject to the exercise of this power, and exemption from it can be shown only by the clearest language.

(*Cooley on Taxation*, 146. 1 *Desty on Taxation*, 132.) In *Bailey vs. Magwire*, 22 Wallace, 215-226, it was said by the Supreme Court of the United States:

"It is manifest that legislation which it is claimed relieves any species of property from its due proportion of the general burdens of government, should be so clear that there can be neither reasonable doubt nor controversy about its terms. The power to tax rest upon necessity and is inherent in every sovereignty, and there can be no presumption in favor of its relinquishment." The same court said in *Hoge vs. Railroad Company*, 99 U. S., 348-355: "But though this power (of the State to exempt from taxation) is recognized, it is accompanied with the qualification that the intention of the Legislature to grant the immunity must be clear beyond a reasonable doubt. It can not be inferred from uncertain phrases or ambiguous terms. The power of taxation is an attribute of sovereignty and is essential to every independent government. Stripped of this power it must perish. Whoever, therefore, claims its surrender must show it in language which will admit of no other reasonable construction. If a doubt arises as to the intent of the Legislature it must be resolved in favor of the State."

Exemption from assessments for local benefits must be expressed in even clearer terms than exemption from general taxation. (*Cooley on Taxation*, 147; 2 *Desty on Taxation*, 146.)

Neither in the general street railway law nor in the law for the incorporation and government of cities, nor in any other law, has the State of Indiana granted to street railroad companies exemption from local assessment, nor has it authorized cities to grant such exemption. If there was any doubt on this question the doubt would be resolved against the claim to such exemption, but there is no doubt. There is nothing in our statutes from beginning to end, which warrants even a suspicion that the Legislature ever intended to grant, or authorize cities to grant, any such exemption.

It is clear then, we think, that the State, if it should now authorize such assessments, would violate no obligation derived from any contract, express or implied, made by it with the company.

If the Street Railroad Company is exempt from such assessments it can only be by reason of the contract made by its predecessor with the city. The City itself is bound by that contract. This was what was decided by the Supreme Court of Indiana in the recent case of the Western Paving Company vs. The Citizens' Street Railroad Company. And it may also be conceded, that, so far as the City had the power to bind itself by such contract, the State could not impair it by any subsequent legislation, whether enacted by virtue of its general power to amend and repeal laws, or by virtue of its reserve power of amendment contained in the general street Railway law, unless the State had the right to do this in the proper exercise of its police power. This we fully concede.

It is important, therefore, to determine what was the contract between the City and the predecessor of the present street railroad company. The only term in it, bearing upon the question here, is that by which the company binds itself "to keep the tracks and two feet of the outside of each rail, together with all bridges and crossings of all gutters, at all times in good repair to the satisfaction of the Common Council." Nothing is said about taxes or local assessments which the State might thereafter impose or authorize the City to impose on the Company's property. No intent to exempt the Company from local assessment can be implied from the mere fact that nothing was said about them, even if the City had been invested with all the powers possessed by the Legislature itself. This is shown by the authorities before cited. In one of them—Bailey vs. Magwire—the charter of a railroad company contained special provisions for ascertaining the tax due the State but nothing was said about county and city taxes, and it was claimed that this worked an exemption from such taxes. But the Supreme Court said: "Silence on such a subject can not be construed as a waiver of a State in this regard. There must be something *said* which is broad enough to show clearly that the Legislature intended to relieve the corporation from the part of the burdens borne by other real and personal property. This was not done in this case and the claim of exemption from local taxation can not be sustained."

(See also *Stone vs. Farmers' Loan & Co.*, 116 U. S. 307.)

And even if the Legislature had granted full power to the City to make or authorize the making of such assessments against the Street Railroad Company, it would not follow that the City had the power to grant exemption from such assessments. The power to make such assessments belongs to the governmental and not to the contract making powers of a city, and the City had no authority to contract away the governmental powers which it then possessed. Those it held as one of the agencies of the State and in trust for its citizens. Certainly it could not contract away the right to exercise any of those governmental powers which might thereafter be granted to it by the Legislature.

(1 *Dillon on Municipal Corporations*, (3Ed.) Sec. 97; *Presbyterian Church vs. Mayor &c. of New York*, 5 *Cowen*, 538.)

"It is certain," says Judge Cooley, "that municipal bodies or taxing officers have no authority to make such exemptions unless expressly empowered by legislation."

(Cooley on Taxation 153.)

But it must be remembered that when this contract was made the City had no power to make any such assessments against the Company, its power being limited by its charter of making assessments against the lots abutting along the streets.

Therefore there was no taxing power at the time in the city which it could relinquish or modify even by express terms, even if the contract had contained such terms. But it contains no such terms and no construction will justify implying an intent on the part of the City to relinquish a power which it did not have. Both parties must be held to have entered into the contract with knowledge of the law and in contemplation of the fact that the State and not the City had control of the matter of assessments and might exercise it in the future as in the past, as the sovereign might determine to be justified by the changing conditions and to be demanded by the public interest or convenience. The City had no authority to contract away any part of the legislative power of the State, nor any which might, in the future, be granted to the City itself, and it does not appear that any attempt was made to do so. Both parties to the contract knew that, while the State had not then passed any law, making, or authorizing cities to make, such assessments against street railroad companies, any subsequent Legislature might do so, and the Company necessarily took the risk.

It is true that the City is bound by its contract and can not relieve itself nor be relieved by the Legislature, from any valid obligation which it imposes. It can not, for example, compel the Company to take up its tracks, nor refuse to allow it to lay any more, nor require the Company to charge a less rate of fare than that stipulated in the ordinance.

The contract itself does not authorize the City to compel the Company to pay for the original improvement of the street, and therefore the City can not impose any such liability by virtue of such contract. And the Legislature up to this time has said that assessments for such improvements must be made against the abutting lands or lots and against them only, and therefore the City can not now make such assessments by virtue of any present legislative authority. As the City can not make such assessments either under the contract, or under existing legislative authority, it can not, as the law now is, make them at all.

Conceding all this it does not follow that the State may not now, or at any future time, grant to the City the authority, which it has hitherto withheld, to make such assessments. If it should do so it would, it is true, impose a burden upon the Company in addition to those imposed by its contract with the City, but not in violation of it.

It would not impair the obligation of such contract because the City did not, and could not, enter into any obligation, express or implied, that the State, in the proper exercising of its taxing powers, would impose no additional burdens upon the Company, and, therefore, the State would impair no obligation of the City's contract by imposing such additional burdens.

This seems to be perfectly clear to us upon principle. But legal authority is not wanting. The case of *Sioux City St. R. R. Co. vs. Sioux City* (Supreme Court of Iowa) 78 Iowa 367, 742, s. c. 39 N. W. Rep. 498, s. c. N. W. Rep. 224, is *precisely* in point here and fully sustains our opinion as to the construction of the contract. This case was on January 26, 1891,—less than ten days ago—fully affirmed by the Supreme Court of the United States in an elaborate opinion, which we received today. The case of *Drady vs. Des Moines &c. R. R. Co.*, 57 Iowa, 393, while not like this case in facts, involves the same legal principle, and is also strongly in point. The following, though not like the present case in the facts involved lend strong support to those last cited. In all of them it was unsuccessfully sought to nullify legislation upon the ground that it impaired the obligation of the contract which the complaining party had made with some third corporation or person.

(*Chicago &c. R. R. Co. vs. Iowa*, 94 U. S. 155; *Peik vs. Chicago &c. R. R. Co.* 94 U. S. 164; *Spring Valley Water Works vs. San Francisco* 61 Cal. 18-32; *Buffalo &c. R. R. Co. vs. Buffalo St. R. R. Co.*, 111 N. Y. 132; *Mayor vs. Twenty-third St. R. R. Co.*, 113 N. Y., 311.)

We have found but one case which is opposed to the views above stated. We refer to the case of *Coast Line R. R. Co. vs. Mayor &c. of the City of Savannah*, 30 Fed. Rep. 646, decided by Judge Spear of the Federal District of Georgia. The case in its facts is very similar to that of *Sioux City R. R. Co. vs. Sioux City*, above cited, but the decisions in the two cases are directly opposite to each other. "For-

unately," says Judge Spear, "for the adjudication of this most interesting question, the reports of the highest appellate tribunal of our country, a tribunal at once renowned for the majesty of its jurisdiction, the enlarged and splendid comprehensiveness of its knowledge, and perspicuous lucidness of statement with which its decisions are pronounced, abound in cases upon the provisions of the constitution by which the validity of this act must be tested."

After this introduction the Judge proceeds to cite a number of decisions of the Supreme Court of the United States, none of which afford the slightest support for his own. Of the authorities which he cites the only one which has any resemblance to that case or to this, is *Chicago vs. Sheldon*, 8 Wallace, 50. In that case the City of Chicago had made a contract with a street railroad company binding it to make certain street repairs. Afterwards the City attempted to make assessments for new improvements against the Company which it had no right to make under the contract *and without any additional authority from the State Legislature*, just as the City of Indianapolis attempted to do in the case of the Western Paving & Co. vs. the Citizens' Street Railroad Company. The main question, as stated by the reporter, and as shown by the opinion of the court, was "whether *under their contract* to keep the road for a certain number of feet in good condition and repair, the Company could be made to pay for what was new curbing, grading and paving, altogether." No question was involved as to the effect of any subsequent law authorizing such assessments, especially one passed under an express reservation of a power to amend the Street Railroad Company's charter.

We have discussed the question submitted to us without any reference to the police power of the State. If the authority to levy an assessment against street railroad companies for the improvement of streets occupied by them is within the general police power of the State, then such power may be exercised without regard to any prior contracts made by the Street Railroad Company either with the State or with the City. In *Buffalo &c. R. R. Co. vs. Buffalo St. R. R. Co.*, above cited, it was held (and this is so held universally) that the authority of the Legislature in the exercise of its police powers can not be limited or controlled by the action of a previous Legislature, or by the provision of the contracts between individuals or corporations.

(See also Cooley Constitutional Limitations. (5Ed.) 710.)

Bearing in mind that the Street Railroad Company is one of that class of corporations in which the public has an interest, that its use of the streets is to a certain extent is exclusive; that not only the convenience but the safety of the citizens require that the streets shall improve, the necessity increasing as the business and population increases, there is strong ground to claim that the authority to levy such assessment is within the police power of the State, the growing power of incorporations has induced courts to assert much wider boundaries for the police power of the State than were formerly claimed, and the tendency of the decisions in this direction has been very marked in the last few years. We cite some of the most recent

(*Munn vs. Illinois*, 94 U. S., 113; *Buffalo R. R. Co. vs. Buffalo St. R. R. Co.*, 111 N. Y. 132; *People vs. Budd*, 117 N. Y. 1; *Hackett vs. State*, 105 Ind., 250.)

In *Portland &c. R. R. Co. vs. Dearing*, 78 Me., 61, s. c. 57 Am. Rep., 784, it was held that the legislative power to compel railroads to build and maintain highway crossings, if not part of the police power was "at least akin to it."

Without expressing any further opinion as to the extent of the police power of the State, we are of opinion that, independent of it, the State has ample power, by appropriate legislation to authorize assessments against street railroad companies for future street improvements; and we suggest that it would be advisable to ask the Legislature to pass a supplemental act to this effect.

Most Respectfully Submitted,

LEON O. BAILEY, City Attorney.

WILLIAM E. NIBLACK }
LIVINGSTON HOWLAND } Of counsel.
DANIEL WAIT HOWE }

By consent, Councilman Yontz offered the following motion; which was adopted:

That the City Attorney be directed to prepare a bill granting cities in which street railroad companies have tracks, the right to compel said companies to improve their portion of streets in which their tracks are laid, to correspond with the balance of the street; and that said Attorney and the committee heretofore appointed on legislation, be directed to deliver said bill to the Marion county de egation in our State Legislature, and urge them to advocate its passage at the earliest possible day.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following estimates of work done according to contract:

A first and final estimate in behalf of J. J. Twiname, for constructing a fire cistern on the corner of Linn and Vermont streets, west of White River.

2,026 barrels, at 65 cents	\$1,316 90
Less 20 per cent. reserve	263 88
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	\$1,053 52

A fifth and final estimate in behalf of Fulmer, Cooper & Co., for constructing a brick sewer, three feet internal diameter, in and along Virginia avenue, from Cornburn street to South street.

4,152.50 lineal feet, at \$6.29	\$26,119 22
7 catch-basins, at \$70.00 each	490 00
10 man-holes, at \$37.00 each	370 00
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	\$26,979 22

Total city proportion	\$12,003 53
Amounts allowed in former estimates	9,392 96
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Balance of city portion due \$ 2,610 57

A first and final estimate in behalf of Augustus Bruner, for constructing an eighteen inch vetrified stone ware sewer pipe line in and along the first alley north of New York street, from Missouri street to and connecting with the Bright street sewer at Bright street.

2,974 lineal feet, at 65 cents	\$1,933 10
3 catch-basins, at \$50 00 each	150 00
4 man holes, at \$30.00 each	120 00
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\$2,203 10

Respectfully submitted,

H. A. MANSFIELD, City Civil Engineer.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Augustus Bruner, for constructing an eighteen inch vetrified stone ware pipe line sewer in and along the first alley north of New York street, from Missouri street to Bright street, and connecting with the Bright street sewer, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

The following estimate resolution was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying fifth and final estimate in behalf of Fulmer, Cooper & Co., for constructing a brick sewer, three (3) feet internal diameter, in and along Virginia avenue, from the north line of Coburn street to South street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

The City Clerk submitted the following report; which was read, and action thereon postponed:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith submit the following entitled affidavits, now on file in the office of the City Clerk, for collection on street improvement assessments by precepts, to-wit:

Wm. Bosson, assignee, vs. Conrad Traub, for.....	\$10 00
Wm. Bosson, assignee, vs. Kittie B. Bower, for.....	7 50
Wm. Bosson, assignee, vs. Persie F. Strong, for.....	10 00
Wm. Bosson, assignee, vs. Frederick Mueller, for.....	9 13
Wm. Bosson, assignee, vs. Henry R. Bond, for.....	9 13
Wm. Bosson, assignee, vs. Minerva Vanlaningham, for.....	7 50
Wm. Bosson, assignee, vs. Mary M. Alexander, for.....	44 87
Wm. Bosson, assignee, vs. Amelia Fritz, for.....	10 00
Wm. Bosson, assignee, vs. Mary Gordon, for.....	10 00
Wm. Bosson, assignee, vs. H. R. Bond, Trustee, for.....	4 79
Wm. Bosson, assignee, vs. S. Allen and Amanda Wright, for.....	18 75
Wm. Bosson, assignee, vs. Louisa Stevens, for.....	5 40
Wm. Bosson, assignee, vs. Theo. Woerner, for.....	5 40
Wm. Bosson, assignee, vs. Pearce and McLord, for.....	5 40
Wm. Bosson, assignee, vs. Owen M. Fletcher, for.....	6 95
Wm. Bosson, assignee, vs. C. B. Rau, for.....	4 94
Wm. Bosson, assignee, vs. Anna J. Bennett, for.....	4 94
Wm. Bosson, assignee, vs. Margaret Sage, for.....	4 94
Wm. Bosson, assignee, vs. James Eisele, for.....	4 94
Wm. Bosson, assignee, vs. James Eisele, for.....	1 71
Wm. Bosson, assignee, vs. Mary Brown, for.....	4 94
Wm. Bosson, assignee, vs. Foster and Bennett, for.....	6 46
Wm. Bosson, assignee, vs. Foster and Bennett, for.....	6 46
Wm. Bosson, assignee, vs. Foster and Bennett, for.....	6 46
Wm. Bosson, assignee, vs. Foster and Bennett, for.....	6 46
Joseph Bernauer vs. Indianapolis Rolling Mill Co., for.....	3 20
James W. Hudson vs. Indianapolis Rolling Mill Co., for.....	9 20
Fisher & Twiname vs. Victoria C. Hinkley, for.....	50 40
Fulmer, Cooper & Co. vs. W. B. Allen, for.....	43 60
Fulmer, Cooper & Co. vs. Chris. Helgenberg, for.....	27 97

Fulmer, Cooper & Co. vs. Flora Fatout, for.....	\$48 45
Fulmer, Cooper & Co. vs. Warren Fatout, for	48 45
Wm. F. Gansberg vs. Sam'l. R. Carter, for.....	12 48
Fulmer, Cooper & Co. vs. Lillie and Lottie Gilliland, for.....	47 60
Fulmer, Cooper & Co. vs. Wm. A. Goth, for.....	44 71
Fulmer, Cooper & Co. vs. Gilbert Bolser, for.....	47 60
Fulmer, Cooper & Co. vs. Catharine E. Hoffman, for.....	26 49
Robert Kennington vs. Wm. H. Morrison, for.....	114 15
Thos. Greene vs. Michael Hurley, for.....	15 68

Respectfully submitted,

E. B. SWIFT, City Clerk.

The Treasurer for the City submitted the following report; which was received:

Indianapolis, Ind., Feb. 2, 1891.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I have the honor to submit the following report of the condition of the city treasury at this date:

Balance on hand January 2d, 1891.....	\$ 63,795 75
Miscellaneous collections in January, 1891.....	27,088 48
Collections on duplicate in January, 1891 (estimated).....	2,410 00

Total.....	\$ 93,294 23
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Warrants paid during January, 1891.....	\$ 47,580 99
Balance on hand February 2, 1891.....	45,713 24

Total.....	\$ 93,294 23
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Respectfully submitted,

JNO. OSTERMAN, Treasurer.

The County Auditor submitted the following report; which was read and received:

Decemler Settlement Sheet for 1890, for collections of Taxes (1889) due the City of Indianapolis.

	City of Indianapolis Tax.
1. Second installment unpaid at last May settlement.....	\$169 708 22
2. First installment unpaid at last May settlement.	26,611 63
3. Old delinquency credited on May sheet, distributed on basis 1888...	32,749 43
4. Ten per cent. penalty on current delinquency, being penalty on May and November, 1890, delinquency.....	3,291 64
5. Six per cent. penalty on delinquency where both April and November payments, 1890, remain unpaid	1,176 93
6. Six per cent. interest on old delinquency of previous years.....	1,809 04
7. Treasurer's assessments charged May settlement, 1890.....	658 18
8. Total charges are.....	236,005 07
9. Collections of second installment since May settlement, 1890, to first Monday in November, 1890, inclusive.....	163,403 45
10. Collections of delinquency, including penalty and interest.....	12,256 07
11. Assessments collected since May settlement, 1890, (same as line 7)..	658 18
12. Total collections since May settlement, 1890.....	176,317 70
13. Deduct six per cent. fees on delinquent collections from 3d Monday in April, 1890, (per agreement with city).....	735 36
14. Erroneous taxes collected and refunded.....	321 89
15. Auditor's certificates of errors.....	1,309 75
16. Total deductions from total collections.....	2,367 00

17. Leaves net amount due the City of Indianapolis	\$173,950 70
18. Deduct total collections from total charges, leaves total delinquency at November settlement.....	59,687 37

STATE OF INDIANA, *Marion County, ss:*

I, Thomas Taggart, Auditor for said county, do hereby certify that the above is a true statement of collections due the City of Indianapolis at the December settlement, 1890.

Witness my hand and official seal, this 26th day of January, 1891.

[Seal.]

THOMAS TAGGART, Auditor.

The Chief Fire Engineer submitted the following report:

Indianapolis, February 2d, 1891.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—With the exception of five thousand feet, the hose in the Department have been in service from four to five years, and consequently can not be considered reliable. I therefore ask for five thousand feet of good cotton hose to replace the old hose now in use.

Yours respectfully,

J. H. WEBSTER, Chief Fire Engineer.

Which report was received, and the Chief Fire Engineer was authorized to purchase the hose.

The reports of the Superintendents of the City Hospital and City Dispensary for the month of January, 1891, were read and received.

REPORTS FROM STANDING COMMITTEES.

The Committee on Bridges, through Councilman Sherer, submitted the following report:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Bridges, to whom was referred bids for constructing a bridge over Pogue's Run at Orchard avenue, would recommend that the bids be rejected, and that the City Civil Engineer be instructed to re-advertise for bids, and insert in the specifications that the contractor can use any kind of bridge stone, and complete the bridge ready for traffic.

Respectfully submitted,

E. J. Sherer,
Sim. Coy,
Edward Dunn,
Committee on Bridges.

And it was adopted by the following vote:

AYES, 17—viz: Councilmen Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Sherer, Trusler, Weber, and Woollen.

NAYS, 7—viz: Councilmen Burns, Murphy, Pearson, Rassmann, Stechhan, Sweetland, and Yontz.

The Committee on Streets and Alleys, through Councilman Rassmann, submitted the following report; which was adopted:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the request of Gansberg & Roney, for extension of time in which to complete the work of improving Alvord street, would respectfully recommend that the time be not ex-

tended, and ask that their contract be declared forfeited, and the bondsmen be released.

Respectfully submitted,

Emil C. Rassmann,
Chas. A. Gauss,
Rob't. Martindale,
Committee on Streets and Alleys.

From the same Committee, the following report and resolution; which were read:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the petition of Frederick Ostermeyer, administrator of the estate of Ernst Koller, deceased, the United States Mortgage Company, by John S. Spann & Co., agents, and the Phoenix Mutual Life Insurance Company, by F. W. Morrison, agent, praying for the vacation of a portion of Sturm avenue, so as to reduce the said avenue from a width of one hundred and twenty feet to a width of sixty feet, would respectfully report that we have examined the same, and recommend that the request of said petitioners be granted, and that the accompanying resolution be adopted.

Respectfully submitted,

Emil C. Rassmann,
Chas. A. Gauss,
Robt. Martindale,
Committee on Streets and Alleys.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the petition of Frederick Ostermeyer and others, praying for the vacation of a portion of Sturm avenue, from Arsenal avenue to State avenue, reducing the width of said Sturm avenue from a width of one hundred and twenty feet to a uniform width of sixty feet, as shown by the plat filed with said petition, marked exhibit "A," be referred to the Board of City Commissioners, together with the plat accompanying the same, with instructions to assess benefits and damages caused by such vacation, and to make due report to the Common Council and Board of Aldermen; the said Board of City Commissioners to return all petitions, plats and notices.

The City Clerk is hereby required to issue, and the Superintendent of the Metropolitan Police Force to serve, the proper notices upon the City Commissioners; and the petitioners are hereby required to serve the proper notices upon the property owners, and to show, by affidavit, due service of such notices:

Provided, That before the City Clerk issue the said notices to the City Commissioners, a bond shall be filed with the said City Clerk, to the approval of the Mayor, guaranteeing the payment of all the costs and charges of said Commissioners in this matter.

Which report was received, and the resolution adopted by the following vote:

AYES, 23—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Weber, Woollen, and Yontz.

NAYS—None.

From the same Committee, the following report, accompanied with the report and resolution of the Board of City Commissioners:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the report of the City Commissioners in relation to the vacation of the first alley south of Seventh street, from Broadway street to the first alley west of Broadway street, would respectfully report that we have investigated the report, and would recommend its adoption.

Respectfully submitted,

Emil C. Rassmann,
Chas. A. Gauss,
Robt. Martindale,
Committee on Streets and Alleys.

Indianapolis, Ind., Dec. 13, 1890.

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

Gentlemen:—The undersigned members, being all the members of the Board of City Commissioners of the City of Indianapolis, and being duly appointed, qualified, and acting as a Board of City Commissioners in and for said city, under the provisions of the Statutes of the State of Indiana, in relation to the vacation of streets and alleys, etc., beg leave to report:

1. That we met in the office of the City Clerk on Thursday, October 9, 1890, to consider the matters contained in the petition of Edward Hawkins et al., to vacate the first alley south of Seventh street, from Broadway street to the first alley west of Broadway street, all in accordance with the notice of the City Clerk, which said notice, with the proper return of the Superintendent of the Metropolitan Police Force endorsed thereon, is in words and figures as follows, to-wit:

2. After examining said petition and the accompanying plat—all of which we found correct—we proceeded to view the ground and surrounding locality, and directed the Secretary to prepare a notice to the Clerk to have proper officer notify the persons named in said notice to meet the Commissioners on Friday, December 5, 1890, for the further consideration of the case, all in accordance with said notice, which is in words and figures following, to-wit:

That on Friday, December 5, 1890, the Commissioners met, all present except I. N. Walker, pursuant to notice and adjournment, and proceeded to hear evidence from parties interested. At the conclusion of the morning session, the Board adjourned until 2 o'clock, P. M., for the further consideration of the case. The Board then adjourned until Monday, December 8th, 1890, at which time all the members being present except I. N. Walker, and found the following facts:

First—That the proposed vacation includes that part of the first alley south of Seventh street lying west of Broadway street.

Second—We value the land proposed to be vacated at six hundred dollars.

Third—We value the benefits, including the cost of these proceedings, at six hundred and sixty dollars, which are apportioned as follows:

To Edward Hawkins, as the owner of (E. except 6 10-12 feet) south side Lot 85, in Butler's north and extended addition	\$330 00
To Albert C. Kuhn, as the owner of 50 5-12 feet south side of Lot 84, in Butler's north and extended addition	330 00

The costs of said vacation are sixty dollars, and direct that the benefits, including the costs, be paid into the city treasury for the general fund.

We report herewith a resolution, which we recommend be adopted.

Respectfully submitted,

F. W. Hamilton,
H. M. Hadley,
John R. Elder,
James Renihan,
City Commissioners of Indianapolis, Ind..

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the report of the Board of City Commissioners in the matter of the petition of Edward Hawkins and others, praying for the vacation of the first alley south of Seventh street, from Broadway to the first alley west of Broadway street, be, and the same is hereby, in all things, accepted, adopted and approved; and that in accordance with said report the said alley, as described in said report, be, and the same is hereby, vacated.

Resolved, further, That the said petitioners be, and they are hereby, required to pay to the County Treasurer for the city, within twenty (20) days from the adoption of this resolution, the sum of six hundred dollars, being the amount of benefits assessed over the damages by reason of such vacation, and also the sum of sixty dollars, being the amount of expenses reported by the City Commissioners as taxed in this matter; and that said petitioners be, and they are hereby, required to have made out, by the City Civil Engineer, filed by the City Clerk, and recorded in the Recorder's office of Marion county, Indiana, a plat of said alley hereby vacated,

and to procure from the City Clerk and have recorded in the Recorder's office of Marion county, Indiana, a certified copy of this resolution, all at their own expense.

Provided, That until the said benefits and expenses are paid as aforesaid, and such plat and certified copies of said proceedings recorded as aforesaid, said alley shall not be vacated or otherwise used than as now.

Which report was received, and the report and resolution of the Board of City Commissioners adopted, by the following vote :

AYES, 22—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Weber, Woollen, and Yontz.

NAYS—None.

The Committee on City Improvements, through Councilman Yontz, submitted the following report ; which was adopted :

To the Mayor and Common Council :

Gentlemen.—Your Committee on City Improvements would recommend that said Committee be directed to advertise for bids for furnishing the city with two one-horse street sweepers.

Respectfully submitted,

M. D. Yontz,
M. J. Murphy,
John R. Pearson,
Committee on City Improvements.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read :

To the Mayor and Common Council :

Gentlemen.—The Board of Aldermen, at its regular session held Monday evening, January 26th, 1891, amended Section 1 of G. O. 55, 1890, by adding the following :

"And at no time shall said track be used as a storage track."

I submit the same for your consideration.

For the Board of Aldermen :

S. V. FERROTT, Clerk.

Which was received, and the amendment adopted, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances were introduced and placed upon their final passage, without a suspension of the Rules :

Councilman Woollen, on behalf of the Hospital Board, introduced the following entitled appropriation ordinance :

Ap. O. 8, 1891—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$2,162.78.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Hicklin, on behalf of the Fire Department, introduced the following entitled ordinance :

Ap. O. 9, 1891—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$1,398.77.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Weber, on behalf of the Committee on Accounts and Claims, introduced the following entitled ordinance :

Ap. O. 10, 1891—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$23,755.53.]

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

The City Clerk, on behalf of the Board of Police Commissioners, introduced the following entitled ordinance :

Ap. O. 11, 1891—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$196.77.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Woollen, on behalf of the Finance Committee, introduced the following entitled ordinance :

Ap. O. 12, 1891—An ordinance appropriating money for the payment of the salaries and compensation of the officers and members of the Fire and Police Departments; of the Committe Clerk; of the Janitors and Assistant Janitors of the City Hall and Tomlinson Hall, and of the East and West Market Masters. [Amount appropriated, \$14,471.00.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Yontz, on behalf of the Street Commissioner, introduced the following entitled ordinance :

Ap. O. 13, 1891—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Street Repair Department. [Amount appropriated, \$214.20.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Yontz introduced the following entitled ordinance :

Ap. O. 14, 1891—An ordinance appropriating money for the payment of a claim against the City of Indianapolis on account of Street Repairs—(special.) [Amount appropriated, \$28 00.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Markey introduced the following entitled ordinance :

Ap. O. 15, 1891—An ordinance appropriating the sum of two thousand dollars, to pay the salaries of the Park Police, employes of the City Civil Engineer, Board of Health, and of the East Market Master.

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Councilman Rassmann. Read the first time :

- G. O. 3, 1891—An ordinance providing for the issuance of bonds to Fulmer, Cooper & Co., contractors, for balance in payment for the improvement of Michigan street, from a point fifty-six feet west of White River bridge to Belmont avenue.
- G. O. 4, 1891—An ordinance providing for the issuance of bonds to Fulmer, Cooper & Co., contractors, for balance in payment for the improvement of Clinton street, from Vermont street to New York street.
- G. O. 5, 1891—An ordinance providing for the issuance of bonds to The Warren-Scharf Asphalt Paving Company, contractors, for balance in payment for the improvement of Mississippi street, from Washington street to Ohio street.
- G. O. 6, 1891—An ordinance providing for the issuance of bonds to J. L. Spaulding, contractor, for balance in payment for the improvement of Michigan street, from Archer street to Hanna street.
- G. O. 7, 1891—An ordinance providing for the issuance of bonds to Fulmer, Cooper & Co., contractors, for balance in payment for the improvement of Seventh street, from Alabama street to the L., N. A. & C. R. R. tracks.
- G. O. 8, 1891—An ordinance providing for the issuance of bonds to J. L. Spaulding, contractor, for balance in payment for the improvement of Miley avenue, from Washington street to its northern terminus.
- G. O. 9, 1891—An ordinance providing for the issuance of bonds to The Western Paving Company, contractors, for balance in payment for the improvement of Pennsylvania street, from Exposition avenue to Fifteenth street.

On motion by Councilman Rassmann, the Rules were suspended for the purpose of placing G. O.'s No. 3, 4, 5, 6, 7, 8 and 9, 1891, on their final passage, by the following vote :

AYES, 20—viz: Councilmen Burns, Coy, Gauss, Hicklin, Markey, Martindale, Myers, Murphy, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen and Yontz.

NAYS—None.

G. O. 3, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 4, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 5, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 6, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 7, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 8, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Marney, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

G. O. 9, 1891, was then read the second time, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cooper, Gasper, Gauss, Hicklin, Markey, Martindale, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

By Councilman Burns. Read the first time :

S. O. 2, 1891—An ordinance to provide for grading and graveling the roadway of New York street, and paving with brick the sidewalks thereof, from Linn street to Taylor street.

S. O. 3, 1891—An ordinance to provide for grading and graveling New York street and sidewalks, from Belmont avenue to Linn street, and the cost thereof.

S. O. 4, 1891—An ordinance to provide for grading and graveling the roadway of New York street, and paving with brick the sidewalks thereof, from Taylor street to the Lafayette Road.

By Councilman Cooper. Read the first time and referred to the Committee on Sewers and Drainage :

S. O. 5, 1891—An ordinance to provide for the construction of a brick sewer, three feet internal diameter, in and along Mississippi street, from Ohio street to Indiana avenue, and to provide for the assessment and collection of the costs thereof.

By Councilman Gauss. Read the first time :

- S. O. 6, 1891—An ordinance to provide for grading and paving with brick the sidewalks of Ray street, from the east line of Illinois street to the north line of Chestnut street, where not already properly done, and the costs thereof.
- S. O. 7, 1891—An ordinance to provide for grading and paving with brick the sidewalks of McCarty street, from the east line of Illinois street to the J., M. & I. Railroad tracks.
- S. O. 8, 1891—An ordinance to provide for grading and paving with brick the sidewalks of Wilkins street, from the east line of Illinois street to the west side of Union street.
- S. O. 9, 1891—An ordinance to provide for grading and improving with broken stone the roadway of Meridian street, from Merrill to Morris street.

By Councilman Hicklin. Read the first time :

- S. O. 10, 1891—An ordinance to provide for grading and curbing the south gutter of Maryland street, and paving with brick the south sidewalk thereof, from Pennsylvania street to a point 107 feet east of Pennsylvania street.
- S. O. 11, 1891—An ordinance to provide for grading and curbing the east gutter of Pennsylvania street, and paving with brick the east sidewalk thereof, from Maryland street to the first alley south of Maryland street.

By Councilman Markey. Read the first time :

- S. O. 12, 1891—An ordinance to provide for grading and paving with brick the west sidewalk of Madison avenue, from Nebraska street to the J., M. & I. Railroad tracks.

By Councilman Martindale. Read the first time and referred to the Committee on Sewers and Drainage :

- S. O. 13, 1891—An ordinance to provide for constructing a vetrified stone ware pipe line sewer, twelve (12) inches internal diameter, in and along the first alley north of Michigan street, from Pennsylvania street to Meridian street.

By Councilman Myers. Read the first time and referred to the Committee on Sewers and Drainage :

- S. O. 14, 1891—An ordinance to provide for the construction of a brick sewer, two and one-half ($2\frac{1}{2}$) feet internal diameter, in and along Bellefontaine avenue, from Massachusetts avenue to Seventh street.
- S. O. 15, 1891—An ordinance to provide for the construction of a brick sewer, two and one-half ($2\frac{1}{2}$) feet internal diameter, in and along Fort Wayne and Central avenues, from New Jersey street to Seventh street, and providing for the assessment and collection of the costs thereof.
- S. O. 16, 1891—An ordinance to provide for the construction of a brick sewer, two and one-half ($2\frac{1}{2}$) feet internal diameter, in and along Park avenue, St. Clair street and East street, from Massachusetts avenue to Seventh street.

By Councilman Myers. Read the first time :

- S. O. 17, 1891—An ordinance to provide for grading and graveling the first alley north of Twelfth street, from Meridian street to Pennsylvania street.

By Councilman Nolan. Read the first time :

S. O. 18, 1891—An ordinance to provide for grading and curbing the south gutter of McCarty street, and paving with brick the sidewalks thereof, from Tennessee street to Pogue's Run.

By Councilman Rassmann. Read the first time :

S. O. 19, 1891—An ordinance to provide for grading and graveling the first alley west of State street, from Market street to Ohio street.

S. O. 20, 1891—An ordinance to provide for grading and graveling the first alley east of Arsenal avenue, from Market street to Ohio street.

S. O. 21, 1891—An ordinance to provide for grading and paving with brick the south sidewalk of Market street, from Davidson street to Pine street.

S. O. 22, 1891—An ordinance to provide for grading and paving with brick the sidewalks of Ohio street, from Highland street to Arsenal avenue.

S. O. 23, 1891—An ordinance to provide for grading, bowldering and curbing the south gutter of Michigan street, and paving with brick the south sidewalk thereof, from Hanna street to Arsenal avenue.

S. O. 24, 1891—An ordinance to provide for grading, bowldering and curbing the gutters of New York street, from Noble street to Pine street.

By Councilman Sweetland. Read the first time and referred to the Committee on Sewers and Drainage :

S. O. 25, 1891—An ordinance to provide for constructing a vetrified stone ware pipe line sewer, eighteen inches internal diameter, in and along Meridian street, from Eleventh street to the first alley north of Eleventh street, together with the necessary number of house connections.

S. O. 26, 1891—An ordinance to provide for the construction of a brick sewer, two and one-half (2½) feet internal diameter, in and along Meridian street, from Seventh street to Eleventh street.

DECLARATORY RESOLUTIONS.

All of the following resolutions were introduced, but no vote was taken upon their adoption.

Councilman Gauss offered the following resolution :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Meridian street, from Morris street to Palmer street, by grading and paving with brick the roadway, placing the brick upon a broken stone foundation, and curbing with stone the outer edges of the sidewalks thereof, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Meridian street, between Morris and Palmer streets, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Councilman Martindale offered the following resolution :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Massachusetts avenue, from the east

curb line of Pennsylvania street to the west rail of the tracks of the L., N. A. & C. Railroad, near Clifford avenue, by re-grading and paving the roadway, between the curb line and outer edges of the outer tracks of the Citizens' Street Railroad, with Standard Trinidad Asphalt Sheet Pavement, re-setting the curb where necessary, and curbing with stone where not already properly done; the entire roadway to be fifty (50) feet in width from curb to curb, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Massachusetts avenue, between Pennsylvania street and the L., N. A. & C. Railroad tracks, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for such work, unless the property owners pay said assessments before said bond or bonds are issued, all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Councilman Nolan offered the following petition, remonstrances and resolutions:

Indianapolis, November 24, 1890.

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

Gentlemen:—The undersigned, owners of real estate fronting on West street, between Merrill and Morris streets, respectfully petition for the passage of an ordinance providing for the improvement of said West street.

Tom McKinsie, R. M. Bolin, W. Edmonson, Wm. F. Jonas, Wm. John, Joe Nelhaus—and 21 others.

Indianapolis, Jan. 1, 1891.

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

Gentlemen: We, the undersigned, owners of real estate fronting on south West street, between Merrill and Morris streets, in the Twenty-fifth (25th) Ward, do hereby remonstrate against any improvement on said street, especially asphalt.

Timothy O'Connor, 30 feet; Nich. O'Connor, 36 feet; John Carroll, 36 feet; Tim. Garrison, 18 ft.—and 58 others.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Morris street, from West street to Dakota street, by grading and paving with brick the roadway, placing the brick upon a broken stone foundation, re-setting curb where necessary, and curbing with stone where not already properly done, and paving the sidewalks with brick, where not already done, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Morris street, between West and Dakota streets, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

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

Gentlemen:—The undersigned, owners of real estate fronting on west Morris street, between West and Dakota streets, respectfully remonstrate against the passage of an ordinance providing for the improvement of said street.

Margaret E. Eberhardt, 180 ft; Chris. Birk, 30 ft; L. Halbing, 30 ft; Mary F. Doherty, 30 ft—and 9 others.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve West street, from Merrill street to Morris street, by grading and paving with brick the roadway, placing the brick upon a broken stone foundation, and curbing with stone where not already properly done, and re-setting the curb where necessary, in accordance with profile and spe-

cifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said West street, between said Merrill and Morris streets, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8th, 1889.

Councilman Stechhan offered the following resolutions:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Alabama street, from the north curb line of Washington street to the north curb line of New York street, by grading and paving with brick the roadway, placing the brick on a broken stone foundation, re-setting curb where necessary, and curbing with stone where necessary, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Alabama street, between Washington and New York streets, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment of said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Resolved by the Common Council and Board of Alderman of the City of Indianapolis, Ind., That it is deemed necessary to improve Alabama street, from the north curb line of New York street to the north curb line of Fort Wayne avenue, by grading and paving with brick the roadway, placing the brick upon a broken stone foundation, widening the sidewalks, and re-setting the curb and curbing with stone the outer edges thereof, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Alabama street, between New York street and Fort Wayne avenue, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Resolved by the Common Council and Board of Aldermen, of the City of Indianapolis, Ind., That it is deemed necessary to improve Alabama street, from the north curb line of Fort Wayne avenue to the south curb line of Morrison street, by grading and paving with brick the roadway, placing the brick upon a broken stone foundation, re-setting the curb where necessary, and curbing with stone where not already properly done, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Alabama street, between Fort Wayne avenue and Morrison street, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Councilman Sweetland offered the following resolution:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Seventh street, from the east line of Alabama street to the C., I., St. L. & C. Railroad tracks, by grading and paving

the roadway with brick placed upon a broken stone foundation, re-setting the curb where necessary, and curbing with stone where not already properly done, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Seventh street, from the east line of Alabama street to the C., I., St. L. & C. Railroad tracks, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued: all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

Councilman Weber offered the following resolution :

Resolved, by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve Martindale avenue, from Seventh street to the Belt Railroad, by grading and graveling the roadway to a width of thirty (30) feet, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal front foot upon the real estate abutting on said Martindale avenue, between Seventh street and the Belt Railroad, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis); said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued to the contractor in payment for said work, unless the property owners pay said assessments before said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Gasper presented the following petition and resolution; which were referred to the Committee on Streets and Alleys:

Indianapolis, Ind., January 29th, 1891.

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

Gentlemen:—The undersigned, owners of real estate fronting on Lockerbie street, between Liberty and East streets, respectfully petition for the passage of an ordinance to provide for the closing to all public uses, the first alley immediately west of Liberty street, opening from Lockerbie street, and running to the public alley in rear of the lots on the north side of Lockerbie, and adjoining the realty owned by J. Henry Runge on the east side, known as lots numbered one and two, in McOuat's addition to the City of Indianapolis; on the west side by Nancy K. Igoe, owner of lot numbered three, in the last named addition to the City of Indianapolis, for the following reasons:

1st. Because said alley was platted for the private use of the two immediately (east and west) adjoining (lots) realty owners, which lots have no longer any need for said alley on account of the alley in rear thereof.

2d. Because said alley is of no use or benefit whatever to the public or the traffic of the latter; and

3d. Because the use and maintainance of said alley is a nuisance to the realty and freeholders of said lots.

John Henry Runge, Nancy R. Igoe, John R. Nickum,
S. H. Cobb.

Councilman Gasper presented the following petition; which was referred to the Rental Committee:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—We, the undersigned, members of the Standard Orchestry of the City of Indianapolis, petition you to grant us the use of Tomlinson Hall each Sunday afternoon between the hours of 3:30 and 5:30, at a reduced rate of rental, we, as an organization, having arranged a series of Concerts for the benefit of the general public.

Respectfully submitted,

W. A. Gumpfe, L. R. Ostendorf, J. B. Cameron, Otto F. Pfaffln, A. Fullgraff, Henry D. Beisenherz.

Resolved, That the Standard Orchestry of this city be, and they are hereby, granted the use of said Tomlinson Hall for each and every Sunday afternoon during said series of Concerts at the rate of ten dollars for each Sunday afternoon between said hours heretofore named.

Councilman Markey offered the following motion ; which was adopted :

That the City Attorney be directed to report to this Council whether the city and property owners on Madison avenue, between Delaware street and Lincoln Lane, are liable to the contractor for the proportion assessed against the Citizens' Street Railroad Company for street improvements.

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

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

Gentlemen:—We, the undersigned, owners of real estate in the vicinity of Tompkins street, in this city, respectfully petition your honorable bodies to open, widen and extend, to a width of fifty (50) feet, said Tompkins street, from East street west to Madison avenue, so that the south line of said Tompkins street, when so opened, shall be 25,635 chains north of the south line of Section thirteen (13,) Township fifteen (15,) north of Range three (3) east, in Marion county, Indiana.

Respectfully submitted,

Otto Stechhan, W. H. Coleman, August Erbrich.

Councilman Myers offered the following petition and motion ; which motion was adopted :

Indianapolis, February 2d; 1891.

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

Gentlemen:—The undersigned, The Indianapolis Paving Company, having been awarded the contract for the paving of Seventh street with brick, between Alabama and Illinois streets, and there being a provision in said contract that the Citizens' Street Railroad Company be assessed with the proportion of the cost of said pavement that its occupancy of street bears to the whole roadway ; and it having been recently decided by the Supreme Court of this State that said street railway company is not liable for the improvement of streets over which its lines run ; and whereas, the street car company's failure to pay that part of the cost of the improvement intended by the ordinance to be assessed to it, would entirely change the condition of the contract, and cause your petitioner a sever pecuniary loss, the said Indianapolis Paving Company therefore respectfully petition that its contract be cancelled.

Respectfully,

THE INDIANAPOLIS PAVING Co.,

By T. H. SPANN, Pres't.

Moved, That the petition asking for the cancellation of contract, be granted.

The following motion, which was referred to the Committee on City Improvements :

That the Street Commissioner be, and he is hereby, directed to repair the public drinking fountain at the corner of Seventh street and College avenue.

Councilman McGill offered the following motion ; which was adopted :

That the Committee on Printing be authorized and directed to advertise for sealed proposals for city printing, supplies and advertising.

Councilman Nolan offered the following resolution ; which was referred to the Committee on City Improvements :

Resolved by the Common Council and Board of Aldermen, That the Street Commissioner be, and is hereby, instructed to forthwith notify the owner or owners of dwellings and apartment houses located on the south side of McCarty street, immediately west of south Tennessee street, to remove all stair-ways, hatch-ways and balconies or other obstructions connected with said buildings, dwellings or apartment houses, or part thereof, and connected therewith, which extend into, over-hang, or in any way obstruct the free use of the sidewalk on the south side of McCarty street extending east and west along said buildings; and that if said owner or owners fail to comply with this instruction within ten days from this date, that the Street Commissioner proceed to remove such obstructions at the expense of such owner or owners.

Councilman Olsen offered the following motion ; which was adopted :

That the name of Barney Means, now serving as Sexton of Greenlawn Cemetery' be substituted for the name of Robert Turner.

Councilman Stechhan offered the following resolution :

WHEREAS, The Union Railway Company is now occupying certain parts of south East street, south Alabama street, and south Tennessee street, by having placed a large number of railroad tracks across the said streets, over which an almost unlimited number of trains pass continuously at all hours of the day or night, to such an extent as to have become a menace to public travel, endangering life and limb of our citizens, as well as creating great inconvenience and loss of time to those who are compelled to travel across the streets mentioned, and occupied by said Union Railway Company; and

Whereas, The said streets have ceased to be public thoroughfares owing to the occupancy of the same by the said Union Railway Company; and

Whereas, Public welfare demands and makes it desirable that these streets be again dedicated to the originally intended purpose of offering free and unobstructed passage to the public; therefore, be it

Resolved, That the said Union Railway Company be ordered to place over the said East street, Alabama street and Tennessee street, where occupied by their tracks, suitable viaducts, entirely at the expense of the said Union Railway Company, and to erect the same after plans to be approved by the city authorities, and under the supervision of the City Civil Engineer.

The City Clerk is hereby ordered to send a copy of this resolution to the Union Railway Company, or their representative, with the request to appear before the Committee on Public Works within twenty (20) days from the passage of this resolution, to show cause why they should not comply with the provisions of the same. If the Union Railway Company, or their representatives, fail to appear before the Committee on Public Works within the time specified, to answer the request of the Common Council, then in that case the City Attorney shall at once commence mandamus proceedings in the proper court against the said Union Railway Company, in order to enforce the provisions of this resolution.

Councilman Hicklin moved to refer to the Committee on Railroads ; which was adopted by the following vote :

AYES, 17—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Hicklin, Markey, Martindale, Murphy, Nolan, Olsen, Rassmann, Sherer, Weber, Woollen, and Yontz.

NAYS, 7—viz: Councilmen Gauss, Myers, McGill, Pearson, Stechhan, Sweetland; and Trusler

Councilman Stechhan offered the following resolution :

WHEREAS, The bad condition of our streets is to be charged, in a great measure, to the disposition of the various gas companies to disregard the city ordinances which make it incumbent on them to fill the trenches made by them for the purpose of laying gas mains ; and whereas, the neglect of the Citizens' Street Railroad Company to keep the street in repair between the tracks, or as far as they are liable for such repairs under the provisions of their charter, and the disregard of said obligation being quite general all over the city wherever the tracks of the said company are located; therefore, be it

Resolved, That the Indianapolis Natural Gas Company, the Consumers' Gas Company, and the Indianapolis Gas Light and Coke Company, the Indianapolis Water Company, as well as the Citizens' Street Railroad Company, are hereby ordered to comply with the provisions of the various ordinances which make it compulsory on their part to make the street repairs referred to above, within the next twenty days; and if the said companies should fail to comply with this resolution within the time specified, then in that case the Street Commissioner shall make the said repairs at the expense of said companies, and collect the bill for said repairs by law.

And it was adopted by the following vote :

AYES, 24—viz: Councilmen Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassmann, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS—None.

Councilman Weber offered the following motion; which was referred to the Committee on Public Light :

That the Committee on Public Light be, and are hereby, ordered to have placed four electric lights as follows: First, one on or near the corner of Peru and Home avenues; second, on or near Columbia avenue and Home avenue; third, on or near the corner of Seventh street and Columbia avenue; fourth, on or near the corner of Ninth street and Columbia avenue; fifth, on or near the corner of Ninth street and the L. E. & W. Railroad.

The following motion; which was referred to the Committee on Water :

Resolved, That the Indianapolis Water Company be, and is hereby, directed to continue the laying of its mains on Newman street, from Ninth street south to Hill avenue and Columbia avenue, so as to make a complete circuit — as it now is, there would be a dead end on Ninth street; and locate fire hydrants, under the direction of the Chief Fire Engineer, according to contract.

The following motions, which were referred to the Committee on Railroads :

Resolved, That the Citizens' Street Railroad Company be, and is hereby, ordered to extend, within ninety days from the passage of this resolution, the tracks of their Columbia avenue line along Columbia avenue and Ninth street to the corner of Martindale avenue and Ninth street.

That the Street Commissioner be, and he hereby is, instructed to notify the C., C. & St. L. Railway Company that hereafter they shall not blockade any of the cross streets between Rural street and Massachusetts avenue with freight cars, nor permit cars to stand on their switch along Pendleton Pike, between said Rural street and Massachusetts avenue, longer than may be necessary for the loading and unloading of freight; and that they, hereafter, place and keep a flagman at the crossing of Newman street and Pendleton Pike.

The following motions, which were referred to the Committee on City Improvements:

That the Street Commissioner be, and is hereby, instructed to fill the chuck-holes on Lincoln avenue, between Columbia avenue and Beeler street; also, to fill the chuck-holes on Columbia avenue, near Seventh street; also, on Lincoln avenue and Newman street; also, on the corner of Ninth and Greenwood streets.

That the Street Commissioner be directed to lay a single stone crossing over Hill avenue, on the west side of Norman street; also, a single stone crossing on the south side of Home avenue, crossing Peru street; also, a broken stone crossing over the north side of Clark street, crossing Hillside avenue; also, to place a 2-foot bridge over the east side of Sheldon street, at the crossing of Montana street.

The following motions, which were adopted:

That the Street Commissioner be directed to extend the city's portion of the brick sidewalk from the edge of the present sidewalk to the curb line, at the northeast corner of Home avenue and Peru street.

That Anna L. Walker and The Hoosier Building & Loan Association are hereby granted permission to grade the roadway of Clay street, from Jefferson street to the first alley east of Jefferson street; said work to be done under the direction of the City Civil Engineer, and at the expense of the above named property owners.

That the Street Commissioner be, and he hereby is, instructed and directed to notify the Citizens' Street Railroad Company to repair the space between the rails of their main tracks, side tracks and switches, on and along Clifford and Columbia avenues, Peru street and Home avenue.

That the Street Commissioner be, and he hereby is, instructed to notify M. Murry & Co. to remove all logs, lumber, saw dust and other obstructions for the presence of which said company is responsible, on Alvord street, within five days from this date; and that upon the failure of said M. Murry & Co. to comply with this instruction, that the Street Commissioner be, and he hereby is, directed to immediately remove such obstructions at the expense of said company.

Councilman Woollen offered the following motions; which were adopted:

That Dr. John M. Gaston have permission to remove, at his own expense, the cotton wood tree standing in the sidewalk in front of his ground near the northeast corner of Delaware and Ohio streets; all of said tree to the level of the street grade to be taken away.

That S. E. Dinnin, Thomas Taggart and others, owning property along the line of the proposed sewer, be, and the same are hereby, granted the privilege of laying, at their own expense, a line of stone ware pipe along the first alley north of Market street, from the New Jersey street sewer east to the first alley west of East street; thence south along said first alley west of East street to a point about fifty feet north of Market street; said line to be laid under the direction of the City Civil Engineer.

Councilman Yontz offered the following motion ; which was adopted :

That the petition and resolution heretofore introduced for the opening of Broadway street to Massachusetts avenue, and referred to the Board of City Commissioners, be recalled from said Commissioners for further action of this body.

PENDING ORDINANCES.

The following entitled ordinance was read the second time and referred to the Committees on Finance and Fire Department :

G. O. 59, 1890—An ordinance establishing and fixing the compensation of the officers and employes of the Fire Department of the City of Indianapolis, and repealing all ordinances or parts of ordinances in conflict therewith.

The following entitled ordinance was read the second time :

G. O. 60, 1890—An ordinance establishing and regulating the Fire Department of the City of Indianapolis, and repealing an ordinance of said city entitled "An ordinance establishing and regulating the Fire Department of the City of Indianapolis, and repealing all conflicting ordinances;" ordained and established November 25th, 1889, and designated as General Ordinance No. 52, 1889, and repealing all ordinances or parts of ordinances in conflict therewith.

Councilman Trusler offered the following amendment; which was adopted :

Amend Section 1: After the words "and one watchman," strike out "at Headquarters," and insert "at each engine house."

Councilman Yontz offered the following amendment; which was adopted :

Amend by adding after line 4, of Section one, "one Assistant Chief."

The ordinance was then ordered engrossed, read the third time and passed as amended, by the following vote :

A Y E S, 14—viz: Councilmen Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassmann, Sherer, Weber, Woollen, and Yontz.

N A Y S, 10—viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

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

G. O. 62, 1890—An ordinance to divide the City of Indianapolis into Wards and Aldermanic Districts, and to establish the boundaries of the same, and to repeal an ordinance of the city entitled "An ordinance to divide the City of Indianapolis into Wards and Aldermanic Districts, and to establish the boundaries of the same, and to repeal all ordinances and parts of ordinances in conflict therewith;" ordained and established the 25th day of November, 1889, and designated as General Ordinance No. 55, 1889, and repealing all other ordinances and parts of ordinances in conflict therewith.

And it was passed by the following vote :

AYES, 14--viz: Councilmen Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassmann, Sherer, Weber, Woollen, and Yontz.

NAYS, 10--viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

On motion by Councilman Yontz, the Common Council then adjourned to meet Monday evening, February 9th, 1891, to consider special ordinances.

J. L. Sullivan, Mayor,

President of the Common Council.

Attest:

E. Swift, City Clerk.