

PROCEEDINGS OF COMMON COUNCIL.

SPECIAL SESSION—AUGUST 6, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Wednesday evening, August 6th, A. D. 1879, at eight o'clock, in compliance with the following call :

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

Gentlemen:—You are requested to meet in Special Session, on this evening, August 6th, 1879, at 8:00 P. M., to take action in the matter of the Gregg Bequest, in which the School Board deem immediate action necessary.

Respectfully yours,

J. CAVEN, Mayor.

During the session, the roll-calls showed the members in attendance and absent to be as follows :

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 14 members, viz. : Councilmen Brown, Bryce, Carey, Dowling, Hamilton, Harmening, Kahn, Lamb, McKay, O'Connor, Shilling, Tucker, Wiese, and Wood. .

ABSENT—Councilmen Bermann, Bieler, Downey, King, Morrison, McGinty, Pearson, Prier, Rooker, Sheppard, and VanVorhis—11.

The following transcript of certain action taken by the Board of School Commissioners upon the matter named in foregoing call, was presented by Councilman Carey, and was duly received :

WHEREAS, We are informed by Wm. Sullivan, agent of the City of Indianapolis in the matter of the bequest of Thomas D. Gregg, deceased, that the administrator of said decedent's estate is about to advertise and sell, at public sale, all of the lands in Dallas County, Iowa, belonging to said decedent's estate, and to convert the proceeds therefrom into assets for distribution, contrary to the interests of this city, as we believe, and over the protest of said agent;

AND WHEREAS, It is a part of the will of the testator, filed for probate, and embodied in the decree of the Court, under which our City of Indianapolis takes said bequest, that the gross amount in value of said bequest should be safely placed at interest, and the interest only applied and used for school purposes, as stated in said will;

AND WHEREAS, It is our opinion that the City of Indianapolis is a tenant in common with the other distributees in said Dallas County, Iowa, lands, and that said city has the right to petition the Courts, and have her portion (five-fifteenths of said lands) set apart to her, there being no necessity for the sale of said lands, nor any part thereof, for payment of the debts of said estate;

AND WHEREAS, We believe it will be to the interest of said city to retain and hold her portion of said lands for future disposal, and as a good and safe investment of so much of the principal sum of said bequest; and although we believe the sale of said lands, in the manner above stated, would be informal, and might become illegal, yet we think it possible for said agent, at the said contemplated sale, to bid in for the City of Indianapolis her portion of said lands for a sum not greater than one-third of the whole amount and value of all of said lands.

Now, Therefore, In order to obtain a full, complete, and speedy settlement of this Dallas County, Iowa, land branch of said bequest, it is the sense of this Board, that William Sullivan, as agent for said city, be, and is, instructed to attend said sale, and use his best judgment in having all of said lands and town-lots fairly appraised, in lots not exceeding one quarter of a section each, at the fair cash value per acre for the farm lands at the time of sale, and the town-lots appraised in like manner, all by good resident freeholders of that county, one of whom to be chosen by each of the three parties in interest—said appraisers, before entering upon the discharge of their duties under such appointment, to take the usual oath of that State administered to Commissioners appointed by the Courts in suits of partition. That after said appraisement and the ascertainment of the appraised value of each town-lot, and the average value per acre of the farm lands, and the sum total of all said lands and lots, and said sale being conducted fairly and honestly, said William Sullivan is hereby authorized and directed, if in his judgment it be for the best interest of the city to do so, to make offer and bid in for the City of Indianapolis as much as one-third part of said lots and lands, if he can do so for one-third of the gross sum that all of said lots and lands shall bring at said sale, or as nearly that amount as practicable. And he is further authorized to bid in for said City of Indianapolis any of said lots and lands, not exceeding three thousand dollars in amount, that he may think a prudent investment by the city of the Gregg bequest.

But if said William Sullivan shall not deem it prudent or for the interest of the City of Indianapolis and the trust confided to her, or that the plan herein proposed, and authorized can not be legally carried out, then that he take such measures as, in his judgment, are necessary to protect the interests of said city and secure to her the fair share and right she is entitled to in the lands herein mentioned, for the purposes contemplated.

And it is ordered by this Board of School Commissioners, That a copy of the foregoing instructions, duly certified by the proper officers, be furnished Mr. Sullivan, as his instructions in that behalf.

At a regular session of the Board of School Commissioners, held August 1st, 1879, the foregoing was unanimously adopted, and Mr. Merritt instructed to lay the matter before the Common Council and Board of Aldermen.

[Seal.]

JOHN R. GIBSON, Clerk.

Councilman Carey then offered the following resolution :

Resolved, That the action and proceedings of the Board of School Commissioners of the City of Indianapolis, in relation to the Thomas D. Gregg bequest, as shown in and set forth in the above communication, be, and the same is hereby, ratified and confirmed.

And it was duly adopted by the following vote :

AYES, 14—viz. Councilmen Brown, Bryce, Carey, Dowling, Hamilton, Harmening, Kahn, Lamb, McKay, O'Connor, Shilling, Tucker, Wiese, and Wood.

NAYS—None.

On Councilman Kahn's motion, it was ordered—

That the City Attorney is hereby instructed to accompany William Sullivan, for the purpose of assisting that gentleman in the conduct of foregoing matter.

His Honor, Mayor Caven, presented the following invitation ; which, on motion, was duly accepted :

Michigan City, Ind., August 1, 1879.

Hon. JOHN CAVEN, Indianapolis, Ind. :

Dear Sir :—By order of the Common Council of this city, I have the pleasure of extending an invitation to you to visit our city on the 21st day of August, 1879, to inspect the improvements made under the direction of the Government Engineers of the harbor at Michigan City.

You are authorized to extend invitation to such personal and official friends as you desire to have accompany you. V. T. Malott, General Manager of the I., P. & C. Ry. has kindly volunteered to furnish transportation from Indianapolis to Michigan City and return. Please furnish him with a list of names of persons who are to accompany you.

A general attendance of the Congressional delegation of Indiana is hoped for, with some from other States.

Be kind enough to respond.

Very respectfully yours,

JNO. H. BAKER, Mayor.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.



PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—AUGUST 6, 1879.

The Board of Aldermen of the City of Indianapolis convened in the Aldermanic Chamber on Wednesday evening, August 6th, A. D. 1879, at eight o'clock, in regular session.

PRESENT—His Honor, the President, J. M. Ridenour, in the Chair, and Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, and Seibert—9.

ABSENT—Alderman Coburn—1.

The Proceedings of Board of Aldermen, for the regular session, held on July 23d, for the special session, held on July 29th, and of the Third Joint Convention, held on July 29th, 1879, having been printed, and placed on the desks of the Aldermen, said proceedings were duly approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was duly received:

To the Board of Aldermen of the City of Indianapolis:

Gentlemen:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held on Monday evening (August 4th, 1879), for your action upon same.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

City Clerk's statement of the amount of orders drawn on the city treasury during the month of July, 1879; and the City Treasurer's statement of receipts and disbursements during same period [see pages 306 to 308, *ante*], were read; and the action of the Common Council, in referring said statements to the Council and Aldermanic Committees on Finance, for audit, was duly approved.

Reports from Superintendent of City Hospital and Branch, giving the contents of hospital register, expenditures, etc., for the month of July, 1879 [see page 308, *ante*], were read, and they were duly received.

Reports from Superintendent of the City Dispensary, giving summary statements of the professional services rendered by his Department and of the expenditure of moneys in its behalf, during the month of July, 1879 [see page 309, *ante*], were read, and they were duly received.

Report from the Chief Fire Engineer, setting forth his proceedings in the matter of a dilapidated and dangerous building situated on the north-west corner of Washington and Blackford streets [see page 309, *ante*], was read; and this body concurred with the Common Council, in ordering the City Marshal to carry out the requirements of section 2 of "An Ordinance relative to unsafe and insecure Walls and Buildings."

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from July 16th to 31st, 1879, inclusive [see page 310, *ante*], was read, and was duly received.

Report from same official board, stating certain transactions of that Department and making certain suggestions [see pages 310 and 311, *ante*], was read; and this body duly concurred with the Common Council, in approving said report.

Report from Fire Board, explaining the unsafe condition of Hook and Ladder Truck No. 1 and of Hose-Reel No. 10 [see page 311, *ante*], was read, and it was duly received.

The following resolution [which had been duly adopted by the Common Council—see page 311, *ante*] was then read:

Resolved, That the Fire Board and Chief Fire Engineer are authorized to purchase a new hook and ladder truck and apparatus; also, a new hose-reel.

And it was duly adopted by the following vote:

AYES, 8—viz. Aldermen Chandler, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following communication from the Police Board was then read:

To the Common Council and Board of Aldermen:

We have appointed Charles L. Smith as Turnkey at Sixth street Station, and herewith present his bond for approval.

D. W. Grubbs,
J. T. Downey,
Geo. P. Wood,
Police Board.

The following official bond [which had been duly approved by the Common Council—see page 312, *ante*], was then submitted; and, on motion of Alderman Grubbs, it was referred to the Aldermanic Committee on Finance:

Official bond of Chas. L. Smith, as Turnkey at Sixth street Station House. Penalty of bond, \$2,000; sureties, Thad. M. Stevens, John L. Marsee, Ellen Smith, I. N. Pattison, and Michael Steinhauer.

The following clause in the report of the Board of Public Improvements was read; and the favorable action of the Common Council thereon [see page 312, *ante*], was duly approved:

1st. Is a motion directing the Street Commissioner to clean the gutters, fill, with gravel, the chuck-holes, and repair the sidewalks (where needed), of Bates street, from Noble street to Leota street.

We recommend said work be done.

Report from Board of Public Improvements and Street Commissioner, giving an exhibit of moneys paid on account of the Street-Repairs Department, for the month of July, 1879 [see page 312, *ante*], was read, and was duly approved.

The following joint report from the Council and Aldermanic Committees on Bridges was read; and this body duly concurred with the Common Council in approving the recommendation therein contained [see page 313, *ante*]:

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

Your Committees on Bridges, to whom was referred a motion that "they examine, at once, all the city bridges, and put them in safe condition," make the following report:

We have made personal examination of the following bridges: Washington street bridge over White River, Indiana avenue bridge over Fall Creek, Third street bridge over the canal, New York street bridge over the canal, Shelby street bridge over Pleasant Run, Pine street bridge over Pogue's Run, Davidson street bridge over Pogue's Run, west half of Delaware street bridge over Pogue's Run, Ash street bridge over State Ditch; and find them in such condition as to demand immediate attention. In some instances a new floor will suffice; in others, it will require both floor and joists to make the necessary repairs.

We have estimated the total cost of material and labor to be \$2,000.

We recommend the work be done, and that the Street Commissioner be instructed to at once purchase suitable material to put in good repair the above mentioned bridges.

Very respectfully submitted,

Geo. King,
M. H. McKay,
Henry Bermann,
Council Committee.
H. Coburn,
H. E. Drew,
Aldermanic Committee.

The following report from the Council Committee on Contracts was read; and this body duly concurred with the Common Council, in awarding the contract for the described improvement, in accordance with the recommendation made by said committee:

Your Committee on Contracts, to whom were referred the proposals presented to Council on Monday evening, July 21st, 1879, for paving with brick the sidewalks
SIG. 33.

of Pratt street, from Illinois street to Mississippi street, have examined the same, and find them to be as follows, to-wit:

John Schier, 35 cents per lineal foot front on each side.
 R. P. Dunning, 29 cents per lineal foot front on each side.
 H. C. Roney, 28 cents per lineal foot front on each side.
 Geo. Woodfill & Son, 25 cents per lineal foot front on each side.

Geo. Woodfill & Son being the lowest and best bidders, your committee recommend that they be awarded the contract.

Report signed by the Council Committee on Finance, recommending approval of the official bonds of Caleb A. Ritter and Robert M. Patterson [see page 314, *ante*], was read; and then, on motion of Alderman Grubbs, the accompanying bonds were referred to the Aldermanic Committee on Finance.

The following joint report from the Council and Aldermanic Judiciary Committees [see pages 314 to 316, *ante*], was read; and this body duly concurred with the Common Council, in approving the several recommendations therein contained:

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

Your Judiciary Committees and the City Attorney have jointly considered certain papers which were presented in and referred by the Common Council, and do now report thereon as follows:

1st. Is a clause in a report from the City Attorney, in which said officer states that a verdict and judgment of \$1500 and costs had been given the plaintiff in the case of John Hensley vs. The City—an action for bodily injuries received by plaintiff by falling into a well on N. Mississippi street—and which was referred to us with instructions to report whether, according to our opinion, an appeal of said case should be taken or the judgment and costs be now paid.

After a full and careful consideration of foregoing matter, we recommend against taking an appeal, and advise that the judgment and costs therein be now paid, by and through the miscellaneous appropriation ordinance to be introduced this evening.

2d. On May 26th, the Common Council referred to us a certain communication from City Treasurer Wiles [see page 53, *ante*], and we requested said officer to furnish us, in writing, a fuller and more explicit statement of his wishes in said case. His statement we here insert:

Indianapolis, July 7, 1879.

To the Honorable Judiciary Committees of the City of Indianapolis:

Gentlemen:—The following is a detailed statement in relation to the tax on out-lots 11 and 13, west of White River:

Total tax for years 1876, 1877, and 1878..... \$932 46

A receipt for \$267.40 for 1876, was made by me, for Dr D. H. Oliver, on February 12th, 1878, which he failed to take up, and I have accounted to the city for the same.

Sophia Collins paid \$220.03 on February 11th, 1879, for the years 1876 and 1877, on the undivided one-third of these lots, leaving a balance due the city of \$445 03.

It is now ascertained that the property has been erroneously assessed, and that it should have been assessed as follows:

Indianapolis, Bloomington & Western Railway Co.....	6½	acres.
Elevator "A"	78-100	"
D. H. Oliver	2 15-100	"
Total.....		9 43-100 acres.

All the parties interested are anxious to pay their taxes, but I am unable to furnish them a proper receipt, owing to the condition in which it appears on the books. I desire that, in order to have the city enabled to receive the amount due her, that the City Assessor be directed to put the lots in proper shape on the books, and the amount of \$220.03, erroneously paid by Sophia Collins, be refunded to her, and also the sum of \$267.40 be refunded to me.

Very respectfully,

WM. M. WILES, City Treasurer.

At our last conference, on Thursday evening last, we instructed Treasurer Wiles to obtain all the necessary pledges from persons desiring separation of property interests that they would promptly pay into the treasury all taxes due on the realty set apart to them, and do here incorporate the pledge of the Indianapolis, Bloomington & Western Railway Company as to the taxes on six and one-half acres occupied by that corporation:

We are prepared, and will pay, immediately, on six and one-half acres of out-lot 11, west of White River, for city tax of 1876, 1877, and 1878, when the same is placed on the Duplicates in proper form, so that the Treasurer can make proper receipts.
A. P. LEWIS, Agt. I., B. & W.

We do now recommend that the division of out-lots 11 and 13 be made by the proper officer in accordance with the schedule in the foregoing communication from the City Treasurer; that the taxes thereon be forthwith collected in accordance with such distribution; and that the Treasurer then adjust, by direct refunding, any money erroneously paid, so far as equivalent taxes shall come into his hands, keeping the city whole and from all loss in such adjustment and refunding.

3d. With regard to the four petitions from James G. Douglass, for refunding moneys paid at erroneous tax sales, we make the following recommendations:

That the sum of \$46 60, with interest from February 14th, 1877, be refunded said petitioner, by and through the next miscellaneous appropriation ordinance. Aforesaid amount was paid by the petitioner, on date before mentioned, in sale for delinquent taxes purported to be due on "70 feet west of 30 feet east ends lots 4, 5, and 6, C. West's Addition," when said taxes were really due upon "70 feet the east ends of lots 4, 5, and 6, C. West's Addition." We further recommend, in this case, that the refunded amount be charged up to the property set forth in the last description, and that the City Treasurer forthwith collect such delinquent tax, penalty, and interest from the now owner thereof, covering the total of the moneys so collected into the city treasury.

That the sum of \$75 73, with interest from February 11th, 1879, be refunded same petitioner, by and through the next miscellaneous appropriation ordinance. The necessity for this refunding arises from the fact that the delinquent property was advertised for sale as "lot 51, C., C., C. & I. Addition," when it appears on the tax-duplicate as "lot 51, C. C. and C. C. Addition." We make the same further recommendation in this case that we have in the one preceding.

That the City Treasurer recall the tax-sale certificate erroneously given same petitioner for "25 by 205 feet northeast corner of out lot 64, and 14 feet by 205 feet northwest corner of out lot 65," sold on February 14th, 1877, for the delinquent taxes charged against John W. Muir; and also the tax-sale certificate given same petitioner for "50 feet on Market street by 193 feet 6½ inches on west line, and 170 feet and ½ inch on east line, northeast corner of out-lot 65, and 25 feet on Market street by 197 feet, northeast corner of out lot 64," sold on February 12th, 1879, for the delinquent taxes of Geo. W. New, and forthwith correct such erroneous sales without loss to the city

4th. Is a petition from C. S. Converse, asking the refunding of \$22.78, and interest from February 14th, 1877, the same being moneys paid at a tax sale of property described as "lot 4, County Commissioners' and City Council's Addition, being the undivided half of four acres in section 34, township 15 [16] north of range 4 east." The property it was intended to sell is located in "section 24, township 15."

We recommend that the prayer of aforesaid petitioner be granted; the amount due him be refunded by and through the next miscellaneous appropriation ordinance; that the refunded amount be charged up against the property which was really delinquent; and that the City Treasurer forthwith collect such delinquent tax, covering all the moneys so collected into the city treasury.

5th. We have referred the original and supplemental petition from F. M. Churchman, for the refunding of tax-sale moneys paid on "25 feet north of 50 feet south of lot 1, square 69," to City Treasurer Wiles, who claims to have certain information in this particular case that is not set forth in either of the petitions.

6th. It coming to our knowledge that the petition of W. Emil Wulschner, as printed on page 235, *ante*, did not set forth the full and true state of facts, we permitted the attorney of said petitioner to file an amended petition, and herein incorporate such paper, as follows:

Indianapolis, Ind., August 1, 1879.

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

Gentlemen.—My tax list (a copy of which is herewith filed) shows personal property in my hands on April 1st, 1878, to the amount of \$15,000.

On said date, I owned no property in Marion County whatever. I owned, on said date, no property in the State of Indiana. My wife owned realty in Morgan County, to the value of about \$15,000.

I have only been a resident of the United States three years, and at said date spoke the English language indifferently and understood it but little better. I gave that amount to the Deputy Assessor, it was a mistake. I have no recollection of it at all. I, therefore, pray your honorable bodies to release me from this hardship my ignorance, or somebody else's mistake, has placed upon me.

EMIL WULSCHNER.

Subscribed and sworn to before me, this 1st day of August, 1879.

L. DOW McCLAIN, Notary Public.

Mr. Wulschner and his attorney also appeared in person before us; and being now fully convinced that said petitioner was innocently in error in making his tax-list of 1878, and that he did not then have in his possession, subject to taxation by this city, the \$9,000 of personalty shown by said tax-list, we recommend that the City Clerk be instructed to certify off the taxes charged against such personalty from the tax-duplicate.

W. C. Lamb,
C. F. Rooker,
Jas. T. Dowling,
Council Judiciary Committee.

D. W. Grubbs,
James T. Layman,
John Newman,
Aldermanic Judiciary Committee.
John A. Henry, City Attorney.

Alderman Drew appeared, and took his seat.

The following concurrent resolution [which had been duly adopted by the Common Council—see page 319, *ante*], was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the vacation of the alley running through R. L. McQuat's Second Addition (as recommended in the report from the Board of City Commissioners, on July 21st, 1879—see pages 258 and 259, *ante*) is hereby ordered, but shall not take effect and be an accomplished fact until R. L. McQuat, the owner of said Addition, shall have paid into the city treasury all the expenses attending such vacation for which the city could be held liable, and deposited the City Treasurer's receipt therefor in the office of the City Clerk, and received the last-named officer's quietus in lieu of such receipt.

And it was then referred to the Aldermanic Committee on Streets and Alleys.

The following motions, which had been duly adopted by the Common Council, were read, and were concurrently adopted by this body :

That John Greene have twenty days' additional time, in which to complete his contract for grading and graveling Lawrence street.

That Henry Clay be granted thirty days, to complete his contract on New York street, from Tennessee street to the canal.

The Board of Aldermen refused to concurrently adopt the following Council motion :

That the Committee on Public Health and the Board of Health be authorized to employ one additional Sanitary Policemen, to serve until the first day of October, 1879.

The following message from the Common Council was, also, duly received ;

To the Board of Aldermen of the City of Indianapolis :

Gentlemen:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its called session, held this evening (August 6th, 1879), for your action upon the same.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

The following transcript of certain action taken by the Board of School Commissioners was read, and was duly received :

WHEREAS, We are informed by Wm. Sullivan, agent of the City of Indianapolis in the matter of the bequest of Thomas D. Gregg, deceased, that the administrator of said decedent's estate is about to advertise and sell, at public sale, all of the lands in Dallas County, Iowa, belonging to said decedent's estate, and to convert the proceeds therefrom into assets for distribution, contrary to the interests of this city, as we believe, and over the protest of said agent ;

AND WHEREAS, It is a part of the will of the testator, filed for probate, and embodied in the decree of the Court, under which our City of Indianapolis takes said bequest, that the gross amount in value of said bequest should be solely placed at interest, and the interest only applied and used for school purposes, as stated in said will ;

AND WHEREAS, It is our opinion that the City of Indianapolis is a tenant in common with the other distributees in said Dallas County, Iowa, lands, and that said city has the right to petition the Courts, and have her portion (five-fifteenths

of said lands) set apart to her, there being no necessity for the sale of said lands, nor any part thereof, for payment of the debts of said estate;

AND WHEREAS, We believe it will be to the interest of said city to retain and hold her portion of said lands for future disposal, and as a good and safe investment of so much of the principal sum of said bequest; and although we believe the sale of said lands in the manner above stated, would be informal, and might become illegal, yet we think it possible for said agent, at the said contemplated sale, to bid in for the City of Indianapolis her portion of said lands for a sum not greater than one-third of the whole amount and value of all of said lands.

Now, Therefore, In order to obtain a full, complete, and speedy settlement of this Dallas County, Iowa, land branch of said bequest, it is the sense of this Board, that William Sullivan, as agent for said city, be, and is, instructed to attend said sale, and use his best judgment in having all of said lands and town-lots fairly appraised, in lots not exceeding one quarter of a section each, at the fair cash value per acre for the farm lands at the time of sale, and the town lots appraised in like manner, all by good resident freeholders of that county, one of whom to be chosen by each of the three parties in interest—said appraisers, before entering upon the discharge of their duties under such appointment, to take the usual oath of that State administered to Commissioners appointed by the Courts in suits of partition. That after said appraisal and the ascertainment of the appraised value of each town-lot, and the average value per acre of the farm lands, and the sum total of all said lands and lots, and said sale being conducted fairly and honestly, said William Sullivan is hereby authorized and directed, in his judgment it be for the best interest of the city to do so, to make offer and bid in for the City of Indianapolis as much as one-third part of said lots and lands, if he can do so for one-third of the gross sum that all of said lots and lands shall bring at said sale, or as nearly that amount as practicable. And he is further authorized to bid in for said City of Indianapolis any of said lots and lands, not exceeding three thousand dollars in amount, that he may think a prudent investment by the city of the Gregg bequest.

But if said William Sullivan shall not deem it prudent or for the interest of the City of Indianapolis and the trust confided to her, or that the plan herein proposed and authorized can not be legally carried out, then that he take such measures as, in his judgment, are necessary to protect the interests of said city and secure to her the fair share and right she is entitled to in the lands herein mentioned, for the purposes contemplated.

And it is ordered by this Board of School Commissioners, That a copy of the foregoing instructions, duly certified by the proper officers, be furnished Mr. Sullivan, as his instructions in that behalf.

At a regular session of the Board of School Commissioners, held August 1st, 1879, the foregoing was unanimously adopted, and Mr. Merritt instructed to lay the matter before the Common Council and Board of Aldermen.

[Seal.]

JOHN R. GIBSON, Clerk.

The following resolution [which had been duly adopted by the Common Council—see page 332, *ante*], was then read:

Resolved, That the action and proceedings of the Board of School Commissioners of the City of Indianapolis, in relation to the Thomas D. Gregg bequest, as shown in and set forth in the above communication, be, and the same is hereby, ratified and confirmed.

And it was duly adopted by the following vote:

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Kidenour.

NAYS—None,

On Alderman Layman's motion, the following Council motion was referred to the Board of School Commissioners :

That the City Attorney is hereby instructed to accompany William Sullivan, for the purpose of assisting that gentleman in the conduct of foregoing matter.

His Honor, Mayor Caven, presented the following invitation ; which, on Alderman Layman's motion, was duly accepted by this body :

Michigan City, Ind., August 1, 1879.

Hon. JOHN CAVEN, Indianapolis, Ind. :

Dear Sir :—By order of the Common Council of this city, I have the pleasure of extending an invitation to you to visit our city on the 21st day of August, 1879, to inspect the improvements made under the direction of the Government Engineers of the harbor at Michigan City.

You are authorized to extend invitation to such personal and official friends as you desire to have accompany you. V. T. Malott, General Manager of the I., P. & C Ry. has kindly volunteered to furnish transportation from Indianapolis to Michigan City and return. Please furnish him with a list of names of persons who are to accompany you.

A general attendance of the Congressional delegation of Indiana is hoped for, with some from other States.

Be kind enough to respond.

Very respectfully yours,

JNO. H. BAKER, Mayor.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 323 to 328, *ante*], were then read the first time :

- Ap. O. 47, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 48, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.
- Ap. O. 49, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 50, 1879—An Ordinance appropriating the sum of Ten Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.
- Ap. O. 51, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 52, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.
- S. O. 17, 1879—An Ordinance to provide for grading and graveling Shelby street, from the southern terminus of Virginia avenue to Colgrove street.
- S. O. 24, 1879—An Ordinance to provide for grading the first Alley east of Mississippi street, from Garden street to Pogue's Run.
- S. O. 25, 1879—An Ordinance to provide for grading, and paving with brick, and curbing with stone, the south sidewalk of New York street, from Liberty street to Noble street.

- S. O. 26, 1879—An Ordinance to provide for grading, and paving with brick, the west sidewalk of State avenue, from Washington street to Market street.
- S. O. 32, 1879—An Ordinance to provide for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth 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.

This being the regular appropriation night, the several Appropriation Ordinances were taken up for second and third readings, and placed on their passage, without suspension of the rules.

The following entitled ordinance was read the second and third times :

- Ap. O. 47, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$763.90.]

And it was duly passed by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following entitled ordinance was read the second and third times :

- Ap. O. 48, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$784 09.]

And it was duly passed by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following entitled ordinance was read the second and third times :

- Ap. O. 49, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$229.94.]

And it was duly passed by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following entitled ordinance was read the second and third times :

- Ap. O. 50, 1879—An Ordinance appropriating the sum of Ten Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.

And it was duly passed by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following entitled ordinance was read the second time:

Ap. O. 51, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$66,100.09.]

On motion, it was ordered that certain claims of Mrs. Wm. Regenour, Vajen & New, William Gunn, and W. L. Ramsay & Son, aggregating \$85.90, should be stricken out of this ordinance, thus leaving the actual amount to be appropriated \$66,014.19.

Aforesaid entitled ordinance was then read the third time, and it was duly passed by the following vote:

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following entitled ordinance was read the second and third times:

Ap. O. 52, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$340.13.]

And it was duly passed by the following vote:

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

NEW BUSINESS.

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

To the President and Board of Aldermen of the City of Indianapolis:

We would report as follows upon papers referred to us by your honorable body:

1st. Are the following resolutions:

Resolved, That the City Civil Engineer, when ordered to establish the grade of any street or alley, shall locate the proper number of permanent bench-marks, note the same on the profile, and make all the proper records in the book kept for that purpose.

Resolved, That the grade of any street not so noted and recorded will not be held as an established grade, by which the city may be bound in any re-construction of such street in the future.

We recommend the adoption of the above resolutions.

2d. Are the following resolutions:

Resolved, That all streets having once been constructed by assessment of property fronting the same, and having been kept in repair from the general fund for a term

of ten years, when needing re-construction or repair, it shall be done by assessment of the property fronting the same; *provided* that when such property owners have petitioned for a particular or unusual kind of street or material, and the same shall fail at any time before the expiration of ten years, it shall, in such case, be repaired or re-constructed at the expense of such property holders.

Resolved, That the City Civil Engineer is hereby instructed to furnish the Common Council and Board of Aldermen with a list of all streets, originally constructed as above, prior to June 1st, 1879.

We recommend that above resolutions be not adopted.

3d. Is S. O. 2, 1879, providing for the improvement of the first alley north of Woodlawn avenue, from Dillon street to Olive street, by grading and graveling.

We recommend that said ordinance be passed.

Respectfully submitted,

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

On Alderman Seibert's motion, separate votes were ordered on the resolutions embodied in the first clause of foregoing report.

The first resolution was duly adopted by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

But the second resolution failed of adoption, as follows :

AYES, 3—viz. Aldermen Drew, Layman, and President Ridenour.

NAYS, 6—viz. Aldermen Chandler, Grubbs, Mussmann, Newman, Piel, and Seibert.

The recommendation against adoption of the resolutions embodied in the second clause of preceding report was concurred in through the following aye and nay vote :

AYES, 6—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, and Newman.

NAYS, 3—viz. Aldermen Piel, Seibert, and President Ridenour.

The Committee on Finance, through chairman Layman, submitted the following report; which was duly concurred in, and the official bonds, therein enumerated, were severally approved :

To the Board of Aldermen of the City of Indianapolis :

Your Committee on Finance, to whom were referred the official bonds of Caleb A. Ritter, as Superintendent of the City Dispensary, and of Robert M. Patterson, as City Civil Engineer, being well satisfied that the sureties on said bonds are good and responsible, do recommend that said bonds be concurrently approved by this body.

Respectfully submitted,

James T. Layman,
T. E. Chandler,
D. Mussmann,
Committee on Finance.

On Alderman Chandler's motion, it was ordered—

That the City Clerk give notice to the Water-Works Company that the city demands a re-adjustment of rates for the ensuing year.

On Alderman Layman's motion, it was ordered—

That His Honor, the President, appoint a standing committee on Public Health and Hygiene, to consist of three members, and that the President of this body be chairman of said committee, to act in connection with a like committee of the Common Council.

On motion, the Board of Aldermen then adjourned.

J. M. RIDENOUR, President.

Attest: GEO. T. BREUNIG, Clerk.