

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—APRIL 14, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, April 14th, A. D. 1879, at half-past seven 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, Layman, Marsee, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright—20.

ABSENT—Councilmen Dill, Maus, Morris, O'Brien, and Sindlinger—5.

On Councilman Walker's motion, the regular order of business was set aside, and the resolutions designating voting-places and appointing election boards for the General City Election, to be holden on Tuesday, May 6th, were taken up.

The following resolution was then read :

Resolved, That the following named and designated places be, and the same are hereby, designated as the places for holding the elections in the several wards of the city, at the coming City Election, to be held on Tuesday, the 6th day of May, 1879:

- First Ward—Southwest corner of Home and Columbia avenues.
- Second Ward—Northwest corner of Seventh street and College avenue.
- Third Ward—No. 5 Engine House, on W. Sixth street.
- Fourth Ward—No. 307 Indiana avenue.
- Fifth Ward—Reel House, W. St. Joseph street.
- Sixth Ward—Bacon's Block, Ft. Wayne avenue.
- Seventh Ward—No. 317 Massachusetts avenue.
- Eighth Ward—Northeast corner New York and Davidson streets.
- Ninth Ward—Northwest corner of Market and East streets.
- Tenth Ward—No. 114 Massachusetts avenue.
- Eleventh Ward—Headquarters of Fire Department, corner of New York street and Massachusetts avenue.
- Twelfth Ward—No. 1 Engine House, Indiana avenue.
- Thirteenth Ward—Corner of Vermont and Blackford streets.
- Fourteenth Ward—No. 320 Blake street.
- Fifteenth Ward—No. 77 S. West street.
- Sixteenth Ward—No. 42 Kentucky avenue.
- Seventeenth Ward—No. 26 E. South street.
- Eighteenth Ward—Hook and Ladder House, E. South street.

Nineteenth Ward—Rear of southwest corner of Georgia and Noble streets.
 Twentieth Ward—No. 3 Engine House, Virginia avenue.
 Twenty-First Ward—No. 23 Prospect street.
 Twenty-Second Ward—Northwest corner of Virginia avenue and Bradshaw street.
 Twenty-Third Ward—Shilling's Chair Factory, McCarty street.
 Twenty-Fourth Ward—Paul's Shoe Store, No. 17 E. McCarty street.
 Twenty-Fifth Ward—Corner of Wilkins and Maple streets.

On Councilman McGinty's motion, the voting place for the 25th Ward, as designated above, was changed to the "northwest corner of Tennessee and McCarty streets."

The foregoing resolution, as amended, was then duly adopted by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiess, and Wright.

NAYS—None.

The following resolution was also read :

Resolved, That the following named persons be, and are hereby, appointed as inspectors and judges of election at the coming City Election, to be held on Tuesday, the 6th day of May, 1879 :

Ward.	Names of Inspectors.	Names of Judges.
1	Edwin A. Castor.	Christian G. Weise, Samuel I. Craig.
2	Hiram J. Craft.	Hervey Bates, Charles Bridges.
3	Norman S. Byram.	William S. Hubbard, Fleming J. Jones.
4	William A. Bramwell.	Charles E. Bailey, Edward Tomlinson.
5	William S. R. Tarkington.	John Tarleton, John W. Dodd.
6	Boswell Ward.	William Hadley, Franklin Landers.
7	Thomas D. Amos.	John Rheinschild, M. H. Field.
8	Henry C. Buddenbaum.	Frederick Ostermeyer, Jefferson Springsteen.
9	John L. Mothershead.	George Anderson, William W. Woolen.
10	Wm. H. Craft.	John Reynolds, W. F. Christian.
11	John H. Vajen.	James C. Yohn, John W. Murphy.
12	John A. McGaw.	Ambrose F. Shortridge, E. L. Palmer.
13	Henry C. Cox.	William Powell, Daniel Coble.
14	Moses Broyles.	C. C. Bogart, Daniel Burton.
15	John McIntire.	James B. McCain, Patrick Manley.
16	Hugh J. Drummond.	Robert F. Catterson, James Renihan.
17	Benjamin F. Hetherington.	John B. Andrew, John Maloney.
18	Joseph W. Marsee.	Charles Black, ———
19	Edward P. Thompson.	Gottlieb C. Krug, William F. Reasner.
20	Joseph L. Fisher.	Nelson Yoke, Peter Spitzfaden.
21	Levi C. Bowser.	Enos Hege, John Schley.
22	Davis Milner.	— — — — —, Col. B. C. Shaw.
23	Michael Steinbauer.	Charles H. Rockwell, John F. Logan.
24	William H. Morris.	James W. Hudson, D. Mussmann.
25	Amer J. Funk.	John Sourbeer, John Rail.

And was adopted by the following vote :

AYES, 20—viz.: Councilmen Anderson, Bermann, Brown Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, Off. Reading, Reasner, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

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

Gentlemen:—The amount of fines collected by me during the month of March, 1879, due the City Treasurer, was \$30.75; and the amount collected during January, February, and March, due the Home for Friendless Women, was \$14 45; which I have paid the City Treasurer, and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Brown, submitted the following report; which was concurred in, and the contracts were 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 April 7, 1879, have examined the same, and find them to be as follows, to-wit:

For grading and bowldering Maryland street, and the north gutter thereof, from Illinois street to Tennessee street—

James Mahoney.....	\$1.60	per lineal foot front on the north side.
	1.20	per lineal foot front on the south side.
Fred. Gansberg.....	1.65	per lineal foot front on the north side.
	1.15	per lineal foot front on the south side.
James W. Hudson.....	1.45	per lineal foot front on the north side.
	1.00	per lineal foot front on the south side.
J. H. Hart.....	1.29	per lineal foot front on the north side.
	1.16	per lineal foot front on the south side.
D. A. Haywood.....	1.42	per lineal foot front on the north side.
	98	per lineal foot front on the south side.
C. S. Roney.....	1.37	per lineal foot front on the north side.
	1.09	per lineal foot front on the south side.
R. P. Dunning	1.35	per lineal foot front on the north side.
	91	per lineal foot front on the south side.
R. H. Patterson.	1 20	per lineal foot front on the north side.
	84	per lineal foot front on the south side.

R. H. Patterson being the lowest and best bidder, your committee recommend that he be awarded the contract.

For improving the first alley west of California street, from Pratt street to First street, by grading and graveling—

Henry Clay.....	15 cents	per lineal foot front on each side.
John Low.....	14 cents	per lineal foot front on each side.

C. S. Roney.....	14	cents per lineal foot front on each side.
R. P. Dunning.....	12½	cents per lineal foot front on each side.
D. A. Haywood.....	12	cents per lineal foot front on each side.
R. H. Patterson.....	12	cents per lineal foot front on each side.
James Mahoney.....	11½	cents per lineal foot front on each side.
M. Flaherty.....	11½	cents per lineal foot front on each side.
Wm. Morrison.....	10	cents per lineal foot front on each side.

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

For re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street—

R. P. Dunning.....	75	cents per lineal foot front.
C. S. Roney.....	65	cents per lineal foot front.
J. H. Hart.....	64½	cents per lineal foot front.
D. A. Haywood.....	61	cents per lineal foot front.
Henry Clay.....	59	cents per lineal foot front.
E. B. Elliott.....	58	cents per lineal foot front.
John Schier.....	54	cents per lineal foot front.
Jas. W. Hudson.....	53	cents per lineal foot front, making a reasonable allowance for the old brick, if used.
M. Flaherty.....	50	cents per lineal foot front.
Hiram Seibert.....	45	cents per lineal foot front.

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

Respectfully submitted,

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

The same committee also submitted the following report and appended estimate of the cost of the work under the proposals made by the two lowest bidders:

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

Gentlemen:—Your Committee on Contracts, to which was referred the proposals presented to Council April 7, 1879, for building stone arches over Pogue's Run, on New Jersey street, have examined the same, and find them to be as follows, to-wit:

C. S. Roney—Stone work, \$9 per cubic yard; excavation, \$1.50 per cubic yard; timber, \$1.70 per 100 feet board measure.

D. A. Haywood—Stone work, \$7.50 per cubic yard; wet excavation, \$1 per cubic yard; dry excavation, 25 cents per cubic yard; timber, \$1.75 per 100 feet board measure.

Dewey & Twiname—Stone work, \$5.50 per cubic yard; excavation, 75 cents per cubic yard; timber, \$1.60 and \$2 per 100 feet board measure.

Henry Helm & Co.—Stone work, \$5.50 per cubic yard; excavation, 75 cents per cubic yard; timber, \$1.65 per 100 feet board measure.

R. P. Dunning—Stone work, \$4.49 per cubic yard; excavation, 29 cents per cubic yard; timber, \$1.35 per 100 feet board measure.

Koss & Fritz—Stone work, \$3.94 per cubic yard; excavation, 45 cents per cubic yard; timber, \$1.50 per 100 feet board measure.

Wm. Petrie—Stone work, \$3.80 per cubic yard; excavation, 40 cents per cubic yard; timber, \$1.55 per 100 feet board measure.

A. Richter & Dan'l Hartman—Stone work, \$3.69 per cubic yard; excavation, 22 cents per cubic yard; timber, \$1.30 per 100 feet board measure.

A. Richter & Dan'l Hartman being the lowest and best bidders, your committee recommend that they be awarded the contract.

Respectfully submitted,

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

Stone-Arch Culvert over Pogue's Run, on New Jersey street.

William Petrie—695.59 cubic yards masonry, at \$3.80.....	\$2,643 24
983.63 cubic yards excavation, at 40 cents.....	393 45
285.28 feet timber, board measure, at \$1.55 per 100.....	442 18
Total.....	\$3,478 87

Richter & Hartman—695.59 cubic yards masonry, at \$3.69.....	\$2,566 72
983 63 cubic yards excavation, at 22 cents	216 39
285.28 feet timber, board measure, at \$1.30 per 100.....	370 86
Total.....	\$3,153 97

After considerable discussion *pro* and *con*, His Honor, the Mayor, put the question, Shall the report of the committee be concurred in, and the contract be awarded as recommended?

Councilman McKay demanded that the vote on preceding question by "ayes and nays"; which vote, being taken, resulted as follows:

AYES, 11—viz.: Councilmen Bermann, Brown, Marsee, Morse, McGinty, Reading, Reasner, Showalter, Steeg, Tucker, and Wiese.

NAYS, 9—viz.: Councilmen Anderson, Bruner, Cummings, Layman, McKay, Off, Rodibaugh, Walker, and Wright.

The same committee also submitted the following report and appended estimate of the cost of the work under the proposals made by the two lowest bidders:

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

Gentlemen:—Your Committee on Contracts, to whom was referred the proposals presented to Council on April 7, 1879, for building stone abutments on canal, at the crossing of St. Clair street, have examined the same, and find them to be as follows, to-wit:

Henry Helm & Co.—Stone work, \$7.50 per cubic yard; excavation, \$1.25 per cubic yard.

C. S. Roney—Stone work, \$6.75 per cubic yard; excavation, \$1.50 per cubic yard.

Wm. Petrie—Stone work, \$6.50 per cubic yard; wet excavation, \$1.50 per cubic yard; dry excavation, 20 cents per cubic yard; filling, 20 cents per cubic yard.

R. P. Dunning—Stone work, \$6.35 per cubic yard; excavation, 85 cents per cubic yard

A. Richter & Dan'l Hartman—Stone work, \$6.25 per cubic yard; excavation, 50 cents per cubic yard.

Koss & Fritz—Stone work, \$6.00 per cubic yard; excavation, 60 cents per cubic yard.

D. A. Haywood—Stone work, \$5.65 per cubic yard; wet excavation, 80 cents per cubic yard; dry excavation, 25 cents per cubic yard.

Dewey & Twiname—Stone work, \$5.60 per cubic yard; excavation, 90 cents per cubic yard.

D. A. Haywood being the lowest and best bidder, your committee recommend that he be awarded the contract.

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

Stone Abutments for Bridge over Canal, at St. Clair street.

Dewey & Twiname—218.85 cubic yards masonry, at \$5.60.....	\$1,225 56
208.20 cubic yards excavation, at 90 cents.....	187 38
Total.....	\$1,412 94
D. A. Haywood—218.85 cubic yards masonry, at \$5.65.....	\$1,236 50
208.20 cubic yards excavation, at 80 cents.....	166 56
Total.....	\$1,403 06

On Councilman Wright's motion, a vote by "ayes and nays" were ordered upon the question of concurring in preceding report and awarding the contract as therein recommended; which vote being taken, the question was determined in the negative as follows:

AYES, 3—viz.: Councilmen Brown, Morse, and Tucker.

NAYS, 17—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Layman, Marsee, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Steeg, Walker, Wiese, and Wright.

Councilman Morse then moved that the vote in favor of constructing stone arches over Pogue's Run, on New Jersey street, be reconsidered.

Councilman Steeg moved to lay the proposition to reconsider on the table; which vote was taken by "ayes and nays," as demanded, and resulted in the defeat of Mr. Steeg's motion, as follows:

AYES, 8—viz.: Councilmen Bermann, Brown, Marsee, Reading, Reasner, Steeg, Tucker, and Wiese.

NAYS, 12—viz.: Councilmen Anderson, Bruner, Cummings, Layman, Morse, McGinty, McKay, Off, Rodibaugh, Showalter, Walker, and Wright.

Councilman Morse's motion to reconsider was then duly adopted by the following vote:

AYES, 12—viz.: Councilmen Anderson, Bruner, Cummings, Layman, Morse, McKay, Off, Rodibaugh, Showalter, Walker, Wiese, and Wright.

NAYS, 8—viz.: Councilmen Bermann, Brown, Marsee, McGinty, Reading, Reasner, Steeg, and Tucker.

On Councilman Marsee's motion (amended, on suggestion by Councilman Wright, by adding the Committee on Bridges) the City Civil Engineer, Street Commissioner, and Committee on Bridges were instructed to report an estimate for a wooden bridge over Pogue's Run, at the next session of this body—21st instant.

REPORTS, ETC., FROM CITY OFFICERS.

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

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

Gentlemen:—In accordance with instructions given, I would report that, on Saturday, March 12th, 1879, I did personally serve on the Water-Works Company of Indianapolis, the resolution adopted by your honorable bodies, on the 7th and 8th instants, requiring said corporation to extend its water-mains on Madison avenue, from Morris street to Nebraska 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 the following affidavits, now on file in my office for the collection of street assessment by precept, to-wit:

Robert P. Dunning vs. John H. Pierce, Winslow S. Pierce, Jr., Helen M. Pierce, and Mary H. Pierce, for.....\$86 27

and recommend that you order the precept to issue.

Respectfully submitted,
BENJ. C. WRIGHT, City Clerk.

And the precept, therein recommended, was ordered to be issued by the following vote:

AYES, 18—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The West Market-Master submitted the following report; which, on motion of Councilman Cummings, was referred to the Council and Aldermanic Committees on Markets:

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

Gentlemen:—In regard to the order of your honorable bodies, directing me to notify the parties at the West Market who are delinquent in rent, that, unless they pay the amounts they owe in one week, that I shall move their stands off the Market Space, I would report that Mr. Ed. Kline, who is reported by Mr. Lee, the former Market-Master, as being indebted to the city in the sum of eight and 33-100

dollars for back rent, claims that he does not owe anything, and that he paid all that was ever demanded of him. Also, Mr. Glick and Mr. Sonneberg, each, claim that there is nothing due from them.

As I have no way of settling these disputes, I would ask that the matter be referred to some committee, to investigate and decide the matter.

LEVI H. ROWELL, Market-Master West Market.

Indianapolis, April 14, 1879.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

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

Gentlemen:—The Board of Public Improvements, to whom were referred sundry papers, would respectfully report as follows thereon:

First.—The following motions, directing the Street Commissioner to do certain work at various points, all of which we recommend be done:

1. To clean the gutters of Garden street, from Merrill street to Norwood street.
2. To clean the gutters of South Arsenal avenue and Summit street, between Washington street and the I. & St. L. Railroad tracks.
3. To put a plank crossing over the gutter of Michigan Road, in front of an alley between Washington street and Oriental street.
4. To fill the ruts and chuck-holes in Illinois street, from Seventh to Twelfth street.
5. To fill, with gravel, the chuck-holes in Indiana avenue, from North street to Fall Creek.
6. To build a bridge across the gutter on the south side of Buchanan street, where Wright street intersects said street.
7. To fill the chuck-hole in McCarty street, where said street intersects East street.
8. To build a bridge across the gutter on the north side of Buchanan street, where Greer street intersects said street.
9. To fill the chuck-holes in Harrison street, between Noble and Dillon streets.
10. To fill the chuck-holes in Blake street, between Washington and Michigan streets, *provided*, the motion is amended to read "from New York to Michigan street"—the street from Washington street to New York having already been provided for in a previous motion.
11. To clean the gutters of Tennessee street, from McCarty street to Ray street.

Second.—A motion granting A. Caylor permission to move his scales from where they now stand, in front of No. 187, and place the same in front of No. 177, Indiana avenue.

We recommend the permission be granted, *provided* the removal contemplated be done under the supervision of the City Civil Engineer.

Third.—The following are motions of instructions to the Street Commissioner, and we recommend the work indicated therein be not done:

1. To clean the gutters of Stevens street, between East street and Virginia avenue.

2. To raise the stone crossing across Dougherty street, where said street intersects East street, and fill the chuck holes at same place.

3. To clean the gutters of Greer street, between Buchanan and McCarty streets.

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
H. COBURN,

Board of Public Improvements.

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

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

Gentlemen:—The undersigned, City Commissioners, respectfully report to your honorable body that, in the matter referred to them in regard to assessing damages and benefits in the opening and widening of Dillon street, they were enjoined, by the notice served on them from the Judge of the Circuit Court of the United States for the District of Indiana, from taking any action in said case, and that your Commissioners have met, from time to time, on adjournment, to give time for the Court to decide the matter enjoined. And now, with the advice of the City Attorney, report the above facts, and await your pleasure for further action by us.

Respectfully,

JOHN L. AVERY,
WILLIAM MANSUR,
J. S. HILDEBRAND,
R. H. PATTERSON,
GEO. W. HILL,
City Commissioners.
G. W. HILL, Secretary.

April 14, 1879.

Councilman Wright called upon the City Attorney for an exposition of the *status* of the Dillon street case; and that officer stated that, in his opinion, there had been serious informalities in such proceedings thus far, and that the only safe course for the city to pursue was to void what had already been done, and then take up the matter *de novo*.

Councilman McKay moved to lay the whole case on the table; which proposition was defeated by the following "aye and nay" vote:

AYES, 6—viz.: Councilmen Anderson, Marsee, McKay, Reading, Rodibaugh, and Wright.

NAYS, 14—viz.: Councilmen Bermann, Brown, Bruner, Cummings, Layman, Morse, McGinty, Off, Reasner, Showalter, Steeg, Tucker, Walker, and Wiese.

On Councilman Walker's motion, it was ordered that the Dillon street case be forthwith re-called from the City Commissioners.

Councilman Reasner was excused for the balance of this session.

REPORTS, ETC., FROM COMMITTEES.

The Council and Aldermanic Committees on Finance, through Coun-

cilman Wright, submitted the following joint report; which was duly approved:

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

Gentlemen:—Your Committees on Finance, to whom were referred the financial reports of the City Clerk and City Treasurer for the month of March, would state that we have carefully examined said reports, and compared the same with the books kept in those offices, respectively, and found said reports and books to be accurate and correct.

Respectfully submitted,

A. L. WRIGHT,
JAMES T. LAYMAN,
S. SHOWALTER,
Council Committee.
J. M. RIDENOUR,
T. E. CHANDLER,
D. MUSSMANN,
Aldermanic Committee.

The Judiciary Committee and the City Attorney submitted the following report; which was duly received:

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 a motion instructing your committee to prepare and report an ordinance regulating the cleaning of vaults, etc., and repealing the ordinances now in force upon that subject, make thereon the following report:

After examination of General Ordinance 55, 1878, your committee are of the opinion that to amend sections 4, 6, and 8 of that ordinance, as proposed in the ordinance herewith transmitted, the objects of the motion will be fully complied with. We recommend the passage of the ordinance, as amended.

Respectfully submitted,

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

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

G. O. 12, 1879—An Ordinance amending sections four (4), six (6), and eight (8), of an ordinance entitled "An Ordinance regulating the cleaning, etc., of Privy Vaults, Water-Closets, and other Receptacles of Human Excrements, and requiring persons who may engage in such business to be duly licensed before undertaking such work (ordained and established December 2, 1878)."

The Committees on Railroads submitted the following reports; which were duly received, and then, on Councilman Marsee's motion, the consideration of the reports and of ordinance was postponed until the next session—21st instant:

To the Common Council of the City of Indianapolis:

Gentlemen:—The joint Committees on Railroads, to whom was referred General Ordinance 11, 1879, entitled "An Ordinance granting J. P. Wiggins, F. D. Neeld, and I. N. Neeld, partners doing business under the name and style of 'Indianapolis Ice-Storage Company,' the right and privilege of building and constructing a Railroad Switch, connecting their warehouse with the main track of the Indianapolis, Cincinnati & Lafayette Railroad, near the corner of Georgia and Missouri streets, in the City of Indianapolis," would respectfully report that we visited the locality of the proposed switch, and found the same had already been laid. As this work has been done without a shadow of authority from your honorable body and the Board of Aldermen, as by law required, we return aforesaid ordinance to the Common Council with the recommendation that it be not passed, believing that public and private rights, having already been infringed upon, without legal permission, can not, and ought not to, be thus legalized.

Respectfully submitted,

W. H. TUCKER, of Council Com.

T. E. CHANDLER,

J. M. RIDENOUR, of Aldermanic Com.

To the Mayor and Common Council:

Gentlemen:—The joint Committee on Railroads, to whom was referred the ordinance in relation to a switch in Missouri street, wish to submit the following minority report:

We have examined the matter, and are of the opinion that the switch is very necessary to the business of the gentlemen asking it, and we, therefore, recommend that the ordinance be passed.

Respectfully submitted,

J. M. BRUNER,

MARTIN MCGINTY,

Of Council Committee.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Common Council of the City of Indianapolis:

Gentlemen:—The Board of Aldermen, at its regular session, held on last Tuesday evening, the 8th instant, determined to insist on the laying of *boulder*, instead of *plank*, driveways by Messrs. Jacob Fritz, David Russell, and John L. S. Arnold, in opposition to your action of March 17th. [See pages 832, 845, and 851 of the printed proceedings, for Council action.]

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

And then, on Councilman Wright's motion, the Common Council so far modified its former action, as to require driveways to be made of 2 x 4 inch plank, laid gewise.

NEW ORDINANCES.

Councilman Brown introduced—

§. O. 11, 1879—An Ordinance to provide for improving the alley between Hoyt avenue and Huron street, from Dillon street to Linden street, by grading and graveling.

MISCELLANEOUS BUSINESS.

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

That a committee of three be appointed by the Mayor, to confer with the County Commissioners, and take the proper steps to procure the opening of a public road, from the termination of Fletcher avenue to Michigan Road.

That the Board of Public Improvements and City Civil Engineer, be instructed to examine the ditch at the corner of Woodlawn avenue and Reed street, and report to this body the best and most economical way of securing the proper drainage for that locality.

His Honor, the Mayor, appointed Councilmen Brown, Tucker, and Steeg as the select committee required by the adoption of the first preceding motion.

The same Councilman presented the following petition; which was referred to the Judiciary Committee and the City Attorney:

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

Gentlemen.—The undersigned respectfully states that he, in company with his father (formerly residents of Dayton, Ohio), did, on or about the 24th day of April, 1878, purchase of one Henderson George the merchandise and good will of said Henderson George, then doing business in the City of Indianapolis, giving therefor their promissory notes; and that, by mistake, your petitioner was listed for taxation for said stock of merchandise for said year 1878, making out an assessment list on the 27th day of April, 1878, when, in fact, the same, nor any part thereof, was owned by him or his father before the said 24th day of April, 1878, and, consequently, not subject for taxation for that year.

And, further, that said Henderson George gave in for taxation, for said year 1878, the notes received for said stock of goods, etc., as aforesaid, so sold to your petitioner for said year 1878, and is so assessed against the said Henderson George on the tax-duplicate of said city for that year.

And now your petitioner respectfully asks your honorable body to order such assessment—\$3,500—stricken from the tax-duplicate for said year 1878, for the reason that the same is erroneous and unlawful.

And your petitioner will ever pray.

The Honorable Board of County Commissioners have, this day, allowed my prayer as above.

Respectfully,

J. H. SATCAMP.

Subscribed and sworn to before me, this 14th day of April, 1879.

DANIEL M. RANSDELL, Clerk.

CITY ASSESSOR'S OFFICE, April 14, 1879.

I have examined into the facts in relation to this assessment, and find them as stated by the petitioner. The assessment has been erroneously made and should be certified off.

WILLIAM HADLEY, City Assessor.

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

That the Street Commissioner be instructed to bridge the gutter on the southeast corner of Noble and St. Clair streets.

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

That the owner of the property on the southwest corner of Illinois and Pratt streets be notified, by the Street Commissioner, to remove the water-pipe beneath the sidewalk on the south side of Pratt street, between Illinois and Tennessee streets.

That I. L. Frankem be permitted to pave with brick the sidewalk in front of his property, on Pratt street—the same to be done under the supervision of the City Civil Engineer, and at his own expense.

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

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

Your petitioner, Sarah C. Davis, would respectfully show, in the matter of the opening of Rohampton street, she was assessed, as benefits, for the sum of \$78 on lot 21, in George A. and John R. Fiscus' Sub. to Johnson's Heirs Addition, being a lot 40 feet front on Rohampton street, being some distance from the point where the street was opened. That she is a widow, and being wholly unable to pay the same. She was led to believe that the cost would not exceed fifteen or twenty dollars. Said assessment is, in her opinion, exorbitantly high, and much more than she should be asked to pay. That she is willing to pay what is reasonable and right, which she thinks should be about fifteen or twenty dollars. Wherefore, she asks that you will order the Treasurer to accept said sum in full satisfaction of the said assessment.

For which I will ever pray.

Yours, respectfully,

SARAH C. DAVIS.

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

That the Street Commissioner be directed to fill the chuck-holes in Michigan street, between Patterson street and river bridge.

That the Street Commissioner be directed to fill the chuck-holes in West street, between New York street and North street; also, clean the gutter of West street, west side, between Michigan street and North street.

Councilman McKay presented the following petition; which was referred to the Judiciary Committee and the City Attorney:

Indianapolis, April 14, 1879.

To the Mayor and Common Council:

Gentlemen:—Your petitioner represents to your honorable body that, in 1875, she loaned to James Frank the sum of two thousand dollars, for which loan she received two notes for one thousand dollars each, secured by mortgage, from said Frank. She has been paying taxes on said notes, since said time. In 1876, she released said mortgage, and received a Sheriff's certificate on a lot on corner of Nebraska and Kennington streets, as security. That she has paid the taxes on said lot from 1874 to 1878.

She represents that she has been paying double taxes—once on the notes and

then on the lot. She respectfully requests your honorable body to order the City Assessor and Clerk to cancel the assessment on said notes, which are of no value, and allow her to pay on the lot only.

Respectfully, etc.,

SARAH A. LITTLE.

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

That the Board of Health be requested to make a report on the motion referred to them, on the condition of the back water from the dam on Fall Creek.

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

That the Street Commissioner be directed to clean and repair the first alley west of Virginia avenue, between Bradshaw and Buchanan streets.

Also, presented the following communication; which was referred to the Council and Aldermanic Committees on Markets:

To the Honorable Council and Board of Aldermen:

Gentlemen:—I see by the action of your last meeting you passed an order requiring the Clerk to notify the Southside Market-Master to settle with the city the amount due; if not paid within two weeks, to sell the stands and have the market vacated.

Gentlemen, this market was started over a year ago, with a permit and market ordinance, for the Southern Market, which was petitioned for by all of the southside citizens, on condition that it be no expense to the city. I went to the expense of fitting up about four hundred dollars the first six months. I made nothing, as the rent and gas bills took all the receipts. I then changed the location on Delaware street, where I got cheaper rent, and dispensed with gas. Since that time, I have averaged not to exceed seven dollars per week, after the rent is paid.

So far as the citizens are concerned, the market has been of great benefit to them—for which reference can be made to the southside members of the Council and citizens; and they would be very much opposed to having the market discontinued.

The above facts are substantially correct, for which I invite investigation.

If you compel me to pay the license the ordinance demands, I will have to at once abandon the market, as it will not pay the rent and tax. If I have to stop, I will lose the amount in fitting it up, beside taking away from me the means of making a scanty living. I think it but fair that the southside should have a market; and, where it is carried on without any expense to the city, they ought to have one, and made as free as possible, with a permit from the Council and the benefit of its market laws.

Having the utmost confidence that when you are made acquainted with the facts, you will be disposed to grant me a chance of making a living, without blockading the way, I would ask you to reconsider your order and grant me the right to carry on the market without making it pay any license; otherwise, the market will be a failure, and will have to go down.

Respectfully,

WM. DETRICK.

Councilman Tucker moved to reconsider the adoption of the resolution designating the polling-places for the May election [see page 916, *ante*]; which was done by the following vote:

AYES, 19—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

That the voting place of the 20th Ward be changed from No. 3 Engine House, Virginia avenue, to Butler Mission church, Fletcher avenue.

The resolution, as amended, was then re-adopted by the following vote:

AYES, 19—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, O'Brien, Off, Reading, Rodibaugh, Showalter, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

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

I, the undersigned, represent to your honorable body that I am the owner of the property bordering upon the north side of Norwood street, between Russell avenue and Illinois street. And I also represent to your honorable body that Norwood street, between Russell avenue and Illinois street, is fifty feet; whereas, the whole of Norwood street, except this portion, is but thirty-five feet wide. And I further represent that the whole length of Norwood street, between Russell avenue and Illinois street, is but one hundred and fifteen feet in length, and that there is but little travel on this portion of Norwood street, and that other property owners are neither benefited nor injured by this portion of Norwood street.

Now, therefore, I pray your honorable body to vacate fifteen feet along the north side of Norwood street, between Russell avenue and Illinois street, that it may correspond with all the rest of Norwood street.

Indianapolis, March 31, 1878.

J. W. SAWYER.

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

That the Street Commissioner be directed to clean the gutters and fill the chuck-holes on Union street, between Ray and Hill streets.

That the Street Commissioner be directed to fill the chuck-holes between the J., M. & I. Railroad track and Merrill street, on Madison avenue—expense not to exceed ten dollars per square.

That the Street Commissioner be directed to repair one square of Ray street, between Meridian and Illinois streets.

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

That the City Attorney be, and he is hereby, ordered to examine the papers in the matter of widening Shelby street, and report to this Council, at its next meeting, whether a legal assessment of benefits can be made and collected.

Also, presented the following petition and appended estimates; which were referred to the Council and Aldermanic Committees on Sewers, the City Civil Engineer, and the City Attorney:

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

We, the undersigned Board of Managers and Superintendent of the Reformatory Institution for Women and Girls, would respectfully ask for a permit from the Common Council and Board of Aldermen of the City of Indianapolis for the building of a line of sewerage from said Reformatory Institution, by either of the below described routes (profiles and estimates submitted herewith for reference), viz.:

Route No. 1—West, from gate of Institution, on Sturm street, to State street; south, on State to Ohio street; then west, several hundred feet, entering the Market street sewer near its end, on Ohio near State street.

Route No. 2—West, from gate of Institution, on Sturm street, Arsenal avenue, and Michigan street, to Pogue's Run, entering said Run at its intersection with Michigan street.

Proposed sewer to be built of 18-inch glazed pipe, cemented; average depth to top of pipe, 3 feet 4 inches; to have "T"-pipe openings at close distances, for cleaning out and entrance of all waste from intermediate and cross streets.

In Route No. 1, by entering the Market street sewer, two to three hundred (2 to 300) feet from present end of same, we would entirely obviate any danger of back-water and offense to neighboring property. We would enter the north pipe (sewer consisting of three 18-inch pipes at that point, we believe), and have no connection with pipe entered by sewer of Deaf and Dumb Institution. All offense from this sewer comes from the open ends of the pipes on Mr. Williard's line. We would close these, and enter water from his grounds and vicinity by a catch-basin, which would prevent any water from backing upon his premises in time of high water, and remedy the present offense.

In Route No. 2, we would enter Pogue's Run at a point remote from dwellings, would have openings to take all street water, and, if necessary, arrange to enter water from "Crooked Run," keeping the sewer scoured out and purified, before reaching settled districts.

Having been debarred from longer use of our present sewer, and needing an outlet so imperatively, we would request an early consideration of, and action upon, this matter by your honorable bodies.

Respectfully,

RHODA M. COFFIN,
ELIZA C. HENDRICKS,
EMILY A. ROACHE,

Board of Managers.

SARAH J. SMITH, Superintendent.

Indianapolis, April 14, 1879.

Indianapolis, August, 1878.

Estimate for Sewer from the Female Reformatory to the Sewer at State street, near Market street.

The line by the south gate is 2386 feet long; the line by the north gate is 2500 feet long; counting from the outlet at the wall. Counting from the upper cess-pool, these distances would be shortened, say forty feet. Both the north and south lines run directly west from the gates to State street, and thence, south, on State street.

The amount of excavation for the south line (3 feet wide at bottom—slope one-third to one), is 4800 cubic yards; for the north line 4530 cubic yards. The south line would have two more changes of direction than the north line.

ESTIMATE FOR NORTH LINE.

4530 cubic yards, at 25 cents for excavation and filling in.....	\$1,182 50
2460 feet of 18-inch pipe (laid with cement), at \$1.00.....	2,460 00
Total.....	<u>\$3,592 50</u>

ESTIMATE FOR SOUTH LINE.

4800 cubic yards, at 25 cents for excavation and filling in.....	\$1,200 00
2346 feet of 18-inch pipe (laid with cement), at \$1.00.....	2,346 00
Total.....	<u>\$3,546 00</u>

In order to save very deep excavation, the fall was fixed at three inches for 100 feet, except for the last three hundred feet, as shown in the profile, beginning one foot lower than the bed of the exit pipe at the wall.

If the present plan for a sewer is not adopted, or if the necessary delay is objectionable, I think that if a filter-cistern, below the upper cess-pool, was built, with a proper arrangement of filtering material, of pebbles, bowlders, and sand, so that the water would filter down and up again through the filtering material for about fifteen feet; and a filtering trench, also made below the lower cess-pool, the area of which might be about one square yard, and the length 30 or 40 feet, filled with similar filtering material, and then well covered with earth, that the water would have no offensive odor where it enters the brook, and that then the upper cess-pool would only need to be cleaned out at long intervals. The cost of the filter-cistern, filled with the filtering material, would be about two hundred dollars; and the cost of the filtering trench, complete, about twenty-five or thirty dollars.

WM. HENRY MORRISON, Civil Engineer.

February 10, 1879.

Report of cost of Sewer, from the lower end of the present pipe, at the Indiana Female Reformatory, to Pogue's Run, at the crossing on Michigan street.

• Size of pipe, 18 inches; length of pipe, 3420 feet; average depth to bottom of pipe, 4 feet 10 inches; average depth to top of 18 inch pipe, 3 feet 4 inches.

2850 cubic yards of excavation and filling in again, at 35 cents.....	\$ 997 50
3420 lineal feet of 18-inch pipe, laid in cement, at \$1.00.....	3,420 00
Stone and slag protection, and covering at two or three exposed points,	25 00
Add for covered T-pipe openings, for access to the pipes at several points, and for work at Pogue's Run culvert.	30 00
Total estimate.....	<u>\$4,472 50</u>

Profile of the proposed line accompanies this report.

WM. HENRY MORRISON, Civil Engineer.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.