

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JULY 21, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, July 21st, A. D. 1879, at eight o'clock, in regular session.

PRESENT—Hon. M. L. Brown, President *pro tempore* of the Common Council, in the Chair, and 22 other members, viz.: Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, Van Vorhis, Wiese, and Wood.

ABSENT—President Caven, and Councilmen King, McGinty, and O'Connor.

The Journals of the Common Council, for the regular session, held on July 7th, and for the adjourned session, held on July 14th, 1879, having been printed, and placed on the desks of the Councilmen, said journals were approved as published.

Sealed proposals for making the below-described improvement [under the provisions of the special ordinance noted before the same], were opened and read by the City Clerk, and were then referred to the Committee on Contracts:

S. O. 8, 1879—Paving with brick the sidewalks of Pratt street, from Illinois street to Mississippi street.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimate (presented therewith) was duly approved:

To the Common Council of the City of Indianapolis:

Gentlemen:—I herewith present the following estimate:

A first and final estimate in behalf of John Schier, for grading, and paving with brick, the west sidewalk of Arsenal avenue, from Washington street to the first alley north of Washington street—

160 lineal feet, at 32½c\$52 00

Respectfully submitted,

T. REED, City Civil Engineer.

The following estimate resolution was then read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of John Schier, for grading, and paving with brick, the west sidewalk of Arsenal avenue, from Washington street to the first alley north of Washington 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 it was duly adopted by the following vote :

AYES, 19—viz. Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Shilling, Wiese, and Wood.

NAYS—None.

The same officer submitted the following communication, accompanying it with the contracts and bonds therein referred to ; which communication was received, and the contracts and bonds were severally concurred in and approved :

To the Common Council of the City of Indianapolis :

Gentlemen :—I herewith report the following contracts and bonds :

Contract and bond of William Morrison, for grading and graveling the alley between Hoyt avenue and Huron street, from Dillon street to Linden street. Bond, \$450 ; surety, David McConnell.

Contract and bond of William Morrison, for grading and graveling the first alley north of Elizabeth street, between Maxwell and Wilson streets. Bond, \$100 ; surety, David McConnell.

Contract and bond of R. P. Dunning, for grading and bowldering Maryland street, and the north gutter thereof, from Illinois street to Tennessee street. Bond, \$2,000 ; surety, James W. Hudson.

Respectfully submitted,

T. REED, City Civil Engineer.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of City Commissioners submitted the following report ; which, on Councilman Kahn's motion, was duly received :

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

Gentlemen :—The undersigned respectfully show to your honorable body—

1st. That they were duly appointed by the Judge of the Civil Circuit Court of Marion County, Indiana, to act as Commissioners to assess damages and benefits "accruing to owners of lands and lots through which any street is proposed to be constructed or altered, or any building appropriated, or through which any creek or other water-course is proposed to be straightened, or of which the course is proposed to be altered, or any alley to be vacated."

2d. That they did, as required by law, take and subscribe the oath and affirmation by law required.

3d. That they were and are duly qualified to act as such Commissioners, and do possess lawful authority to assess benefits and damages.

II. Your Commissioners do further report—

1st. That, on the 12th day of May, 1879, they met at room No. 2, City Hall, pursuant to the notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of the vacation of the alley running through R. L. McOuat's Second Addition to the City of Indianapolis, more fully described in the petition to us referred, and hereto annexed, marked "Exhibit B."

III. The said Commissioners do further report—

1st. That they did, at the time aforesaid, examine the alley to be vacated.

2d. That they did then report to the City Clerk the names of those persons supposed to be interested in the said vacation, and directed that notice be given to them to meet the City Commissioners on the 16th day of July, 1879, in Room No. 2, City Hall, and there give evidence touching the vacation of said alley.

3d. That the Commissioners did meet on the 16th day of July, 1879, in Room No. 2, City Hall, at 9 o'clock A. M., pursuant to appointment, and entered upon the further consideration of the vacation of said alley.

4th. That no person appeared to object to the vacation of the said alley.

Your Commissioners do, therefore, recommend that the said alley be vacated as prayed.

Respectfully,

GEORGE W. HILL,
J. S. HILDEBRAND,
WILLIAM MANSUR,
R. H. PATTERSON,
City Commissioners.
G. W. HILL, Secretary.

July 16th, 1879.

The same official board also submitted the following report; which, on Councilman Kahn's motion, was non-concurred in :

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

Gentlemen :—The undersigned respectfully show to your honorable body—

1st. That they were duly appointed by the Judge of the Circuit Court of Marion County, Indiana, to act as Commissioners to assess damages and benefits "accruing to the owners of lands and lots through which any street is proposed to be constructed or altered, or any building appropriated, or through which any creek or other water-course is proposed to be straightened, or of which the course is proposed to be altered, or any alley is to be vacated."

2d. That they did, as required by law, take and subscribe the oath and affirmation by law required.

3d. That they were and are duly qualified to act as such Commissioners, and do possess lawful authority to assess benefits and damages.

II. Your Commissioners do further report—

1st. That, on the 12th day of May, 1879, they met at Room No. 2, in City Hall, at 9 o'clock, A. M., pursuant to the notice hereto annexed, marked "Exhibit A."

2d. That they did, at the time and place aforesaid, enter upon the consideration of the matter of the proposed vacation of a part of the first alley south of Coburn street, in Daugherty's Sub. of a part of out lot 99, more fully described in the petition to us referred, and hereto annexed, marked "Exhibit B."

III. The said Commissioners do further report—

1st. That they did, at the time aforesaid, examine the alley proposed to be vacated, and did report to the City Clerk the names of those supposed to be interested

in the said vacation, and ordered the same to be notified to meet with the Commissioners, on the 15th day of July, at 9 o'clock A. M., in Room No. 2, City Hall, and then give evidence touching the vacation of said alley.

2d. That the said Commissioners did meet on the 15th day of July, in pursuance of appointment, and entered upon the further consideration of the vacation of said alley.

3d. There did no one appear to object to the vacation of said alley.

Your Commissioners do, therefore, recommend that the said alley be vacated as prayed.

Respectfully,

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

July 16, 1879.

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

Report of Deaths in the City of Indianapolis, from July 1st to 15th, 1879, inclusive.

| | |
|-----------------|----|
| Under 1 year | 50 |
| 1 to 2 years | 5 |
| 2 to 5 " | 1 |
| 5 to 10 " | 0 |
| 10 to 15 " | 0 |
| 15 to 20 " | 0 |
| 20 to 25 " | 3 |
| 25 to 30 " | 6 |
| 30 to 40 " | 6 |
| 40 to 50 " | 5 |
| 50 to 60 " | 6 |
| 60 to 70 " | 2 |
| 70 to 80 " | 1 |
| 80 to 90 " | 2 |
| 90 to 100 " | 0 |
| 100 and upwards | 0 |
| Unknown | 3 |
| Total | 90 |

HENRY JAMESON, M. D., President.
WILLIAM WANDS, M. D.
WILLIAM E. JEFFRIES, M. D., Secretary.

The Board of Police, through Secretary Downey, submitted the following report; which was duly approved:

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

We hereby report that stolen goods have been sold, to the amount of six dollars and fifty cents (\$6.50), which sum was paid to the City Treasurer on the 15th day of July, 1879, and his receipt filed with the City Clerk.

POLICE BOARD,
By J. T. DOWNEY, Sec'y.

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

To the Common Council of the City of Indianapolis:

A remonstrance against the passage of S. O. 21, 1879, providing for grading and graveling the first alley north of Maryland street, from Benton street to the first alley east of Benton street, was referred to us.

After examination of said alley, we believe there exists a necessity for grading said alley, at least; and we would recommend the ordinance be amended to provide for grading only, and passed, notwithstanding the remonstrance.

Respectfully submitted,

M. H. McKay,
J. L. Bieler,
H. Coburn,
Board of Public Improvements.

The same official board submitted the following report; which was read and considered by clauses, and said clauses were all and severally concurred in and approved:

To the Common Council of the City of Indianapolis:

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

1st. Is a motion directing the Board to examine that part of the city adjacent to Yeiser and East streets, and report some practical and permanent plan of improving the drainage in the neighborhood of the streets referred to.

We have made the examination required by the motion; and are of the opinion that the only effectual means of relief from the frequent overflow of Yeiser street and vicinity is to construct a brick sewer, two feet diameter, from the intersection of Coburn and East streets, west, to Madison avenue—a distance of about twelve hundred feet. This will carry off about five-sixths of the water which is now allowed to run out of its course, which, added to that naturally falling on Yeiser street, causes the the trouble now existing. We would recommend that the City Civil Engineer be directed to report an estimate of the cost of such sewer.

2d. Is a motion ordering the repair of the east side of Illinois street, alongside the north end of the tunnel.

We recommend said work be done.

3d. Is a motion directing the filling of chuck-holes, with gravel, in Pennsylvania street, from South street to Madison avenue.

We recommend said work be done.

4th. Is a motion directing the Street Commissioner to erect a wooden bridge across Pogue's Run at the first alley east of Tennessee street, between Garden and Merrill streets—said Commissioner to use material left on hand from the Ohio street bridge over Pogue's Run.

We recommend said work be done.

5th. Is a motion directing the Street Commissioner to scrape and clean South street, between Illinois and Missouri streets.

We recommend the gutters, only, be cleaned.

6th. Is a motion directing the Street Commissioner to raise and re-bowlder the gutter on the south side of Washington street, between Tennessee and Missouri streets, so as to permit the free passage of water therein; also, to take up the drain-pipe across Mississippi street, and clean or re-place it.

This matter has been attended to.

7th. Is a motion directing the Street Commissioner to fill the chuck-holes in Market street, east of Noble street.

We recommend said work be done.

8th. Is a motion directing the Street Commissioner to repair the gutter bridge on South street, in front of Hook and Ladder House.

We recommend said work be done.

9th. Is a motion directing the Street Commissioner to remove the blocks from Tennessee street, between Ohio and Vermont streets, and improve said street by removing the blocks from centre of said street, and re-place with broken stone and gravel.

We recommend said work be not done.

10th. Is a motion directing the Street Commissioner to re-lay the plank walk in front of Engine House No. 1.

We recommend said work be done.

11th. Is a motion directing the Street Commissioner to clean the gutters and fill the chuck-holes on Indiana avenue, from Illinois street to the canal.

We recommend said work be done.

12th. Is a motion directing the Street Commissioner to clean the gutters, and cut the weeds and grass therein, on Minerva street, between New York and North streets; also, to clean out the culverts of said Minerva street.

We recommend said work be done.

13th. Is a motion directing the Street Commissioner to clean the gutters, and cut the weeds and grass therein, on Blake street, between Washington street and Indiana avenue; also, to clean out the culverts of said Blake street.

We recommend that the work be done.

14th. Is a motion directing the Street Commissioner to clean the gutters of West street, between New York and Washington streets; also, to fill chuck-holes in said street.

We recommend said work be done.

15th. Is a motion directing the Street Commissioner to clean the bridges and gutters of Bright street, and grade the same, that the water may flow.

We recommend said work be done.

16th. Is a motion directing the Street Commissioner to repair the gutter at the intersection of Michigan and Columbia streets.

We recommend that the work be done.

17th. Is a motion directing the Street Commissioner to notify the street-car company to repair their tracks on New Jersey street, from North street to Fort Wayne avenue.

We recommend such notice be given.

18th. Is a motion directing the Street Commissioner to fill the chuck-holes and clean the gutters of Alabama street, from North street to Fort Wayne avenue.

We recommend said work be done.

19th. Is a motion directing the Street Commissioner to repair St. Clair street, from Meridian street to New Jersey street.

We recommend said work be done.

20th. Is a motion directing the Street Commissioner to fill, with cinders, the chuck-hole on the corner of California and Chesapeake streets.

This work has been done.

Respectfully submitted,

M. H. McKay,
J. L. Bieler,
H. Coburn,
Board of Public Improvements.

The Dispensary Board, through President Carey, submitted the following official bond; which, on motion, was referred to the Joint Committees on Finance:

Official Bond of Caleb A. Ritter, as Superintendent of City Dispensary. Bond, \$3,000; sureties, Levi Ritter and Eli F. Ritter.

REPORTS, ETC., FROM COMMITTEES.

The Judiciary Committee, through Councilman Lamb, submitted the following report; which was duly received:

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

Your Judiciary Committee, having considered the amended petition of Mrs. Catharine Reinken, referred to them at the last session, would report that the facts therein stated are true, and are more fully shown by a map filed with said petition.

Your committee refer the same back to you, without recommendation as to what your final action in the premises should be.

Respectfully submitted,

Wm. C. Lamb,
C. F. Rooker,
Jas. T. Dowling,
Committee on Judiciary.

By consent, Councilman Downey offered the following resolution:

WHEREAS, The Common Council and Board of Aldermen of the City of Indianapolis have been fully convinced that the proceedings "in the matter of opening and extending Winston street, from the present northern terminus of said street to St. Clair street," are grossly inaccurate;

AND WHEREAS, It has been clearly shown to us that one Henry Reinken (then owner) was wrongfully assessed \$700 as benefits accruing to lot 16, P. & I. Railroad Company's Sub. of out-lot 43, by approval of the report from the City Commissioners, on July 3d, 1876;

AND WHEREAS, The true facts of this case are accurately set out in the amended petition of Mrs. Catharine Reinken (now owner of said lot 16), on pages 192 and 193 of the Council Journal of the present year: Therefore, it is

Resolved, That aforesaid assessment is hereby revoked and annulled, and said lot 16 is relieved therefrom. The City Treasurer is directed and ordered to cancel this claim on his "Record of Benefits and Damages."

And it was duly adopted by the following vote:

AYES, 19—viz. Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, McKay, Pearson, Rooker, Shepard, Shilling, VanVorhis, Wiese, and Wood.

NAYS, 3—viz. Councilmen Morrison, Prier, and Tucker.

The Council and Aldermanic Committees on Printing, through Councilman Hamilton, presented the following contract and bond; which, on motion, were referred to the Committee on Finance, with instructions to report thereon during present session:

THIS AGREEMENT, Made and entered into this tenth (10) day of July, A. D. 1879, by and between J. A. Dynes & Co., publishers of The Indianapolis Republican, (formerly The Southside), of Marion County, Indiana, of the first part, and the Common Council and Board of Aldermen of the City of Indianapolis, in said County and State, of the second part,

Witnesseth, That the said parties of the first part do covenant and agree to do the *Public Advertising of the City of Indianapolis, Indiana*, for six (6) cents a square (240 ems nonpareil), each insertion, as set forth in their bid, marked "Exhibit B," which is made a part of this agreement—such work to be performed to the satisfaction of the Committees on Printing of said Common Council and Board of Aldermen, and according to specifications of said committees, herewith made a part of this contract, and marked "Exhibit A."

And the said parties of the first part do further covenant and agree with said second party, to do the *Publishing of the City of Indianapolis, Indiana, Delinquent Tax List*, in the said Indianapolis Republican (formerly The Southside), for the sum of seven (7) cents for each description, as set forth in said first party's bid, marked "Exhibit D," which is made a part of this agreement—such work to be performed to the satisfaction of the Committees on Printing of said Common Council and Board of Aldermen, and according to the specifications of said committees, herewith made a part of this contract, and marked "Exhibit C."

This contract to continue and be in force until the 31st day of May, A. D. 1880.

J. A. DYNES & Co.

EXHIBIT A.

Specifications governing the making of Proposals for doing Public Advertising for the City of Indianapolis, during the year ending May 31st, 1880.

No bid for city advertising will be entertained from any newspaper which has not a general circulation in the City of Indianapolis, and is not printed and published within the limits of said city as frequently as once a week.

All bids shall be made on the basis of a square of not less than two hundred and forty (240) ems of type, printer's measure, for each insertion of each advertisement.

Proposals for city advertising must be accompanied by the statement of the publisher of the newspaper bidding, as to the *actual* daily or weekly circulation of said newspaper within the limits of the City of Indianapolis—such stated circulation to be an average of the number of copies delivered, or otherwise disposed of, within the limits of said city, during a period of not less than three months immediately preceding the filing of the bid.

It is also understood and agreed that the bidder to whom the contract hereunder may be awarded shall, when so required, verify, by oath, his actual local circulation during any particular period for which a bill is rendered; and such publisher shall pledge himself to accept a *pro rata* compensation for the city advertising done by him, in case such oath shall develop the fact that his newspaper does, at any time, exhibit a material diminution in circulation from proposal figures.

It is also understood and agreed that the bidder to whom the contract hereunder may be awarded shall comply with the following stipulations:

To set up the city advertisements in solid type, not smaller on its face than that known as nonpareil; to use only "run-in" headings and display, unless otherwise ordered by proper city authorities; to arrange all such advertisements under the heading "City Advertisements," for which line only one-half square shall be allowed and paid for each column thereof, and at least such space shall be actually used; and to place such advertisements in suitably-prominent place or places in his said newspaper, and not to scatter the same to suit his convenience, whim, or caprice.

To send proof of each and every city advertisement to the city officer, departmental head, or chairman of committee from which the same may have emanated, before publishing such advertisement for the first time; and to publish such advertisement for the number of times and on the dates required by law, or in accord-

ance with directions endorsed thereon. If this stipulation is not strictly complied with, the offending contractor may be required to re-publish any erroneous advertisement, and shall be held liable for any loss or damage that may arise from his neglect or failure to be governed hereby.

To accompany each and every bill rendered under his contract with a printed copy of each advertisement charged for therein, which shall be attached to said bill in such manner that each and every advertisement may be fully and completely examined and audited.

To furnish the Committees on Printing, the City Clerk, the City Treasurer, the City Civil Engineer, and the City Attorney, at their several offices in the City Hall, with at least one copy of each issue of his paper, that the same may be placed on file therein; and such contractor shall also retain and preserve two copies of each of his issues during the continuance of his contract, and shall bind the same, promptly, after the 31st day of May, 1880, and place such bound files in the office of the City Clerk and in the Committee Room, City Hall, on or before June 15th, 1880—all to be done without cost to the City of Indianapolis.

To furnish "proof of publication" of each advertisement, when so required, without cost to the City of Indianapolis.

EXHIBIT B.

Indianapolis, June 30, 1879.

To the Council and Aldermanic Committees on Printing of the City of Indianapolis, Indiana:

Gentlemen.—We, the undersigned, hereby propose to do the advertising of the City of Indianapolis, Indiana, for the ensuing year, and until a new contract is made, for the sum of six (6) cents per square (240 ems nonpareil), each insertion—the said advertising to be done in *The Indianapolis Republican* (continuation of *The Southside*), the average weekly circulation of which, for the past three months, has exceeded two thousand three hundred (2,300) copies. Said contract is to be made in accordance with the specifications prepared by your committees, now on file in the City Clerk's office.

We will furnish, each week, as many copies of *The Republican* as may be needed by any of the city officers, or will furnish a specified number to each, to be named by your committee.

Will furnish the City Clerk with proof of all city advertisements; set up advertisements in nonpareil type, solid, with run-in headings, or according to instructions given by your committee.

The publication-day of *The Republican* is Saturday of each week. Its circulation is increasing, and will be still further increased, by reason of the change of title. It has a general circulation in the city and county.

Bound volumes of *The Republican*, at the end of the year, will be furnished each city officer named by your committee, free of charge.

J. A. DYNES & Co.

EXHIBIT C.

Specifications governing the making of Proposals for publishing the Delinquent-Tax List of 1879, for the City of Indianapolis.

All bids for publishing the Delinquent-Tax List of 1879 for the City of Indianapolis shall be governed by the following stipulations:

1. The style and form of the Delinquent-Tax List of 1878 is hereby adopted and approved, and bids shall be made in accordance therewith, subject to the modifications hereinafter set forth.
2. Bids shall be made, and bills rendered, at a certain price for each description, or line.
3. There shall be four distinct issues of such Delinquent-Tax List, in numbers as follows: For the first week of publication, seven hundred (700) copies; and for

the second, third, and fourth weeks of publication, six hundred (600) copies each. Of the first week's publication, two hundred (200) copies shall be delivered at the office of the City Treasurer; and one hundred (100) copies of each subsequent week's publication shall be delivered at aforesaid office. Each weekly issue shall have the date of publication thereof printed at the head of each page.

4. Each bidder shall state the name of a newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, and State of Indiana, through which the edition of five hundred (500) copies are to be issued weekly, and the name of such paper shall be printed on each page of the List immediately before the publication date thereof.

5. If the publisher to whom the contract for publishing the Delinquent-Tax List shall be awarded shall choose to issue a larger edition thereof than the twenty-five hundred (2500) copies stipulated in these specifications, he is hereby required to sell the same to any person who may desire to purchase such List, for a price not exceeding ten cents (10c) a copy.

EXHIBIT D.

Indianapolis, June 30, 1879.

To the Committees on Printing of the Common Council
and Board of Aldermen of the City of Indianapolis, Indiana:

Gentlemen:—The undersigned propose to publish the Delinquent-Tax List of the City of Indianapolis, Indiana, in *The Indianapolis Republican*, four distinct issues (of the first issue, 700 copies, of which 200 copies shall be placed in the City Treasurer's office; of the second, third, and fourth issues, 600 each, 100 of each List issued to be placed in the City Treasurer's office); date to be printed at the head of each page, and no charge to be made by us for copies of the List until the 2,500 copies contracted for by the city shall have been issued, and then not more than ten (10) cents per copy shall be charged.

We propose to make publications of the city Delinquent List, as above, and in full accordance with the specifications now on file in the City Clerk's office, for the sum of seven (7) cents per description.

J. A. DYNES & Co.

KNOW ALL MEN BY THESE PRESENTS, That we, J. A. Dynes & Co., Nelson Yoke, and John Reynolds, of Marion County, and State of Indiana, are held and firmly bound to the Common Council and Board of Aldermen of the City of Indianapolis in the sum of *One Thousand Dollars* (\$1000), the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The conditions of this obligation are such, that if the above bounden J. A. Dynes & Co. shall faithfully comply with foregoing contracts, and fulfil all the conditions and stipulations therein contained, according to the true intent and meaning thereof, then this obligation to be void: otherwise, to remain in full force and virtue in law.

Witness our hands and seals, this 10th day of July, 1879.

J. A. DYNES & Co. [SEAL.]
N. YOKE. [SEAL.]
JOHN REYNOLDS. [SEAL.]

The Council and Aldermanic Committees on Public Light, through Councilman Rooker, 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:—In view of the fact that the contract existing between the City of Indianapolis and the Indianapolis Gas-Light and Coke Company will terminate on the 31st day of July, 1879, your Committees on Public Light have had under consideration the question of gas supply for the year ending July 31st, 1880.

The amount of money estimated to cover the cost of lighting, cleaning, and repairing street lamps for the coming year was sixty thousand (60,000) dollars. Last year we burned 2,200 lamps for 2,600 hours, lighted and extinguished on what is known as the "moon table," at a cost per lamp of \$25.80. For the year ending July 31st, 1880, your committees have decided to light 2,400 lamps for 2,500 hours, at a cost of \$25 per lamp, the lamps to be lighted and extinguished on time-table to be furnished by the City Civil Engineer.

During our investigation of the location of the street lamps, it has become evident to your committees that a personal inspection of all the lamps now lighted, and to be lighted, should be made at once, by your committees, with a view to so re-adjust the same as to better accommodate the public.

It should be understood that the cost of re-lighting the 200 lamps, or the changing of the lighting of other lamps, as designated by your committees, will add no additional expense to the city, as the gas company agree to make any such change without extra charge.

It will be readily seem that the lighting of 2,400 lamps for 2,500 hours is in exact proportion to lighting 2,200 lamps for 2,600 hours, and that we pay the same rate for gas the coming year that we paid for the past.

In accordance with the above, we herewith transmit the contract of the Indianapolis Gas-Light and Coke Company, which we recommend be signed by the Mayor.

Very respectfully submitted,

T. E. Chandler,
D. W. Grubbs,
John Newman,
C. F. Rooker,
F. W. Hamilton,
M. H. McKay,
Joint Committee.

The following contract was then presented; and the same was duly approved:

THIS AGREEMENT, Made this twenty-fourth day of July, 1879, by and between The City of Indianapolis, party of the first part, and the Indianapolis Gas-Light and Coke Company, party of the second part,

Witnesseth, That, whereas, on the 22d day of July, 1876, said parties entered into a contract, in writing, whereby the party of the second part undertook and agreed, for a period of five years from August 1st, 1876, to furnish gas to light the public lamps of said city, upon terms therein stated;

And whereas, on the 2d day of August, 1878, the same parties made a provisional agreement for the furnishing of gas by the party of the second part to the party of the first part, which contract will soon expire by its own limitation:

Now, Therefore, The parties hereto make this provisional agreement, for the term of one year from the first day of August, 1879, to-wit:

The said party of the second part agrees to furnish gas to said party of the first part, of the quality and kind provided for in the third section of the ordinance of the Common Council of said city, enacted March 19th, 1866, for twenty-four hundred (2400) lamps, all of which are now in a serviceable condition, in and upon the streets of said city, except two hundred (200), which are to be placed in such condition by said party of the second part—said lamps to be lighted upon time-tables to be furnished by the said city, which tables shall provide for twenty-five hundred (2500) hours per year for each and every lamp; and the burners thereof shall be of a capacity of not less than four cubic feet per hour for each and every

lamp. Said party of the second part also agrees, at proper and regular times, to light and extinguish said lamps according to the schedule furnished by said party or the first part; to keep said lamps clean and in repair; and if said party of the second part shall fail or neglect to keep the same clean and in repair, the said party of the first part shall have the right to do so, and deduct the cost thereof from any sum due the said gas company.

It is further agreed, That the party of the first part shall have the right to deduct from any amount due said party of the second part the sum of fifteen cents for each and every post for each and every night that it is not lighted, and kept lighted, during the time provided in the time-tables, *provided* that this provision shall not apply to cases of failure to light and keep lighted that are caused by frost, over which said party of the second part has no control; but said party of the second part agrees to use the utmost reasonable dispatch in thawing out such posts.

The city and her officers shall have the right, at any time, to test both the quality of the gas furnished and the capacity of the burners on the street lamps.

The aforesaid twenty-four hundred (2400) posts shall be such as shall be selected and designated by the Joint Committees on Public Light of the Common Council and Board of Aldermen and a representative committee of said gas company; and said posts shall be designated by said committees on or before the first day of August, 1879.

And said party of the second part also agrees to furnish gas for all offices occupied by city officers, for all engine-houses, for the Council Chamber, for all tunnels, bridges, station-houses, and all other places where gas is required for the use of said city in her corporate capacity, at the price of two dollars per thousand cubic feet.

In consideration of the foregoing agreements of said party of the second part, the said party of the first part agrees to pay said party of the second part, for each and every street lamp of said city to which gas is supplied, the sum of twenty-five dollars per annum, or the sum of sixty thousand dollars (\$60,000) for said twenty-four hundred posts—said sum to be full compensation for all gas furnished, and for cleaning, lighting, keeping in repair and in order for service, such lamps and posts, as above undertaken and agreed by the party of the second part; and the party of the first part does further agree to pay for gas furnished said city in her corporate capacity, except street lamps, the price of two dollars per thousand feet, as above mentioned. The compensation herein agreed to be paid shall be paid by the party of the first part, in equal monthly installments, at the end of each and every month, and city warrants or orders shall be received at par in such payments.

And the party of the first part further agrees with the party of the second part, that during the continuance of this contract all fines and damages collected by said city from persons for breaking or damaging said street-lamps or posts shall be paid, when collected, to said party of the second part.

And said party of the second part also agrees that if the city should, at any time, require a greater number of lamp-posts lighted than above mentioned, the said party of the second part will furnish gas, light, and keep the same in repair in the same manner as the said twenty four hundred (2400) lamps above mentioned, and at the same rate, *provided* that the same are on the line of the mains of said party of the second part.

This contract to take effect from and including the first day of August, 1879, and be and remain in force for the period of one year.

After the expiration of the term of this contract, the parties hereto are to be remitted to whatever rights they, or either of them, may have under the contract of July 22d, 1876, the same as if this contract had never been made. At and from the expiration of the period of this contract—to-wit, on and after the first day of August, 1880—said contract of July 22d, 1876, shall be in force in all respects, as though neither this, nor any other modifying, contract had ever existed.

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

THE CITY OF INDIANAPOLIS,

By J. CAVEN, Mayor.

[Seal.]

Attest: BENJ. C. WRIGHT, City Clerk.

INDIANAPOLIS GAS-LIGHT AND COKE CO.,

By ALLEN M. FLETCHER, President.

[Seal.]

Attest: H. WETZEL, Sec'y.

The Committee on Opening, etc., Streets and Alleys, through chairman Kahn, submitted the following report; which was read and considered by clauses, and said clauses were severally concurred in:

To the Common Council of the City of Indianapolis:

Your Committee on Opening, etc., Streets and Alleys, to whom was referred sundry petitions and other papers relative to vacations, openings, etc., would report thereon as follows:

1 Is a petition from J. W. Sawyer, presented on April 14th, this year, and printed on page 929 of Journal for 1878-1879, in which the vacation of a strip fifteen feet wide, on the north side of Norwood street, in front of petitioner's property, is asked for, on the score that balance of said Norwood street, except at this point, is only thirty-five feet in width, is but little traveled, and that the other property-owners on said street would be neither benefitted nor injured by such vacation.

Your committee believe that no thoroughfare of only fifty feet in width should be reduced to the condition of an alley, especially when it is located so near the heart of the city as Norwood street is. Besides, if the vacation were ordered, it might be that, at no distant day, the owners of property on this street, west of Illinois street, would petition for the widening of their portion of said street to a width of fifty feet, when this fifteen-foot strip, if vacated, would have to be condemned and appropriated at a large cost. Your committee, therefore, report adversely to the prayed-for vacation.

2 Is a petition from The. P. Haughey, asking to have lot 8, Brett, Braden & Co.'s Addition set outside the corporation limits.

We recommend that foregoing matter be referred to a select committee charged with straightening and reducing the corporation lines of city.

3. Is a communication from the City Clerk, in which it is stated that the "Brothers of the Sacred Heart" refuse to pay any part of the expenses of the proceedings in the proposed vacation of a part of the first alley south of Coburn street, in Daugherty's Subdivision of a part of out-lot 99, in defiance of the provision in the Act of March 17th, 1875, which reads—"All the expenses of such proceedings [vacations] shall be paid by said petitioners, unless the Common Council shall otherwise direct."

The "Brothers of the Sacred Heart" and one Isaac Foster are the only petitioners for the vacation of aforesaid portion of the alley described above. In addition to their refusal to pay any part of the expenses of the vacation proceedings, your committee is informed that the portion of the alley asked to be vacated is enclosed at each end by fences, and the public is thus cut off from its rightful use. Your committee recommends that the City Marshal be ordered to forthwith remove the obstructing fences, so that the general public may no longer be hindered from its proper, full, and free use of the entire length of the alley, and that no further proceedings be had looking to its vacation.

4. Is a petition from The. P. Haughey and eleven others, to have immediate proceedings taken in the matter of laying out and extending Fifth street, from its

present western terminus, at east end of bridge over the canal, to the Michigan Road, accompanied by a plat of the proposed extension.

We offer the appended resolution, making reference of this case to the City Commissioners, when certain conditions precedent are fulfilled, and not otherwise, and recommend the adoption of such resolution.

Respectfully submitted,

Leon Kahn,
John R. Pearson,
W. H. Tucker,

Committee on Opening, etc., Streets and Alleys.

Resolved, That the matter of laying out and extending Fifth street, from its western terminus, at the east end of the bridge over the canal, to the Michigan Road, together with the petition and plat presented in such case, be referred to the City Commissioners, for their action thereon, as soon as a sufficient number of the persons who have signed aforesaid petition shall file in the office of the City Clerk a bond or agreement to hold the City of Indianapolis free and harmless of the payment of any and all damages that may be appraised on account of any and all lands condemned and appropriated in such extension of said Fifth street as prayed.

The resolution appended to preceding report was duly adopted by the following vote :

AYES, 18—viz. Councilmen Bermann, Bieler, Brown, Bryce, Downey, Hamilton, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, Tucker, Van Vorhis, and Wood.

NAYS, 2—viz. Councilmen Dowling and Rooker.

The Committee on Finance, through Chairman Kahn, submitted the following report; which was duly concurred in :

We recommend that the bond of J. A. Dynes & Co., which was submitted this evening, be approved.

Leon Kahn,
H. J. Prier,
Peter F. Bryce,
Committee on Finance.

The select committee appointed at last session of the Common Council [see page 222, *ante*], submitted the following report; which was duly received :

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

Gentlemen :—Your special committee, to whom was referred the communication from the State Board of Agriculture, asking the co-operation of the city government in extending an invitation to His Excellency, President Hayes, family, and cabinet, to visit our city on Wednesday, October 1st, being the State Fair week, would most respectfully report that we believe the city should join heartily in the invitation, and would recommend that a committee of three (3)—two (2) from the Common Council and one (1) from the Aldermanic Board—be appointed to confer with the State Board, together with such other committees as may be appointed, to make such arrangements for the reception as may seem best for the occasion. We, therefore, recommend the passage of the following resolution and invitation :

Resolved, That His Excellency, President R. B. Hayes, family, and cabinet be, in behalf of the City of Indianapolis, invited to visit our city during the Fair week, and that His Honor, Mayor Caven, be requested to visit Washington in behalf of the city, in connection with the State Board of Agriculture and such other committees as may be selected, for the purpose of carrying out such invitation.

Further, That if His Honor, Mayor Caven, should not be able to go, to appoint some member of the city government to act in his stead.

Most respectfully submitted,

T. E. Chandler,
W. H. Tucker,
Jas. T. Dowling.

The resolution embodied in foregoing report was then duly adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, and Wood.

NAYS—None.

The Select Committee on the Fall Creek Dams submitted the following reports; which, on Councilman Pearson's motion, were severally received :

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

Having found myself unable to agree with the majority of your committee to whom was referred the motion looking to the removal of the Geisendorff dam across Fall Creek, near the Michigan Road, I respectfully submit the following report :

The reason assigned for the proposed removal is, that an unusual amount of sickness prevails on Mississippi, Tennessee, Illinois, Meridian, and Pennsylvania streets, about one-half mile south of the dam. Without any special investigation in regard to the amount of sickness, but assuming it to be as represented, as a member of your committee I believe it to be our duty to investigate every thing that would in any way tend to explain the cause of the sickness in the localities above mentioned.

I have thought it to be the part of ordinary business prudence, considering the large financial interests depending upon the dam, that your committee should investigate the whole of Fall Creek bottom, from the crossing of the Broad Ripple Gravel Road to the old mouth of the creek, near Washington street, that, if possible, a cause might be found that could be removed without attacking the rights of private property and involving the city in needless litigation. In accordance with this idea, as I supposed, the committee, the City Attorney, the Board of Health, the City Civil Engineer, and the Street Commissioner passed over the entire ground.

The head of the back-water above the dam is a few hundred feet east of the crossing of Meridian street. From this point to the dam just west of the Michigan Road, the water flows very slowly, and ordinarily might be regarded as still water. There are no bayous or ponds on the south side of the creek, except a small one near the crossing of Illinois street. On the north side, between the points mentioned, are a number of bayous, formed by a gradual change of the bed of the creek to the southward. Most of these bayous have a free communication with the main channel, and nowhere, so far as I observed, could the water be said to be stagnant in the ordinary sense—that is, dead and offensive. The stream and the bayous have clear and well-defined banks. There was but little decaying vegetable matter to be found, and, except possibly the carcass of a dog thrown into the stream, there was nothing to render the water more impure than water in streams is usually found to be. Nor was any thing found from which, upon any theory of which I have any knowledge, could malarial exhalations be supposed to emanate.

At the dam, the water was found to be running over two or three inches deep.

From the dam to a point near the Branch of the City Hospital, commonly known as the Pest-House, the creek is confined to its banks.

Following the race, from the dam to the point where it passes under the canal, there is nothing but a clean, straight stream of water. On the west side of the

canal, however, at the point of passage under the canal, the water has broken over the banks of the race, and covers about an acre of ground. This is not in a condition to cause any trouble at present; but, in my judgment, it would be well to require the owners of the race to repair the banks of the race, that trouble may not hereafter come of it.

Below this, at a point about where Eighth or Ninth street, if extended west, would cross the race, are two pieces of ground—one on the east and one on the west side of the race, and each containing about ten acres surrounded by a levee—that have been used as ice-ponds. The water has been shut off from these ponds, leaving the bottom partially uncovered, with here and there pools of water, without outlet or inlet, and surrounded by vegetation. In my judgment, the parties owning these ponds should be required to keep them full of water, and provide each an overflow into Fall Creek, so that a slight current can be kept up through them.

Just below these ponds is what is known as the Butsch ice-pond. This is provided with an overflow into Fall Creek, and is a clear and pure body of water, and I am unable to see any thing about it objectionable.

On the north side of Fall Creek, just below the dam, between the Michigan Road and the creek, is a pond, that in no way depends upon the dam, that was formerly a bayou, that has been converted into a pond by a levee thrown across the mouth, and named Spring Lake. The water in this pond stands about four feet above the level of the water in the creek. This, in all probability, would be dry, if an opening was made through the levee down to the level of the water in the creek. The water in this pond is, to all appearance, derived from the washing of hills around and the overflow of the creek during high water. It is used as an ice-pond.

Returning to the location of the Central Mills, near Butsch's ice-pond, the glue factory was examined, and found in a very bad condition. The ground about it is saturated with washings from animal matter. It was found to be poured out in various places upon the ground, and dribbling into the water of the race. The washings from some of their tanks or vats are conveyed, by a leaky, wooden flume, across the race, to a point in the race below the mill, from whence, what does not escape from the flume before it reaches the race, is washed into Fall Creek almost opposite the Pest-House.

Two or three hundred yards below the crossing of Indiana avenue is another dam. Into the water of this dam run the washings from the glue factory, the washings from the ground about the Pest-House, the washings and offal from a small slaughter house, and the sewer from the City Hospital. And I deem it to be my duty, and the duty of the committee, to call attention to the fact that, from this pond, ice was taken during the last winter, and is now being furnished to the citizens of this city.

On the west side of the creek, and near Indiana avenue, are some ponds of stagnant and stinking water, in no way connected with the dams, and which, in my judgment, should be filled up, or an opening made by which they would drain out into the creek. This could be done at a very small expense.

It will be remembered that, three or four years ago, the city changed the bed of Fall Creek, from a point west of this dam to a point directly west, in White River, and built a heavy levee on the south side of this new channel, from the dam to White River, and, down the east bank of the river, to near the Michigan street bridge. This change has left uncovered the bed of Fall Creek, from the lower dam to the old mouth of Fall Creek into White River, above the Washington street bridge. From the levee just mentioned to the Michigan street fill, there is absolutely no drainage of the old bed or channel, and it is, consequently, broken up into holes and pools of water, that during the summer months must become offensive. I believe that these ponds can be almost, if not entirely, obliterated, at a very trifling expense, by scraping earth from the banks into the holes where the water stands.

South of the Michigan street fill the water is retained in the channel, in part by levees thrown across the channel by parties desiring to retain the water for the purpose of procuring ice, and in part by the fact that the bed of the creek is lower than the mouth where it empties into White River. That part of the channel next

to the Michigan street fill, I believe can be made dry at a comparatively small expense. Lower down, the expense will be more considerable, owing to the width and depth of the channel. The whole channel can, however, be filled from the banks, without hauling a single load of dirt.

Just east of the old bed of the creek, below the Michigan street fill, is an old ditch that contains water, without outlet or inlet, stagnant and stinking. A very little work will serve to obliterate this.

The facts herein mentioned lead me, as a member of your committee, to conclude that if the sickness in the localities to which reference has been made is caused by emanations from Fall Creek bottom, the probabilities are very greatly in favor of the view that the emanations are from that part of the creek bottom below where Eighth or Ninth street would cross, if extended. It will be observed that during the greater part of the twenty-four hours, for six to nine months of the year, the wind is from points between the west and south, and most generally from the southwest, placing the glue factory and the old bed of Fall Creek directly to the windward of the infected locality.

In regard to the Geisendorff dam, as a member of your committee I am not at all satisfied that the sickness in the localities mentioned depends, in any degree, upon it; and I believe it will be unwise for this Council to spend either time or money in that direction, until so manifest an evil as lies directly west of the city is first abated—being, as it is, an evil that is the direct consequence of the change of the channel of Fall Creek. I believe it will be unwise for the Council to incur any risk of expensive litigation, by an interference with these dams, until every other possible cause of source of the infection is removed. Then, and not until then, can this body act intelligently and safely in regard to the Geisendorff dams.

I believe it to be the duty of your committee to recommend, and as one member of it I do recommend,

1st. That the proprietors of the glue factory be required to put that institution in proper condition. That they be required to remove to the Sellers' Farm all waste, of whatever character, containing animal matter.

2d. That the parties who own the ice-ponds before mentioned, from which the water has been shut off, be required to fill them, and provide overflows.

3d. That immediate steps be taken to fill up the holes, containing water, in the old bed of the creek between the levee and Michigan street fill; and that the channel below the Michigan street fill be cleared of all obstructions to the free flow of water, and so much of it as practicable be filled up, by scraping from the banks until water will not stand.

4th. That the mouth of the old ditch east of the old bed of the creek, next to the river, be cleared out, and the ditch filled by scraping, until water will not stand in it. (See clause 2d of sec. 53 of Charter of City of Indianapolis, hereby made part of this report.)

F. J. VAN VORHIS.

We approve of the sanitary views and recommendations contained in this report.

W. E. Jeffries,
W. Wands,
Board of Health.

We concur in the general statements of the foregoing report; but do not think that sufficient importance is attached to the obstructions produced by the dams across Fall Creek.

In addition to the filth that is emptied into the lower one, from the pest-house, the glue factory, the slaughter house, and the City Hospital, it is the receptacle of all the washings and sewerage of that part of the city known as old Camp Carington, north of Indiana avenue and west of the Michigan road.

The upper dam is the first permanent obstruction to the free flow of the water south of Scofield's mill. It here forms a pocket, that catches and retains all the insoluble animal and vegetable matter that reaches the stream from the dairies,

pasture lands, and densely-populated districts through which it flows, to the north of the city. It also receives the drainage from the old State Ditch, which carries down all the sewerage from the north and eastern portion of the city. A large portion of the year there is not enough water flowing over either of these dams to carry off any considerable amount of animal or vegetable matter. Whatever, therefore, is deposited in either of them, must be retained until it is decomposed and thrown off in poisonous exhalations.

These dams, together with the pools and bayous along the bed of old Fall Creek, being the property of private persons, before taking any steps that would involve the city in any considerable expense, we would advise that the legal question first be settled, Whether the property owners are not responsible for what ever nuisances may exist? A careful estimate has been made by the former City Engineer, and he places the cost of draining and filling the ponds in the old bed of the creek, from Patterson's line to White River, at \$18,400. We name this fact, that your honorable body may not be misled as to the cost of this part of the work.

We think we have reached the point when the interests of our city demand that steps should be taken, looking to the ultimate removal of these two dams from Fall Creek. The whole drainage of the northern and eastern portions of the city is, and must be, into this stream. There is no other place for it to go; and the trouble from this source will increase each year, as the population increases in these districts. We, therefore, renew the recommendation made in the first report, that the City Civil Engineer be directed to make a careful survey of Fall Creek from Central avenue to its confluence with White River, and of its old bed, from the Patterson cut-off to Geisendorff's mill, and make a hydrographical map of the same; and that the City Attorney ascertain the vested rights of the parties owning the dams, and whether the parties owning the old bottom of Fall Creek are responsible for the nuisances that exist there; and they both report to the Common Council, at its second meeting in August.

H. G. CAREY,
C. F. ROOKER.

Councilman Rooker moved that the consideration of foregoing reports be made the Special Order for next session of this body; which proposition, on Councilman VanVorhis's motion, was laid on the table.

By consent, Councilman VanVorhis was then permitted to offer the following resolution:

Resolved, That the Street Commissioner be directed to notify the owners of the land along the line of the old bed of Fall Creek, from the Patterson levee to Washington street, to clear the old channel of Fall Creek of all obstructions to the flow of water, and to fill up all holes found upon said land containing stagnant water, or containing water that may become stagnant.

If said owners fail or refuse to obey such notice, the Street Commissioner is authorized and directed to clear out said channel, and fill up said holes, as aforesaid found upon said property, at the expense of the owners thereof, *provided* that the amount so expended during this year shall not exceed ten per cent. of the value of the property on which the improvements may be made, *and provided* that the whole amount so expended shall not exceed the sum of five hundred dollars.

And it was duly adopted by the following vote:

AYES, 15—viz. Councilmen Bermann, Bryce, Carey, Hamilton, Harmening, Kahn, Lamb, McKay, Pearson, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS, 6—viz. Councilmen Bieler, Dowling, Downey, Morrison, Sheppard, and Wood.

On Councilman Rooker's motion, it was then ordered that foregoing reports, together with General Ordinance 38, 1879 [see title on page 224, *ante*], should be made a Special Order at next regular session.

The Coburn Investigating Committee, through Councilman VanVorhis, submitted the following report and appended documents :

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

The joint committee, to whom was referred the demand of Alderman Coburn, that certain reports charging him with having sold the city inferior lumber at exorbitant prices should be investigated, respectfully report that the committee (all the members being present) met in the office of the City Clerk on the evening of July 18th.

Your committee, through the chairman, directed the City Marshal to notify to be present at that time, the managing editor of the Sentinel, the editor of the People, the papers in which the accusations were published, and also Councilman Downey (who, it was stated had furnished the information upon which the publications in said papers were based), and others. The notice was returned to your committee endorsed "Served, by reading on the within named gentlemen, July 18th, 1879."

Neither of the three parties mentioned appeared; and your committee, having heard the testimony of all the witnesses present, and being unable to learn of any other possible source of information, adjourned.

On the day following, Councilman Downey reported to the chairman and members of the committee that he had not been notified of the meeting of the evening before, and that he desired another meeting of the committee, that he might have an opportunity to appear before it. A meeting was accordingly called, and committee met (all the members being present), in the office of the City Clerk, on the evening of July 19th. Councilman Downey was present, and read a statement of what he knew of the matter under investigation and an explanation of his connection with the reports in circulation; which is herewith submitted and made part hereof. No other evidence was obtained.

Your committee understand that the matter referred to them, upon the demand of Alderman Coburn, was the reports in circulation, that Alderman Coburn had used his official position for his individual advantage, and had sold the city inferior lumber at exorbitant prices.

Your committee find on file in the office of the City Clerk five vouchers of the firm of Coburn & Jones, of which firm Alderman Coburn is a member, aggregating the amount of \$247.04. These vouchers are for lumber purchased during the years 1878 and 1879, and are submitted with the report as exhibits, and marked "a," "b," "c," "d," "e."

The evidence before us shows very conclusively that these vouchers cover all the purchases (except a few loads of kindling and shavings for the Fire Department) made for the city from Messrs. Coburn & Jones or in which Alderman Coburn was in any way interested, during the year 1878 and 1879, and that they form a very small part of the whole amount of lumber bought for the use of the city during the time.

And it further appears from the statements of such gentlemen as Charlton Eden, E. H. Eldridge, and J. E. Shover, that the prices charged were as low, and in some instances lower, than the market prices for the same kind of lumber at the time when these purchases were made. From the evidence before your committee, it clearly appears that, in every instance, there was a good and sufficient reason why the purchasers were, and should have been, made as they were made. The Chief of the Fire Department states that, on several occasions, he had been compelled to buy kindling and shavings of Messrs. Coburn & Jones because he could not find the articles anywhere else. Some of the lumber included in the five vouchers was purchased under the same circumstances, and for the same reason, and some of it because it could be bought cheaper than of any one else.

Your committee find that Alderman Coburn, doubting the propriety of it, always and uniformly objected to selling lumber to the city, and refused to do so unless satisfied the articles desired could not be promptly obtained elsewhere, or when circumstances existed that enabled the firm to furnish cheaper than others. Your committee, therefore, report that there is nothing to indicate that Alderman Coburn has, in any way been disposed to use, or has in any way used, his official position for his individual advantage or the advantage of the firm with which he is connected, but that, on the contrary, he has given the city the advantage of his knowledge of the lumber trade, and saved the city many dollars thereby.

From the reference made to the committee, we have not thought we were called upon or authorized, to render any opinion as to whether section 52 of the charter of the City of Indianapolis, which provides that "No member of the Common Council, or other officer of such city, shall, either directly or indirectly, be a party to, or in any manner interested in, any contract," etc., should be so construed as to make it unlawful for a member of the Common Council or Board of Aldermen, or for a firm composed of two or more individuals, one of whom might be a member of the Common Council or Board of Aldermen, to make, in open market, current sales to the city; or whether said section 52 should be so construed as to apply only to contracts and agreements regularly made and entered into. Your committee, believing however that the Common Council and Board of Aldermen should be advised upon this question, respectfully recommend that it be referred to the City Attorney, with instructions to report his opinion at the next regular meeting of the Common Council.

Since the writing of the above report, the affidavits of Mr. James A. Isgrigg and David F. Swain have been left with the committee, and are submitted with the report and made part thereof.

James T. Layman,
W. F. Piel,
Aldermanic Committee.
F. J. VanVorhis,
F. W. Hamilton,
J. H. Sheppard,
Council Committee.

Statement of Councilman John T. Downey.

I appear before this committee, to-night, simply to refute some of the insinuations emanating from the investigation last night.

It has been stated in public print that I have been the instigator of certain charges against Alderman Coburn, and it has been intimated in public print, through the voice of Mr. Coburn, that I was afraid to meet an issue made by him for a public investigation.

I now say, that I have said to divers individuals that the firm of which Mr. Coburn is a member had sold lumber, and that Mr Coburn knew it, to the City of Indianapolis during the time Mr. Coburn was a member of the Aldermanic Board, in direct violation of section 52 of the charter of the City of Indianapolis—this far I have said on my own responsibility, and stand by it.

As to over-charges, and the use of bad lumber, I have heard it rumored that bad lumber had been used and over-charges made, and give as my authority for the same, James Isgrigg, late Republican candidate for Street Commissioner. I never conversed with Mr. Isgrigg on this subject. Mr. Isgrigg left word with Captain David Swain that any information wanted on this subject would be furnished, and that Isgrigg told Swain, as I have been informed by Swain, that such over-charges had been made and bad lumber used. Of this rumor I have not made free use, not knowing whether it could be proven or not.

Of the first charge, I say again, without fear of contradiction, that I am right.

I want this statement made as public as that of Mr. Coburn of last night. I was not notified, or would have been present last night.

(Signed) J. T. DOWNEY.

Affidavits from James A. Isgrigg and David F. Swain.

James A. Isgrigg, being duly sworn, upon his oath says that he has, at no time, said that he knew that bad lumber had been sold by Messrs. Coburn & Jones to the city, at exorbitant prices. That he did not say to Mr. Swain that he could furnish any facts concerning such reports. That he has said to Mr. Swain, and probably to others, that lumber had been purchased from Messrs. Coburn & Jones, for the use of the city. He further says that he does not know anything about the quality of the lumber or the prices charged, nor has he ever pretended to know. That he has never had any conversation with Councilman Downey in regard to the matter, nor left any word with any one for Mr. Downey or any one else, that any information wanted on this subject would be furnished.

JAMES A. ISGRIGG.

Subscribed and sworn to before me, this 21st day of July, 1879. Witness my hand and notarial seal.

[SEAL.]

WILLIAM W. SPENCER, Notary Public.

David F. Swain, being duly sworn, upon his oath says that he had a conversation with Mr. Isgrigg concerning his candidacy for Street Commissioner soon after the election of city officers, in which Mr. Isgrigg told him that certain parties were selling lumber, etc., to the city, in violation of city ordinances. That, to the best of his recollection, Mr. Isgrigg said nothing about inferior material or exorbitant prices. That Mr. Isgrigg did not leave any word with him for any one concerning this matter.

Affiant further says that, subsequently, in a conversation with Mr. Downey concerning the "soreness" of some of the defeated candidates for city offices, the remarks of Mr. Isgrigg were repeated to Mr. Downey, but with no intention of furnishing matter to make charges against any one. That to the best of his recollection nothing was said to Mr. Downey about exorbitant prices being charged or inferior material being furnished.

DAVID F. SWAIN.

Subscribed and sworn to before me, this 21st day of July, 1879. Witness my hand and notarial seal.

[SEAL.]

WILLIAM W. SPENCER, Notary Public.

Councilman Lamb moved that preceding report be concurred in; which was done by the following "aye and nay" vote (so taken on demand of Councilman Tucker):

AYES, 22—viz. Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Common Council of the City of Indianapolis:

Gentlemen:—At the called session of the Board of Aldermen, held on July 16th, 1879, while the resolution offered by the Board of Public Improvements and adopted by your honorable body, at the immediately preceding session of the 14th instant, was under consideration, a petition from City Civil Engineer Reed was presented and duly received; and then, on motion made, the Board of Aldermen consented to accede to Mr. Reed's prayer for an investigation. Vice-President Chandler appointed Aldermen Newman and Piel as the Aldermanic members of

said Committee of Investigation, and a motion, requesting the Common Council to name those of its members to act jointly with the Aldermanic appointees, was duly adopted.

I hereby report the foregoing proceedings for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

And then, on Councilman Rooker's motion, the Common Council determined to insist on its action of 14th instant [see page 235, *ante*].

NEW ORDINANCES.

Under this order of business, the following entitled ordinances were introduced, and were severally read the first time:

By Councilman Bieler:

G. O. 40, 1879—An Ordinance declaring that all Vehicles (except Street-Railway Cars), used in the transporting of Persons and Articles within the City of Indianapolis, for hire or pay, shall be deemed "Public Vehicles"; establishing Rules and Regulations for the government of the Owners, Lessees, and Drivers thereof; and prescribing Fines and Punishments for violations of its provisions.

By Councilman Hamilton:

G. O. 41, 1879—An Ordinance to prevent Horses and Mules from running at large in the City of Indianapolis.

By Councilman McKay:

G. O. 42, 1879—An Ordinance regulating the Cleaning of Privy-Vaults, Water-Closets, and other Receptacles of Human Excrements, and requiring persons to be duly licensed before engaging in such business.

S. O. 32, 1879—An Ordinance to provide for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets.

The foregoing entitled ordinance was accompanied by the following petition; which was duly received:

Indianapolis, July 19, 1879.

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

Gentlemen:—The undersigned, owners of the real estate fronting on Meridian street, between Seventh street and Twelfth street, respectfully petition for the passage of an ordinance providing for the laying of brick sidewalks, eight feet in width, on both sides of Meridian street, between the above mentioned streets.

And your petitioners will ever pray, etc.

A. D. Lynch, A. B. Gates, M. A. Bullock, Robert Palmer, G. R. Root, S. W. Morgan, P. A. Lynn, E. M. Trask, Wm. Merrill.

By Councilman Tucker:

S. O. 33, 1879—An Ordinance to provide for grading, and paving with brick (except where already paved), the sidewalks of Harrison street, from Noble street to Dillon street.

The foregoing entitled ordinance was accompanied by the following petition; which was duly received:

Indianapolis, July 21, 1879.

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

Gentlemen:—The undersigned, owners of the real estate fronting on Harrison street, between Noble street and Dillon street, respectfully petition for the passage of an ordinance providing for grading, and paving with good hard-burned bricks, the sidewalks of said Harrison street, between Noble street and Dillon street (except where the sidewalks are already properly paved).

And your petitioners will ever pray, etc.

Fred Fells, 60 feet; Patrick Lynch, 160 feet; Jacob Schmertz, 20 feet; Conrad Culmann, 20 feet; Heinrich Horstmann, 70 feet; Fred. Vehling, 40 feet; W. Kattau, 40 feet; W. Poppe, 37 feet; H. Behrent, 40 feet.

By Councilman Wood:

- S. O. 34, 1879—An Ordinance to provide for grading and graveling Chesapeake alley and sidewalks, between West and Helen streets.
- S. O. 35, 1879—An Ordinance to provide for grading and graveling Chesapeake alley and sidewalks, from Missouri street to the first alley west of Missouri street.

MISCELLANEOUS.

Under this order of business, sundry papers were presented and disposed of as follows:

On Councilman Hamilton's motion, it was ordered—

That the Aldermanic and Council Committees on Water, in connection with the Fire Board and City Attorney, confer with the president and officers of the Water-Works Company, for the purpose of devising some general plan for sprinkling the streets of the city from the plugs or hydrants now in use, or hereafter to be used, once each day during dry and dusty times in the months of June, July, August, September, and the first two weeks of October, in each year, and report the most practicable plan, and at what cost per lineal foot of street such sprinkling can be done, and the best way for making collections from the persons benefitted.

The following motion, made by same Councilman, was referred to the Committee on Bridges:

That the Committee on Bridges, in connection with the Street Commissioner, examine, at once, all the city bridges, and put them in safe condition.

The following resolution, offered by same Councilman, was unanimously adopted by a rising vote:

Resolved, That the heartfelt sympathy of this body be extended to Councilman McGinty in his bereavement at the death of his wife.

The same Councilman also offered the following resolution:

WHEREAS, The City Commissioners, in their amended report of April 21st, 1879, appraised the damages arising from the extension of John street, from Peru avenue to Massachusetts avenue, at \$1,900, and found that the City of Indianapolis should pay that full amount;

AND WHEREAS, Aforesaid report and finding was duly and formally approved by the Common Council and Board of Aldermen on May 5th and 6th, 1879; Therefore, be it now

Resolved, That the City Treasurer forthwith tender the appraised damages to the parties to whom the same were awarded, that the City Civil Engineer set the line stakes for the new street, and that the extension of said John street be otherwise immediately prosecuted and perfected.

And it was duly adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

On Councilman Kahn's motion, it was ordered—

That the City Civil Engineer be instructed (within three days) to give the line and set the stakes for the German Protestant Orphan Society, for the purpose of building a stone wall on the south side of Pleasant Run, upon their grounds and at their own expense.

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

Indianapolis, July 21, 1879.

To the President and Members of City Council :

Gentlemen :—I am instructed by the Merchants Committee to ask leave to erect a grand triumphal arch over Washington street, at the corner of Meridian street, for the gala and picnic for the benefit of the Indianapolis Rifles, to take place on July 28th and 29th.

Respectfully,

D. B. HUGHES, Quarter-Master Sergeant.
Per L. J. LIPMAN, Secretary.

Councilman Lamb made the following motion :

That the sum of two hundred dollars be, and the same is hereby, appropriated out of any money in the hands of the treasury, to furnish a horse and buggy for the Chief of Police, the use thereof to be in the police service.

After a number of verbal propositions had been made, accompanied by much debate and consequent action, the Chair (Councilman McKay) disposed of preceding motion, by declaring same to be out of order on the score that no appropriation of the public moneys could be made except by and through a regular Appropriation Ordinance.

On Councilman Morrison's motion, it was ordered—

That before any estimate is allowed for the improvement of New York street, from Tennessee street to the canal, the Board of Public Improvements and City Civil Engineer be requested to examine said street, as many of the property owners on said street think the work is not being done according to specifications.

The following motion, made by same Councilman, was, at Councilman VanVorhis's suggestion, ordered to be laid on the table :

That the names of the Standing Committees of the Common Council be so changed as to agree with the titles of the Aldermanic Standing Committees; also, that the duties assigned the Council Committee on Public Property in connection with sewers and drainage be taken from such committee, and assigned to a distinct Standing Committee, to be known and entitled "Committee on Sewers and Drainage"; and that the two Committees on Streets and Alleys be consolidated into one committee, to be known as "Committee on Streets and Alleys," which consolidated committee shall have a membership of not more than three.

The following motion, made by same Councilman, was, under the rules, referred to the Board of Public Improvements :

That the Street Commissioner be instructed to repair Tennessee street, from Ohio street to North street, with cinders.

Councilman Tucker was granted leave of absence for the balance of this session.

On Councilman McKay's motion, it was ordered—

That the Committee on Public Health and Hygiene, together with the Board of Health, be, and are hereby, instructed to take such action as they may deem necessary, to prevent the introduction and spread of infectious diseases in this city, and report their action to the Council, at the next regular meeting.

That the City Clerk give legal notice of the meeting of the Board of Equalization, to be held on the 20th of August.

WHEREAS, The annual report from the City Civil Engineer, submitted on May 6th and 7th, 1878 [see pages 945 and 401, Journals of Common Council and Board of Aldermen for 1877-1878], is a brief document, and yet contains information worthy of preservation in other form than in manuscript on the files; Therefore, *It is ordered by the Common Council and Board of Aldermen of the City of Indianapolis,* That before-mentioned report be forthwith published as appendix-matter to the Journals of 1878-1879.

The following motion, made by same Councilman, was, under the rules, referred to the Board of Public Improvements :

That the Street Commissioner be instructed to repair the street near the cistern at corner of Meridian and Seventh streets.

The following petition, made by same Councilman, was referred to the Committee on Public Health and Hygiene :

To the Honorable Board of Aldermen and Common Council:

Gentlemen:—Your petitioners would respectfully ask your honorable bodies to take *immediate* steps to abate the nuisance arising from stagnant pools of water along the line of Fall Creek. These pools are undoubtedly the cause of a large per cent. of the malarial diseases which are now so prevalent. We would call attention, especially, to that portion of the old bed of Fall Creek below Patterson's cut-off as more especially needing immediate and energetic attention, as it is in a very bad condition. The "cut-off" has left, in that portion of the old bed, many pools of water that are entirely stagnant, and which are endangering the health and lives of our people. As the especial nuisance herein referred to was created by the city

authorities, we think that it is not only a matter of duty for the city to take steps to abate it, but that it is necessary, as an act of protection against suits for damages which may be successfully prosecuted against the city.

Phillippe Snow, M. D. Hague, Hiram Barns, Martin R. Barns, Philo A. Heath, A. H. Lindsay, W. L. Harper, James Ake, John H. Stanford, Henry P. Biddle, George R. Hoffman, Charles Shift, Martin Laffey, W. J. Keers, W. H. Berryman, Chas. Bechtel, Wm. Chastine, James Kennett, Nels. Lockwood, P. B. Turner, Jacob H. Bremerman, J. M. Sheppard, Jno. M. Oatman, John Heinlein, Martin Merkt, Martin Gwinn, John Sweeney, J. B. Paul, Wm. H. Hearon, C. H. Frantz, Charles Eador, William W. Smith, William Eador, Simon Pettit, William Moore, L. Coval, D. C. Hooks, Chas. M. Lowry, H. Heidleman, John Linskey, W. L. Shafer, Green Burnett, Robert J. Allee, John Loble, Thomas Ross, W. A. Clements, J. W. Petty, Lewis Ferrel, John Barnes, H. H. Aldridge, Geo. B. Sturgeon.*

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

To the Common Council of the City of Indianapolis :

Your petitioners, Mariah Louisa Tieman, Mariah H. Tieman, and Catharine L. Tieman would respectfully show that the first named is the widow, and the two latter unmarried daughters of Henry F. C. Tieman, who departed this life October 23d, 1873, at the City of Indianapolis, and they have continued, since his death, to reside in said city.

That said deceased, at the time of his death, owned lot No. 16 in Rosett's Subdivision of out-lot 107-8, City of Indianapolis, and that said widow and said daughters still continue unmarried.

Petitioners aver, by the death of said Henry F. C. Tieman, the fee simple title of said real estate was cast upon petitioners, each to the extent of one-third thereof, and that neither now, nor since, the death of said Henry F. C. Tieman have they owned any other property whatever, and that the assessed valuation of said real estate was as follows, by said city: 1874, \$1,162; 1875, \$1,300; 1876, \$1,050; 1877, \$950.

Your petitioners further represent that, under the provisions of an Act of the General Assembly of the State of Indiana, approved December 21st, 1872, and entitled "An Act to provide for a uniform assessment of property and for the collection and return of taxes thereon," said real estate should have been exempt from State, County, and city taxation since the approval of said Act. And by virtue of the provisions of said Act, and the facts herein recited, said city has excepted said real estate from taxation for the year 1878, yet petitioners aver that, in ignorance of their rights under said Act, they paid taxes on the full valuation of said real estate as follows, to-wit: For the year 1874, \$12.78; 1875, \$19.50; 1876, \$14.70; 1877, \$10.64—or a total of \$57.62.

Petitioners aver that exemption from such taxation was a right conferred upon them by law, and, in equity and good conscience, said city should refund to them the amount so, as aforesaid, collected of them, and which, under the law, they were not required to pay; and they, therefore, pray this honorable Council to direct the Clerk of said city to draw his warrant on the Treasurer thereof for the sum of \$57.62, in favor of your petitioners.

Respectfully submitted,

Mariah Louisa Tieman, Mariah H. Tieman, Catharine
L. Tieman, by Dailey & Pickerill, Attorneys.

On Councilman Pearson's motion, it was ordered—

That General Ordinance 55, 1879, 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," together with the several amendatory ordinances, pending on this subject—viz. General Ordinances 12, 32, 33, and 42, 1879—be referred to the Joint Committees on Ordinances and the Board of Health, with instructions to prepare and introduce a new and codified ordinance, regulating and controlling this whole matter, at the next regular session of this body.

On Councilman Rooker's motion, it was ordered—

That the Board of Public Improvements report, at the next meeting of this Council, on the opinion of the City Attorney in reference to the Citizens' Street Railway, etc.

That the Board of Public Improvements be instructed to prepare and report to this Council, at its next meeting, an ordinance providing for the thorough repair of N. Tennessee street, from Ohio street to Twelfth street, upon such terms and conditions as said Board may deem fair, just, and reasonable.

The following motion, made by same Councilman, was, under the rules, referred to Board of Public Improvements:

That the Street Commissioner be ordered to fill up and drain the pond on West street, between First and Third streets.

The same Councilman offered the following resolution; which, at Councilman Kahn's suggestion, was referred to the Fire Board and the Joint Committees on Water:

Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is necessary, for the further and better protection from fire, that water-mains be laid and extended in and along Illinois street, from Seventh street to Ninth street; thence, in and along Ninth street, from Illinois street to Meridian street; thence, in and along Meridian street, from Ninth street to Second street, connecting with the water-main now located at or near intersection of Second and Meridian streets.

That the Water-Works Company be notified by the City Clerk to proceed to lay such mains, and establish fire-hydrants under the direction of the Chief Fire Engineer—such hydrants to be established not less than one thousand feet apart, under the provisions of the charter of the Water-Works Company.

The same Councilman also offered the following resolution; which, at Councilman VanVorhis's suggestion, was referred to the Joint Committees on Railroads:

Resolved, That the City Attorney give immediate legal notice to the Citizens' Street Railway Company, that unless said corporation shall forthwith and *strictly* comply with the rules and regulations set forth in section twelve (12) of the charter-ordinance of January 18th, 1864, entitled "An Ordinance authorizing the Construction, Extension, and Operation of certain Passenger Railways in and upon the Streets of the City of Indianapolis," the Common Council and Board of Aldermen of said city will repeal the amendatory ordinance of April 2d, 1878, and follow up such action by the revocation of any and all special and exclusive franchises and privileges granted by before mentioned charter-ordinance.

On Councilman Shilling's motion, it was ordered—

That the Chief Fire Engineer be directed to examine the condition of the building on the northwest corner of Blackford and Washington streets, and report to this Council, as said building is reported to be in a dangerous condition.

The following motion, made by same Councilman, at the suggestion of Councilman VanVorhis, was laid on the table :

That the Committee on Public Property be authorized to have fifty additional benches made and placed in Military Park, of same kind as those in University and Circle Parks.

The same Councilman called up the following resolution, offered by him on May 26th, 1879, and printed on page 64, *ante* :

Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the said Common Council and Board of Aldermen deem it expedient that a line of street railway be constructed along and upon North street, from its present terminus, on Indiana avenue, at West street, 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 it was duly adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Bryce, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Sheppard, Shilling, VanVorhis, Wiese, and Wood.

NAYS—None.

Councilman Rooker was excused for the balance of this session.

Councilman Wood made the following motion; which was referred to the Joint Committees on Public Light, who were given power to act :

That the City Civil Engineer be, and is hereby, directed to re-advertise for bids for lighting West street, between Georgia street and Kentucky avenue, with gas.

PENDING ORDINANCES.

The following entitled ordinance was called up, and was read the second time :

S. O. 12, 1879—An Ordinance to provide for grading and graveling Madison avenue and sidewalks, from Nebraska street to the Jeffersonville, Madison & Indianapolis Railroad tracks.

And then, on Councilman Bermann's motion, it was amended, by striking out, from the title thereof, the words "and sidewalks," and striking out from its first section the specifications governing the improvement of such sidewalks.

Aforesaid ordinance was then ordered to be engrossed as amended.

The following entitled ordinance was also called up, and was read the second time :

S. O. 21, 1879—An Ordinance to provide for grading and graveling the first Alley north of Maryland street, from Benton street to the first alley east of Benton street.

And then the title thereof was amended, by striking out of same the words "and graveling," together with the specifications for that kind of improvement from its first section.

Aforesaid ordinance was then ordered to be engrossed as amended.

Special Ordinances 13, 19, and 22, 1879, were also called up, were severally read the second time and ordered to be engrossed.

It now being nearly eleven o'clock, Councilman Wiese moved the suspension of the following section of the "Rules and Regulations for the government of the City Council," viz. :

SEC. 5. This Council shall not, without a suspension of the rules by a two-thirds vote, sit later on any evening than eleven o'clock.

Which was done by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was then read the third time :

S. O. 12, 1879—An Ordinance to provide for grading and graveling Madison avenue, from Nebraska street to the Jeffersonville, Madison & Indianapolis Railroad tracks.

And it was duly passed by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 13, 1879—An Ordinance to provide for grading and graveling the first Alley west of Maxwell street, between Elizabeth and Coe streets.

The passage of the foregoing entitled ordinance not having been petitioned for by the owners of two-thirds of the property abutting on said alley, it failed of being passed by the necessary two-thirds majority vote, as follows :

AYES, 14—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Pearson, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS, 3—viz. Councilmen Morrison, McKay, and Prier.

The following entitled ordinance was also read the third time :

S. O. 19, 1879—An Ordinance to provide for grading and graveling the Alley between McCarty and Sinkers streets, from the first alley west of New Jersey street to the first alley east of Alabama street.

And it was duly passed by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 21, 1879—An Ordinance to provide for grading the first Alley north of Maryland street, from Benton street to the first alley east of Benton street.

And it was duly passed by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 22, 1879—An Ordinance to provide for grading, and paving with brick (except where already paved) the south sidewalk of St. Mary street, from Alabama street to Delaware street.

And it was duly passed by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Bryce, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

Councilman Prier made application for thirty days' leave of absence ; which was duly granted.

On motion, the Common Council then adjourned.

M. L. BROWN, President *pro tem.*

Attest : BENJ. C. WRIGHT, City Clerk.