

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—SEPTEMBER 3, 1879.

The Board of Aldermen of the City of Indianapolis convened in the Aldermanic Chamber on Wednesday evening, September 3d, A. D. 1879, at half-past seven 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 August 20th, 1879, and for the first session of the Board of Equalization, held on August 20th, 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 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 (September 1st, 1879), for your action upon same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read; and this body concurred with the Common Council in receiving such report and in approving the accompanying estimates [see pages 406-7, *ante*]:

To the Common Council of the City of Indianapolis:

Gentlemen:—I herewith present the following estimates:

A first and final estimate in behalf of R. P. Dunning, for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee street—

420 lineal feet, at \$1.39 \$583 80

480 lineal feet, at 99 cents	415 80
887.7 square yards extra bowldering, at 42 cents	372 83

Total estimate	\$1,372 43
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Also, a first and final estimate in behalf of George Woodfill & Son, for grading and paving the sidewalks of Pratt street, from Illinois street to Mississippi street—

978 lineal feet, at 25 cents	\$244 50
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Also, a first and final estimate in behalf of Henry Clay, for grading and graveling New York street, widening and curbing the sidewalks and bowldering the gutters thereof, between Tennessee and Missouri streets—

1703.33 lineal feet graveling, at 26 cents	\$442 87
1882.33 lineal feet curbing, at 34 cents	640 10
1688.33 lineal feet bowldering, at 43 cents	725 98
217.8 yards extra bowldering, at 43 cents	93 59
35 yards extra gravel, at 65 cents	22 75

Total estimate	\$1,925 29
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Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution [which had been adopted by the Common Council—see page 407, *ante*] 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 R. P. Dunning, for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee 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 adopted by the following vote :

AYES, 6—viz. Aldermen Grubbs, Layman, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following estimate resolution [which had been adopted by the Common Council—see page 407, *ante*], was also 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 George Woodfill & Son, for grading and paving the sidewalks of Pratt street, from Illinois street to Mississippi 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, 6—viz. Aldermen Grubbs, Layman, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following estimate resolution [which had been adopted by the Common Council—see page 407, *ante*], was also 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 Henry Clay, for grading and graveling New York street, widening and curbing the sidewalks and bowldering the gutters thereof, from Tennessee street to Missouri 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 adopted by the following vote:

AYES, 6—viz. Aldermen Grubbs, Layman, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following report from the City Clerk was read; and this body concurred with the Common Council, in receiving such report and confirming the appointments [see page 408, *ante*]:

Indianapolis, September 1, 1879.

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

Gentlemen:—I have appointed George T. Breunig and Frank W. Ripley as my deputies. I have also appointed George T. Breunig as Clerk of the Board of Aldermen, and respectfully request your honorable bodies to confirm such appointments.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following communication was read, and received:

Indianapolis, Ind., September 1, 1879.

To Joseph T. Magner, Esq., Clerk of City of Indianapolis:

Sir:—At a meeting of the Board of School Commissioners of the City of Indianapolis, held on the evening of August 15, 1879, the following was unanimously adopted as the tax levy for school purposes in this city for the present year:

Resolved, That the tax levy for 1879 and 1880 be adopted and established as follows:

For tuition purposes	8½ cents per \$100
For special fund	8 cents per 100
For library fund.....	1½ cents per 100
Total.....	18 cents per \$100

and that the President and Secretary be directed to certify the action of this Board to the City Clerk and cause the same to be placed on the tax duplicate against all property assessed for city purposes.

For the Board of School Commissioners,

W. A. BELL, President.

J. J. BINGHAM, Secretary.

The following communication was read; and this body concurred with the Common Council, in accepting the invitation [see page 409, *ante*]:

Indianapolis, September 1, 1879.

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

Gentlemen:—It affords us sincere pleasure to extend an invitation to your honorable body to attend the celebration of the twelfth anniversary of the German Protestant Orphan Home of this city, which will take place at the grounds of said Orphan Home, on the 14th day of September, 1879.

Hoping that you will participate in the festivities of this occasion,
We remain respectfully,

THE COMMITTEE.

The following report from the City Treasurer was read; and this body concurred with the Common Council, in receiving such report and confirming the appointment [see page 411, *ante*]:

Indianapolis, September 1, 1879.

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

Gentlemen:—I have appointed Francis A. Blanchard as Deputy City Treasurer, and respectfully request your honorable bodies to confirm such appointment.

Respectfully submitted,

W. G. WASSON, City Treasurer.

The following report from the City Attorney was read, and received:

Indianapolis, September 1, 1879.

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

Gentlemen:—The Superior Court in General Term, at a session held this morning, affirmed the judgment of the Court in Special Term, in the case of William C. Thompson et al. vs. The City et al.; the finding and judgment of the Court below being in favor of the city.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The following report from the same officer was read; and this body concurred with the Common Council, in approving such report [see page 412, *ante*]:

Indianapolis, September 1, 1879.

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

Gentlemen:—In obedience to your instructions, I have examined and herewith submit an opinion as to the construction to be given to that portion of section 52 of the city charter, which reads as follows:

“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 or agreement with such city, for any matter, cause or thing by which any liability or indebtedness is in any way or manner created against such city.”

There can be no doubt that this provision of the charter prohibits members of the Common Council and Board of Aldermen, as also all other city officers, from being in any way interested in any contract with the city which is regularly entered into. But some confusion seems to have arisen as to whether this statute

should be construed as prohibiting members of the Common Council and Board of Aldermen from making sales in open market of articles of merchandize to officers of the city authorized to purchase the same for the use of the city; and if so, would the prohibition apply alike to sales made to the city by a firm of which a Councilman, Alderman, or other city officer, is a member?

At common law, all such contracts or sales are prohibited on the grounds of public policy. This statute is simply declaratory of the rule at common law, and should be liberally construed. A sale of merchandise to the city constitutes a contract within the meaning of the law, and an indebtedness or liability is thereby created against the city.

I am, therefore, of the opinion that a strict legal construction of the section referred to would prohibit the making of all contracts or sales of the character above mentioned.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

Reports from Superintendent of City Hospital and Branch, for the month of August, 1879 [see pages 412-13, *ante*], were read and received.

Report from the Chief Fire Engineer, showing the receipts and expenditures of his department for three months ending August 31st, 1879 [see pages 413, 414, 415, *ante*], was read, and received.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from August 16th to 31st, 1879 [see page 415, *ante*], was read and received.

Report from same official board, stating certain transactions of that Department [see page 416, *ante*], was read and received.

The following clauses in the report of the Board of Public Improvements were read; and the favorable action of the Common Council thereon [see pages 416 and 417, *ante*], was approved:

1st. Is a motion directing the Street Commissioner to clean the gutter on the west side of Illinois street, from Merrill street to Morris street; also on Maple street, from McCarty street to Morris street.

We recommend said work be done.

2d. Is a motion directing the Street Commissioner to clean the gutters of West street, from Kentucky avenue to Morris street.

We recommend said work be done.

3d. Is a motion directing the Street Commissioner to fill the chuck-hole in Dillon street, between Bates street and Georgia street.

We recommend said work be done.

4th. Is a motion directing the Street Commissioner to fill the chuck-holes with gravel in Mississippi street, from Washington street to Second street.

We recommend said work be done.

5th. Is a motion directing the Street Commissioner to raise the canal bridge on West street, between Market and Ohio streets.

We recommend said work be done.

6th. Is a motion directing the Street Commissioner to clean the gutters of Maryland street, between Missouri and West streets.

We recommend said work be done.

7th. Is a motion directing the Street Commissioner to fill with gravel the chuck-holes on Washington street, between White river bridge and the I., B. & W. Railroad tracks.

We recommend this work be done at a cost not to exceed twenty-five dollars.

Report from the Council Committee on Bridges was read; and this body concurred with the Common Council, in concurring in the recommendations contained therein [see page 418, *ante*].

The following reports from the Council Committee on Contracts were read; and this body concurred with the Common Council, in awarding the several contracts [see pages 418 and 419, *ante*]:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to whom was referred the proposals presented to Council, August 18, 1879, have examined the same, and find them to be as follows, viz.:

First. For grading and graveling the first alley north of Lockerbie street, from Liberty street to the first alley west of Noble street.

John Schier, 18½ cents per lineal foot front on each side.

James Mahoney, 13½ cents per lineal foot front on each side.

William Morrison, 12½ cents per lineal foot front on each side.

John L. Hanna, 12½ cents per lineal foot front on each side.

John L. Hanna, being the lowest and best bidder, we recommend that he be awarded the contract.

Second. For improving the north sidewalk of Washington street, where not already properly improved, from White river bridge to Ray street, by grading and graveling.

Henry Clay, \$1.15 per lineal foot front.

John L. Spaulding, 90 cents per lineal foot front.

J. L. Spaulding, being the lowest and best bidder, we recommend he be awarded the contract.

Third. For grading the first alley north of Maryland street, from Benton street to the first alley east of Benton street.

James Mahoney, 43 cents per lineal foot front on each side.

John L. Hanna, 38 cents per lineal foot front on each side.

Fred Gansberg, 37 cents per lineal foot front on each side.

James W. Hudson, 23½ cents per lineal foot front on each side.

James W. Hudson, being the lowest and best bidder, we recommend he be awarded the contract.

Fourth. For grading and paving with brick, except where already paved, the south sidewalk of St. Mary street, from Alabama street to Delaware street.

John L. Hanna, 30 cents per lineal foot front.

James W. Hudson, 27 cents per lineal foot front.

John Schier, 24¾ cents per lineal foot front.

E. B. Elliott, 24 cents per lineal foot front.

E. B. Elliott, being the lowest and best bidder, we recommend he be awarded the contract.

Fifth. For grading and graveling the alley between McCarty and Sinker streets, from the first alley west of New Jersey street to the first alley east of Alabama street.

John L. Hanna, 18 cents per lineal foot front on each side.

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

James Mahoney, 10½ cents per lineal foot front on each side.

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

Respectfully submitted,

M. L. Brown,
F. W. Hamilton,
J. H. Sheppard,
Committee on Contracts.

To the Mayor and Common Council:

Gentlemen.—Your Committee on Contracts, to whom was referred the proposals to improve Shelby street, have examined the same and find them to be as follows, viz.:

Dewey, Twiname & Graham, 75 cents per lineal foot on each side.

R. P. Dunning, 65 cents per lineal foot on each side.

James Mahoney, 56 cents per lineal foot on each side.

Fred Gansberg, 53 cents per lineal foot on each side.

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

Respectfully submitted,

M. L. Brown,
F. W. Hamilton,
J. H. Sheppard,
Committee on Contracts.

Report from the Council Committee on Finance, containing estimated expenses for the fiscal year ending May 31st, 1880 [see pages 419 and 420, *ante*], was read; and this body concurred with the Common Council in approving such report.

The following report from the Committees on Public Light was read; and this body concurred with the Common Council, in approving such report [see page 420, *ante*]:

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

Your Committees on Public Light would report that the Indianapolis Gas-Light and Coke Company have put in service two hundred of the street lamps which were discontinued under the temporary contract of 1878-1879, and that the full quota of street lamps (2,400), as stipulated in the new temporary contract approved on July 22d, 1879, are now fully in use.

The Indianapolis Gas-Light and Coke Company, however, entered into a verbal agreement with your committees to shift the burners, etc., from any of the lamps now in use to any of the four hundred and forty lamps yet remaining out of service, by the reduction under the temporary contract of August 2d, 1878. It is the desire of the gas company that this work of changing may be entered upon and completed at one time. Your committees, therefore, request that the Councilmen and Aldermen notify us, before the next regular sessions of their respective bodies, of any changes which, in their judgment, they may think should be made under the terms of aforesaid verbal arrangement.

Respectfully submitted,

C. F. Rooker,
F. W. Hamilton.

T. E. Chandler,
D. W. Grubbs,
John Newman.

The following report from the Fire Board, Committees on Water, and the City Attorney was read; and this body concurred with the Common Council, in approving said report [see pages 430 and 431, *ante*]:

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

Gentlemen.—The Fire Board and your Committees on Water, together with the City Attorney, who were instructed to investigate the charges of mismanagement on the part of the Chief Fire Engineer, at the time of the destruction of the Encaustic Tile Works by fire, met, and after full investigation of the charges published in the Indianapolis Sentinel of August 11th, 1879, we are of the opinion that said charges are false and entirely without foundation in fact; and that the evidence produced entirely exonerated the Chief, and showed conclusively that he did his duty with ability.

Respectfully submitted,

James T. Layman,
John R. Pearson,
Fire Board.

Geo. P. Wood,
M. H. McKay,
M. L. Brown,
Council Committee on Water.

John A. Henry, City Attorney.

Petition from Jos. R. Perry et al., asking that W. N. Lake be granted permission to use the sidewalk around the Circle Park, etc., was read; and this body concurred with the Common Council, in granting the prayer of said petitioners [see page 428, *ante*].

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

That the City Marshal is hereby instructed to notify the Indianapolis, Cincinnati & Lafayette R. R. Co. to repair the streets between their tracks with planks at the crossings of Pratt and First streets, and the same to be done within twenty days.

That the Street Commissioner be directed to repair the gutter on the west side of Meridian street at the crossing of Fifth street, as the said gutter is so deep that vehicles are liable to be broken down in crossing.

That the present Civil Engineer be, and he is hereby, required to comply with the requirements of the resolution of this Council, adopted May 14, 1879 (see printed proceedings, page 236), requiring him to make a survey of that portion of the track of the L. C. & L. R. R track above the level of the street grades, etc.

That hacks and express wagons be permitted to stand on corners at the intersection of Washington and Illinois streets, and at the intersection of Washington and Pennsylvania streets, during the week of the State Fair, providing the streets are not to be blocked by said hacks or express wagons.

The following motion was read; and this body concurred with the Common Council, in referring same to the Board of Public Improvements, with power to act [see page 352, *ante*]:

That the Street Commissioner be, and is hereby, directed to immediately repair the bridge across the tail-race back of Geisendorff's mill.

The following contracts and bonds were read; and this body concurred with the Common Council, in approving the same [see pages 422 and 423, *ante*]:

- Contract and bond of John L. Hanna, for extending and repairing the stone abutments and re-building the Ohio street bridge over Pogue's Run. Penalty of bond, \$500; surety, Ingram Fletcher.
- Contract and bond of John L. Hanna, for grading and graveling the first alley north of Lockerbie street, from Liberty street to the first alley west of Noble street. Penalty of bond, \$100; surety, R. P. Dunning.
- Contract and bond of James W. Hudson, for grading the first alley north of Maryland street, from Benton street to the first alley east of Benton street. Penalty of bond, \$150; surety, R. P. Dunning.
- Contract and bond of E. B. Elliott, for grading, and paving with brick (except where already paved), the south sidewalk of St. Mary street, from Alabama street to Delaware street. Penalty of bond, \$200; surety, M. M. Hook.
- Contract and bond of James Mahoney, for grading and graveling the alley between McCarty and Sinker streets, from the first alley west of New Jersey street to the first alley east of Alabama street. Penalty of bond, \$150; surety, John Schier.
- Contract and bond of Fred. Gansberg, for grading and graveling the roadway of Shelby street, from the southern terminus of Virginia avenue to Colgrove street. Penalty of bond, \$8,000; sureties, Richard Carr and John Schier.

The following entitled ordinances [which had been passed by the Common Council—see pages 424, 425, 433, and 434, *ante*], were then read the first time:

- G. O. 39, 1879—An Ordinance amending sections two (2) and three (3) of an ordinance entitled "An Ordinance amending sections two (2), three (3), and four (4) of an ordinance entitled 'An Ordinance re-organizing the Fire Department (ordained and established August 15th, 1876'; ordained and established May 28th, 1878)."
- G. O. 46, 1879—An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk.
- Ap. O. 56, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 57, 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. 58, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 59, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 60, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

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. 56, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$695.58.]

And it was 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. 57, 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, \$1,092.47.]

Alderman Newman moved to strike out the item “W. I. Ripley, one horse, \$80,” which motion was not adopted.

The said ordinance was then read the third time, and 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. 58, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$163.84.]

And it was 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. 59, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$8,793.89.]

And it was 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. 60, 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, \$513.26.]

And it was passed by the following vote :

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

NAYS—None.

Alderman Chandler moved to re-consider the vote by which Special Ordinances 16 and 20, 1879, failed to pass at the session of this body held on August 20th, 1879 [see pages 388 and 389, *ante*]; which motion to re-consider was adopted 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 then read the third time :

S. O. 16, 1879—An Ordinance to provide for improving the first Alley east of Shelby street, from the first alley south of Prospect street to Pleasant Run, by grading and graveling.

And it was 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 third time :

S. O. 20, 1879—An Ordinance to provide for grading and graveling Prospect street, and bowldering the gutters thereof, from Dillon street to Reid street.

And it was passed by the following vote :

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

NAYS, 1—viz. Alderman Seibert.

The Committees on Judiciary, the Mayor, and the City Attorney, through Alderman Grubbs, submitted the following report; which was approved :

Indianapolis, August 20, 1879.

To the Board of Aldermen of the City of Indianapolis:

Gentlemen :—The Joint Committees on Judiciary, the Mayor and City Attorney, to whom was referred section 6 of the Aldermanic act, to determine the powers of the Board of Aldermen thereunder, beg leave to report that they have had the same under consideration, and herewith submit the following as their opinion of the construction to be given to said section :

1st. That under said section the powers and duties of the Common Council remain the same as they were prior to the passage of said act, except that concurrent action of the Board of Aldermen is required in every case to give validity to its proceedings, except the qualification of its own members and its order of business.

2d. That all ordinances for the appropriation of moneys, the improvement, widening, opening or closing of streets or alleys, the construction of public buildings, bridges, viaducts and tunnels, the annexation of territory, the increase, decrease, and government or regulation of the police or fire departments, and fixing the rate of taxation, shall first originate in and be passed by the Common Council before being presented to the Board of Aldermen.

3d. That all ordinances, orders, or resolutions of general regulation, which do not require an appropriation of moneys, and which do not pertain to the several matters specifically mentioned in the second item of this report, may first originate in, and be passed by, the Board of Aldermen; but that concurrent action of the Common Council thereon is required to render the same legal and operative.

D. W. Grubbs,
John Newman,
James T. Layman,
Aldermanic Judiciary Committee.
W. C. Lamb,
C. F. Rooker,
Council Judiciary Committee.
John Caven, Mayor.
John A. Henry, City Attorney.

The Aldermanic Committee on Streets and Alleys, through Alderman Drew, submitted the following report; which was concurred in:

To the Board of Aldermen of the City of Indianapolis:

The persons interested in the matter of laying out and extending Fifth street, from its present western terminus to the Michigan road, having filed the bond or agreement required by the appended resolution, your Committee on Streets and Alleys recommend that said bond or agreement be now considered, and if it be approved, that the following resolution be duly adopted forthwith, to wit:

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.

Respectfully submitted;

— Hiram Seibert,
H. E. Drew,
Committee on Streets and Alleys.

The following bond was then read; and this body concurred with the Common Council, in approving same [see pages 431 and 433, *ante*]:

THIS AGREEMENT, made and entered into this — day of —, 1879, witnesseth that—

WHEREAS, The undersigned and others have petitioned the Common Council and Board of Aldermen for the opening and extension of Fifth street, in the City of Indianapolis, from its western terminus, at the east end of the bridge over the canal, to the Michigan road; and,

WHEREAS, The said Common Council and Board of Aldermen have, by resolution, directed that the said opening of said street be referred to the City Commissioners for their action thereon, as soon as a sufficient number of said petitioners shall file in the office of the City Clerk a bond or an agreement to hold the City of

Indianapolis free and harmless from 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 street.

Now, therefore, for the purpose of securing the opening and extension of said street as aforesaid, and in compliance with the said resolution of said Common Council and Board of Aldermen, we, the undersigned persons who signed said petition for the opening and extension of the said street as aforesaid, do hereby covenant and agree to and with the City of Indianapolis, to assume and pay all damages that may be appraised and assessed by said City Commissioners on any person or persons on account of any and all lands condemned and appropriated in such extension of said street, and save said city harmless from the payment of said damages or any part thereof.

In witness whereof, we have hereunto set our hands and seals the day and year above written.

THEO. P. HAUGHEY. [Seal.]

GEORGE SUTTER. [Seal.]

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

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

NAYS—None.

The Aldermanic Committee on Streets and Alleys, through Alderman Drew, submitted the following report; which was concurred in :

To the Board of Aldermen of the City of Indianapolis :

Your Committee on Streets and Alleys, having duly investigated the matter set forth in clause 3 of a certain report from the Council Committee on Opening, etc., Streets and Alleys, would now recommend concurrence in the action of the Common Council, by and through which that body ordered the City Marshal to forthwith remove the obstructing fences, so that the general public may be no longer hindered from its proper, full, and free use of the entire length of the first alley south of Coburn street, in Daugherty's Subdivision of part of out-lot 99. [See Council Journal, page 269, *ante*.]

Respectfully submitted,

H. E. Drew,
Hiram Seibert,
Committee on Streets and Alleys.

Alderman Layman offered the following motion; which was adopted :

That the Board of Health be requested to confer with the School Commissioners as to the propriety of commencing the Public Schools on next Monday, September 8th, as announced, on account of the scarlet fever prevailing in the city.

The same Alderman, also, offered the following resolution :

Resolved, That if any member of the Common Council or Board of Aldermen, or other city officer, shall hereafter purchase any article of merchandise or material for the use of the city from any other city officer, or from any firm of which a Councilman, Alderman, or other city officer is a member, the said officer making said purchase shall be deemed to have made the same on his own account; and he shall be held personally responsible for the payment of the same, unless the Common Council and Board of Aldermen shall, by order or resolution, expressly ratify and confirm said purchase, and order the same paid.

And it was adopted by the following vote :

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

NAYS, 1—viz. Alderman Grubbs.

On Alderman Layman's motion, the rules were suspended, for the purpose of taking up General Ordinance 39, 1879, and placing same on its second and third reading, 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 :

G. O. 39, 1879—An Ordinance amending sections two (2), and three (3), of an ordinance entitled "An Ordinance amending sections two (2), three (3), and four (4), of an ordinance entitled 'An Ordinance re-organizing the Fire Department,' ordained and established May 15th, 1876, ordained and established May 28th, 1878.

And it was passed by the following vote :

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

NAYS—None.

On motion, the Board of Aldermen then adjourned.

J. M. RIDENOUR, President.

Attest: GEO. T. BREUNIG, Clerk.