

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—JULY 22, 1878.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, July 22d, A. D. 1878, at eight o'clock, pursuant to adjournment.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—23.

ABSENT—Councilmen Brown and Reading—2.

The Proceedings of the First Joint Convention, held May 24th, and of an adjourned session of the Common Council, held May 27th, 1878, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, presented the following communication; which was duly received:

Report of Compromise of the Gregg Will-Case.

To the Common Council of the City of Indianapolis:

Gentlemen:—A special term of the Circuit Court of King William County, in the State of Virginia, being fixed for Monday, June the third, A. D. 1878, for the trial of the Thomas D. Gregg will-case wherein the City of Indianapolis and others are proponent or plaintiffs, and Joseph Hollis (administrator of the estate of said Thomas D. Gregg, deceased), Dallas County, Iowa, and others are defendants, it became necessary for the undersigned to be in Richmond, Virginia, on the 30th day of May, 1878, as per request of the city's counsel, to arrange and consult, preparatory to trial.

On the day set for trial finding a strong local prejudice against the claim of our city prevailing in the minds of sundry jurors of the regular panel, we ceased the same to be discharged, and a special or struck jury to be empaneled: and thereupon, our trial proceeded from day to day, until the evening of the 6th of June, 1878, when a proposition was made to divide the estate in controversy in the manner and proportions set out in said agreement, a copy of which is made part of this report.

Up to the time of making said proposition to compromise, the following testimony, in substance, was before the jury, to-wit:

That, in the winter of 1875-6, said Thomas D. Gregg had drawn up, in his own handwriting, a paper after the similitude of a last will and testament, but not then signed by him, about the form and legal effect of which he then consulted with his brother, D. H. Gregg, at his house in King William County, Virginia, saying he would take it up north with him next Spring, and if he then liked it, he would there execute it, so that it should be good everywhere.

Said testator was then, and continued to be, in feeble health, so that he did not get north during the next Spring; but on the twenty-first of the following month of June, he reached Boston, Massachusetts, and, upon his arrival there one Joseph Hollis, the present administrator, who claimed to be a life-long friend, intimate acquaintance, and business agent of testator, swears that he visited him at his lodgings, within an hour after his arrival, and, in from fifteen to twenty minutes after his arrival, our testator took from his satchel or carpet bag, a paper writing (witness described the paper as of the size and appearance of a commercial letter sheet, fully written on one page and partly written on the next or another page), which was signed by testator, who then said, "This is what I have long contemplated, and now have finished; this is my will." Testator then read that paper over, said Hollis looking it over as testator read; and when he had finished the reading, testator said, "When I go home to New Hampshire, and get rested, I will go and execute it (the will) in due form of law."

Witness Hollis swears that said will was signed by said testator, before he saw it, and that it distinctly and positively revoked all former wills by him, before that time, made, and gave five hundred dollars to his brother Daniel H. Gregg, whom he therein nominated as one of the executors of said will, and also gave three hundred dollars to him, said witness, who was named therein as the other executor of said will; that the main other provisions of said will were, after the payment of his funeral and other expenses, the remainder of his estate was to be divided between the City of Indianapolis, and Dallas County, Iowa, for educational purposes, to wit: four fifths (4-5) to Dallas County, Iowa, and one fifth (1-5) to the City of Indianapolis.

Besides this bequest to Dallas County, it appears in evidence that testator had, before that time, conveyed, by deed, certain real estate at Adel, to Dallas County, for school purposes, of the value of eight thousand dollars.

The will testified to by said Hollis can not now be found, and there is no evidence that testator ever did, after he went home to New Hampshire, go, as he told said Hollis, in Boston, he would, and execute said will in due form of law; but shortly afterwards, to-wit, on the 28th day of June, 1876, testator wrote and sent a letter to Judge Byron Rice, of Des Moines, Iowa, wherein he stated he had given, or intended to bequeath, four-fifths of his estate to Dallas County, Iowa, for educational purposes. After this, our testator went to New Hampshire, and continued there in very poor health until late in the following November, when he came to Boston, and took the ocean steamer for his brother's in King William County, Virginia, where he died on the 17th day of December, A. D. 1876.

There was much other testimony, tending to prove that our testator had revoked his will of 1850; and this, if true, would completely bar our city's claim to all participation in said estate.

There was also considerable evidence, tending to show that his legal domicile was in the State of New Hampshire at the time of his death; and, by the laws of that State, our will would be inoperative, as the statutes of that State require three witnesses to a will, while ours was only witnessed by two.

At this stage of the proceedings, it became possible for us to compromise our claim, so that the City of Indianapolis could get one third of the estate in controversy; and our lawyers, taking into consideration the testimony already before the jury, advised the compromise offered us. The jury was adjourned, for the double purpose of letting the heirs at-law communicate among themselves as to the terms of the compromise, and give us time to telegraph our city authorities, and obtain our city's consent to said compromise; and this being obtained, we caused said compromise-agreement to be reduced to writing and signed by all the parties interested and the same embodied in and made part of the finding, judgment, and decree of the Court in the case; which is in the words and figures following, to-wit:

Special Term in King William Circuit Court, June 12th, 1878.

THE CITY OF INDIANAPOLIS AND OTHERS, Proponents, } *On a motion to admit to probate*
 against } *a certain writing purporting to*
 THOS. D. GREGG'S ADM'R AND OTHERS, Contestants. } *be the true last will and testam-*
 } *ent of Thos. D. Gregg, dec'd.*

This day came again the parties, by their attorneys, and the jury, heretofore empaneled herein, also appeared, according to their adjournment. Whereupon, an agreement between the parties to this cause, making a final disposition of all the matters in controversy therein, was presented to the Court, with the request, on their part, that the same be spread at large upon the record. Which agreement is in the words and figures following, to-wit:

This agreement, made and entered into this 6th day of June, 1878, between the City of Indianapolis a municipal corporation in the State of Indiana, Wm. Sullivan and Charles Fisher, named as executors in a paper dated the 21st day of September, 1850 purporting to be the last will and testament of Thomas D. Gregg, deceased, Mary Catherine Gregg, and the Lodge of Free and Accepted Masons, in the said State of Indiana, parties of the first part; D. H. Gregg, Geo. B. Stephenson, and Mary F. Stephenson (his wife), and Joseph Hollis, administrator of the estate of Thomas D. Gregg, deceased, parties of the second part; and the County of Dallas, in the State of Iowa, party of the third part.

Whereas, there is a certain controversy now pending in the Circuit Court of King William County, in the State of Virginia, concerning the testacy or intestacy of the said Thomas D. Gregg, under the style of "The City of Indianapolis vs. D. H. Gregg and others," in which a jury has been regularly sworn, and have partly heard the case; and whereas, the said parties to this agreement who are also the sole parties to this controversy, being desirous of ending all controversy among themselves, by way of compromise and adjustment, have fully agreed upon the terms of settlement, which will be hereinafter fully set forth:

Now, therefore, for the final and complete settlement of all the matters and questions involved in said controversy, the said parties do hereby covenant and agree to and with themselves, as follows, to-wit: That is to say, the said parties of the first part, and the said party of the third part, will respectively withdraw from all further effort to have admitted to probate the papers offered and propounded by them, in the said controversy, as the last will and testament of the said Thomas D. Gregg; that the jury now sworn in the said controversy may be discharged, and the said cause dismissed from the docket of this Court, by consent of parties, and this agreement entered upon the records of this Court as a final disposition thereof; that the administration of the estate of the said Thomas D. Gregg shall be and remain as it now is, and should the present administrator, Joseph Hollis, die, or be removed from any cause, that his successor shall be nominated by the parties of the second part; and should it become necessary for the collection of any debt or debts due the said estate from any resident or residents of any State other than this State, to have ancillary administration on the said estate in the State or States in which the debtor or debtors reside, that then such ancillary administrator or administrators shall be also nominated by the said parties of the second part; that all the costs and charges of said controversy, except fees of counsel, and mileage and attendance and other charges of non-resident witnesses, shall be at once paid out of the estate; that after payment of all debts due from the decedent, and all proper costs and charges of administration (in which shall be included the cost of a suitable head and foot stone at the grave of the said Thomas D. Gregg), the administrator shall then pay to Mary Catherine Gregg the sum of one hundred and fifty dollars, with interest thereon, at the rate of six per centum per annum from this date, that being the amount of a legacy given her in the paper propounded by the parties of the first part as the last will and testament of Thomas D. Gregg; that the residue of the estate of said Thomas D. Gregg, whether in this State or elsewhere, shall be paid and distributed as follows, to-wit: To the City of Indianapolis, a municipal corporation in the State of Indiana, and the Lodge of Free and Accepted Masons of Martinsville, in the State of Indiana, parties of the first part, one-third, or five-fif-

tenths, to be used, appropriated, and invested in accordance with the provisions of the paper propounded by the said parties of the first part as and for the last will and testament of the said Thomas D. Gregg; to D. H. Gregg and George B. Stephenson and Mary F. Stephenson (his wife), parties of the second part, seven-fifteenths, to be divided among them as they may agree among themselves; and to the County of Dallas, in the State of Iowa, party of the third part, one fifth, or three-fifteenths, to be expended, used, or laid out for school purposes, as set forth and described in the paper propounded by the said party of the third part as and for the last will and testament of the said Thomas D. Gregg, deceased—the said proportions to be respectively paid to the said parties, or to their duly authorized agents, or to their attorneys of record in this cause, as soon as it can be conveniently done. The said D. H. Gregg and Geo. B. Stephenson and Mary F. Stephenson (his wife), do hereby waive, relinquish, and release all and every claim or demand they may or can have, or assert and set up, under the paper propounded by the parties of the first part, to which they might, by any possibility, be entitled as heirs-at-law and distributees of Mary Gregg the mother of the said Thomas D. Gregg. The said D. H. Gregg and Joseph Hollis and the City of Indianapolis do hereby waive, relinquish, and release all and every claim and demand which they might, by possibility, be entitled to set up against the estate of the said Thomas D. Gregg, under the will propounded by the party of the third part [as] and for the last will and testament of the said Thomas D. Gregg. It is hereby also to be further understood and agreed that the said Joseph Hollis, administrator of the said Thomas D. Gregg, will at once take all and every possible legal and prudent measure or measures to collect of B. Rice, of Des Moines, Iowa, the large amount of money due from him to the estate of said Thomas D. Gregg; and the said Joseph Hollis is hereby excused for the delay up to this date in taking any other measure to collect or secure the said sum of money so due, and is hereby fully and completely released from any and all liability or accountability for any loss that may have resulted up to this date from his delay in taking such measure or measures.

In witness of all which, the said parties have hereunto set their hands, the day and year above written.

LEGH R. PAGE, and
WM. R. AYLETT,

Counsel for the City of Indianapolis, Mary C. Gregg, and the Lodge of Free and Accepted Masons of Martinsville, Indiana.

D. H. GREGG,
GEORGE B. STEPHENSON, and
MARY F. (his wife),

By D. H. GREGG, their Att'y-in-fact.
B. B. DOUGLAS,

Of counsel for Contestants.

GEO. P. HAW,

Counsel for Contestants D. H. Gregg, Geo. B. Stephenson and wife, and for Joseph Hollis, Administrator.

JACOB STUMP,

Ch. Board of Supervisors of Dallas Co., Iowa.

J. B. YOUNG,

Counsel for Dallas Co., Iowa.

Whereupon, the Court, adopting the said agreement as a final disposition of all the matters involved in this cause, doth order, with consent of all parties, that the jury be discharged from the further consideration of the issues they were sworn to try, and doth pronounce and declare that the estate of the said Thomas D. Gregg, of every kind, and wherever situated or being, shall be disposed of, paid, and delivered by the said Joseph Hollis, administrator thereof, or by any other personal representative thereof duly appointed and qualified, whether in this State or elsewhere, according to the stipulations and provisions of said agreement; and it is ordered, in conformity with said agreement, that this cause be removed from the issue docket, and placed on the file of ended causes.

A copy. Teste: O. M. WINSTON, Clerk.

In conclusion, we have to say that we believe the City of Indianapolis acted wisely in accepting the compromise made, as shown in the final decree of the Court. As our will was not probated, there can be no executor under it, and, therefore, it devolves upon the city to designate a suitable agent to receive from the executor the money coming from said estate into the proper fund of the city treasury.

All of which is respectfully reported.

WM. SULLIVAN,

One of the Executors named in the will propounded, acting for City of Indianapolis.

R. O. HAWKINS, City Att'y.

Indianapolis, July 15, 1878.

In furtherance of the recommendation made in the last paragraph of the preceding report, Councilman Marsee offered the following resolution:

Resolved, That William M. Wiles, City Treasurer, is hereby appointed and fully empowered to act as agent of the City of Indianapolis in the matter of receiving from the legal party Court or executor, as the case may be, all and singular, and to the full extent, such moneys as may belong and be payable to said city from the estate of the late Thomas D Gregg, who deceased in King William County, in the State of Virginia, on December 17th, 1876.

Which was adopted by the following vote:

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

NAYS—None.

SPECIAL ORDERS.

The first Special Order taken up was the matter of public gas-lighting, when the Council and Aldermanic Committees on Gas-Light, through Councilman Cummings, submitted the following report:

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

Gentlemen:—Your joint Committees on Gas Light, by your instructions, have held a conference with the representatives of the Indianapolis Gas-Light and Coke Company, in order to get the best proposition from them to furnish the city with gas for the current year, costing in the aggregate not exceeding \$55,000.

Your committee, herewith, submit three propositions from the gas company, without recommending either of them as only one of them comes within the sum named by you, and we fear it would not be satisfactory to the citizens:

The first proposition is to furnish light 1800 hours for \$55,000. The second proposition is to furnish light 2000 hours for \$59,640. The third proposition is to furnish light 3200 hours for \$82,360.

The last named is at the price and in accordance with the existing contract with the city, upon which the gas company would give a rebate of \$10,000, which would reduce the amount to \$72,360.

Your committee believe there are a large number of superfluous lamps, which have been erected regardless of, and in violation of the ordinance regulating the number of lamps to the square, and respectfully recommend that the supply of gas be shut off from all such lamps, and their use discontinued, and that the City Civil Engineer and the Committees on Gas-Light be instructed to designate said lamps,

and to notify the gas company that the city will not pay for the same after August 1st, 1878.

Respectfully submitted,

M. M. CUMMINGS,
WM H TUCKER,
C. H. O BRIEN,
T. E. CHANDLER,
Committees on Gas-Light.

Councilman Walker moved that this body do accept the second proposition set forth in the preceding report; upon which motion Councilman Marsee demanded an expression by "ayes and nays," and said motion failed of adoption by the following vote:

AYES, 5—viz.: Councilmen Bermann, Morse, Reasner, Walker, and Wright.

NAYS, 18—viz.: Councilmen Anderson, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, McGinty, McKay, O'Brien, Off, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

Councilman O'Brien moved that the first proposition, as set forth above, be accepted.

Councilman Wright gave his second to the last foregoing motion, *provided* the 1800-hour time-table was established from 1st *ultimo*.

An "aye and nay" vote was demanded on this motion, also; and said motion, as amended, was lost by the following vote:

AYES, 6—viz.: Councilman Bruner, O'Brien, Off, Sindlinger, Walker, and Wright.

NAYS, 17—viz.: Councilmen Anderson, Bermann, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Reasner, Rodibaugh, Showalter, Steeg, Tucker, and Wiese.

Councilman Layman offered the following motion:

Moved, That the eighteen hundred-hour proposition from the gas company be accepted, provided the time for commencement be July 1st, 1878, and continue in force for one year—viz., to July 1st, 1879; that the lamps be lighted and extinguished in each month after a schedule prepared by the City Civil Engineer and the Committees on Gas-Light from each body; and that the gas company be required to keep the same in repair and light and extinguish the same.

Which, on Councilman Tucker's motion, was laid on the table by the following vote:

AYES, 19—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 4—viz.: Councilmen Layman, Rodibaugh, Walker, and Wright.

Councilman McKay offered the following motion:

Moved, That the gas company be offered \$55,000 for 2000 hours, the gas company to light and extinguish the lamp, so as to give the most light—payment to be from June 1st, 1878, to June 1st, 1879.

Which, on Councilman Tucker's motion, was laid on the table by the following vote:

AYES, 17—viz.: Councilmen Bruner, Layman, Marsee, Maus, Morris, Morse, McGinty, O'Brien, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS, 6—viz.: Councilmen Anderson, Bermann, Cummings, Dill, McKay, and Wright.

Councilman Dill offered the following motion:

Moved, That the Committee on Gas-Light be instructed to notify the Indianapolis Gas-Light and Coke Company that, on and after August 1st, 1878, the city will cease to pay for any gas.

Which, on Councilman Layman's motion, was laid on the table by the following vote:

AYES, 14—viz.: Councilmen Bermann, Bruner, Layman, Maus, McGinty, McKay, O'Brien, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Walker, and Wright.

NAYS, 9—viz.: Councilmen Anderson, Cummings, Dill, Marsee, Morris, Morse, Steeg, Tucker, and Wiese.

On Councilman O'Brien's motion, Aldermen Chandler, chairman of the Aldermanic Committee on Gas-Light, who was present in the Council Chamber, was requested to explain the propositions of the Gas Company, as indicated by preceding report.

Alderman Chandler stated, among other matters, that the Gas Company would not consent to make the 1800-hour time-table other than uniform as to lighting, burning, and extinguishing, thus giving light an average of only about five hours each night, which would be equivalent to darkness from about midnight to daylight; that the Committees on Gas-Light had received no proposition from the Gas Company which could be unanimately recommended for acceptance as the basis for a contract.

Councilman Layman offered the following motion:

Moved, That the 2000-hour proposition be accepted, providing the time for commencement be July 1st, 1878, and continue in force for one year—viz., to July 1st, 1879; that the lamps be lighted and extinguished in each month after a schedule prepared by the City Civil Engineer and the Committees on Gas-Light from each body; and that the gas company be required to keep the same in repair and light and extinguish the same.

To which, Councilman Tucker proposed the following amendment:

Amend, by cutting off all surplus lamp-posts on all streets where there are more than four to the square.

On Councilman Layman's motion, the foregoing amendment was laid on the table by a *vive voce* vote.

On Councilman Tucker's motion, the original motion was laid on the table by the following "aye and nay" vote:

AYES, 17—viz.: Councilmen Anderson, Bermann, Cummings, Dill, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reasner, Rodibaugh, Showalter, Steeg, and Tucker.

NAYS, 6—viz.: Councilmen Bruner, Layman, Sindlinger, Walker, Wiese, and Wright.

Councilman Reasner offered the following motion:

Moved, That the City Clerk notify the gas company if they can not light the city two thousand hours for \$55,000, that, on and by 1st of August, 1878, the city will discontinue consuming gas, and for them to discontinue to light the same.

For which, Councilman McKay offered the following, as a substitute:

Moved, That the City Clerk be instructed to notify the gas company that, unless they accept \$55,000 for two thousand hours, the gas company to light and extinguish the lamps, so as to give the most light we will discontinue the use of gas on August 1st, 1878—payment to begin on July 1st 1878, and end June 30th, 1879, under the direction of a schedule furnished by City Civil Engineer.

And the latter motion was duly adopted by the following vote:

AYES, 15—viz.: Councilmen Anderson, Bermann, Cummings, Dill, Marsee, Morris, Morse, McKay, O'Brien, Reasner, Rodibaugh, Showalter, Steeg, Tucker, and Wiese.

NAYS, 8—viz.: Councilmen Bruner, Layman, Maus, McGinty, Off, Sindlinger, Walker, and Wright.

The Council and Aldermanic Committees on Gas-Light also submitted the following report; which was received:

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

Gentlemen:—Your Committees on Gas-Light, to whom was referred the motion to light University Park and the Fire Department Headquarters with coal oil, would most respectfully report:

We recommend the purchasing of coal-oil lamps for University Park, also for the inner side of Circle street, around Circle Park—said lamps, with posts, not to exceed \$9.00 each

We would further recommend the purchasing of oil lamps, and the using of coal-oil throughout the entire Fire Department.

Most respectfully submitted,

M. M. CUMMINGS,
W. H. TUCKER,
C. H. O'BRIEN,
T. E. CHANDLER,
D. W. GRUBBS.

After the preceding report had been read, Councilman Cummings offered the following motion; which was duly adopted:

Moved, That the Committee on Gas-Light and City Engineer be authorized to purchase coal-oil lamps, and erect the same in University Park and around the Circle, the cost of the same not to exceed \$9 each.

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

Moved, That the Committee on Gas-Light be directed to estimate the cost of oil lamps for engine and station houses, and report the same on Monday evening next.

On Councilman Marsee's motion, General Ordinances 20 and 21, 1878, [relative to Public Markets], were laid over until the next session of the Common Council, and continued as the Special Order for such meeting.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor and Common Council:

Gentlemen:—I was instructed to examine the first alley south of Home avenue, between Park avenue and Broadway street, and report why the lines of said alley are not parallel.

I would report that I have made examination of said alley, and find that the fence on the south side encroaches upon the alley 2.65 feet at Park avenue, 1.20 feet at the cross alley east of said avenue, and 0.60 feet at Broadway street. The fence on the north side encroaches upon the alley 1.40 feet at Broadway street, 0.20 feet at cross alley west; while the house on the north side, at Park avenue, is on the true line.

I have set stakes indicating the true lines of said alley.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

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

To the Mayor and Common Council:

Gentlemen:—We have examined into the matter of the petition of Michael A. Toohey, to have set aside a sale of property made under precept for street improvement on January 2d, 1875.

We find that, on an estimate allowed by the Common Council on the 15th day of December, 1873, John S. Hall was assessed as owner of 35 feet south ends of lots 7 and 8, square 3, out-lot 157, which description tallied with the records at that date. This property was precepted and sold, when in fact the intention was to collect from other property.

We would recommend that all proceedings had, ordering precept to issue in the case above noted, be declared null and void, and that the City Civil Engineer be instructed to report a corrected estimate in the matter. Herewith, we present resolution, and recommend its passage.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

BENJ. C. WRIGHT, City Clerk.

Indianapolis, July 22, 1878.

The following resolution was then offered :

WHEREAS, At a regular session of the Common Council, held on the 15th day of December, 1873, a certain precept was ordered to issue against John S Hall, said precept having been issued upon an affidavit filed by Saml. W. Patterson, for work performed by him in grading and graveling Patterson street and sidewalks, from North street to Elizabeth street; and

WHEREAS, The estimate upon which said precept was ordered to issue is erroneous in this, that the description assessed against said John S. Hall is incorrect and void; Therefore, be it

Resolved, That all action had upon said precept be, and the same is hereby, reconsidered and annulled; that the City Civil Engineer be, and is hereby, directed to prepare a new and corrected estimate, and report the same to the Common Council and Board of Aldermen for approval; and that the said Saml. W. Patterson is hereby authorized to file new affidavit for precept.

And was adopted by the following vote :

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

NAYS—None.

The City Attorney submitted the following report; which, on Councilman Tucker's motion, was laid over until next session of the Common Council, and made a Special Order thereat :

Indianapolis, July 22, 1878.

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

Gentlemen :—I would report that the attorneys of the receivers of the Columbus, Chicago & Indiana Railroad have notified me that, in the matter of the opening of Dillon street, they will move for an attachment for contempt, in the United States Court, if any steps are taken in the opening of Dillon street through the grounds belonging to that railroad.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

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

Moved, That when this Council adjourns, it adjourn to meet on next Monday evening, at the usual hour.

INTRODUCTION OF ORDINANCES.

By consent, the following entitled ordinances were introduced, and read the first time:

Councilman Dill introduced—

Ap O. 48, 1878—An Ordinance appropriating the sum of Three Hundred Dollars (\$300) to James Parker, on account of construction of Vermont street bridge over the canal.

Introduced by Councilman Layman—

G. O. 35, 1878—An Ordinance regulating the use of the Fire Alarm Telegraph and the boxes connected therewith; and prohibiting the giving of False Alarms of Fire.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Anderson presented the following petition; and the prayer of the petitioner was granted, after, on motion of Councilman Marsee, the work had been placed under the supervision of the City Civil Engineer:

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

Your petitioner would respectfully ask that an ordinance be passed by your honorable body, granting your petitioner the privilege and right to make a pipe-sewer from in front of No. 16 N. Delaware street in said city, for the distance of sixty-five feet, more or less, to the corner of Court street on N. Delaware street. and to there connect said pipe-sewer to and with the main sewer in said Court street.

Respectfully submitted,

JOSHUA M. W. LANGDALE, Petitioner.

Indianapolis, July 22, 1878.

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

Moved, That the Street Commissioner be instructed to order the Citizens' Gas-Light and Coke Company to immediately put the stone crossings on Indiana avenue, at Mississippi street, in repair.

Moved, That David Anderson be granted permission to lay a crossing over the sidewalk in front of No. 70 Indiana avenue, said work to be done at his own expense, under the direction of the City Engineer, and be completed in thirty days.

Also, 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 Michigan street, between Illinois street and canal.

Also, offered the following motion; which was referred to the Police Board:

Moved, That the Committee on Revision of Ordinances be instructed to report an ordinance amendatory to the ordinance organizing the Police Force, reducing the number of captains to one.

Also, offered the following motion:

Moved, That the Police Board be instructed to reduce the pay of the cook at the Central Station House to fifteen dollars per month.

On Councilman Marsee's motion, the preceding motion was referred to the Police Board by the following vote:

AYES, 12—viz.: Councilmen Layman, Marsee, Maus, Morris, Morse, O'Brien, Off, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS, 11—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, McGinty, McKay, Reasner, Rodibaugh, Showalter, and Wright.

On Councilman Dill's motion, the Police Board was requested to report at next session of the Common Council.

Councilman Layman presented the following petition; which was referred to the Committee on Public Buildings:

To the City Council of the City of Indianapolis:

Your petitioner, Mrs. J. W. Kothe, most respectfully represents and shows to this most honorable Council, that she is a tenant and occupying house known as No. 23 W. Ohio street in the City of Indianapolis, being a part of the real estate of the "Tomlinson Estate"; that said property has been greatly damaged, by reason of neglect to repair the same; that said house should be re painted inside and papered, roof of kitchen repaired and kitchen floor renewed, and pump placed in cistern; and that the sinks for carrying off the water, at the corner of the house, have become obstructed, which makes the house damp and unhealthy, and greatly damages the house, and unfits the same for occupation; that by reason of the above premises, your petitioner asks that said property be repaired, as great and irreparable damages to the premises will be sustained if longer neglected, and for the health and convenience of your petitioner.

All of which your petitioner most respectfully asks.

MRS. J. W. KOTHE.

Indianapolis, July 22, 1878.

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

Moved, That the City Civil Engineer be instructed to examine the drainage of Indiana avenue and West street, and report if there can be any improvement made to the same.

Also, 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 fill the space, with gravel, between the bridge over the canal on Vermont street and L. C. & L. R. R. tracks.

Councilman McKay offered the following resolution:

WHEREAS, The statement has been made in this Council, to the effect that leather hose, properly made and of good material, will stand a greater pressure, are more durable and less liable to accident during a fire than rubber hose; and

WHEREAS, It is not possible, at present, to incur the expense necessary to an entire change of hose from rubber to leather; Therefore, be it

Resolved, That the Fire Board are hereby instructed to examine into, and report to the Common Council, at the earliest day possible, the necessary expense for tools and implements used to make leather hose; also, whether there are men now connected with the Fire Department skilled in that kind of work—this to be done with a view of manufacturing our own hose, and to make the change from rubber to leather as rapidly as possible.

And was adopted by the following vote :

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

NAYS, 1—viz.: Councilman Cummings.

Councilman O'Brien offered the following motion; which was referred to the Board of Public Improvements and the City Attorney :

Moved, That the Street Commissioner be directed to discontinue the taking out of gravel on the south side of White River, from Washington street bridge to the mouth of Fall Creek.

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

Moved, That the City Marshal be instructed to notify the Indianapolis, Peru & Chicago Railway Company, and the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company to open the gutters under their tracks, on each side of Davidson street, between Market and Ohio streets; and if the same is not done within ten days, that the Street Commissioner do the same at such railway companies' expense.

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

Moved, That the Street Commissioner be ordered to fill up on each side of the I, C. & L. R. R. tracks, on Leoto streets, between Bates and Deloss streets.

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

Inasmuch as there are many people that evade the law, and pay no license on dogs; Therefore,

Moved, That the Chief of Police be notified to instruct the patrolmen of each police district to strictly enforce the law, and see that each and every dog is licensed and checked according to law.

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

Moved, That the Board of Health examine the two privies on the south east and north west corners of the alley running east and west, between Dougherty and Buchanan streets, and the first alley east of McKernan street.

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

Moved, That the Street Commissioner be directed to fill up the mud hole in the first alley east of East street, between Dougherty and Buchanan streets.

Also, presented the following petition; which was referred to the Committee on Markets :

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

Your undersigned petitioner represents, that, in consequence of new arrangements made by the proper authorities, he has not been allowed to purchase his old stand on the market, which he has had and occupied for the last eight years past. He has, thereupon, bought another stand, on the side of the market house; but as people buy the class of goods which he has to sell on the market only when they are conveniently near their reach, it is impossible for him to do any business whatever on the newly-acquired stand. He, therefore, prays your honorable body to allow your petitioner, by proper legislation, to acquire and occupy his old stand on Alabama street, north of the east end of the market-house.

Most respectfully,

MAX GIBBS, generally known as "Cheap John."

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

Circle Park being daily visited by thousands of people, many of whom, no doubt, enjoy a good cold drink of water, and as Mr. R. R. Rouse is the sole proprietor of the celebrated patent driven well, and that being the only means by which the same can be obtained, and having liberally offered to place in the Circle Park a driven well, at his own expense; Therefore,

Moved, That he be granted the privilege—said well to be located under direction of the Committee on Parks.

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

Moved, That the Street Commissioner be directed to lay a cement pipe in the gutter at the intersection of Kansas street and Meridian street, and haul gravel over the same.

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

Moved, That the Fire Board be requested to report to our next meeting how much the expenses for fire protection would be reduced by discontinuing the use of three of the steam fire engines.

Moved, That the Police Board be requested to instruct the day patrolmen to ascertain the names of persons living in their respective districts who own or harbor unlicensed dogs, and if the license be not immediately paid, that said patrolmen be instructed to file against the said owners.

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

Indianapolis, July 19, 1878.

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

Gentlemen:- Your petitioner would represent (by Treasurer's certificate, herewith filed), that he has overpaid taxes on farm lands within the City of Indianapolis, amounting to \$74 10. The Legislature having made special rates of such lands, I pray your honorable body to refund to me the amount overpaid

J. H. VAJEN.

Indianapolis, July 19, 1878.

This is to certify that J. H. Vajen paid the city tax in full, at the rate of \$1.12 per \$100, on the following described property (paid April 15, 1878):

40 acres north of road, in E. $\frac{1}{2}$ S. E. $\frac{1}{4}$ Sec. 34, T. 16, R. 3—value	\$ 7,500 00
32 41-100 acres—value	5,500 00
<hr/>	
Total value	\$13,000 00
Taxes paid, at rate of \$1.12 per \$100	145 60
Amount of tax, at 55 cents per \$100	71 50
	<hr/>
	\$ 74 10

WM. M. WILES, City Treasurer.

It being now eleven o'clock, Councilman Layman moved to further extend this session; which the Common Council refused to do by the following vote:

AYES, 7—viz.: Councilmen Anderson, Layman, Marsee, McKay, Tucker, Walker, and Wright.

NAYS, 16—viz.: Councilmen Bermann, Bruner, Cummings, Dill, Maus, Morris, Morse, McGinty, O'Brien, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, and Wiese.

On motion, the Common Council then adjourned, to meet on next Monday evening, 29th instant, at the usual hour.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.