

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JULY 15, 1878.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, July 15th, A. D. 1878, at eight o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—24.

ABSENT—Councilman Morse—1.

The Proceedings of the Common Council, for the regular session, held May 20th, A. D. 1878, having been printed and placed on the desks of the Councilmen, said proceedings were duly approved as published.

Sealed proposals for making the below described improvements [under the provisions of the special ordinances noted before the several descriptions], were opened and read by the City Clerk, and were then referred to the Committee on Contracts:

S. O. 12, 1878—Grading and graveling Railroad street and sidewalks, from Ohio street to North street.

S. O. 26, 1878—Erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on West street, between Kentucky avenue and Georgia streets.

Painting the iron bridges belonging to the city, except those over White River and Fall Creek—20 in number.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

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

Gentlemen:—The amount of fines collected by me, during the months of April, May, and June, 1878, due the Home for Friendless Women, is \$10.45; and the amount due the city treasury, collected during the month of June, 1878, is \$ 1 15; which amounts I paid the City Treasurer, and filed his duplicate receipts, numbered 789 and 790, with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

His Honor also presented the following communication; which was referred to the Committee on Railroads, and His Honor was requested to assist said committee in consideration of the subject:

Indianapolis, July 1, 1878.

Hon. JOHN CAVEN, Mayor, Indianapolis:

Dear Sir:—I have your communication of June 29th, and have referred it to our Master of Transportation, Mr. Sherwood, who will see you in regard to it, and who will also see that whatever your people insist upon shall be faithfully carried out.

But allow me to protest against such action as indicated by your letter. There is no more danger to the good people of Indianapolis, in my judgment, in a speed of twenty miles per hour than there is in six, nor hardly so much. A train going through Indianapolis on our road at six miles per hour, is crowded, on all the platforms, with wild boys, who are hopping on and off, stealing rides, and liable to be injured at almost any time. At twenty miles per hour, they can not do this; while, with the flagmen which we have, the public are protected. In fact, for the last five years, I know of no instance in which we have injured any person, at any street crossing in Indianapolis.

You must bear in mind, that, to accommodate the people of Indianapolis, all the railroads, at an enormous cost to them, are using, or about to use, the Belt Railway, to relieve your streets. Is it wise to still further tax us, by requiring thirty minutes of time to go through the city with our passenger trains? Ten years ago, it was not of so much consequence, as we ran not much over a mile in the city limits. To-day, the city has stretched out on either hand, until we have three miles, which, at the rate of six miles per hour, takes thirty minutes to run. This thirty minutes is against the Indianapolis lines, and in favor of railroads which avoid that city. If we are to bring business to your doors, we must have facilities such that it will not take longer to travel *via* your city, than *via* outside lines. Again, some consideration must be had for the people who use the trains. Last year we carried into Indianapolis 86,000 passengers, and from Indianapolis 84,000—170,000 passengers, making 85,000 hours, or over 3,000 days, or about ten years, time lost on account of the speed you enforce. I will grant you that this should not weigh as against life; but, when I repeat to you, what is a fact, that the twenty miles per hour is as safe as six, it should have weight. In proof of this latter assumption, let me cite you to all of the eastern roads, and the speed they make. Take for instance, the Boston & Albany Road which runs into Boston, and where the people are active in looking after their interest, and have city governments and railroad commissioners with full powers; and yet this road runs from Worcester to Boston, through crowded cities and villages, some of them nearly as large as Indianapolis, at a speed of forty miles per hour, and yet an accident upon a crossing is a rare thing.

I write to you at length, because I have lately discussed this question with the Managers of several of the railways centering in Indianapolis, and they all agreed with me that it was a tax upon business which should be taken off. I wish you would give us all a hearing, and let us show you what a loss it is to the railroads and the people. At the same time do not misunderstand me; whatever you decide upon, shall be faithfully adhered to by this company.

Yours truly,

M. E. INGALLS, Receiver.

His Honor also presented the following communication; which was referred to the Judiciary Committee and the City Attorney:

Indianapolis, July —, 1878.

To the Honorable Board of County Commissioners:

Gentlemen:—I have prepared the following statement, and beg leave to request your honorable body to sign, and present the same to the Common Council and Board of Aldermen of the City of Indianapolis.

With respect, I remain, yours truly,

ORLANDO A. HAZZARD.

Indianapolis, June —, 1878.

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

Gentlemen.—The Board of Commissioners of Marion County respectfully represent to your honorable bodies, that Marion County tax payers are paying too much money for feeding prisoners. That, from the 1st day of June, 1877, to the 1st day of June, 1878, the officers of said city have made 3,600 arrests; of this number, 2,802 have been prosecuted under the State laws, and 798 under the city ordinances; that 1,616 of the arrests prosecuted under the State laws were persons charged with being intoxicated; that more than two-thirds of the total arrests made have been prosecuted under the State laws for petty misdemeanors, and the persons so arrested who failed to pay their fines, committed to the county jail, and the county compelled to pay fifty (50) cents out of the public treasury for each prisoner sent to jail, and sixty (60) cents per day while detained therein, thus making it cost the tax payers of Marion County about \$22,000 per annum for boarding prisoners. That prisoners committed to the county jail are not required to perform any labor, but are permitted to remain there in idleness. That the citizens of Indianapolis pay about seven-ninths of the taxes paid into the county treasury, and therefore pay seven-ninths of this cost; that if as many as fifty (50) prisoners confined in the county jail continually for petty misdemeanors, had been prosecuted under the city ordinances, the county would, in one year, save \$10,950 for board alone; that the labor of these men on the public highways would, if estimated at one dollar (\$1.00) per day, save the city \$15,600.

It is known that the cost of feeding prisoners does not exceed twenty (20) cents per day, and, under the law governing cities, no fee or price per day is fixed, so that they may be held at the net cost of their maintenance, which, if estimated at twenty-five (25) cents per diem (\$4,562 50 per annum), the city would save \$11,037.50; this, with the amount the county would save, makes a total of \$21,987.50 per annum.

For each person arrested for being intoxicated, and convicted under the State law, the County Attorney is entitled to a fee of five dollars (\$5); while for a conviction under the city ordinances, he is not, by law, entitled to anything, but the City Attorney is entitled to a fee of two dollars and fifty cents (\$2.50).

We, therefore, recommend that your honorable bodies instruct all city officers to prosecute petty misdemeanors (such as drunks) under the city ordinances.

Very respectfully,

A. C. REMY,
WILLIAM WORMAN,
J. RUBUSH,
Commissioners.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor and Common Council:

Gentlemen.—I was instructed to get Fred Gransberg to surrender contract-control of two hundred and twenty-two feet of private property, involved in the improvement of E. Michigan street. I would respectfully report that the contractor has gained the consent of the owner of the private ground referred to, that the work should not be interrupted, and that the street should be opened; and as the arrangement seems to be satisfactory, I would recommend that the work be proceeded with at once.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The same officer also submitted the following report; which was approved:

To the Mayor and Common Council:

Gentlemen:—I herewith report a second and final estimate in behalf of Dewey and Twiname, for building stone abutments on the Central Canal, at the crossing of Vermont street—

213.65 cubic yards masonry, at \$5.60.....	\$ 1,196 44
368 " " excavation, at .75.....	276 00
Total	1,472 44
Less former payments.....	1,447 44
Present payment	25 00

Also, first and partial estimate in behalf of James Parker, for placing in position, on the stone abutments already erected on the canal at the crossing of Vermont street, that portion of the Delaware street viaduct set apart for that purpose—

Work and material on the ground..... \$ 300 00

Also, first and partial estimate in behalf of David A. Haywood, for re-graveling Ohio street, bowldering the gutters, and curbing with stone the sidewalks thereof, from Alabama street to East street—

913.5 lineal feet curbing, at 34 cents.....	\$ 310 59
969 " " bowldering, at 40 cents.....	387 60
542 cubic yards gravel, at 63 cents.....	341 46
19.04 square yards old pavement re-laid, at 20 cents.....	3 80
5.8 " " new " at 40 cents.....	2 32
Total	\$1,045 77

Respectfully submitted,

R. M. PATTERSON,
City Civil Engineer.

The following estimate resolution was then offered:

Resolved, by the Common Council and Board of Aldermen, That the foregoing first and partial estimate, allowed David A. Haywood, for re-graveling Ohio street, bowldering the gutters, and curbing with stone the sidewalks thereof, from Alabama street to East street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And was adopted by the following vote:

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS—None.

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

Indianapolis, July 15, 1878.

To the Common Council and Board of Aldermen:

Gentlemen:—I would respectfully report the following affidavits, now on file in my office, for the collection of street assessments by precept, to-wit:

James Mahoney vs. Kate Hogerty, for\$ 2 00
 James Mahoney vs. Frank D. Sergant, for..... 11 97

Respectfully submitted

BENJ. C. WRIGHT, City Clerk.

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

AYES, 22---viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS—None.

The City Attorney submitted the following legal opinion ; which was concurred in, and the cases were ordered to be appealed, as recommended :

Indianapolis, July 15, 1878.

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

Gentlemen :—I would report that since the last meeting of Council, Charles Boehl and John McKinney, former members of the Police Force, instituted suits against the city before Esquire Whitney, to recover the sum of 25 cents per day for the time they were on the Force between the 15th day of May and the time of their discharge. The cases were tried by a jury, before said Justice, and resulted in a judgment of \$3.50 in each case against the city.

I am of the opinion that under the salary ordinances passed by the Council, they have no legal right against the city ; and as there will be a number of other similar cases I think the question should be settled by a higher court, and I would recommend that they be appealed.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

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

Indianapolis, July 15, 1878.

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

Gentlemen :—I herewith report, for your approval, the contract and bond with the Indianapolis Fertilizer Company, for removing dead animals for one year.

They have paid me the sum of \$10. being the amount they were to pay by the terms of the contract ; and I have paid the same to the City Treasurer, and herewith submit his duplicate receipt for the same.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The following contract and bond (which accompanied preceding report) was then read ; and the contract was concurred in, the bond duly approved, His Honor, Mayor Caven, was instructed to execute the same for the city, and said document was ordered to be printed in the Proceedings :

THIS AGREEMENT, Made and entered into this 1st day of July, 1878, by and between The City of Indianapolis, party of the first part, and The Indianapolis Fertilizer Company, party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of ten dollars and the covenants and agreements herein contained, to be kept and per-

formed by the party of the second part, does hereby give and grant to the said party of the second part the exclusive right and privilege, for and during the term of one year from the 1st day of July, 1878, to remove from the streets, alleys, lots, yards, and public places of said City of Indianapolis, all dead animals of every description; the said party of the second part to have the right and privilege to have and appropriate all such dead animals, so removed, to her own use; it being understood that the above rights and privileges are granted by said City of Indianapolis only to the extent of her right and power to grant them, and that she shall be in no way liable to the party of the second part on account of any failure of said party of the second part to enforce her rights under this contract to dead animals, or the right to remove the same, as against other persons than the City of Indianapolis.

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

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

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

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

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

In Witness Whereof, The parties hereto have, by their proper officers, signed their names and caused their official seals to be affixed.

INDIANAPOLIS FERT'Z CO.,
R. S. SINCLAIR, Sec'y and Treas.

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

J. CAVEN, Mayor.

BOND.

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

The conditions of this obligation are such that if the said The Indianapolis Fertilizer Company shall faithfully comply with the foregoing contract, made and entered into this 1st day of July, 1878, with the City of Indianapolis, and fulfill all the conditions and stipulations therein contained, according to the true intent and

meaning thereof, in all respects, then this obligation to be void; otherwise, to be and remain in full force and virtue in law.

Witness our hands and seals, the day and year last above written,

[SEAL.]

INDIANAPOLIS FERTZ CO.,
R. S. SINCLAIR, Sec'y and Treas.

[SEAL.]

J. O. RADCLIFFE.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Health submitted the following reports; which were duly received:

Indianapolis, July 1, 1878.

To the Common Council and Board of Aldermen:

Gentlemen:—At a joint meeting of your respective bodies, held July 1st and 2d, 1878, a motion was passed, that the City Marshal be instructed to notify the Board of Health to report at the next meeting of Council if any steps have been taken to abate the nuisance of Morris & Co.'s Fertilizing Establishment, on South Pennsylvania street.

The Board of Health would most respectfully report that the above case has been before the Board of Health for some time and received due consideration, and instructions have been given Morris & Co., which, if carried out, will, in all probability, make the establishment bearable to the surrounding citizens.

Respectfully,

W. WANDS, Sec'y Board of Health.

Deaths registered during the two weeks ending Saturday, July 13, 1878:

Under 1 year	-----	39
1 to 2 years	-----	3
2 to 3 "	-----	2
3 to 4 "	-----	0
4 to 5 "	-----	0
5 to 10 "	-----	1
10 to 20 "	-----	3
20 to 30 "	-----	5
30 to 40 "	-----	5
40 to 50 "	-----	1
50 to 60 "	-----	5
60 to 70 "	-----	5
70 to 80 "	-----	0
80 to 90 "	-----	1
90 " 100 "	-----	0
Above 100 "	-----	0
Unknown	-----	1
Total	-----	71

HENRY JAMESON, M. D., President.

JOSEPH W. MARSEE, M. D.

WILLIAM WANDS, M. D., Secretary.

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

To the Mayor and Common Council:

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

1st. Is a motion directing the Street Commissioner to clean the gutters of Merrill street, between Delaware and East streets.

We recommend the work be done.

2d. Is a motion directing the Street Commissioner to clean Alabama street, between Merrill and McCarty streets.

We recommend the work be done.

3d. Is a motion directing the Street Commissioner to clean the gutters of New Jersey street, between Merrill and McCarty streets.

We recommend the work be done.

4th. Is a motion directing the Street Commissioner to finish cleaning Madison avenue.

We recommend the work be done.

5th. Is a motion directing the Street Commissioner to take up and re-lay the gutter boulders in front of Nos. 353, 355, and 357 N. Illinois street.

We would report that this work has been done.

6th. Is a motion instructing the Board of Public Improvements to examine the approaches of the Michigan street bridge over White river, and report what amount of expense will be necessary to put the same in safe condition.

We have examined the bridge referred to, and would recommend the Street Commissioner be instructed to place two panels of fence at the west end of the bridge, one on each side, which would afford the necessary protection, and cost but a small amount.

Respectfully submitted,

M. H. McKAY,
JOHN L. MARSEE,
Board of Public Improvements.

The same official board and the Street Commissioner submitted the following report; which was duly approved:

To the Common Council and Board of Aldermen:

Gentlemen:—We have the honor to submit the following report of work done in this Department, from May 16th, 1878, to July 1st, 1878:

Culverts built and placed.....	15
Culverts repaired.....	80
Foot-bridges built and placed.....	27
Foot bridges repaired.....	38
Bridges repaired.....	17
Trestle work built under New Jersey street bridge over Pogue's Run.	
Squares of streets and gutters cleaned.....	110
Cleaned East and West Market Spaces.	
Boulders taken up and re-laid in streets and gutters on nineteen squares.	
Cinders placed on ten streets and alley crossings.	
Cinders placed on Delaware street, from New York street to Michigan street.	
Gravel placed at different points on seventeen squares.	
Pay-Rolls -----	\$ 4,959 29
David Ware, bowlders -----	3 00
Tim Crawley, bowlders.....	15 00
John McDonald, bowlders.....	9 00
Clemens Vonnegut, hardware.....	62 85
Henry B. Davis, night-work.....	15 00
A. Bruner, sand -----	21 60
Saml. Patterson, gravel.....	96 50

C. E. Geisendorff & Co., gravel	\$ 45 70
Geo. T. Breunig, notary fees	3 15
G. H. Shover, blacksmithing	71 75
Ike King, blacksmithing	24 48
D. B. McDonough, sewer-pipe	94
Receiver I. B. & W. R. R., freight	48 48
Indianapolis Rolling Mill Co., cinders	40 00
B. T. Smith, lumber	166 99
M. McMinds, bowlders	3 00
Wm. Earls, sand	13 84
G. W. Buchanan, bowlder rammer	5 00
A. C. Holmes, lumber	88 97
C. F. Shepherd, cement	11 25
Jacob Coleman, blacksmithing	4 10
Peter Routier, lumber	40 00
Total expense	\$ 5,749 89

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
Board of Public Improvements.
L. A. FULMER,
Street Commissioner.

Indianapolis, July 15, 1878.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Finance, through Councilman Wright, submitted the following report:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Finance, to whom sundry papers were referred, would report upon the following:

FIRST. We have examined the City Clerk's report of orders issued on the City Treasurer, from May 6th to July 1st, 1878, carefully compared the same with the books of his office, and find such report to be correct.

SECOND. We also examined the City Treasurer's report of receipts and disbursements for same period, carefully compared the same with the books of his office, and find such report to be correct.

THIRD. Is a communication from William Hadley, City Assessor, asking the city to purchase from him the three volumes of City Plat-Books, prepared at his personal expense.

This communication is accompanied with the testimonials of Bernhard H. Dietz, late City Civil Engineer, of R. M. Patterson, City Civil Engineer, and of B. W. Sullivan, clerk in City Civil Engineer's Department, certifying to the usefulness and accuracy of said Plat-Books, and recommending the purchase of the same by the city.

A careful investigation of this matter has convinced your committee that these Plat-Books are reliable, invaluable, and can not be dispensed with. The price placed upon them by City Assessor Hadley, (\$675) is reasonable, and is only about one-half the amount expended by the County of Marion for an equal number of plats. The volumes are neatly and substantially bound, the paper is of an extra good quality, and the books will last for several years. The old Plat-Book (prepared about 1863, and for which the then City Assessor, John B. Stumph, was paid \$200), is entirely worn out.

Your committee would recommend that the city purchase the aforesaid Plat-

Books, and that the Committees on Accounts and Claims be authorized to allow the sum of \$675 in this behalf, and insert such amount in their next monthly appropriation ordinance.

A. L. WRIGHT,
JAMES T. LAYMAN,
SHELDON MORRIS,
S. SHOWALTER,
G. SINDLINGER,
Committee on Finance.

The first and second clauses of preceding report were duly approved.

On the question of concurring in the recommendation contained in third clause, the "ayes and nays" were demanded; and the Common Council refused to concur in such recommendation by the following vote :

AYES, 11—viz.: Councilmen Anderson, Dill, Layman, Marsee, Morris, McKay, Rodibaugh, Showalter, Sindlinger, Walker, and Wright.

NAYS, 13—viz.: Councilmen Bermann, Brown, Bruner, Cummings, Maus, McGinty, O'Brien, Off, Reading, Reasner, Steeg, Tucker, and Wiese.

[Later in the evening the above vote was reconsidered, and the clause duly concurred in.]

The Committee on Gas-Light, through Councilman Cummings, submitted the following report :

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

Gentlemen:—Your Committees on Gas-Light would report as follows :

In our opinion, no reduction of gas bills can be made to the amount named in the estimate, viz., \$55,000. But inasmuch as the city is now using and paying for a greater number of lamps than is necessary to properly light the same, your committees would recommend that one thousand street lamps be dispensed with, and that the City Civil Engineer and Committees on Gas-Light be directed to designate the aforesaid lamps to be dispensed with, and, when so designated, the Indianapolis Gas-Light and Coke Company be notified to discontinue lighting the same, and that they will not be paid for after the 1st day of August, 1878.

We would further present a statement of the number of public lamps now being paid for, the cost of the same, and the cost of gas consumed by meter measurement, the reduction we have made in accordance with your instructions, and the estimate made for current year :

Number of street lamps, 2840, at \$29.....	\$82,360 00
Gas by meter measurement, at \$2 per 1000 cubic feet.....	3,000 00
Total.....	85,360 00
1000 lamps discontinued.....	\$ 29,000 00
Gas by meter measurement.....	1,360 00
Total.....	30,360 00
	\$ 55,000 00

Respectfully submitted,

M. M. CUMMINGS,
WM H TUCKER,
C. H. O'BRIEN,
W. H. SNIDER,
Committees on Gas-Light.

Councilman McKay moved to postpone the consideration of above report for one week.

On Councilman Marsee's motion, the preceding proposition was amended, by making the subject of public gas-burning the special order at the next session of this body.

The Judiciary Committee and the City Attorney submitted the following report; which was considered by clauses, and the recommendations therein made were severally concurred in :

Indianapolis, July 15, 1878.

To the Members of the Common Council :

Gentlemen :—Your Committee on Judiciary, together with the City Attorney, to whom were referred sundry papers, make the following report thereon :

FIRST. Is a resolution to the effect that laboring men be allowed to pay their city taxes in labor, provided that such labor be needed by said city.

This resolution was referred, by the Judiciary Committee, to the Board of Public Improvements, for information regarding the manner in which laboring men are employed, and was referred back to the Judiciary Committee, with the following endorsement : "The Board of Public Improvements would respectfully report that the idea suggested by the resolution is, and has been, carried out in the employment of men." This, we think, covers the ground thoroughly, and we recommend that the resolution be concurred in.

SECOND. Is a warranty deed from the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company and the Peru, Chicago & Indianapolis Railway Company, conveying to the City of Indianapolis the grounds occupied by East St. Clair, Biddle, North, Michigan, and Vermont streets, where the same cross the grounds of said companies.

We have examined said deed, and find it correct. We recommend that it be received and recorded.

Respectfully submitted,

M. H. MCKAY,
JOHN L. F. STEEG,
JOHN L. MARSEE,
Judiciary Committee.

R. O. HAWKINS, City Attorney.

The same committee and officer submitted the following opinion; which was duly approved :

Indianapolis, July 15, 1878.

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

Gentlemen :—Your Committee on Judiciary and City Attorney, to whom was referred the proposition of Messrs. Finch & Finch to undertake the collection of certain moneys supposed to be collectable from certain fire insurance companies, would report—

That we have given the matter some examination, and find that the statutes of this State provide that "When, by the laws of any other State, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions, are imposed upon insurance companies of this or other States, or their agents, greater than are required by the laws of this State, then the same obligations and prohibitions, of whatever kind, shall, in like manner, for like purposes, be imposed upon all insurance companies of such States and their agents." As we

understand it, the proposition is to impose upon the insurance companies, or their agents, that are organized under the laws of the State of New York, and doing business here, the same tax or penalty that is imposed by the laws of the State of New York upon companies from other States doing business there.

We have examined the statutes of New York, and find that they require the agents of any company organized under the law of any State, except New York, to pay annually to the city authorities, for the use of the Fire Department of any such city, a sum equal to two per cent. upon all sums by them collected as premiums for the year, and it also requires each agent to execute a bond, before entering upon his duties as such agent, conditioned that he shall pay over said sum and make true report of all premiums by him received, etc.

Under the provisions of this statute and the statute of this State, your committee are of the opinion that nothing more than a tax or license equal to two per cent. of total premiums could be collected from the agents; that the companies could not be compelled to pay it, nor could there be any obligation upon any company to pay it—it would simply be a license to the agent.

Your committee are of the opinion that there is great doubt as to the legal right or power of the city to compel the payment of this percentage by agents of New York companies doing business in this city.

Respectfully submitted,

M. H. MCKAY,
JOHN L. F. STEEG,
JOHN L. MARSEE,
Judiciary Committee.

R. O. HAWKINS, City Attorney.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was duly received:

To the Mayor and Common Council:

Gentlemen:—I herewith transmit, for your action upon the same, certain papers favorably passed upon by the Board of Aldermen, at their meeting, held Tuesday evening, July 2d, 1878.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

PAPERS FROM THE BOARD OF ALDERMEN—ACTION UPON.

Report from Aldermanic Committee on Gas-Light, on the matter of the erection of public gas-lamps on Clifford avenue, from Massachusetts avenue to Jefferson avenue, and recommending "that the City Civil Engineer be instructed to shut off all lamps that are not in front of property taxed by the city" [see page 196, *ante*], was read, and the action of the Board of Aldermen, in concurring in such recommendation, was duly approved.

The following Aldermanic motion was also read, and duly adopted:

Moved, That the Street Commissioner be ordered to repair the crossing of Chestnut and Morris streets, under the direction of the City Civil Engineer.

INTRODUCTION OF ORDINANCES.

On roll-call had, the following entitled ordinances were introduced, and severally read the first time :

Introduced by Councilman Tucker—

- A. O. 47, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Parks.

Introduced by Councilman McKay—

- G. O. 31, 1878—An Ordinance regulating the disposition of Dead Animals, and Animal Offal and Blood, in the City of Indianapolis, and within two miles of the corporate limits of said city, and upon what is known as the Sellers' Farm.

Introduced by Councilman Tucker—

- G. O. 32, 1878—An Ordinance relative to the Public Parks of the City of Indianapolis.

Introduced by Councilman Wiese—

- G. O. 33, 1878—An Ordinance to repeal an ordinance.

Introduced by Councilman Wright—

- G. O. 34, 1878—An Ordinance changing the location of the West Market, and establishing the same upon the several streets and sidewalks bounding Military Park.

Introduced by Councilman Brown—

- S. O. 37, 1878—An Ordinance to provide for improving Hoyt avenue, from Dillon Street to Linden street, by grading, and paving with brick, the sidewalks thereof.

With ordinance last above, the following petition was presented ; which was duly received :

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

Gentlemen :—The undersigned, owners of the real estate fronting on Hoyt avenue, between Dillon street and Linden street, respectfully petition for the passage of an ordinance providing for the establishment and laying out of a sidewalk, six feet in width, composed of hard-burned brick, on the north side of Hoyt avenue, between Dillon street and Linden street; also for the establishment of a sidewalk, six feet in width, composed of hard-burned brick, on the south side of Hoyt avenue, between Dillon street and Linden street.

And so your petitioners will ever pray, etc.

Owners on North side of Hoyt avenue—W. F. Browder, lot 192, 30 feet; S. S. Rhodes, lot 191, 30 feet; C. Butterworth lot 190, 30 feet; Henry Simmons, 30 feet; Geo. Willis, lot 189, 30 feet; John S. Spann & Co, agents, 65 feet; G. McSweeny, — feet; George Wy-song, lot 30, 195 feet; Scott Osborn, 30 feet.

Owners on South side of Hoyt avenue—S. P. Herider, No. 210, 30 feet; Dan. S. Jordan, Nos. 205, 207, and 208, 90 feet; J. L. Moore, — feet; John S. Spann & Co., agents, 300 feet; C. W. Shrewsbury, 30 feet; John T. Walker, 30 feet; G. W. Snyder, 30 feet; Jacob Rubin, 30 feet; John E. Harvie, 30 feet; August Joachimi, 30 feet; R. F. Blake, 30 feet.

On motion, the rules were then suspended, for the purpose of now reading the above entitled Appropriation Ordinance and the several General Ordinances the second and third times, and placing same on their passage, by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.
NAYS—None.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

Appropriation Ordinance 47, 1878, was then read the second time, and ordered to be engrossed.

General Ordinance 31, 1878, was also read the second time; and then, on Councilman Marsee's motion, was made the Special Order for next session of the Common Council.

General Ordinance 32, 1878, was also read the second time; and then, on Councilman Wright's motion, was referred to the Committees on Parks—Council and Aldermanic.

General Ordinance 33, 1878, was also read the second time.

Councilman Marsee moved to refer this ordinance to the Committees on Markets; which motion was lost.

Councilman Marsee then moved to postpone any further action on said ordinance; which motion was adopted by the following "aye and nay" vote :

AYES, 13—viz.: Councilman Anderson, Bruner, Cummings, Dill, Layman, Marsee, Morris, McKay, Off, Rodibaugh, Showalter, Walker, and Wright.
NAYS, 10—viz.: Councilmen Bermann, Maus, McGinty, O'Brien, Reading, Reasner, Sindlinger, Steeg, Tucker, and Wiese.

General Ordinance 34, 1878, was also read the second time, and ordered to be engrossed.

The following entitled ordinance was then read the third time :

Ap. O. 47, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of Parks. [Amount appropriated, \$160.01.]

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

G. O. 34, 1878—An Ordinance changing the location of the West Market, and establishing the same upon the several streets and sidewalks bounding Military Park.

And was passed by the following vote :

AYES, 23—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

On Councilman Marsee's motion, General Ordinance 33, 1878, was taken from the files, and referred to the (joint) Committees on Markets; the Councilmen and Aldermen were authorized to propose amendments to General Ordinances 20 and 21, 1878, to aforesaid committees, for consideration thereby; and said committees were instructed to report at next session of the Common Council.

Councilman Cummings moved that a select committee of three be appointed to assist the aforesaid standing committees in considering the amendments offered. And the Chair appointed Councilmen Wiese, Cummings, and Layman as such select committee.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Brown presented the following petition; which was referred to the Fire Board :

Indianapolis, July 15, 1878.

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

Gentlemen:—Your petitioners respectfully represent that on Madison avenue, south of the south end of Delaware street, are located several large manufacturing establishments, in which much capital is invested, and affording employment to a large number of laborers. That said portion of the city is without adequate protection against fire, there being no engine or hose-reel within a reasonable distance, and no water mains south of Morris street.

We, therefore, respectfully ask your honorable body to instruct the Fire Board to inspect the situation of affairs, as regards fire protection, in the section named, and see if it would not be advisable to change the location of "Steamer No. 7," or extend the water mains and plugs on said Madison avenue.

Very respectfully,

Indianapolis Moulding and Picture Frame Co.; P. Lieber & Co.; W. O. Sherwood, Ex-Chief Engineer Indianapolis Fire Department; Holmes & Tilford; Jacob Metzger & Co.; Dean Brothers; Edward Reeves; Western Furniture Co.; Kautsky & Co., Moulding Factory; Fred. Dietz, Box Factory.

Also, the following remonstrance ; which, together with Special Ordinance 24, 1878, were referred to the Board of Public Improvements :

Indianapolis, July 5, 1878.

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

Gentlemen :—The undersigned, owners of the real estate fronting on McCarty street, between Alabama street and the first alley west of Alabama street, respectfully remonstrate against the passage of an ordinance providing for bowldering the north gutter, grading and curbing with stone and paving with brick the north sidewalk of McCarty street, from Alabama street to the first alley west of Alabama street.

And your remonstrants will ever pray, etc.

James W. Cole, by N. N. Morris & Co., Agts, 40 feet ;
D. Hutchings, by J. D. Hutchings, 32 feet.

Also, the following remonstrance ; which, together with Special Ordinance 31, 1878, and petition for the improvement, were referred to the Board of Public Improvements :

Indianapolis, June 19, 1878.

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

Gentlemen :—The undersigned, owners of the real estate fronting on McCarty street, between Delaware and East streets, respectfully remonstrate against the passage of an ordinance providing for improving McCarty street, between the points named, by bowldering the gutter, paving the sidewalks, to the width of seven feet, with brick, and curbing the outer edges of said sidewalks with stone ; the sidewalks to be widened to a width of eleven and one-half (11½) feet, the crosswalks to be laid with double stone crossings, the alley crossings to be bowldered.

And your petitioners will ever pray, etc.

Peter Weis, 125 feet ; J. W. Elmer, 40 feet ; C. B. Robinson, 200 feet ; E. Rafert, W. Cook, Fred. Struckmann ; Trustees of the Evangelical Lutheran St. Paul Church, 130 feet ; Henry Schilling, 93 feet ; Christ. P. Schroeder, 31 feet ; Peter Dale, 40 feet ;

His
F. J. Meyer, 150 feet ; James O'Neill, 40 feet ; John Mark

P. Jerhrling, 40 feet ; J. K. Sharpe, 150 feet ; Geo. H. Heitkam, per H. C. Adams, Assignee, 150 feet ; D. Hutchings, by J. D. Hutchings, 32 feet ; James W. Cole, by N. N. Morris & Co., Agents, 40 feet. [This takes off from petition, for O'Neill and Jerhrling, 80 feet ; and John Buehler has 50 feet too much—130 feet.]

Also, the following motions ; which were severally referred to the Board of Public Improvements :

Moved, That the Street Commissioner be directed to fill the pond on Spruce street, near Woodlawn avenue.

Moved, That the Street Commissioner be directed to clean the gutters of Shelby and Olive streets.

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

Moved, That the Street Commissioner be instructed to clean the gutters of Broadway and Oak streets, between St. Clair street and Christian avenue.

Moved, That the Street Commissioner be instructed to clean the gutters of Archer street, as they have not been cleaned for over two years.

Also, offered the following motion; which was referred to the Committee on Streets and Alleys:

Moved, That the names of Charles, Winston, and Cady streets be changed to that of "Pine," as a large portion of said streets is now known by the name of Pine.

Councilman Cummings offered the following motion; which was duly adopted:

Moved, That Baumhard & Sheeler be allowed to move a house from State House grounds, across Mississippi street, opposite to where it now stands.

Also, the following motion; which was referred to the Board of Public Improvements:

Moved, That the Street Commissioner be ordered to have the gutter in front of 325 to 337 N. Illinois street fixed so that the water will not stand in the same, as it is very unhealthy as it now is.

Councilman Dill presented the following petition; and, on his motion, the prayer of the petitioner was granted:

Indianapolis, July 2, 1878.

To the Common Council and Board of Aldermen:

Gentlemen:—The undersigned respectfully petitions your honorable bodies to grant him a license as an auctioneer, at No. 72 W. Market street, for the term of three months, under the terms of "An Ordinance relative to the Licensing and Regulating of certain Extraordinary Trades and Establishments (ordained May 4th, 1859)."

Respectfully,

W. I. RIPLEY.

Also, the following motion; which was adopted:

Moved, That the Street Commissioner be instructed to proceed with the repair of Mississippi street, as directed by this body.

Councilman Layman presented the following petition; which, at his suggestion, was referred to the standing and select Committees on Markets:

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

The undersigned pray your honorable body to repeal the ordinance regulating city markets, ordained June 25th, 1878, or at least so much thereof as relates to fees for selling, contained in section 2. Said fees and licenses will prove so great as to prevent the free sale of products in our city, will create a monopoly, and add to the cost of living, without any corresponding benefit.

For which we will ever pray.

David Gibson, George C. Webster, J. W. Smithers,
Sam. C. Astley, Abraham L. Stoner, J. E. Scott,

J. D. Condit, H. C. G. Bals, B. Ward, Willard Nichols, Ben. F. Reed, Amos Carter, J. W. Brough, A. Hammel, Daniel Stewart, E. C. Tuttle, John J. Twiname, John C. Whitman, William A. Minkner, Henry C. Guffin, Harvey Donovan, James E. Carroll, John A. Dietz, J. S. Benson, W. R. Ballard, W. C. Woodruff, William B. Thurston, Austin & Thurston, Henry Hilker, gardener; M. Ward, Chas. A. Bates, F. Johnson, L. D. Moody, John Pauly, T. Gegons, Aaron Holman, Lewis Meier, W. V. Hawk, John B. Suart.

Councilman Marsee offered the following motion; which was duly adopted:

Moved, That all motions which may propose the repair of streets or alleys at the expense of the city, be referred to the Board of Public Improvements.

Councilman Maus offered the following motion; which was adopted:

Moved, That the City Marshal be instructed to notify the owners of Nos. 304 and 328 Blake street to remove the plank crossing in front of said property, or lower it to a level with the grade of the sidewalks of said street.

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

Moved, That the Street Commissioner be directed to fix the cement pipe sewer at the intersection of West and Macauley streets. It is a great nuisance to the neighbors.

Councilman McKay offered the following motions; which were severally adopted:

Moved, That the City Civil Engineer be instructed to examine the first alley south of Home avenue, between Park avenue and Broadway street, and report at next meeting of the Council why the lines of said alley are not parallel.

Moved, That the City Civil Engineer be instructed to give the property holders on Bellefontaine avenue their correct house-numbers, from Massachusetts avenue to corporation line north.

Councilman O'Brien offered the following motions: which were severally referred to the Board of Public Improvements:

Moved, That the Street Commissioner be directed to fill with gravel the chuck-holes in W. Washington street, from California street to the crossing of the Belt Railway.

Moved, That the Street Commissioner be directed to clean the gutters of West street, from Maryland to Georgia street, as the same are in a condition demanding immediate attention.

Moved, That the Street Commissioner be directed to clean the street and gutters, and fill chuck-holes in Maryland street, from Illinois to Tennessee street.

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

Moved, That the Street Commissioner be ordered to repair and fill up the hollows and holes in E. Washington street, between Noble and State street, with broken limestone or screened creek gravel.

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

Moved, That the Street Commissioner be instructed to clean the gutters of Indiana avenue, from California street to Fall Creek.

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

Moved, That the Street Commissioner be directed to clean the gutters of Eddy street, from Garden to Merrill street.

Councilman Steeg presented the following petition ; which was referred to the Board of Public Improvements :

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

Gentlemen:—I am delinquent on my taxes to the amount of about twenty dollars. I am out of work, and have been most of the past year. I have not the money to pay, neither can I get it without work. I have a team, and am willing and anxious to pay my tax by work for the city, which I have so far been unable to get. I respectfully ask your honorable bodies to allow me to work, and apply the same in payment of my taxes.

His
JOHN ✕ HENISA.
mark.

Also, offered the following motion ; which was adopted :

Moved, That the Southside M. E. Church be allowed the privilege of using the Southern Park on Thursday, July 18th, 1878, for a picnic.

Also, offered the following motions ; which were severally referred to the Board of Public Improvements :

Moved, That the Street Commissioner be directed to fill up the ponds or mud holes in the first alley west of Wright street, between Buchanan and Coburn streets.

Moved, That the Street Commissioner be directed to clean the gutters of Bradshaw street, between Virginia avenue and Sullivan street.

Moved, That the Street Commissioner be directed to fill up the pond of water in McKernan street, between Coburn street and the first alley south of Coburn street.

Moved, That the Street Commissioner be directed to lay cement pipes on the north and south sides of McCarty street, between Beaty street and the first alley east of Beaty street.

Moved, That the Street Commissioner be directed to clean the gutters of Bradshaw street, between Virginia avenue and Sullivan street.

Moved, That the Street Commissioner be directed to repair the sidewalk, with gravel, on the north side of Coburn street, at the intersection of the second alley east of East street.

Moved, That the City Civil Engineer be directed to change the grade of the alley running east and west from Virginia avenue to East street, between Daugherty and Coburn streets.

Moved, That the Street Commissioner be directed to repair the catch-basin in the alley on the west side of Virginia avenue, being the first alley north of Stevens street.

Also, offered the following motion; which was referred to the Committee on Railroads and the City Attorney :

Moved, That the Street Commissioner be instructed to notify the Citizens' Street Railway Company to raise their main track at the end of Virginia avenue, and if not done at once, the Street Commissioner to do the same at the expense of said company.

Also, offered the following motion :

Moved, That the Board of Public Improvements be instructed to examine the hay-scales on Delaware street, just south of McCarty street, and report if said scales are an obstruction.

Councilman Marsee offered the following motion, as a substitute for the one next preceding; and it was duly adopted :

Moved, That the Street Commissioner give the owner of the hay-scales on Delaware street, south of McCarty street, ten days' notice to remove the same; and in case of his failure to do so, the Street Commissioner is directed to remove the same.

Councilman Tucker offered the following motion; which was duly adopted :

Inasmuch as the citizens of the south side of the city are greatly in need of a public market, and believing that if a market was properly located it would be a source of revenue to the city and a great convenience to that section: Therefore,

Moved, That a special committee of three from the Council and two from the Board of Aldermen be appointed to investigate and report to this Council if a suitable location can be procured, and also to investigate the advisability of such a market, whether the city would be financially benefited, and what the probable cost of building a suitable market-house would be—said committee to report and submit a suitable plan for a market-house.

Also, offered the following motion :

Moved, That the Police Board be authorized to employ a man as janitor at the Central Station-House, at \$25 a month. It is absolutely necessary this man should be furnished.

On Councilman Dill's motion, the preceding motion was laid on the table by an "aye and nay" vote, as follows :

AYES, 13—viz.: Councilmen Anderson, Bermann, Cummings, Dill, Marsee, Maus, Morris, McKay, Off, Showalter, Sindlinger, Walker, and Wright.

NAYS, 10—viz.: Councilmen Bruner, Layman, McGinty, O'Brien, Reasner, Rodibaugh, Steeg, Tucker, and Wiese.

The same gentleman also offered the following motion; which, at the suggestion of Councilman Marsee, was postponed until the next session of the Common Council, to be then taken up under the Special Order:

Moved, That the Committee on Gas-Light and the City Civil Engineer be authorized to purchase and place in University Park, eight oil lamps, C. C. Charles's patent; also, to purchase oil lamps, same as used by the Journal Publishing Company, for the Fire Department Headquarters, and dispense with gas at said Headquarters.

Also, offered the following motion; which was referred to the Committee on Bridges:

Moved, That the Street Commissioner and the Board of Public Improvements be directed to examine and report the cost of building a foot-bridge over the L. C. & L. Railroad on Benton street—said foot-bridge to be built from material taken from the Delaware street viaduct; also to report in favor or against said bridge being built.

Also, offered the following motion:

Moved, That the vote by which the recommendation of the Committee on Finance, relative to the purchase of the city plats owned by Mr. Hadley, City Assessor, failed to pass, be reconsidered.

Which was adopted by the following "aye and nay" vote:

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Dill, Layman, Marsee, Morris, McGinty, McKay, Rodibaugh, Showalter, Sindlinger, Tucker, Walker, Wiese, and Wright.

NAYS, 7—viz.: Councilmen Bruner, Cummings, Maus, O'Brien, Off, Reasner, and Steeg.

On Councilman Wright's motion, the third clause of the report from the Committee on Finance [see page 215, *ante*] was then concurred in by a *viva voce* vote.

Councilman Tucker also presented the following petition; which, on Councilman Dill's motion, was laid on the table:

To the Honorable, the Common Council of Indianapolis:

Your petitioner herein prays your honorable body to grant unto him the exclusive privilege to sell ice cream, lemonade, and refreshments of all kinds, saving and excepting malt, spirituous, and vinous liquors of every kind and description, within and upon the plat of ground bounded by Vermont, Pennsylvania, New York, and Meridian streets, and known as University Park, during the summer and concert season. And should it please your honorable body to grant unto your petitioner his prayer, in consideration of the granting unto him of the privilege to vend refreshments in said park, he agrees and promises with and unto your honor-

able body, within such time as to this petitioner and to your honors may seem proper and just, to erect a suitable music pavillion, of such construction as to be used both for a refreshment stand and music pavilion, said construction to be octagon, and of the diameter of twenty or twenty-five feet, and in all things to conform to the plans of architect Allardt, and at a probable cost of \$—; which plan is herewith presented to your honors.

JOHN SCHAFFNER.

It now being nearly eleven o'clock, on Councilman Wright's motion, the fifth section of the Rules and Regulations for the Government of the City Council, etc. [see page 173 of "Charter and Ordinances"], was suspended by the requisite *viva voce* vote, and the business of the Common Council was proceeded with.

Councilman Wiese offered the following motion; which was referred to the standing and select Committees on Markets:

Moved, That section 35 of General Ordinance 20 be repealed, and that the following be substituted, to read "every six months," instead of "three months," and that the cost of sealing of weights and measures be reduced from price named in said ordinance twenty-five per cent.; also, in General Ordinance 21, sections 46 and 52.

Councilman Wright offered the following motion; which was duly adopted:

Moved, That the Street Commissioner notify the Citizens' Street Railway Company to repair and re-bowlder the street between their tracks, on Massachusetts avenue, between Delaware and New Jersey streets.

Also, offered the following motion; which failed of adoption:

Moved, That the City Council meet on each Monday evening, and the Board of Aldermen on each Tuesday evening, from this date.

Also, offered the following motion; which was referred to the Board of Public Improvements:

Moved, That the Street Commissioner be directed to clean the gutters on south side of Michigan street, from East to Railroad street.

Also, presented the following petitions; which were referred to the Judiciary Committee and the City Attorney:

Indianapolis, July 2, 1878.

To His Honor, the Mayor, and Members of the Common Council and Board of Aldermen:

Gentlemen:—Your petitioner would respectfully represent that, on the 25th day of February, 1875, at the city tax-sale held on that day, he purchased, at public sale, from the City Treasurer, under certificate No. 5402, a tax certificate for the city taxes of 1873 and 1874 on one hundred feet the west end of lot No. 7, in square No. 23, in Drake's Addition to the City of Indianapolis, for which he paid into the hands of the City Treasurer the sum of thirty dollars and ninety-one cents (\$30.91), being the taxes for the years 1873 and 1874 on one hundred feet the west end of lot 7, square 23, Drake's Add., and listed in the name of Wm. Gossman, for the

years 1873 and 1874, and was sold for the taxes of 1873 and 1874. Now, on the duplicate of 1874, the whole of lot 7, square 23, Drake's Add., is listed to Francis A. Jean, and the sale void and erroneous on the ground of double assessment, and the whole of the lot was paid for the taxes of the year 1874 on the 14th day of June, 1875. Now, the taxes of 1873 on the one hundred feet the west end being erroneously carried to Gossman on the duplicate of 1874, instead of to Francis A. Jean, leaves the taxes on the one hundred feet the west end unpaid, except by the sale.

Your petitioner would, therefore, ask that the sum of \$30.91, with interest at 6 per cent., be refunded him, and that the delinquency of 1873 be carried by the City Clerk to lot 7, square 23, with the interest added.

And as in duty bound, your petitioner will ever pray.

THOS. BROOKER.

Indianapolis, July 2, 1878.

To His Honor, the Mayor, and Members of the Common Council and Board of Aldermen:

Gentlemen:—Your petitioner would respectfully represent that, on the 15th day of February, 1877, he purchased, at the tax-sale held by the city on that day, from the City Treasurer, under certificate No. 20,225, for the sum of twenty-nine dollars and ninety-two cents (\$29.92), a tax certificate on the north one-half ($n \frac{1}{2}$) of lot No. seventy-three (73) in Ingram Fletcher's Addition to the City of Indianapolis, assessed in the name of Noah A. Walker and wife, and was sold for the taxes of 1876 on the real estate and for the personal of Noah A. Walker for the year 1875, which personal was included in the amount sold for, and which was erroneous.

Your petitioner would, therefore, respectfully ask your honorable body to refund him the amount paid for the city tax certificate (\$29.92), with interest from February 15th, 1877.

And as in duty bound, your petitioner will ever pray.

T. A. GOODWIN.

On motion, the Common Council then adjourned until Monday evening (22d instant), at the usual hour.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.