

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—AUGUST 12, 1878.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, August 12th, 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, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Ott, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—24.

ABSENT—Councilman Showalter—1.

The Proceedings of the Common Council, for the regular session, held on June 17th, and of the Second Joint Convention, held on June 24th, 1878, having been printed, and placed on the desks of the Councilmen, said proceedings were approved as published.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Brown, submitted the following report; which was concurred in, and the several contracts were duly awarded, as therein recommended:

To the Mayor and Common Council:

Gentlemen.—Your Committee on Contracts, to which was referred the proposals presented to Council on August 5th, 1878, have examined the same, and find them to be as follows, viz.:

First. For grading and graveling the first alley west of Blake street, from New York street to Michigan street—

John L. Hanna, 17½ cents per lineal foot front on each side.

D. A. Haywood, 16 cents per lineal foot front on each side.

F. Gansberg, 15 cents per lineal foot front on each side.

Charles S. Roney, 15 cents per lineal foot front on each side.

Henry Clay, 12½ cents per lineal foot front on each side.

Thomas Niland, 12½ cents per lineal foot front on each side.

R. P. Dunning, 11 cents per lineal foot front on each side.

Geo. W. Seibert, 10½ cents per lineal foot front on each side.

John Greene, 10 cents per lineal foot front on each side.

James Mahoney, 9¾ cents per lineal foot front on each side.

John Low, 9½ cents per lineal foot front on each side.

John Low being the lowest and best bidder, your committee recommend that he be awarded the contract.

Second. For grading and graveling the alley between Bellefontaine avenue and Ash street, from Eighth street to Ninth street—

- S. C. Hanna, 18 cents per lineal foot front on each side.
- Charles S. Roney, 17 cents per lineal foot front on each side.
- D. A. Haywood, 15½ cents per lineal foot front on each side.
- R. P. Dunning, 13 cents per lineal foot front on each side.
- John L. Hanna, 12½ cents per lineal foot front on each side.
- F. Gansberg, 12 cents per lineal foot front on each side.
- Henry Clay, 12 cents per lineal foot front on each side.
- John Greene, 10½ cents per lineal foot front on each side.
- A. J. Sloan & Co., 10 cents per lineal foot front on each side.

A. J. Sloan & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

Third. For grading and graveling the first alley south of South street, between Missouri and Mississippi streets.

- D. A. Haywood, 23 cents per lineal foot front on each side.
- John L. Hanna, 22 cents per lineal foot front on each side.
- Charles S. Roney, 21 cents per lineal foot front on each side.
- F. Gansberg, 20 cents per lineal foot front on each side.
- Henry Clay, 19 cents per lineal foot front on each side.
- James W. Hudson, 19 cents per lineal foot front on each side.
- James Mahoney, 16 cents per lineal foot front on each side.
- R. P. Dunning, 15½ cents per lineal foot front on each side.
- John Greene, 15 cents per lineal foot front on each side.
- John Low, 14 cents per lineal foot front on each side.
- Thomas Niland, 13 cents per lineal foot front on each side.

Thomas Niland being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fourth. For grading and graveling Butler street and the sidewalks thereof (where not already improved), from Central avenue to College avenue—

John L. Hanna, 60 cents per lineal foot front on each side, where the sidewalks are not improved; and 50 cents per lineal foot front on each side, where the sidewalks are improved.

John Greene, 55 cents per lineal foot front on each side, where the sidewalks are not improved; and 40 cents per lineal foot front, on each side, where the sidewalks are improved.

A. J. Sloan & Co., 47 cents per lineal foot front on each side, where the sidewalks are not improved; and 15 per cent. off, where the sidewalks are improved.

E. B. Elliott 43 cents per lineal foot front on each side, where the sidewalks are not improved; and 33½ cents per lineal foot front on each side, where the sidewalks are improved.

R. P. Dunning, 41 cents per lineal foot front on each side, where the sidewalks are not improved; and 33 cents per lineal foot front on each side, where the sidewalks are improved.

S. C. Hanna, for grading and graveling the street, 39 cents per lineal foot on each side; for grading and graveling the sidewalks, 18 cents per lineal foot on each side.

Charles S. Roney, for grading and graveling the street, 39 cents per lineal foot on each side; for grading and graveling the sidewalks, 10 cents per lineal foot on each side.

D. A. Haywood, for grading and graveling the street 38 cents per lineal foot on each side; for grading and graveling the sidewalks, 15 cents per lineal foot on each side.

Henry Clay, for grading and graveling the street, 29½ cents per lineal foot on each side; for grading and graveling the sidewalks, 18 cents per lineal foot on each side

Geo Wm. Seibert, for grading and graveling the street, 27 cents per lineal foot on each side; for grading and graveling the sidewalks, 10½ cents per lineal foot on each side.

Fred Gansberg, for grading and graveling the street, 25 cents per lineal foot on each side; for grading and graveling the sidewalks, 12 cents per lineal foot on each side.

Fred Gansberg being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

M. L. BROWN,
M. H. McKAY,
T. C. READING,
Committee on Contracts.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor and Common Council:

Gentlemen:—I herewith report a second and final 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—

1896 2 lineal feet curbing, at 34 cents.....	\$ 644 70
1907 88 lineal feet bowldering, at 40 cents.....	763 15
1213 cubic yards gravel, at 63 cents.....	764 19
53.76 square yards of old pavement, at 20 cents.....	10 75
26.14 square yards of new pavement, at 40 cents.....	10 45
Raising cistern and furnishing castings, as per bill.....	5 70
Total estimate.....	\$2,198 94
Less former estimate.....	1,045 77
Present estimate.....	\$1,153 17

Also, a first and final estimate in behalf of James Mahoney, for grading and graveling East street and sidewalks (except where the sidewalks have already been properly improved), from Morris street to Minnesota street—

1164 lineal feet, at 23 cents.....	\$ 267 72
1164 lineal feet, at 35 cents.....	407 40
2781.5 lineal feet, at 39 cents.....	1,084 78
17 4 cubic yards ditch excavation, at 15 cents.....	2 61
63.6 cubic yards extra gravel at street intersections, at 50 cents.....	31 80
Total estimate.....	\$1,794 31

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read:

Resolved by the Common Council and Board of Aldermen, That the foregoing second and final estimate allowed David A. Haywood, for re-graveling Ohio street, bowldering the gutters, and curbing with stone the sidewalks thereof, from Ala-

bama 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, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following estimate resolution was also read :

Resolved by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed James Mahoney, for grading and graveling East street and sidewalks (except where the sidewalks have already been properly improved), from Morris street to Minnesota 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, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The same officer submitted the following report; which was referred back, with instructions to report an estimate of the city's portion of the expense of the recommended improvement :

To the Mayor and Common Council :

Gentlemen :—I was directed to examine the drainage of Indiana avenue and West street, and report if there can be any improvement made to the same.

I have made the necessary examination, and would report that in my opinion, the best plan of improvement would be to lower the grade of Indiana avenue, from West street to Fall Creek, re-gravel the street, and bowlder and curb the gutters

For the present, however, a thorough cleaning of the gutters would materially aid the drainage, though but temporarily.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

Indianapolis, Aug. 12, 1878.

The City Clerk presented the following receipt; which was received, and ordered to be printed in the proceedings :

EXECUTIVE DEPARTMENT OF INDIANA,
QUARTERMASTER GENERAL'S OFFICE,
Indianapolis, July 10, 1878. }

Received of Lee Fulmer, 60 muskets with accoutrements, of the arms belonging to Company A, National Guards, in bad order.

SAMUEL BECK,
Quartermaster General Indiana.

Filed in my office this 7th day of August, 1878.

BENJ. C. WRIGHT, City Clerk.

REPORTS FROM OFFICIAL BOARDS.

The Police Board, through Councilman Brown, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Board of Police, to whom was referred the motion asking for the discharge of one of the captains of police, beg leave to report that the matter has had our attention, and we respectfully report that, in our opinion, the Force is already too small, and that such reduction should only be made to meet extreme financial necessity, which we believe does not exist. We recommend that the motion be not passed.

We are also of the opinion that the wages paid the cook at the Central Station is low enough, and for the present should not be reduced.

W. D. WILES,
M. L. BROWN,
THOS. J. MORSE,
Board of Police.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Public Improvements would report as follows, upon papers referred:

1st. Is a motion directing the Street Commissioner to clean and repair the gutter in front of 309 Massachusetts avenue.

We would recommend this work be done.

2d. Is a motion directing the same officer to raise the stone-crossing on the west side of Illinois street, at New York street.

This crossing is too low, and we recommend the work be done.

3d. Is a motion directing the same officer to clean the gutters of Alabama street, between Ft. Wayne avenue and Morrison street; also, of Morrison street, between Alabama and Delaware streets.

These gutters are in need of cleaning, and we recommend the work be done.

4th. Is a motion directing the same officer to clean the gutters of Bates street, between Leota and Dillon streets.

There is no necessity for this work, and we recommend it be not done.

5th. Is a motion directing the same officer to fill the chuck-holes in Dougherty street, between Wright and East streets.

This work can cost but a trifle, and we recommend the same be done.

6th. Is a motion of three parts, directing the Street Commissioner to dig up the gutters on the west side of Tennessee street, between Georgia and Louisiana streets, in order to permit the water to flow to the South street sewer; also, to put a crossing over the gutter at Mobile and Tennessee streets; also, to fill up the holes caused by taking up the Street Railway track on Tennessee street.

In reference to the first clause of this motion, we recommend the cleaning of said gutter, between the points named. Of the second clause, we would recommend the gutter be cleaned, and filled in or protected with rolling-mill cinders. Of the third clause, we recommend the work be not done.

7th. Is a motion directing the Street Commissioner to fill the chuck-holes in Coburn street, between McKernan and Wright streets.

We would recommend this work be not done.

8th. Is a motion adopted by the Council and Board of Aldermen, and referred to the Board of Public Improvements, with power to act, directing the Street Commissioner to fix the cement-pipe sewer at the intersection of West and Macauley streets.

We have examined into this matter, and see no way to obviate the difficulty except by improving Macauley street, between West and Missouri streets, and we herewith present a special ordinance for the same.

9th. Is Special Ordinance 24, 1878, providing for the improvement of McCarty street, from Alabama street to the first alley west of Alabama street, by curbing with stone and paving with brick the north sidewalk, and bowldering the north gutter thereof.

This ordinance was referred to us, with a remonstrance; but, believing the work necessary, we would recommend the ordinance be passed, notwithstanding the remonstrance.

10th. Is Special Ordinance 31, 1878, providing for the improvement of McCarty street, from Delaware street to East street, by bowldering the gutters, paving with brick and curbing with stone the sidewalks thereof.

This ordinance was referred to us, together with a petition for, and a remonstrance against, its passage. We have examined the street, and think it should be improved, and therefore recommend the passage of the ordinance.

Respectfully submitted,

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

Indianapolis, August 12, 1878.

The following entitled ordinance [referred to in the eighth clause of preceding report] was then introduced, and was read the first time :

S. O. 33, 1878—An Ordinance to provide for the improvement of Macauley street, between West and Missouri streets, by grading and graveling.

The Board of Health submitted the following report; which was duly received :

Deaths registered during the two weeks ending August 10th, 1878:

Under 1 year	29
1 to 2 years	6
2 to 3 "	0
3 to 4 "	1
4 to 5 "	1
5 to 10 "	2
10 to 20 "	4
20 to 30 "	4
30 to 40 "	5
40 to 50 "	5
50 to 60 "	2
60 to 70 "	1
70 to 80 "	2
80 to 90 "	0
90 " 100 "	0
Above 100 "	0
Unknown	0
Total	62

HENRY JAMESON, M. D., President.
JOSEPH W. MARSEE, M. D.
WILLIAM WANDS, M. D., Secretary.

REPORTS FROM STANDING COMMITTEES.

The Judiciary Committee and City Attorney, through Councilman McKay, submitted the following report; which was duly concurred in:

Indianapolis, August 12, 1878.

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

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

First. Is a petition of James F. Failey, to have refunded taxes, erroneously paid, to the amount of \$33.60.

The petitioner owns \$3,000 of Merchants' National Bank stock. He also owns lot 5, out-lot 26, Russell's Subdivision. He also attaches to the petition two tax receipts of the City Treasurer, for 1877, both dated April 15th, 1878. One is for \$33.60, and recites that it is in full payment of taxes assessed against the petitioner, for the year 1877, on \$3,000 of Merchants' National Bank stock; no poll or personal charged. The other receipt is for \$84.28, and recites that it is in full payment of taxes assessed against the petitioner, for the year 1877, on lot 5, out-lot 26, Russell's Subdivision, and on poll and \$3,380 personal property. The petitioner says that the \$3,000 of bank stock is included in the \$3,380 of personal property, and, as evidence, shows his receipts for same.

This being beyond question a case of double assessment and collection, we recommend that the sum of \$33.60 be refunded to James F. Failey, the petitioner. We recommend that the Committee on Accounts and Claims include the above amount in the next general appropriation ordinance.

Second. The petitions of Rebecca C. Reich and Anna M. Krumlein, to have money refunded under the Widows' Exemption Act.

In obedience to a resolution passed by the Common Council, to the effect that no more money be refunded under the Widows' Exemption Act, unless claim is made to the City Assessor before said taxes are paid, we recommend that the prayer of the petitioners be not granted.

Respectfully submitted,

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

R. O. HAWKINS, City Attorney.

The Council and Aldermanic Committees on Markets, through Councilman Rodibaugh, submitted the following report and appended lease; which were duly received and approved:

Indianapolis, August 12, 1878.

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

Gentlemen:—We would report that we have obtained a lease of grounds for the West Market, at the corner of Washington and Missouri streets, and would recommend that the same be approved, and the Mayor be instructed to execute the same on behalf of the city.

Respectfully submitted,

OMER RODIBAUGH,
GEORGE ANDERSON,
J. M. BRUNER,
Council Committee on Markets.
W. F. PIEL,
Aldermanic Committee on Markets.

THIS INDENTURE WITNESSETH, That Samuel Ogden, of Cincinnati, Ohio, and Henry C. Adams, assignee of Alexander Metzger, of Indianapolis, Indiana, have this day leased and demised to the City of Indianapolis all the interest which they, respectively, have in the following real estate, to-wit:

Lots number one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), and eighteen (18), in Metzger & Robinius' Subdivision of lots one (1), two (2), and three (3), in square seventy (70), as same is subdivided and recorded in Plat-Book 7, page 76, Marion County Records, reserving and excepting, for the use and benefit of Samuel Ogden, so much of the premises as is known and occupied by house number 211 West Washington street;

The said City of Indianapolis to hold said premises, as above described, under this lease, together with all the privileges and appurtenances to the same belonging, for and during the full term of five (5) years from and after the date hereof, unless the said City of Indianapolis shall, before the expiration of said term, elect to surrender said lease herein to said Ogden, his representatives or assigns, and to said H. C. Adams, assignee as aforesaid, or his successors or assigns, as their respective interests or ownership of said premises may appear; which, by the terms of this lease, the said city may do, after having given at least three (3) months' notice in writing to the owners, and after having fully performed all the conditions and requirements, on its part, of this lease.

The said City of Indianapolis covenants and agrees to hold and use the said premises, as above described, for the purposes of a Public Market, and not to sub-lease or occupy the same for any other purpose, and, upon the termination, as above provided, to deliver up said premises to said Ogden, his heirs and assigns, as to his part of the same, and to said Adams, his successors and assigns, as to remainder of said premises, so that any and all occupants thereof, or any part thereof, may be expelled without notice and without liability on part of the lessors for trespass.

In consideration whereof, Said City of Indianapolis covenants and agrees to pay off and fully discharge, as the same becomes due and payable, any and all taxes and assessments of every kind that may be levied and charged upon said premises during the continuance of this lease, including all taxes levied on said premises for the year A. D. 1878.

In witness whereof, We have hereunto subscribed our hands and seals, this 8th day of August, A. D. 1878.

SAMUEL OGDEN,
By JOHN A. TRIMBLE, Atty-in-fact.
HENRY C. ADAMS,
Assignee Alexander Metzger.
THE CITY OF INDIANAPOLIS,
By JOHN CAVEN, Mayor.

[CITY SEAL.]

As supplemental to and a part of the lease hereto attached, it is provided that nothing therein contained shall operate to suspend the right of said Ogden to enforce his lien and claims against said Metzger's part of said premises, by foreclosure or other legal proceedings, subject to the right of possession by the City of Indianapolis until the termination of said lease, as therein provided.

SAMUEL OGDEN,
By JOHN A. TRIMBLE, Atty-in-fact.
HENRY C. ADAMS,
Assignee Alexander Metzger.
THE CITY OF INDIANAPOLIS,
By JOHN CAVEN, Mayor.

[CITY SEAL.]

THE STATE OF INDIANA, Marion County, ss:

Before me, the undersigned, a notary public in and for said County, this 2d day of September, 1878, personally appeared the above-named Samuel Ogden (by Joh.

A. Trimble, his attorney-in-fact), H. C. Adams (assignee of Alexander Metzger), and John Caven (Mayor of said City of Indianapolis), and acknowledged the execution of the above lease.

Witness my hand and official seal.

R. O. HAWKINS, Notary Public.

The Committee on Parks, through Councilman Tucker, submitted the following report:

To the Mayor and Common Council:

Gentlemen :—Your committee, to whom was referred the motion regarding the removal of the fence surrounding University Square Park, would recommend said fence be removed only when an ordinance is passed prohibiting the running at large of cattle within the city limits, or such limits as may be decided upon.

We would recommend the City Attorney and Committee on Judiciary be instructed to prepare an ordinance bearing on the matters referred to. When such necessary protection is provided, we are ready to recommend the removal of fences from both University and Circle Parks.

Respectfully submitted,

W. H. TUCKER,
I. C. WALKER,
T. C. READING,
Committee on Parks.

On the question of concurring in the recommendation contained in the preceding report, an "aye and nay" vote was demanded; which being taken, resulted in a disapproval of such recommendation, as shown below:

AYES, 7—viz.: Councilmen Cummings, Dill, Morris, Morse, Reading, Tucker, and Walker.

NAYS, 17—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Marsee, Maus, McGinty, McKay, O'Brien, Off, Reasner, Rodibaugh, Sindlinger, Steeg, Wiese, and Wright.

The Committee on Revision of Ordinances and City Attorney submitted the following report; which was duly received:

Indianapolis, August 12, 1878.

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

Gentlemen :—Your Committee on Revision of Ordinances and City Attorney, to whom were referred the several ordinances and amendments in relation to the markets, with instructions to incorporate them all into one ordinance, would report that we have complied with your instructions, and herewith report an ordinance that we believe includes all the amendments offered and passed by the Council, and that all the provisions ordered repealed are stricken out of it.

Respectfully submitted,

J. B. DILL,
JOHN L. F. STEEG,
THOS. J. MORSE,
Com. on Revision Ordinances.

R. O. HAWKINS, City Attorney.

The following entitled ordinance [referred to in the preceding report] was then introduced, and was read the first time:

G. O. 42, 1878—An Ordinance regulating the Public Markets; providing for the establishment of Licensed Markets, and regulating the same.

On Councilman Dill's motion, the rules were ordered to be suspended, for the purpose of now reading General Ordinance 42, 1878, the second and third times, and placing same on its passage, by the following vote :

AYES, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

Aforesaid ordinance was read the second time, ordered to be engrossed, and then read the third time by title, viz. :

G. O. 42, 1878—An Ordinance regulating the Public Markets; providing for the establishment of Licensed Markets, and regulating the same.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Morris, Morse, McKay, O'Brien, Off, Reading, Reasner, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS, 3—viz.: Councilmen Maus, McGinty, and Rodibaugh.

The Committee on Revision of Ordinances preferred the following request; which was, on motion, granted :

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

Gentlemen:—Your committee, to whom was referred the motion directing the Committee on Revision of Ordinances to prepare an ordinance abolishing the Police Board, and providing for the better government of the Police Force, would most respectfully ask for further time to enable them to devise a method for the better government of said Force, as we deem such a thing necessary.

Respectfully submitted,

J. B. DILL,
JOHN L. F. STEEG.

The same committee also preferred the request and made the recommendation set forth in the paper below given :

Indianapolis, August 12, 1878.

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

Gentlemen:—Your committee, to whom was referred General Ordinance 13, 1878, would respectfully ask for further time to complete the work; but would recommend, after careful consideration, that it be amended by striking out section 63.

Respectfully submitted,

J. B. DILL,
JOHN L. F. STEEG,
THOS. J. MORSE,
Committee on Revision of Ordinances.

The Common Council refused to grant the committee any further time, and took up the ordinance referred to above, when the several Aldermanic amendments, concurred in at the last meeting of the Common Council [see page 303, *ante*], were re-affirmed.

On Councilman Tucker's motion, section 63 was ordered to be stricken out by the following vote :

AYES, 15—viz.: Councilmen Bermann, Bruner, Dill, Maus, Morse, McGinty, O'Brien, Off, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 9—viz.: Councilmen Anderson, Brown, Cummings, Layman, Marsee, Morris, McKay, Walker, and Wright.

By direction of the President, the City Clerk read the title of the ordinance under consideration, viz. :

G. O. 13, 1878—An Ordinance relative to the Streets, Alleys, Sidewalks, and Public Places of the City of Indianapolis; restraining the making of Excavations therein or in lands adjacent thereto; prohibiting the placing of unauthorized Obstructions in or upon the same; securing the Public in the free and safe use thereof; revising and re-enacting Ordinance-Provisions now in force; and prescribing Penalties for violations of its Regulations and Requirements.

And the various amendments were concurred in by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Morris, Morse, McKay, O'Brien, Off, Reading, Rodibaugh, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS, 4—viz.: Councilmen Maus, McGinty, Reasner, and Walker.

The following entitled ordinances were then severally taken up, and, on motion, stricken from the files :

G. O. 36, 1878—An Ordinance to amend an ordinance entitled "An Ordinance prescribing General Regulations for the Public Markets of the City of Indianapolis; providing for the establishment of Licensed Markets; and defining the General Powers, Functions, and Duties of City Market-Masters (ordained and established June 25, 1878)."

G. O. 37, 1878—An Ordinance to amend the ordinance entitled "An ordinance establishing certain Rules and Regulations for the Government of the Public Markets of the City of Indianapolis; prescribing Restrictions upon Sales of sundry Articles of Food in other portions of said city; and imposing Fines and Punishments for violations thereof (ordained and established July 2, 1878)."

QUESTION OF PRIVILEGE.

On Councilman Walker's motion, further time was granted to the Standing and Select Committees on Gas-Light to report the results of their conference with the Indianapolis Gas-Light and Coke Company, which had not yet a satisfactory conclusion.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

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

To the Mayor and Common Council:

Gentlemen:— At a session of the Board of Aldermen, held Tuesday, July 30th, 1878, concurrent action was refused by said Board upon the following papers:

1st. Report of the Council Committee on Contracts (concurring in by the Council on July 29th, 1878), recommending the erection of lamp-posts, lamps, and fixtures on West street, between Kentucky avenue and Georgia street, for the reason that the city could not afford to add to any further expenditures on account of public lamp-lighting.

2d. Motion adopted by the Council on July 29th, 1878, which reads as follows:

“*Moved*, That the City Clerk be, and is hereby, directed to issue, and that the City Marshal be, and is hereby, directed to serve, all proper notices for the widening of Dillon street, from Harrison to Meek street; and opening the same from Meek street to or near the intersection of E. Washington street and Michigan Road.”

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On Councilman Tucker's motion, the consideration of the Aldermanic action set forth in the first clause of preceding message was postponed until the next meeting of the Common Council.

Councilman Layman moved that the Aldermanic action set forth in the second clause of the foregoing message be concurred in.

Councilman Tucker moved that Councilman Layman's motion to concur be laid on the table; which was done by the following vote:

AYES, 17—viz.: Councilmen Bermann, Brown, Bruner, Dill, Marsee, Maus, Morris, McGinty, O'Brien, Off, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 7—viz.: Councilmen Anderson, Cummings, Layman, Morse, McKay, Walker, and Wright.

On Councilman Tucker's motion, further consideration of aforesaid clause was postponed for three weeks.

The following message was then read, and the reference amendment adopted by the Board of Aldermen was duly concurred in:

To the Mayor and Common Council:

Gentlemen:— At a regular session of the Board of Aldermen, held Tuesday evening, August 6th, 1878, the action of your honorable body in referring to the Board of Public Improvements, “with instructions to act,” two certain motions offered by Councilman McGinty, was amended by substituting the word “power” for the word “instructions.” The reference of said motions to said Board of Public Improvements, as amended, was then concurred in.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was also read, and duly received :

To the Mayor and Common Council :

Gentlemen :—I herewith transmit certain papers, offered in and favorably acted upon, by the Board of Aldermen, at their regular session, held Tuesday evening, August 6th, 1878.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The papers transmitted with preceding message were thus disposed of :

Communication from Board of State House Commissioners, covering its resolution, asking the city to grant said board the privilege of using thirty feet of Ohio, Tennessee, and Mississippi streets, bordering on State House Grounds, for the deposit of building materials for the new State House, and Alderman Grubbs's motion, referring said paper and matter to the Board of Public Improvements, with instructions to confer with said Commissioners [see page 321, *ante*], were read.

Councilman Dill moved that a select committee of three be added to the Board of Public Improvements, to consider the foregoing application ; which proposition was defeated by the following "aye and nay" vote :

AYES, 10—viz. : Councilmen Anderson, Bermann, Cummings, Dill, O'Brien, Reading, Reasner, Steeg, Tucker, and Wiese.

NAYS, 14—viz. : Councilmen Brown, Bruner, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, Off, Rodibaugh, Sindlinger, Walker, and Wright.

On Councilman Walker's motion, the Aldermanic reference was confirmed by the following vote :

AYES, 17—viz. : Councilmen Anderson, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Reasner, Sindlinger, Walker, and Wright.

NAYS, 7—viz. : Councilmen Bermann, Dill, Reading, Rodibaugh, Steeg, Tucker, and Wiese.

The following Aldermanic motion was then read, and, on Councilman Marsee's motion, action thereon was postponed for one week :

Moved, That the Mayor, Clerk, Treasurer, and City Attorney be directed to report to this Board and the Common Council the amount of fees received by each of them during the fiscal year, ending May 15th, 1878, in order that the Council and Board may act advisedly in the matter of curtailing expenses.

UNFINISHED BUSINESS.

The City Attorney's report of threatened proceedings for contempt by the United States Court, in the event the Common Council and Board of Aldermen shall take any action in the matter of opening, etc., Dillon street, which had been brought before the Common Council on July 22d,

and then postponed [see page 250, *ante*], was taken up, and referred to the Judiciary Committee and the City Attorney.

[Later in the evening, by motion adopted, Mayor Caven was added to above committee.]

Councilman Reading was excused for the balance of this session.

INTRODUCTION OF ORDINANCES, PETITIONS, AND REMONSTRANCES.

On roll-call had, the following entitled ordinance was introduced, and read the first time:

Councilman Walker introduced—

S. O. 45, 1878—An Ordinance to provide for the improvement of the south sidewalk of Michigan street, from Meridian street to Pennsylvania street, by grading and paving the same with brick.

Said ordinance was accompanied by the following petition; 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 Michigan street, between Pennsylvania and Meridian streets, respectfully petition for the passage of an ordinance providing for the grading, and paving with brick, the south sidewalk of Michigan street, between the points named.

And your petitioners will ever pray, etc.

R. F. KENNEDY, 150 feet,
M. A. DOWNING, 210 feet.

Councilman Brown presented the following remonstrance; which was duly received, and was then referred, with Special Ordinance 38, 1878, to the Board of Public Improvements:

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

We, the undersigned property owners along the alley between Dougherty and Coburn streets, from Wright street east to Virginia avenue, respectfully remonstrate against the grading and graveling of said alley.

Ellen Kerkhoff,—feet; John Ryan, 40 feet; Parmelia A. Slate, 40 feet; Christ Miller, 40 feet; John Sullivan, 40 feet; Lew Schmidt, 40 feet; Bessie Hutton, 120.40 feet; A. G. Blauvelt, 40 feet; John Ring, 40 feet; S. L. Piers, 40 feet; Davis Milner, 40 feet; Jane McFarland, 40 feet; John Curran, 80 feet; Henry Vornholt, 40 feet; Lisey Casey, 103 feet; B. Boyle, 40 feet; E. Sweeney, 40 feet; Thomas Raftery, 40 feet; John Langhan, 40 feet; Maurice Healey, 80 feet; P. R. Fitzpatrick, Prest., 240 feet; Jno. M. Murphy, Thos. Donnell.

MISCELLANEOUS BUSINESS.

Councilman Bermann 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 Dunlop street, between Madison avenue and East street.

Councilman Brown presented the following communication; which, at his suggestion, was referred to the Committee on Finance:

Indianapolis, August 12, 1878.

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

Gentlemen:—We, the Board of Health, earnestly recommend that you make an appropriation to meet the expense of keeping the horse of sanitary policeman T. N. Watson, making the allowance date from July 7th We ask this, on the ground that the doctor has done twice the amount of work with his horse that he could have done on foot.

Very respectfully yours,

WM. WANDS, Secretary.

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

Moved, That the Street Commissioner be ordered to fill up the holes in Mississippi street, between North and Pratt streets, with gravel, as it is in a bad condition, by allowing the Citizens' Gas Company to dig up the same in making connections for private consumers of gas, and it will not cost more than ten dollars per square, and the work to be done is all in three squares.

Moved, That the Street Commissioner be ordered to fill up the mud-holes, with dirt or gravel, in first alley north of Pratt street, commencing at Illinois street, and running west to alley running north and south between Illinois and Tennessee streets.

Moved, That the Citizens' Street Railway Company be ordered to raise their tracks to the grade of the street, from Pratt to St. Joseph street, on Illinois street, as it is about six inches too low, and, in case of rain, it is full of water and is very unhealthy.

Also, the following motion; which was referred to the Committee on Gas-Light:

Moved, That the lamp-post on N. Illinois street, between Pratt and St. Joseph streets on the west side of said street, be ordered moved from where it now is, to the corner of the alley, so as to have light in said alley.

Also, offered the following motion:

Moved, That the owners or occupants of all real estate in this city, having any shade trees or other obstructions that obstruct the gas lamps from giving their full light, be ordered to have said trees and branches cut or trimmed out of the way of all such gas-lamps, also all other obstructions removed at once, or the City Civil Engineer shall cause the same to be done at the expense of said owner or occupant, within thirty days from the date of this motion.

Which was adopted by the following vote:

AYES, 17—viz.: Councilmen Anderson, Bermann, Brown, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, Reasner, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS, 6—viz.: Councilmen Bruner, McKay, O'Brien, Off, Rodibaugh, and Wright.

[Later in the evening, on Councilman Wright's motion, the preceding action was rescinded, and a new motion adopted.]

Councilman Dill offered the following motion; which was adopted:

Moved, That Moritz Kaufman be granted permission to grade, and pave with brick, the sidewalks in front of his property, on the northeast corner of West and North streets—such work to be done at his own expense, according to stakes set by the City Civil Engineer, and to be completed in thirty days.

Also, presented the following communication; which, at Councilman Cummings's suggestion, was referred to the Committee on Bridges and the City Attorney:

Indianapolis, August 10, 1878.

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

We have received the following notice, a copy of which is attached to this.

Your honors have evidently been misinformed in regard to this matter.

We are not the owners of said water-way, but, on the contrary, pay a large sum of money yearly for the use of the water which passes through it, but have no control of it until it passes a weir on south side of Market street. Said water way has been in existence since long before either of the undersigned had any interest or ownership in the mills where the water is used as a motive power; and as far as your petitioners know the bridge has been maintained by the city, and for several years of the time we know it has been maintained by the city. If we are under obligations to maintain this bridge, because the water which we use as a motive power in our mills, and for which we pay the owners, then we are under the same obligations to maintain all other bridges under which it passes within the city limits, which is all the bridges across the canal within the city limits, which can not be the case.

We, therefore, pray you to promptly repeal your order to the City Civil Engineer to fill up said water-way. Such filling up would greatly damage your petitioners, by stopping the running of their mills, which they have just completed at heavy expense.

Very respectfully,

GIBSON & CO.

Indianapolis, August 7, 1878.

GIBSON & Co.:

Gentlemen:—The following motion, adopted by the Common Council and Board of Aldermen, is hereby brought to your notice:

Moved, That the City Civil Engineer be directed to notify the owners of the mill-race crossing Market street, between Blackford and Geisendorf streets, to place the bridge over the same in good repair within ten days; and if the same is not done within that time, the city will close the bridge and fill the race at that point.

Yours respectfully,

Signed: ROBERT M. PATTERSON, City Civil Engineer,
Per S

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

Moved, That the Street Commissioner be instructed to fill the chuck-holes and low places, with gravel, in St. Mary street, between Fort Wayne avenue and Alabama street.

Moved, That the Street Commissioner be instructed to fill the chuck-holes and low places, with gravel, in Fort Wayne avenue, between Delaware street and the east side of Alabama street.

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

Moved, That the Indianapolis, Peru & Chicago Railway Company be directed to plank both sides of the foot-crossing over their railroad tracks on Home avenue, within five days from date, and that the City Marshal be directed to notify them of the same.

Moved, That the City Attorney be directed to inquire into and ascertain by what authority the Indianapolis, Peru & Chicago Railway Company have put down their tracks across Christian avenue again, and report to this Council.

Councilman Morse 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 repair the floor of the Michigan street bridge over White River.

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

WHEREAS, Several offers having been made for the cottonwood and sycamore timber on the Sellers' Farm, and none being satisfactory: Therefore,

Moved, That the Committee on Sellers' Farm be instructed to advertise for sealed proposals for said timber, reserving the right to reject any or all bids.

Moved, That the Board of Public Improvements, together with the City Attorney and City Civil Engineer, be, and are hereby, instructed to thoroughly investigate, and report at the next regular meeting of the Council, what action should be taken to prevent the overflow of the sidewalks from North street to Fall Creek bridge, on Indiana avenue.

Councilman O'Brien offered the following motion; which, at Councilman Marsee's suggestion, was referred to the Judiciary Committee and the City Attorney:

Moved, That the sums paid by hucksters for licenses under the provisions of General Ordinance 21, 1878, be refunded, as said ordinance was not operative, and the licensing clause has been repealed.

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

Moved, That the Street Commissioner be ordered to clean the gutters on S. Arsenal avenue, between Washington street and the I. & St. L. Railroad tracks.

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

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

Gentlemen:—Your petitioner would represent that, in April, 1877, he was possessed of a patent right, which is now, and was at the time, worthless, although it was given in at \$1,000. Your petitioner would represent that at the time it was given in, he gave it in under misapprehension, in anticipation of realizing some value thereon. It has proved to be entirely worthless; and I therefore pray your honorable body to refund to me the amount of tax (which I have fully paid under protest), which was \$12.

For which I would ever pray.

DOMINICK MINNIE.

Councilman Rodibaugh offered the following motion :

Moved, That the Street Commissioner be directed to move, or have removed, the scales, and the shed covering the same, from the old West Market Space, and that the same be placed, in good condition, on the new Market Space, at the corner of Missouri and Washington streets.

Councilman Wright moved that City Wood-Measurer Cornelius pay the expense attending the proposed removal of the scales; which motion was laid on the table.

On Councilman Marsee's motion, the matter was then referred to the Committee on Markets, with power to act.

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 an unanimous *viva voce* vote, and the business of the Common Council was proceeded with.

Councilman Rodibaugh presented the following petition and the appended motion; which were referred to the Board of Public Improvements :

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

The undersigned would respectfully ask that an appropriation of \$201 (as per estimate of City Civil Engineer) be made from the market fund, to pay the expense of grading and graveling a sidewalk on the west side of Missouri street, from Washington to Pearl street, to grade and gravel a thirty-foot street through from east to west, and a fifteen-foot alley through from north to south, as seen in drawing enclosed—all on the new location of the West Market.

Respectfully,

August 10, 1878.

CHARLES N. LEE, Market-Master.

Moved, That the Street Commissioner be directed to grade and gravel the sidewalk of Missouri street (fifteen feet wide), a fifteen-foot alley, from Washington to Pearl street, across the West Market grounds, and a thirty-foot street, east and west, through the West Market Grounds, according to stakes set by the City Civil Engineer.

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

Moved, That the City Civil Engineer be directed not to proceed with the instructions of this and the Aldermanic body, embodied in the notice served on Messrs. Gibson & Co.

Moved, That the Committee on Parks be instructed to investigate, and report to this Council, if the lessees of the Southern Park charge picnic parties for the use of the Southern Park grounds, when said parties have permission from proper authorities to visit and use said grounds.

Moved, That the German Y. M. C. A. Sunday School be granted the privilege of using the Southern Park for a picnic, on Wednesday, August 28th, 1878.

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

STATE OF INDIANA, *County of Marion.*

To the Common Council of the City of Indianapolis:

Gentlemen:—The undersigned, your petitioner, respectfully represents to your honorable body that she is the widow of Washington Smith, who has been dead for more than sixteen (16) years last past; that, at the time of his death, he left four (4) children—two boys and two girls—who are now living; that, since his death, your petitioner and one (1) of said girls have remained, and still are, unmarried females; that the other female heir remained unmarried until the 14th day of October, 1874. That, at the time of the death of said Washington Smith, the following realty to-wit, 37½ feet off the south side of lot 10, in square 100, in the City of Indianapolis, said County and State, was in the name of the undersigned; that during the years named in the receipts on file herewith, said realty has been of the average assessed value of \$2,925 for each of said years; that the one-third ($\frac{1}{3}$) interest claimed by your petitioner has been of the average assessed value of \$975 for each year named in said receipts; that the one-fourth ($\frac{1}{4}$) interest (claimed by each heir) of the remaining two-thirds ($\frac{2}{3}$) of said realty has been of the average assessed value of \$487.50 for each year named in said receipts. That during said years, your petitioner and said female heirs have not claimed any interest in any other realty. That the personal property of the undersigned and said female heirs has not, at any one time during the years named in the receipts, exceeded —— dollars each in value. That during the years named in the receipts, your petitioner has paid the sum of \$170.74, as therein named; which sum was assessed against said realty, as taxes claimed to be due thereon, and so collected from the undersigned. That by virtue of an Act made to provide for a uniform assessment of taxes, approved December 21st, 1872, the interest of the undersigned, to the amount of \$500, and of said unmarried female heir to the amount of \$487.50, and of the other female heir (to the date of her marriage in October, 1874) to the amount of \$487.50 was, under said Act, during the years named in the receipts on file herewith, exempt from taxation.

Wherefore, your petitioner prays that your honorable body cause to be refunded to her the sum of \$61.09.

ELLEN SMITH.

STATE OF INDIANA, *County of Marion.*

Before the undersigned, a notary public in and for said County in said State, personally appeared Ellen Smith, and subscribed her name to the foregoing instrument, and swore that the matters and things therein contained are true in substance and in fact, as affiant believes, this 5th day of August, 1878.

O. A. HAZZARD, Notary Public.

Councilman Tucker offered the following motion:

Moved, That there be a special meeting of this Council on Thursday night, August 15th, 1878, to settle the gas question.

Councilman Dill moved to amend the above motion by deferring the special session until next Monday evening; which proposition failed of adoption.

A vote was then taken on the original motion, and it was also lost.

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

Moved, That his Honor, Mayor Caven, be appointed to act with the Committee on Judiciary and City Attorney, to wait upon his Honor, Judge Gresham, in regard to the Dillon street question.

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

Moved, That the City Treasurer be, and he is hereby, ordered to charge to the city School Board all school taxes refunded by order of the Council and Board of Aldermen, and that the same be deducted from future payments of school taxes to said School Board.

Moved, That the City Marshal be, and he is hereby, ordered to enforce the ordinance preventing the obstruction of sidewalks and street-lamps by shade-trees.

On Councilman Wright's motion, the motion offered by Councilman Cummings, with regard to trimming shade-trees, and which had been duly adopted at this session [see page 337, *ante*], was ordered to be rescinded by the following vote:

NAYS, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morris, Morse, McGinty, McKay, O'Brien, Off, Rodibaugh, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS, 1—viz.: Councilman Sindlinger.

Councilman Wright also offered the following motion; which was adopted by an unanimous *viva voce* vote:

Moved, That the motion passed by this Council on last Monday evening, directing the City Clerk to give the necessary legal notice that the Board of Equalization would meet on the 19th of August, 1878, be, and the same is hereby, rescinded.

And then offered the following resolution:

Resolved, That the City Clerk be, and he is hereby, instructed to give the necessary legal publication, in some daily newspaper, that the Common Council, Board of Aldermen, City Clerk, and City Assessor will meet in the Council Chamber, on Wednesday evening, August 28th, 1878, as a Board of Equalization.

Which was adopted by the following vote:

August 12, 1878.]

COMMON COUNCIL

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

NAYS—None.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.