

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 16, 1878.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, December 16th, A. D. 1878, at seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—20.

ABSENT—Councilmen Dill, Morse, McGinty, Reading, and Rodibaugh—5.

The Proceedings of the Common Council, for the regular session, held on December 2d, 1878, having been printed, and placed on the desks of the Councilmen, said proceedings were duly 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 contract was duly awarded, as therein recommended:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to which was referred sundry proposals, presented to Council on Monday evening, December 2d, 1878, for grading and graveling the first alley south of Prospect street, from Laurel street to Everson street, have examined the same, and find them to be as follows, viz.:

Richard Carr, 16 cents per lineal foot front on each side.
John L. Hanna, $13\frac{1}{2}$ cents per lineal foot front on each side.
Wm. Morrison, $12\frac{1}{2}$ cents per lineal foot front on each side.
John Greene, $12\frac{1}{4}$ cents per lineal foot front on each side.
Jas. Mahoney, 12 cents per lineal foot front on each side.
A. J. Sloan, 11 cents per lineal foot front on each side.
Fred. Gansberg, 9 cents per lineal foot front 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,
Committee on Contracts

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

Indianapolis, December 16, 1878.

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

Gentlemen:—The amount of fines collected by me during the month of November, 1878, was thirty-two dollars and eighty cents, due the City Treasury; and which amount I have paid the City Treasurer, and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

His Honor also presented the the following communication:

Indianapolis, December 4, 1878.

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

Gentlemen:—We would respectfully ask your honors to grant us permission to occupy the Council Chamber, for the use of the Marion County Criminal Court, during the session of the Legislature, which convenes on the second Tuesday in January next.

Please favor us with a reply at your earliest convenience.

Very respectfully,

WM. WORMAN,
A. C. REMY,
JACOB RUBUSH,
Commissioners of Marion Co., Ind.

On Councilman Marsee's motion, the privilege asked for in preceding communication was duly granted.

At Mayor Caven's suggestion, the City Clerk was instructed to transmit foregoing communication to the Board of Aldermen, as the Court would also need its chamber for a jury and witness room.

REPORTS, ETC., FROM CITY OFFICERS.

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

Indianapolis, December 16, 1878.

To the Mayor and Common Council:

Gentlemen:—I herewith report the following estimates:

A first and final estimate in behalf of Richard Carr, for grading and graveling the alley between Delaware and Pennsylvania streets, from Home avenue to King street—

1048 lineal feet, at 15 cents \$157 20

Also, a first and final estimate in behalf of James Mahoney, for grading and graveling the first alley south of Vermont street, from Columbia street to West street—

390 lineal feet, at 12 cents \$46 80

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then offered :

Resolved by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed Richard Carr, for grading and graveling the alley between Delaware and Pennsylvania streets, from Home avenue to King 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, 15—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Marsee, Maus, Morris, McKay, Off, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS—None.

The following estimate resolution was also offered :

Resolved by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed James Mahoney, for grading and graveling the first alley south of Vermont street, from Columbia street to West 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.

Which was adopted by the following vote :

AYES, 15—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Marsee, Maus, Morris, McKay, Off, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS—None.

The same officer presented the following communication, accompanying it with the contract and bond therein referred to; which communication was received, and the contract and bond was duly concurred in and approved :

Indianapolis, December 16, 1878.

To the Mayor and Common Council:

Gentlemen:—I herewith report the contract and bond of Fred. Gansberg, for improving the first alley south of Prospect street, from Laurel street to Everson street, by grading and graveling. Penalty of bond, \$100; surety, Richard Carr.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

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

Indianapolis, December 16, 1878.

To the Mayor and Common Council:

Gentlemen:—In regard to the motion requiring us to report the probable cost and best mode of improving Tennessee street, from Ohio street to Seventh street, we would report as follows:

We would recommend removal of all the blocks, bowldering the gutters, and graveling the street with good raked river gravel. The gutters should be provided with gutter-stones, ten inches wide by six inches thick, which would greatly improve the drainage of this street.

From Ohio street to First street, the gutters should be eight feet wide, and the street graveled to a width of thirty-four feet in the centre, and to a depth of twelve inches in the centre, sloping to six inches at the sides.

From First street to Seventh street, the gutters should be seven feet wide, and the street graded to a width of twenty-six feet in the centre, and to a depth of twelve inches in the centre, sloping to six inches at the sides.

This kind of improvement would cost 90 cents per lineal foot front on each side, from Ohio street to First street; and 78 cents per lineal foot front on each side, from First street to Seventh street.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

L. A. FULMER, Street Commissioner.

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

Indianapolis, December 16, 1878.

To the Common Council and Board of Aldermen:

Gentlemen:—I would respectfully report that I have certified to the City Treasurer a transcript of the report of the City Commissioners as to the assessment of benefits and damages in the matter of laying out, opening, and widening Shelby street, from Prospect street to the south corporation line.

I also filed with the Recorder of Marion County a similar transcript, together with a plat of the laying out, opening, and widening of said street.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

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

To the Mayor and Common Council:

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

James Mahoney vs. Anna Maria Stilz, William J. Stilz, Charles B. Stilz, Elizabeth M. Stilz, Anna M. Stilz, Frances J. Stilz, Geo. A. Stilz, and Caroline C. Stilz, for.....	\$239 05
John Schier vs. Thomas H. Spann, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. Mary H. McGaughey, for.....	7 35

John Schier vs. George Storm, for.....	\$ 7 35
John Schier vs. George Storm, for.....	7 35
John Schier vs. Mary B. Strong, for.....	7 35
John Schier vs. O. L. Wade (christian name unknown), for.....	7 35
John Schier vs. John Carroll, for.....	7 35
John Schier vs. Francis L. Moore, for.....	7 35
John Schier vs. Jemima Shrewsbury, for.....	4 35
John Schier vs. Sylvester C. Miller, for.....	7 35
John Schier vs. John A. Hart, for.....	7 35
Robert P. Dunning vs. J. Henry Ballman, for.....	35 00
Robert P. Dunning vs. Mary P. Robinson, for.....	125 00
Robert P. Dunning vs. Rebecca Goldsberry, for.....	27 12
Robert P. Dunning vs. Joseph K. Sharpe, for.....	131 25
Robert P. Dunning vs. J. Henry Kappes, for.....	131 25
Robert P. Dunning vs. Peter Weise, for.....	109 37
David A. Haywood vs. Jesse A. Harvey, for.....	25 35
David A. Haywood vs. Eli Jackson, for.....	37 84

And would recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

On Councilman Bermann's motion, the matter of ordering a precept on the affidavit of R. P. Dunning vs. J. Henry Ballman was postponed until the next regular session,

The other precepts, therein recommended, were then ordered to be issued by the following vote :

AYES, 15—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Layman, Marsee, Maus, Morris, McKay, Off, Showalter, Sindlinger, Tucker, Walker, and Wiese.

NAYS—None.

The City Marshal presented the following communication, and asked for instructions :

Alonzo D. Harvey, City Marshal:

Sir:—I have been served with a notice, signed by you, reciting the following preamble and resolution, adopted by the Board of Aldermen and the Common Council:

"WHEREAS, Certain property owners on Railroad street, between St. Clair street and Massachusetts avenue, have fenced the same, and have erected buildings in said street: Therefore,

"Resolved (the Common Council concurring), That the City Marshal, under the direction and advice of the City Attorney, notify the parties to move the fences and buildings from the street; and, if not done at once, to take the proper measures to remove the same."

You seem to have acted under this resolution; but whether under the advice and direction of the City Attorney is somewhat doubtful. The City Attorney, before recommending a summary proceeding to deprive private individuals of their property, would certainly satisfy himself that the city, or its grantors, had a good title to the property which it is proposed to seize without other notice of its intention than the above resolution. If it is proposed to open what is called "Railroad street," from St. Clair street to Massachusetts avenue, of any given width, or on

any given line, the statute, city charter, and the ordinances point out the method of procedure; and that method should be followed.

Violent entry on a man's property, and tearing down his improvements, without first condemning the ground for public use and paying him the value, has hitherto been unknown in this community. I am in possession of my own lot—lot 10 in Gillespie's Subdivision of out-lot 43, in Indianapolis, and claim a clear, unbroken fee-simple title to the same, from the government down to myself. No street called "Railroad street" has ever been laid out, on or over it, by any of the successive holders of the title; and no right-of-way has ever been given to any railroad over it; nor has any condemnation ever been had of the ground, either for the use of any railway company or the public. My title is all on record, according to law; and I know of no title, on record or elsewhere, conflicting with it. I own all of lot 10, according to Gillespie's plat of out-lot 43, and it has an alley 15 feet wide, according to said plat, at the east end. That I have not obstructed, and have no desire to do so. I presume the Council has no desire to trench on private rights, or to order an illegal attack upon them.

To show you, and the Attorney and the Council, that I am only claiming what is clearly mine on record, I cite you to the books and pages showing my title. First, in the Recorder's office: Book G, p. 180; Book I, p. 213; Book T, p. 433; Book Q, p. 584; Plat-Book 1, p. 13; Town-Lot Record 4, pp. 348, 360, 366, 407; T. L. R. 5, p. 259; T. L. R. 16, p. 368; T. L. R. 23, p. 414; T. L. R. 87, p. 233; T. L. R. 81, p. 356. Comp. Record M. Circ. Ct. "L," p. 543; Marion Com. Pleas Ct., Dec. 1852, P. & I. R. R. Co. vs. Widow and heirs of J. Gillespie. Also, see Mortg. Records, R. R., p. 255; No. 63, pp. 118 and 146; No. 87, p. 383; No. 89, p. 147; No. 92, p. 172; No. 93, p. 485; No. 94, p. 338. In all these deeds and mortgages, title is asserted in the entire lot.

I claim title and possession of the entire lot now, and will resist any effort to dislodge me, not made under the law authorizing the condemnation of private property for public use.

Please communicate this to the Council and Aldermen.

Very respectfully, yours,

THEO. DIETZ.

On Councilman Layman's motion, the preceding communication was referred to the Council and Aldermanic Judiciary Committees, the City Attorney, and the City Assessor, for joint investigation and report; and the City Marshal was instructed to suspend further proceedings until such examination and report could be made and concurrent action be had on the facts reported.

The Chief Fire Engineer submitted the following report; which was duly received:

Indianapolis, December 16, 1878.

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

Gentlemen:—In compliance with your order of October 14th, 1878, and in company with Mr. J. H. Webster, E. T. Burgess, and W. C. Long, I have examined some of our public buildings.

The first building I have to report on is the Surgical Institute. This building we gave a careful examination, and find, as we believe, the building unsafe. On the first floor there is a drug store, in the rear part of which there is a lot of oil, old paper, and other combustible material; on the north of that there is a clothing store, then a cigar store, next a grocery; and in the rear of these there is the boiler and heating apparatus, partly inclosed by a wooden shed that looks like fire might occur at any time. The boiler looks like it had seen much service. From the outward appearance, we could form but little idea as to the safety; but, judging from what we could see, it was not very safe. On the south of this, on the first floor,

and immediately adjoining the drug store, there is a laundry, heated by stoves, connected with old flues that look very unsafe, to say the least, and the old entrance from Illinois street, running back to laundry and boiler house, with nothing to cut it off but wooden doors. The front part of the hall is closed from the street by double doors, opening on the inside; and from this hall the main stairs start, running to the upper part of the building, and are very crooked and narrow. All the stores in the building run back and open out near the boiler, with nothing between but wooden doors. In case of fire anywhere about the boiler house or laundry, there is but little to cut it off from the main stairway; in fact, nothing but wooden doors. The halls in the upper part of the building are very narrow, and the ceilings very low; and up the stairway and through the halls there seems to be a strong draught, so that fire anywhere in the lower part of the building would, in a very few minutes, fill the halls and stairways so full of smoke that it would be impossible for any one to pass through them, and the chances to get out of the upper part of the building, with the class of people that we see there, would be utterly impossible. Between the old building and the one immediately north, there is a wooden passage, and, from a window in that passage, there is an old rough wooden stairway running down between the two buildings to the street, but the entrance at the street is closed up and used by "bill posters," so that the chances of escape that way are very poor. In fact, there seems to be no preparation made to get any one out of the building in case of fire.

After carefully examining the building and surroundings, I would be compelled to pronounce the building unsafe in case of fire, and believe that in case a fire should break out, which is not improbable, there would be loss of life.

I would further report on the Grand Opera House, that, in case of a fire, or an alarm of fire, the means of escape are very insufficient, and it would be impossible for the people to get out; and without doubt many would be trampled to death, if not burned. In order to provide proper avenues of escape in case of fire, I would suggest the following, and urge that that, or some other, remedy be adopted at once. Some steps should be taken at once to prevent serious disaster. In the lower part of the house, aisles should be made from the side doors, down through the dress or family circle to the parquette, and opening into the parquette circle, so that passage could be effected, through the aisles leading to the side doors. With such avenues of escape, the lower part of the building would be well protected. For the first gallery, double side doors should be made on the north and south sides of the building, with aisles from the doors to the front row of seats, and stairs leading from the doors to the ground, not less than four feet wide. From the gallery above, there should be a passage made through the building in front, with double iron doors to close it up, and proper aisles leading thereto. After a careful examination of this building, my judgment is that there should be some changes made, so as to provide ample avenues to escape in case of fire, for the good of the public.

We will examine and report on other buildings as time well permit.

Respectfully submitted,

J. G. PENDERGAST, Chief Fire Engineer.

And then Councilman Layman offered the following motion; which was duly adopted:

That the Chief Fire Engineer be, and is hereby, instructed to notify the owners and lessees of the public buildings known as the Surgical Institute, the Grand Opera House, and the Metropolitan Theatre to provide ample means for escape in case of fire, as it appears from the report submitted here to-night by the Chief, that these buildings are not properly provided with fire-escapes; and that the Chief report to this body, at the next meeting, their reply to this motion.

REPORTS FROM OFFICIAL BOARDS.

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

Indianapolis, December 16, 1878.

To the Mayor and Common Council:

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

1st. Is a motion instructing the Street Commissioner to clean the gutters of, and fill the chuck-holes in, East street, between North and Cherry streets.

We recommend this work be done.

2d. Is a motion directing the Street Commissioner to fill the chuck-holes in Clifford avenue, from Pogue's Run to corporation line east.

We recommend this work be not done.

3d. Is a motion directing the Street Commissioner to fill the chuck-holes in North street, between Massachusetts avenue and Noble street—the cost not to exceed fifteen dollars.

We recommend this work be done.

4th. Is a motion directing the Street Commissioner to fill the chuck-holes in Madison avenue, between Merrill street and the J., M. & I. Railroad.

We would recommend the introduction of an ordinance providing for the improvement of this part of Madison avenue.

5th. Is a motion directing the Street Commissioner to clean the gutters and fill the holes in First street, from Meridian street to West street.

We recommend said work be done.

6th. Is a motion directing the placing of iron grates at sewer-openings on the corner of North and Illinois streets.

We recommend the work be done.

7th. Is a motion directing the Street Commissioner to put some gravel on Illinois street, between Vermont and Michigan streets.

We recommend the work be done.

8th. Is a motion instructing the Street Commissioner to clean and fix the gutters of Huron street, between School and Noble streets.

We recommend this work be done.

9th. Is a motion to fill the chuck-holes in Union street, between McCarty and Ray streets; also to clean the gutters of Meridian street, between McCarty and Ray streets.

We recommend said work be done.

10th. Is a motion calling the attention of the Board of Public Improvements to the condition of the streets and crossings in the vicinity of West and South streets.

We have examined said streets, and recommend the introduction of ordinances for improving said streets.

11th. Is an ordinance for grading and graveling Linden street and sidewalks, from Woodlawn avenue to Pleasant street, together with a remonstrance against the passage of same.

A majority of the property owners protest against the passage of the ordinance, and we would recommend said ordinance be not passed.

12th. Is an ordinance for grading and graveling the alley between Liberty and Noble streets, from New York street to Lockerbie street.

This ordinance is accompanied by a petition for its passage, which, like the ordinance, fails to designate the alley properly. There is also a remonstrance against

passage of the ordinance, the remonstrance designating the first alley between Liberty and Noble streets, from New York to Lockerbie streets. We would recommend no action be taken on said ordinance, while in its present shape.

We would further report that we are in receipt of a communication from the Superintendent of the Westfield Gravel Road Company, stating that, at the time Illinois street, from Seventh street to Twelfth street, was improved; there was a cut made in the Gravel Road beyond Twelfth street, in order to connect the grades. This was permitted, on condition the city re-graveled and put in good condition the section cut.

We have had this matter under consideration, and would recommend the Street Commissioner be instructed to gravel said portion of road, at a cost not to exceed twenty-five dollars.

Respectfully submitted,

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

On Councilman Brown's motion, the expenses of graveling Illinois street, between Vermont and Michigan streets (see clause 7) was limited to \$10.

On Councilman Wright's motion, the following entitled ordinances (referred to in clauses 11 and 12 of preceding report) were taken up, and were severally stricken from the files :

- S. O. 53, 1878—An Ordinance to provide for improving Linden street, from Woodlawn avenue to Pleasant street, by grading and graveling the street and sidewalks thereof.
- S. O. 56, 1878—An Ordinance to provide for improving the alley between Liberty and Noble streets, from New York street to Lockerbie street, by grading and graveling.

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

Deaths registered during the two weeks ending December 15th, 1878 :

Under 1 year	17
1 to 2 years	1
2 to 5 "	3
5 to 10 "	3
10 to 15 "	2
15 to 20 "	2
20 to 25 "	4
25 to 30 "	2
30 to 40 "	2
40 to 50 "	3
50 to 60 "	1
60 to 70 "	1
70 to 80 "	1
80 to 90 "	0
90 to 100 "	0
100 and upwards	0
Unknown	0
Total	42

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

The Council and Aldermanic Committees on Finance, through Councilman Wright, submitted the following report; which was duly approved :

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

Gentlemen:—Your Committees on Finance, to whom were referred sundry papers, respectfully report on the following :

1st. Is the City Clerk's report of Orders issued during November, 1878.

We have examined the same, and find it correct.

2d. Is the City Treasurer's report of receipts and payments during November, 1878.

We have examined said report and the books of his office, and find them correct.

3d. Is the Chief Fire Engineer's report for the quarter ending December 1st, 1878, of miscellaneous expenses of the Fire Department.

Your committees did not examine the vouchers, for the reason the Fire Board had examined the same, and allowed the claims. This report shows the expenses of the current year to December 1st. Your committees believe the Fire Department to be prudently and economically managed, and that the expenses for the present year will not exceed the estimate.

4th. Is the Board of Public Improvements' report of expenses of the Street-Repair Department, from May 15th to December 1st, 1878.

Your committees find the report correct, and the expenses to be within the estimate.

Your Committees on Finance, for the information of Councilmen and Aldermen, submit the following statement of the estimated expenses of the current year, as agreed upon in joint convention, and the actual expenses during the first six and one-half months :

	Estimates for the year ending May 15, 1879.	Expenses from May 16 to Dec. 1, 1878.
Board of Health.....	\$ 450 00	\$ 282 00
Bridges.....	4,800 00	2,373 74
City Assessors' Assistants.....	2,650 00	2,095 00
City Civil Engineer's Department.....	2,000 00	961 51
City Commissioners.....	375 00	00
City Dispensary.....	2,000 00	999 97
City Hospital and Branch.....	10,000 00	5,377 36
Cisterns.....	700 00	00
Costs.....	700 00	283 67
Coal Oil Light.....	1,200 00	412 96
Damages.....	10,000 00	250 00
Elections.....	650 00	637 50
Fire Department.....	68,156 75	37,836 09
Fountains.....	20 00	19 05
Gas.....	58,500 00	31,181 28
Gregg Bequest.....	290 25	438 42
Ice.....	100 00	69 74
Incidentals.....	1,390 00	755 95
Insurance.....	123 75	00
Interest on Bonds.....	140,163 50	67,947 75
Markets.....	310 50	55 94
Nuisances.....	175 00	175 00
Office Fixtures.....	300 00	417 75
Parks.....	1,500 00	1,131 79
Percentage.....	11,700 00	5,564 46

Police.....	\$ 42,500 00	\$ 23,025 67
Posting Bills.....	100 00	48 80
Printing, Stationery, and Advertising.....	6,500 00	1,854 41
Public Buildings.....	120 00	00
Rent.....	3,000 00	1,500 00
Salary.....	16,795 00	6,348 77
Sewers.....	1,000 00	1,309 62
Station Houses.....	2,500 00	1,107 75
Street Improvements.....	5,000 00	1,499 55
Street Repairs.....	30,000 00	18,640 68
Taxes Refunded.....	900 00	692 32
Tomlinson Annuity.....	7,000 00	3,500 00
Tomlinson Estate Repairs.....	280 00	244 03
Transfers.....	400 00	00
Tunnels.....	00	18 90
Water Rent.....	25,000 00	12,503 00
Interest on Temporary Loan.....	3,500 00	00
	<hr/>	<hr/>
	\$ 462,855 95	\$ 231,560 43

Respectfully submitted,

A. L. WRIGHT,
S. MORRIS,
JAMES T. LAYMAN,
S. SHOWALTER,
G. SINDLINGER,
J. M. RIDENOUR,
T. E. CHANDLER,
D. MUSSMANN,
Committees on Finance.

The Judiciary Committee and City Attorney submitted the following legal opinion; which was considered and concurred in by clauses:

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

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

First. Is a petition from the Trustees Indiana Asbury University, to have certified off of the tax-duplicate of the City of Indianapolis certain real estate, described as lots 143, 144, 145, and 146, in Ingram Fletcher's Third Addition to the City of Indianapolis.

The above described property was conveyed, by donation deed, to John W. Ray, as trustee of said University, and has been carried forward on the tax duplicate of the city in the name of said Trustees Indiana Asbury University. Since 1872, no tax has been paid during that time on said property by said Trustees.

Your committee are of the opinion that the property is clearly exempt from taxation; for, by virtue of an amendment to the charter incorporating said University, the real estate held by said trustees is exempt from taxation. We, therefore, recommend that City Treasurer be instructed to make the proper entry, certifying the above described property off of the duplicate and to annul the assessments.

Second. Are the petitions of Anna Maria Koss and Elizabeth Chamberlain, to have money refunded under the Widows' Exemption Act.

In view of the restrictions of the resolution passed May 6th, 1878, by the Common Council, and concurred in by the Board of Aldermen; to the effect "that no more claims be allowed under what is known as the Widows' Exemption Act unless such claims are made to the City Assessor before payment is made to the City Treasurer," we recommend the prayer of the petitioners be not granted.

Third. Is the petition of John Keeley to have money refunded on erroneous tax assessment.

As there are no deeds or other papers accompanying the petition, by which your committee can verify the statements contained therein, we recommend the prayer of the petitioner be not granted.

Very respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
JOHN L. F. STEEG,
Committee on Judiciary.
R. O. HAWKINS, City Attorney.

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

Indianapolis, December 16, 1878.

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

Gentlemen:—Your Committee on Judiciary and City Attorney, who were instructed to report an ordinance granting the Indiana District Telephone Company the right to erect and maintain telephone and telegraph lines, would report that we have prepared such an ordinance, which we herewith submit, and recommend its passage.

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
JOHN L. F. STEEG,
Judiciary Committee.
R. O. HAWKINS, City Attorney.

The following entitled ordinance (referred to in preceding report) was then read the first time:

G. O. 59, 1878—An Ordinance granting the Indiana District Telephone Company the privilege of using the Streets and Alleys of the City of Indianapolis in constructing, operating, and maintaining Lines of Telephone in said city.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was read and considered by clauses:

To the Mayor and Common Council:

Gentlemen:—At the last regular session of the Board of Aldermen, held on 3d instant, said body determined to insist upon proceedings by it theretofore had in the following particulars:

1st. That S. J. Fletcher shall revise his petition for the vacation of Arsenal Park Addition, "so as to conform its streets to those streets in the city, which, when extended, would pass through it." See Report from Aldermanic Committee on Public Schools, on page 613 of printed Proceedings.

2d. That a motion be adopted, "instructing the City Treasurer to proceed and collect the benefits in the opening and widening of Shelby street, and that the damages be not paid until all the benefits shall have been collected by the Treasurer," etc. See page 622 of printed Proceedings.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The first clause of preceding message being under consideration, on Councilman Wright's motion, the Common Council receded from its former action upon that subject [see pages 464 and 465, *ante*], and then concurred in the Aldermanic action [see pages 613 and 651-2, *ante*].

The second clause of foregoing message being under consideration,

Councilman Walker moved that the Common Council recede from its former action on this subject also, and accede to the Aldermanic request.

Councilman Tucker moved that last preceding motion be laid on the table; which was done.

Councilman Tucker then moved that the Common Council adhere to its former action; which motion was adopted by the following "aye and nay" vote:

AYES, 11—viz.: Councilmen Bermann, Brown, Bruner, Marsee, Maus, O'Brien, Off, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 8—viz.: Councilmen Anderson, Cummings, Layman, Morris, McKay, Showalter, Walker, and Wright.

The following message was duly received:

To the Mayor and Common Council:

Gentlemen:—I herewith submit, for your consideration and action upon same, certain papers which were favorably acted upon by the Board of Aldermen, at its regular session held December 3d, 1878.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

Report from Aldermanic Committees on Judiciary and Railroads and the City Attorney on the sundry street railway papers—for which see pages 497 to 501, *ante*, together with the following amendatory resolution [which had been offered in and duly adopted by the Board of Aldermen—see pages 659 and 660, *ante*], were read:

Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the said Council and Board deem it expedient that a line of street railway be constructed along and upon Indiana avenue, from the intersection of said avenue with Illinois street, northwest, along said avenue, to Blake street; and that the Citizens' Street Railway Company be, and are hereby, directed to construct the same at once. And the City Clerk is hereby directed to serve a copy of this resolution upon the proper officer of said company, in accordance with the provisions of section 15 of an ordinance entitled "An Ordinance authorizing the construction, extension, and operation of certain Passenger Railways in and upon the streets of the City of Indianapolis (ordained January 18th, 1864)."

And then, on Councilman Cummings's motion, the Common Council postponed action upon the foregoing resolution until its first regular session in March, 1879.

The following Aldermanic motion, which said body had referred to the Board of Public Improvements, who were given power to act, was read; and the aforesaid reference and power were duly concurred in :

That the Street Commissioner be ordered to make crossings, with cinders, at the following places :

Corner of Russell avenue and Illinois street.
 Corner of Ray and Meridian streets.
 Corner of Wilkens and Meridian streets.
 Corner of Morris and Meridian streets.

The following Aldermanic motion was laid on the table :

That the Committees on Gas-Light be requested to have at least three lamps lighted on Arsenal avenue, between Market and Michigan streets.

The contract between the City of Indianapolis and the Water-Works Company of Indianapolis [see text of contract on pages 617 to 619, *ante*], and which the Board of Aldermen had duly accepted [see pages 660 and 661, *ante*], was read; and the action of the Board of Aldermen, in accepting such contract, and in instructing His Honor, the Mayor, to sign the same in behalf of the city, was duly approved.

NEW ORDINANCES, PETITIONS, AND REMONSTRANCES.

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

Councilman Marsee introduced—

S. O. 59, 1877—An Ordinance to provide for re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street.

Councilman Tucker introduced—

S. O. 60, 1878—An Ordinance to provide for grading, and paving with brick (except where already paved), the west sidewalk of Noble street, from Fletcher avenue to Huron street.

The last preceding ordinance was accompanied by the following petition; which was duly received :

Indianapolis, December 16, 1878.

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

Gentlemen :—The undersigned, owners of the real estate fronting on Noble street, between Fletcher avenue and Huron street, respectfully petition for the passage of an ordinance providing for the grading, and paving with brick (where not already paved), the west sidewalk of Noble street, from Fletcher avenue to Huron street.
 And your petitioner will ever pray, etc.

JOSEPH L. FISHER, 120 feet.

Councilman Tucker also introduced—

G. O. 60, 1878—An Ordinance amending section 2 of an ordinance entitled "An Ordinance to provide for Tapping Public Sewers and Drains and making connections therewith (ordained October 30th, 1871)."

The Council and Aldermanic Committees on Finance, through Councilman Wright, introduced—

G. O. 61, 1878—An Ordinance providing for a Temporary Loan of One Hundred Thousand Dollars, for the purpose of defraying the Current Expenses of the City of Indianapolis during balance of the Fiscal Year ending on May 15th, 1879.

Ap. O. 78, 1878—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employes.

Councilman Wright also presented the following remonstrance; which was duly received:

Indianapolis, December 16, 1878.

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

Gentlemen:—The undersigned, owners of the real estate fronting on the first alley north of Lockerbie street, between Liberty street and Noble street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling said alley, and we ask that Special Ordinance 57, 1878, be stricken from the files.

And your remonstrants will ever pray, etc.

F. W. Simon, 165 feet; Wm. Otte, 125 feet; Dorte Vehling, 130 feet; Chris. F. Neermann, 34 feet.

And then, on Councilman Wright's motion, the following entitled ordinance was stricken from the files:

S. O. 57, 1878—An Ordinance to provide for improving the first alley north of Lockerbie street, from Liberty street to Noble street, by grading and graveling.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

On Councilman Wright's motion, the rules were suspended, for the purpose of taking up General Ordinance 61, and Appropriation Ordinance 78, 1878 (on second reading), and placing them on their passage, by the following vote:

AYES, 19—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

G. O. 61, 1878—An Ordinance providing for a Temporary Loan of One Hundred Thousand Dollars, for the purpose of defraying the Current Expenses of the City of Indianapolis during balance of the Fiscal Year ending on May 15th, 1879.

And was passed by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the second time, ordered to be engrossed, and read the third time, viz. :

Ap. O. 78, 1878—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employees.

And was passed by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

On Councilman Layman's motion, the rules were suspended, for the purpose of taking up General Ordinances 59 and 60, 1878 (on second reading), and placing them on their passage, by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

G. O. 59, 1878—An Ordinance granting the Indiana District Telephone Company the privilege of using the Streets and Alleys of the City of Indianapolis, in constructing, operating, and maintaining Lines of Telephone in said city.

And was passed by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

General Ordinance 60, 1878, was then read the second time.

Councilman Marsee moved that last mentioned ordinance be stricken from the files.

Councilman Tucker moved that foregoing motion be laid on the table; which was done by the following "aye and nay" vote:

AYES, 13—viz.: Councilmen Bermann, Brown, Bruner, Cummings, Layman, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 7—viz.: Councilmen Anderson, Marsee, Maus, Morris, McKay, Walker, and Wright.

Councilman Marsee then moved that aforesaid ordinance be referred to the Council and Aldermanic Committees on Sewers, for joint consideration.

On Councilman Tucker's motion, the foregoing proposition was also laid on the table.

Councilman Layman then moved that the proposed amendatory section be amended by striking out the words "five dollars," and inserting "ten dollars," and by striking out the words "ten dollars," and inserting "twenty dollars," so that such section should read as follows:

"The Committee on Sewers and City Clerk are hereby authorized to grant such permits as they may deem proper, allowing persons to tap the public sewers and to make connections therewith, for which such persons shall pay, before the issue of such permits, to the City Treasurer, the sum of ten dollars; *Provided, however,* That the fee for tapping any public sewer constructed wholly at the public expense shall be twenty dollars," etc.

Councilman Tucker moved that foregoing proposed amendment be laid on the table; which motion failed of adoption.

Councilman Layman's amendments were then duly adopted, the ordinance ordered to be engrossed as amended, and then read the third time, viz.:

G. O. 60, 1878—An Ordinance amending section 2 of an ordinance entitled "An Ordinance to provide for Tapping Public Sewers and Drains and making connection therewith (ordained October 30th, 1871)."

And was passed by the following vote:

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morris, McKay, O'Brien, Off, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

NEW BUSINESS.

Councilman Brown offered the following motion; which, under the rules, was referred to the Board of Public Improvements:

That the Street Commissioner be instructed to extend the sewer pipe on the west side of Reid street, from Prospect street, south, as far as necessary to carry off the drainage, and to fill the ditch to the proper street grade.

SIG. 68.

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

That Anthony Prange be granted permission to sink a well in sidewalk of Oak street, at rear of his new store room—the same to be done under the direction of City Civil Engineer.

Councilman Layman presented the following petition; which, at his suggestion, was referred to the Judiciary Committee and the City Attorney:

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

Joseph K. Sharpe, your petitioner, respectfully stows to your honorable body that he is the owner of lots one (1) and two (2), in Ray's Subdivision of square sixty-three (63), in the City of Indianapolis, the same being situated on the corner of Delaware and Maryland streets, and extending back to the alley between Delaware and Alabama streets. That there are buildings upon said lots—the corner building being used by your petitioner as a leather store. That the dimensions of said lots, taken as a whole, is one hundred and twenty five (125) feet on Maryland street, and sixty five (65) feet on the alley in the rear. That, by order of your honorable body, a sewer was built from the east line of the Central Station House, in and along Pearl street, to the first alley east of Delaware street; thence, south, in and along said alley (in the rear of your petitioner's above-described real estate) to Maryland street; thence, west, in and along Maryland street (on the side of your petitioner's real estate), to connect with the Virginia avenue sewer. That said sewer was built at the rate of 65 cents per lineal foot.

Your petitioner would show that, at the rate aforesaid, he was assessed for sewer benefits, for lot two (2), on $32\frac{1}{2}$ feet in the rear, upon the alley aforesaid, being the sum of \$21.12; and on lot one (1), on $32\frac{1}{2}$ feet in the rear, upon the alley, and 125 feet on the side, upon Maryland street, being the sum of \$102.37. That your petitioner is about to be compelled to pay twice for the same sewer—to-wit, on the rear and upon the side of his said property. That said sewer is of no more benefit to him on account of its running along Maryland street than to the other property holders whose lots only adjoin the alley. That the city being obliged to have an outlet for its sewer, and Virginia avenue sewer being the nearest connection, it was accordingly run along the side of your petitioner's real estate on Maryland street. That having paid for the sewer along the rear of his lot, it would be an injustice to compel your petitioner to pay for the same sewer along the side of the same lot.

Wherefore, your petitioner prays your honorable body to rebate the assessment of the 65 cents per lineal foot for 125 feet on Maryland street, and allow your petitioner to stand upon the same basis as the other property holders who are benefited by the said sewer.

Respectfully,

J. K. SHARPE.

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

That the Street Commissioner be directed to notify the I., C. & L. Railroad Co. to re-plank the crossing of their track on West street, along the canal.

Councilman Morris offered the following motions; which, under the rules, were severally referred to the Board of Public Improvements:

That the Street Commissioner be directed to fill the chuck-holes in Malott avenue.

That the Street Commissioner be directed to fill the chuck-holes in Alvord street, from Malott avenue to the Bellefontaine Railroad.

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

That when the Common Council adjourns, it be adjourned to meet on next Monday evening, at the usual hour; and that the special orders for such session be General Ordinance 58, 1878 [Amendatory Salary Ordinance], and the matter of considering plans for working the city prisoners.

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

Indianapolis, Ind., December 20, 1878.

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

Gentlemen:—Your petitioner would respectfully represent that, on the 3d day of April, 1878, the city taxes for the year 1877 were paid by him on lot No. 5 and 20 feet off the south side of lot No. 6, in square No. 45. (Duplicate receipt of City Treasurer herewith attached.)

That the payment of said taxes by your petitioner was erroneous and improper (and for which he now seeks relief) may be set forth in a statement of the facts, as follows:

Your petitioner sold said property, including the remaining 40 feet of lot No. 6, to Louis Lang, on the 20th day of August, 1873, securing an unpaid balance by mortgage. Afterward, on the 30th day of September, 1873, a loan on said property, excepting 40 feet off the north side of lot No. 6, was effected, by said Lang, of the Thames Loan and Trust Co. [It would be proper to state that the mortgage given to the Thames Loan and Trust Co., although made after my mortgage from Lang, was, legally, the oldest mortgage, as I gave it the priority, as the records will show.] Afterward, on failure of said Lang to meet his engagements with petitioner in regard to payment of interest or principal of his mortgage, your petitioner, under suit of foreclosure, to protect the 40 feet off the north side of lot No. 6, not included in mortgage of Thames Loan and Trust Co., received a deed from the Sheriff of Marion County for the whole of lots 5 and 6. The property thus appears again in petitioner's name.

That portion of the property mortgaged to the Thames Loan and Trust Co., under recent shrinkage of values, would not sell for more than would reimburse said Loan and Trust Co. This fact was well known to your petitioner at the date of payment of said city taxes; and a candid consideration of the facts will convince your honorable bodies that the payment of said taxes, by agent of petitioner, was an error and unjust, and can only be rectified, without loss to any body, by act of the Common Council and Board of Aldermen.

Therefore, your petitioner would respectfully ask that the amount of taxes, so erroneously paid, be carried to the duplicates of 1878, as a just claim against said property, and that an equal amount be accredited to your petitioner's taxes for the current year, or that such other action be taken as will result in justice being done in the premises.

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

E. S. ALVORD.

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

Indianapolis, Ind., December 16, 1878.

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

Gentlemen.:—Your petitioners respectfully represent to your honorable bodies, that Robert L. McOuat, one of your petitioners hereto, is the owner of all the lots in the plat of ground known as R. L. McOuat's Second Addition to the City of Indianapolis, bounded as follows: On the north, by a tract of land owned by the heirs of C. H. G. Bals; on the east, by Park avenue; on the south, by Lincoln avenue; on the west, by Central avenue. The said Addition is a subdivision of a part of the s. e. $\frac{1}{4}$ of sec. 36 town 16, range 3, and is divided into fourteen lots, as shown on page 286, Book 4, of the Recorded Plats of Marion County.

Your petitioners request that you pass an order vacating the alley through said Addition, that he may put the same under cultivation.

And your petitioners will ever pray.

R. L. McOuat. H. C. G. Bals, Amos Sellers, C. E. Merrifield.

Councilman O'Brien offered the following motion; which, under the rules, was referred to the Board of Public Improvements:

That the Street Commissioner be directed to use, to the best advantage, fifty loads of gravel in the immediate vicinity of South and West streets. The crossings are very bad, and the people are too poor to pay for the improvement of the streets, as recommended by the Board.

Councilman Steeg presented the following petition; which, at his suggestion, was referred to the Judiciary Committee and the City Attorney:

STATE OF INDIANA, *Marion County*, ss:

Comes now Rebecca C. Reich, and, having been duly sworn, deposes and says, that she is, and for the five years last past, and ending on the 12th day of October, A. D. 1878, has been, a widow; and that, during all that time, she has been, and is now, the owner, in fee-simple, of the following described real estate, to-wit: Lot No. 182, in Fletcher & Others' Subdivision of out-lot No. 97, in the City of Indianapolis; which said property, together with a small lot of household goods, is all the property, real and personal, of every name and nature, owned by the said deponent during the years 1874, 1875, 1876, 1877, and 1878.

That the said real estate is assessed, for the purposes of taxation, by the City of Indianapolis, at \$900, and is, as affiant verily believes, not worth that much; and that the personal property above specified, owned by her, is not worth more than \$20.

And affiant further says, that she has paid city taxes on said property, as follows, to-wit: For the year 1874, \$13.70; for the year 1875, \$18.00; for the year 1876, \$15.85; for the year 1877, \$10.08—in all, \$57.63.

And affiant further says, that she has recently learned that, under the law of Indiana, during all the years for which she has paid taxes as above set forth, she was entitled to an exemption from taxation upon \$500 of her said property, and of which provision of the law, at the time of paying said taxes, she was ignorant.

And further, deponent saith not.

Her
REBECCA C. REICH.
Mark.

Witness: J. N. SCOTT.

Subscribed and sworn to before the undersigned, a notary public in and for said County and State, this the 9th day of October, A. D. 1878.

Witness my hand and notarial seal.

[SEAL.]

WM W. H. MACCURDY, Notary Public.

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

Your petitioner, Rebecca C. Reich, would most respectfully petition your honorable body, for the reasons set forth in the annexed affidavit, and also for the further reason that she is in poor health, has several children to support, and is in indigent circumstances, with a hard winter approaching, and little ability to meet its necessities, to pass an order authorizing the City Treasurer to return to her all the taxes she has paid more than she would have been obliged to pay had she known and availed herself of the legal exemption to which she was entitled.

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

Her
REBECCA C. REICH.
mark.

Witness: WM. W. H. MACCURDY.

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

That the Street Commissioner be directed to put a cinder crossing across Buchanan street, opposite the No. 13 School-House.

Also, offered the following motion:

That the Committee on Revision of Ordinances be instructed to prepare an ordinance abolishing the office of Weigh-Master at East Market, and to present said ordinance at the next meeting of this Council.

Which was adopted by the following vote:

AYES, 10—viz.: Councilmen Bermann, Brown, Maus, O'Brien, Off, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 8—viz.: Councilmen Anderson, Layman, Marsee, Morris, McKay, Reasner, Walker, and Wright.

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

That the Street Commissioner be directed to clean off the sidewalk on Russell avenue, in front of Austin H. Brown's lots, as that part of the sidewalk is impassable on rainy days.

Also, offered the following motion; which was duly adopted:

That the Board of Public Improvements be authorized to instruct the Street Commissioner to make a crossing of rolling-mill cinders, from the point between Russell avenue and Illinois street to the culvert running along Russell avenue, together with a small footbridge across east gutter of Illinois street.

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

WHEREAS, J. B. Hampton, late Market-Master for East Market, has not submitted any report of his official acts during his term of office: Therefore,

Resolved, That the City Clerk notify him to submit an itemized report of receipts of market rents during his term of office, with a statement of balance, if any, due the city—said report to be submitted to this Council at their first regular meeting in January, 1879.

Also, offered the following motion; which, on Councilman Tucker's motion, was laid on the table:

That the City Clerk, City Marshal, and all other city officers interested therein, be instructed to proceed no further in the matter of opening, widening, and extending Dillon street.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.