

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—AUGUST 16, 1880.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, August 16th, A. D. 1880, at eight o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 24 members, viz: Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, Thalman, White, and Yoke.

ABSENT—Councilman Van Vorhis—1.

The Proceedings of the Common Council, for the regular session held on August 2d, 1880, and the first session of the Board of Equalization, held on August 2d, 1880, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

Sealed proposals for making the below described improvements were opened, read, and referred to the Committees on Contracts:

- (S. O. 36, 1880)—For grading and graveling the first alley north of Arch street, from Broadway street to Plum street.
- (S. O. 59, 1880)—For grading, and paving with brick, the east sidewalk of West street, (where not already paved,) from St. Clair street to First street.
- (S. O. 74, 1880)—For grading, and paving with brick (where not already paved,) the west sidewalk of Maple street, from McCarty street to Ray street.
- (S. O. 80, 1880)—For grading and bowldering the gutters of New Jersey street, from Virginia avenue to South street.
- (S. O. 83, 1880)—For grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks (except where properly curbed or bowldered,) of Mississippi street, from Ohio street to First street.
- (S. O. 84, 1880)—For grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks (except where already properly curbed or bowldered,) of Mississippi street, from First street to Seventh street.
- (S. O. 85, 1880)—For grading the first alley east of the I., P. & C. R. R. tracks, from Malott avenue to the C., C., C. & I. R. R. Co.'s track.

- (S. O. 86, 1880)—For grading and graveling the first alley east of Central avenue, from Christian avenue to Butler street.
- (S. O. 87, 1880)—For grading, and paving with brick, (where not already paved,) the sidewalks of English avenue, from Harrison street to Dillon street.
- (S. O. 94, 1880)—For grading, bowldering and curbing the gutters of the first alley south of Ohio street, from Pennsylvania street to Delaware street.
- (S. O. 106, 1880)—For grading and bowldering the gutters of Ohio street, and curbing with stone the outer edges of the sidewalks thereof, from East street to Noble street.
- (S. O. 108, 1880)—For grading and bowldering the south gutter, and curbing with stone and paving with brick the south sidewalk, of Ohio street, from Noble street to a point 222 feet east of Harvey street.
- (S. O. 111, 1880)—For grading, and paving with brick, (except where already paved,) the south sidewalk of North street, from Illinois street to the Indianapolis, Cincinnati and Lafayette Railway track.
- (S. O. 115, 1880)—For grading and bowldering the second alley east of the intersection of Clifford avenue and Pendleton road, from Pendleton road to Brookside avenue.
- For removing dead animals from the city limits to Sellers' farm, for the term of one year from July 1st, 1880.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

Indianapolis, Ind., August 16th, 1880.

To the Common Council and Board of Aldermen:

Gentlemen:—The amounts of fines and fees collected by me during the month of July, 1880, are as follows:

Mayor's fees.....	\$237 05
Policemen's witness fees.....	211 91
Fines, due city treasury.....	27 05
Total.....	\$476 01

Which amounts I have paid to the City Treasurer and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

REPORTS, ETC., FROM CITY OFFICERS.

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

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

Gentlemen:—I herewith report the following estimates :

A first and partial estimate in behalf of A. Bruner, for building a 1,200 barrel cistern at or near the corner of Hill and Union streets.

1,208 barrels, at 48 cents per barrel	\$579 84
Less 15 per cent	86 97

Present payment..... \$492 87

A first and final estimate in behalf of Richard Carr, for grading and graveling Newman street and sidewalks, from Seventh street to Ninth or Bolton street.

2,689 $\frac{1}{2}$ lineal feet, at 65 cents.....	\$1,748 45
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Respectfully submitted,
R. M. PATTERSON, 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 Richard Carr, for grading and graveling Newman street and sidewalks, from Seventh street to Ninth or Bolton 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, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

The City Civil Engineer submitted the following report; which was received, the contracts severally concurred in, and the bonds approved :

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

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

Contract and bond of C. T. Langhorne, for grading and graveling Spruce street and sidewalks, from Prospect street to Pleasant Run. Bond, \$1,500; surety, G. Adolph Wurgler and Michael Faust.

Contract and bond of C. T. Langhorne, for grading and graveling McKernan street and sidewalks, from Buchanan street to the south line of Out-lot No. 99. Bond, \$900.00; surety, G. Adolph Wurgler and Michael Faust.

Respectfully submitted,
R. M. PATTERSON, City Civil Engineer.

The City Civil Engineer submitted the following report; which was referred to the Committee on Contracts and City Civil Engineer :

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

Gentlemen:—I herewith make the following report for your consideration and action thereon :

The contract for grading and graveling the first alley north of St. Mary street, from Delaware street to Pennsylvania street, was awarded to James Mahoney, May 10th, 1880; bond filed and approved May 24th, 1880; time given to complete

contract, June 30th, 1880. The contractor has failed to do any part of the work.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The City Clerk submitted the following report:

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

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

R. P. Dunning & Jas. W. Hudson vs. George H. Neutrapp, for... \$8 58

R. P. Dunning & Jas. W. Hudson vs. Mollie M. Royce, for..... 5 46

Recommend that you order the precepts to issue.

Respectfully,

Jos. T. MAGNER, City Clerk.

Which was concurred in, and the precepts ordered to issue by the following vote:

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, McKay, O'Connor, Pearson, Pritchard, Shilling, White, and Yoke.

NAYS, 1—viz. Councilman Thalman.

The City Clerk submitted the following report; which was received:

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

Gentlemen:—I respectfully report that on the 4th day of August, 1880, I transmitted to the City Commissioners petition, plat, resolution and committee reports, in the matter of laying out, opening and extending west Vermont street, from the first alley east of Douglass street west to Blake street; and that I have issued notice to said commissioners according to law, and also to the owners of property.

Respectfully,

Jos. T. MAGNER, City Clerk.

The City Clerk presented the following indemnifying bond; which was approved:

THIS AGREEMENT, Made and entered into this 13th day of August, 1880, witnesseth, that *Whereas*, the undersigned and others have petitioned the Common Council and Board of Aldermen for the opening and extension of Wilson street, in the city of Indianapolis, to a width of sixty feet from the south end of said Wilson street to the Pendleton road, and from said Pendleton road through lots No. 4 and 7, Wooten's sub. of Block 19, A. E. Fletcher's add, to Brookside avenue; and

Whereas, The said Common Council and Board of Aldermen have by resolution directed that the 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 assessed by said commissioners 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 of said street as prayed for in said petition, and in compliance with the said resolution of said Common Council and Board of Aldermen, and in consideration that the city will proceed with the opening and extension of said street, we the undersigned, persons who signed said petition together with others,—all of whom will be benefited by the

opening of said street—do hereby covenant and agree to and with the city of Indianapolis, to assume and pay any and all damages that may be appraised and assessed by said commissioners, to any person or persons on account of any and all lands taken, condemned and appropriated in such opening and 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.

S. A. FLETCHER, Jr., [Seal.]
A. CRABTREE, [Seal.]
INGRAM FLETCHER, [Seal.]

The City Clerk presented the following communication; which was referred to the Joint Committees on Water:

Indianapolis, August 16th, 1880.

JOSEPH T. MAGNER, Esq., City Clerk:

Dear Sir:—In accordance with the terms of the existing contract between the City of Indianapolis and the Water Works of Indianapolis, and which contract expires September 1, 1880, we respectfully demand a new arrangement with the city to follow the expiration of said contract.

By direction of Wm. Henderson, Trustee.

DANIEL MACAULEY,
General Manager Water Works Co. of Indianapolis.

The City Clerk presented the following communication; which was received, and the assignment of contract approved:

Indianapolis, August 4th, 1880.

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

Gentlemen:—I have this day, with the consent of my bondsmen, as shown hereafter, made an assignment of my contract for grading and graveling Tennessee street, from First street to Seventh street, and bowldering the gutters thereof, to Lorenz Schmidt, and respectfully ask your approval of my action in the matter.

JOHN STUMPH.

We, the undersigned, surety on the bond of John Stumph, for improving north Tennessee street, as shown above, hereby give our consent to such assignment.

ADOLPH SEIDENSTICKER,
JOHN GROSCH.

The City Attorney submitted the following report; which was concurred in:

Indianapolis, August 16th, 1880.

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

Gentlemen:—I have examined the question submitted to me, as to whether, under the charter and existing ordinances of the city, extra compensation may be provided for the members of the committee appointed by the Board of Equalization to sit during a recess of said Board and hear complaints touching the valuation of property, and herewith submit the following opinion thereon:

Section 51 of the City Charter provides "That the Common Council shall, within one month after the annual election in each year, fix the salaries of all officers of such city provided for in this act, and by ordinance provide for the payment of the same: which salaries shall be paid on the first day of January, April, July and October of each year, when so fixed, and shall not be increased during the year; Provided,

That no member of the Common Council shall be allowed a greater sum than one hundred and fifty dollars in any one year for all services rendered by him as such member."

Section 59 of the charter provides that "The Common Council (which under the present law includes the Board of Aldermen,) together with the Clerk and Assessor, shall constitute the Board of Equalization," * * * * * and that "The Common Council shall have power to refer the assessment lists and all complaints in regard to any assessment to a committee of said Council, which committee shall sit from day to day," &c.

The compensation of the members of the Common Council and Board of Aldermen was fixed by the general salary ordinance passed in May, 1880, and under the terms of Section 51 above quoted, the said compensation cannot be increased during the year, and in no event can it exceed the amount fixed by the ordinance.

Under the 59th Section, it is made the *duty* of the members of the Council to meet as a Board of Equalization, and also makes it the duty of the committee appointed to sit and hear complaints. Under these provisions of the charter, I am of the opinion that the duties cast upon said members under the 59th Section, must be held to be included in the services intended to be provided for under the 51st Section; and hence that additional compensation for the members of said committee, is not authorized by the charter.

The services rendered by said committee are of the most important character, and are so different from the ordinary duties of the members of the Council and Board of Aldermen that it would seem that some additional compensation should be made for such extra services; but the provisions of the charter are so explicit that I do not see how they can be avoided or disregarded.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board, through Councilman Pearson, submitted the following report; which was received, and the Fire Board authorized to advertise for and receive proposals for constructing such Engine houses:

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

Gentlemen:—On motion of Councilman McKay, the Fire Board was directed to report a plan and estimate of the cost of two engine houses; one to be erected at the corner of Seventh and Ash streets, and one at the corner of Madison avenue and Morris street.

After giving the above matter due consideration, the Board wishes to recommend the enclosed plans, and submit the following estimates for your consideration.

Respectfully submitted,

James T. Layman,
John R. Pearson,
Isaac Thalman,

Fire Board.

APPROXIMATE ESTIMATE.

Excavation.....	\$ 50 00
Rubble stone work.....	250 00
Cut stone.....	50 00
Brick work.....	1,107 00
Carpenter work.....	3,200 00
Plastering.....	88 00
Galvanized iron, tin and slate.....	550 00
Painting and glazing.....	150 00
Gaspipes and plumbing.....	100 00
Total.....	\$5,545 00

The Fire Board, through Councilman Pearson, submitted the following report:

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

Gentlemen:—In regard to the resolution of Councilman Yoke, referred to the Fire Board, directing that the name of Mr. John Huffer be retained on the pay-rolls of the Fire Department, the Board recommends the following:

That said Huffer be kept on the pay-rolls at half pay, for the period of three (3) months from date his pay was discontinued; and if this report is adopted by your honorable bodies, you should direct the Committees on Accounts and Claims to introduce an ordinance appropriating the amount required, as the Fire Board has made no estimate for such expense.

Respectfully submitted,

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

On motion of Councilman Yoke, the foregoing report was received, and the Fire Board instructed to carry the name of John Huffer on the pay-rolls, at full pay, until November 1st, 1880.

The Fire Board, through Councilman Pearson, submitted the following report; which was concurred in:

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

Gentlemen:—The report of R. M. Patterson, City Civil Engineer, referred to the Fire Board, regarding the building of a cistern, near the corner of Ash and Tenth streets, claiming it impracticable on account of water being so near the surface, the Board would recommend a well at the above location, 12 feet deep and 12 feet in diameter.

Respectfully submitted,

James T. Layman,
Isaac Thalman,
Fire Board.

The Board of Public Improvements, through Councilman Morrison, submitted the following report; which was received, and the several recommendations concurred in:

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

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

1st Is a motion that the Street Commissioner clean the gutters on St. Clair street, from East street to Massachusetts avenue.

Recommend the work be done.

2d Is a motion that the Street Commissioner clean the gutters on Plum street, from Christian avenue to Massachusetts avenue; also, fill the chuck-holes with gravel, corner of Arch and Plum streets.

Recommend the work be done.

3d Is a motion that the Street Commissioner fill the chuck-holes in Market street, between Alabama and Noble streets.

Recommend work be done at an expense not to exceed ten dollars.

4th Is a motion that the Street Commissioner clean the gutters and fill the street where it has been washed out on Kansas street, from Meridian street to the old canal bed, with good river or creek gravel.

Recommend the street be repaired by opening the gutters and casting the gravel back on the street.

5th Is a motion that the Street Commissioner clean the gutters on Duncan street, from New Jersey street to Delaware street.

Recommend the work be done.

6th Is a motion that the Street Commissioner clean the gutters and fill the chuck-holes in Union street.

Recommend the chuck-holes be filled.

7th Is a motion that the Street Commissioner clean the gutters and fill the chuck-holes in Meridian street, between McCarty and Morris streets.

Recommend the chuck-holes be filled.

8th Is a motion that the Street Commissioner clean the gutters on Russell avenue, between Merrill and McCarty streets; also, on Illinois street, between Ray and Morris streets.

Recommend the work be *not* done.

9th Is a motion that the Street Commissioner build a culvert over the gutter on the north side of North street, at the intersection of Agnes street.

Recommend it be repaired with cinders or good gravel.

10th Is a motion that the Street Commissioner clean the gutters on Agnes street, from New York street to Elizabeth street.

Recommend the work be done.

11th Is a motion that the Street Commissioner build a culvert over the gutter on the east side of Blake street, at the intersection of Michigan street.

Recommend the work be *not* done.

12th Is a motion that the Street Commissioner clean the gutters on Vermont street, from Illinois street to the canal.

Recommend the work be done.

13th Is a motion that the Street Commissioner lay about 250 feet of tiling on the north side of Maryland street, between Oriental street and Arsenal avenue.

Recommend the work be *not* done.

14th Is a motion that that the Street Commissioner clean gutters on Market street, between Missouri and Blackford streets.

Recommend an ordinance be passed to bowlder the gutters to a width of nine (9) feet, and curb with stone the outer edge of the sidewalks.

15th Is a motion that the Street Commissioner repair the sidewalk on east side of Linden street, at crossing of Spann avenue.

Recommend the work be done.

16th Is a motion that the Street Commissioner clean the gutters on Market street, from Noble street to Cruse street, and clean gutters on Cruse street from Market street to Washington street.

Recommend the cleaning of gutters from first alley north of Washington street to Market street, and that the gutters on Market street be cleaned.

17th Is S. O. 98, 1880—"An ordinance to provide for grading and graveling the first alley south of Prospect street, from Olive street to Laurel street," together with remonstrance against said improvement.

Recommend said ordinance be passed.

18th Is a resolution that the owner of lot 3, J. B. Brand's subdivision of Fletcher's Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be *not* adopted.

19th Is a resolution that the owner of lot 4, in J. B. Brand's subdivision of Fletcher's Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be *not* adopted.

20th Is a resolution that the owner of lot 6, Coffin's subdivision of Fletcher's Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be adopted.

21st Is a resolution that the owner of lot 12, Fletcher's Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be *not* adopted.

22d Is a resolution that the owner of lot 58, in Fletcher's Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be adopted.

23d Is a resolution that the owner of lot 149, Spann & Co.'s Woodlawn addition, be notified to fill or drain the same.

Recommend the resolution be adopted.

24th Is a resolution that the owner of lot 12, Mankedick's subdivision South-east addition, be notified to fill or drain the same.

Recommend the resolution be *not* adopted.

Respectfully submitted,

Wm. H. Morrison,
Edward H. Dean,
Board of Public Improvements.

The resolutions providing for filling or draining of lot 6, in Coffin's sub. of Fletcher's Woodlawn add.; lot 58, in Fletcher's Woodlawn add., and lot 149, in Spann & Co.'s Woodlawn add., (see pages 347 and 348, *ante*) were then adopted by the following vote:

AYES, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

The Board of Public Improvements, through Councilman Morrison, introduced the following entitled ordinances; which were read the first time:

S. O. 129, 1880—An Ordinance to provide for bowldering the gutters, and curbing with stone the outer edges of the sidewalks, of Market street, from Missouri street to West street.

Ap. O. 54, 1880—An Ordinance appropriating the sum of Ten Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.

Councilman Morrison moved to suspend the rules for the purpose of placing Ap. O. 54, 1880, and S. O. 98, 1880, on their second and third reading, and final passage.

Which motion was adopted by the following vote :

AYES, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

The foregoing entitled ordinance (Ap. O. 54, 1880,) was then read the second time, and ordered to be engrossed ; read the third time, and passed by the following vote :

AYES, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

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

S. O. 98, 1880—An Ordinance to provide for grading and graveling the first alley south of Prospect street, from Olive street to Laurel street.

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

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

Report of Deaths in the City of Indianapolis, from the 31st day of July, to the 15th day of August, 1880—inclusive.

16

Under 1 year.....	16
1 to 2 years.....	6
2 to 5 ".....	4
5 to 10 ".....	2
10 to 15 ".....	1
15 to 20 ".....	2
20 to 25 ".....	0
25 to 30 ".....	3
30 to 40 ".....	6
40 to 50 ".....	8
50 to 60 ".....	3
60 to 70 ".....	3
70 to 80 ".....	2
80 to 90 ".....	4
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	3

Total..... 63

Respectfully,

E. S. ELDER, M. D., President.
W. E. JEFFRIES, M. D., Secretary.

Councilman Morrison offered the following resolution:

WHEREAS The reports as printed in the public press in this city, as to the death rate, has caused some undue alarm, and as the records in the office of the Board of Health are now kept, the general public are likely to give some credence to the reports, and in order that the Council and the citizens may know and have a correct report of the deaths in this city, I offer the following:

Resolved, That the Board of Health be, and are hereby, ordered to keep a separate record in the same manner as now required by law, of the following cases: All still births, all certificates of burial or for shipment from the State Insane Hospital and all other like institutions where the patients are not from the city of Indianapolis, and of all persons that die outside of the city, and are brought to this city for burial, that are not residents of the city of Indianapolis, and of all accidental deaths.

Which was adopted by the following vote:

AYES, 20—viz. Councilmen Bedford, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS, 1—viz. Councilman Bernhamer.

The Board of Health presented the following communication; which was referred to the Committee on Public Health and City Attorney, with power to act:

Messrs. Elder, Jeffries and Elstun, members of the Board of Health:

Gentlemen:—The undersigned petitioners do most respectfully ask that the sheep ranch be removed that is situated on the hill between Hill avenue and Pendleton pike, and in front of our residences. The smell is horrible and the citizens are all kicking in regard to the nuisance. We ask the immediate attention of the Board.

John F. Haneman,
Daniel O'Leary,
Thomas Johnston,
E. W. Hawkins,
And 17 others.

Indianapolis, Ind., August 13, 1880.

To the Common Council of the City of Indianapolis:

Gentlemen:—We respectfully refer the above petition to your honorable body. We are free to say that we consider the sheep ranch a nuisance, and recommend that it be abated.

E. S. Elder, M., D.,
W. E. Jeffries, M. D.,
J. W. Elstun, M. D.,
Board of Health.

REPORTS, ETC., FROM COMMITTEES.

The Committees on Finance, through Councilman Kahn, submitted the following report; which was received:

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

Gentlemen:—Your Committees on Finance, to whom was referred the report of the City Clerk showing the amount of orders drawn on the city treasury during

the month of July, 1880, also the report of the City Treasurer showing the receipts and disbursements for the same month, would report, after a careful examination and a comparison of said reports with the books of the respective officers, we find the same true in form and correct.

Leon Kahn,
M. H. McKay,
John R. Pearson,
E. H. Koller,
Jas. T. Layman,
Finance Committees.

The Committee on Judiciary, through Councilman Lamb, submitted the following report; which was concurred in, except the 3d clause, which was referred back to the committee, with instructions to confer with the School Commissioners:

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, to whom was referred sundry papers, report thereon as follows:

1st. Is the petition from Mary Davis, in which she informs you that she sued the city, and was defeated. She wants the city to pay the costs of suit.

We see no reason why the city should pay the costs; prayer of petitioner not granted.

2d. Is a petition from James Beal, asking seventy-five dollars damages, because his horse "shied at a log in a pond of water" on Michigan street, near West street, where the bank was about fifteen feet high, and upset his buggy, causing the same to "tumble down the bank."

We think the petitioner does not make it clear whether a defective street, or horse, caused the damage; prayer of petitioner not granted.

3d. Is a petition from Stewart & Barry, asking you to correct a clerical error. Their correct tax return made their personal \$25,000, and the clerical man made it \$35,000. They paid on the latter sum.

We recommend they be paid the difference by the City Treasurer. If the School fund has had their proportion of the money, we also recommend the City Treasurer to charge the same to them.

4th. Is a resolution by Mr. Kahn, followed by a communication from Carnahan & Collins, attorneys. They offer to bring suit for the city against foreign Insurance companies, and ask as attorney fees, an amount equal to one-third of the amount collected. Some think the Insurance companies owe the city a considerable sum on account of taxes. When the rule is established by some other plaintiff than the city of Indianapolis, then we recommend the city to pay said attorneys a reasonable fee for all sums realized for the years 1877-'78-'79, and '80—say a sum equal to fifteen per cent. of the amount collected. When the resolution is modified to correspond herewith, we recommend its passage.

Respectfully submitted,

William C. Lamb,
James A. Pritchard,
Committee.

The Committee on Sewers and Drainage, through Councilman Kahn, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Your Committee on Sewers and Drainage, to whom was referred S. O. 117, 1880, "providing for the construction of a sewer in, and along, the first alley east of Me-

ridian street, from Maryland street to Washington street, and connecting with the Washington street sewer; and providing for the assessment and collection of the costs thereof," would report the same back, and recommend its passage.

2d. We would further report on ordinance No. 68, for the construction of a sewer on Indiana avenue, from Mississippi street to, and connecting with, the Illinois street sewer, that the same be amended so as to read from "Tennessee street to, and connecting with, the Illinois street sewer;" and that as early as practicable a sewer be constructed on Mississippi street to, and connecting with, the Market street sewer.

Respectfully submitted,

Leon Kahn,
E. H. Koller,
Committee.

Councilman Kahn presented the following petition; which was received:

To the Honorable Board of Aldermen and Common Council:

The undersigned, owners of property on Indiana avenue, between Illinois and Mississippi streets, would respectfully pray that your honorable bodies would pass the ordinance now pending providing a sewer for said avenue.

James M. Tomlinson, 82 feet; David Kregelo,
about 83 feet; William Pfafflin, about 87 feet;
S. K. Fletcher, 42½ feet.

The Committee on Sewers and Drainage, through Councilman Kahn, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Sewers and Drainage, together with the City Civil Engineer, to whom the following motion was referred: "That the Committee on Sewers and Drainage, with the City Civil Engineer, be instructed to inquire into the expediency and necessity of constructing a sewer in Virginia avenue, south of Stevens street; with what sewer it should connect; its probable cost; and who should bear the expense," would report thereon as follows:

The City Civil Engineer having examined the locality, and in his opinion deeming it unnecessary to construct a sewer in said locality, we recommend that no further action be taken in the matter unless the citizens in that locality petition to construct the sewer at their own expense.

Respectfully submitted,

Leon Kahn,
E. H. Koller,
Council Committee.

Councilman McKay submitted the following report; which was concurred in:

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

Gentlemen:—Your Special Committee, to whom was referred G. O. 33, 1880, known as the garbage ordinance, would report, after careful examination, and making some changes and amendments, we report the ordinance back as amended, and recommend its passage.

Respectfully submitted,

M. H. McKay,
C. T. Bedford,
James A. Pritchard,
John W. Fultz,
Committee.

Councilman Kahn was excused for the remainder of this session.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read :

To the Mayor and Common Council :

Gentlemen.—The Board of Aldermen, at its session held on July 21st, 1880, on recommendation of its Committee on Public Health, refused to concurrently adopt certain resolutions (adopted by the Common Council July 5th, 1880,) providing for the filling up or draining of the following lots, viz :

Lot No. 66, in Dougherty's subdivision of a part of Out-lot No. 99.

Lot No. 160, in Dougherty's subdivision of a part of Out-lot No. 99.

Lot No. 34, in Hendricks' subdivision of a part of Out-lot No. 99.

Lots No. 13 and 14, in Bradshaw & Holmes' subdivision of a part of Out-lot No. 100.

The foregoing resolutions were not adopted for the reason, as stated in the report from the committee, that the lots were dry, and no water standing thereon.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

On motion by Councilman Bernhamer, this body determined to adhere to its action of July 5th, in adopting said resolutions.

The following message was read :

To the Mayor and Common Council :

Gentlemen.—At a regular session of your honorable body, held on July 19th, 1880, you referred the following clause, in the report from the Joint Committee on Markets, to the Police Board, with instructions to detail an officer for the purposes named :

"1st. Is a motion with reference to tainted meat, spoiled vegetables, &c., being exposed for sale in the public markets.

Recommend that the Board of Health be, and are hereby, instructed to detail one of the sanitary police to visit the markets and strictly enforce the ordinance in reference to this matter."

The Board of Aldermen, at its session held on July 21st, 1880, refused to concur in your action in referring the foregoing clause with instructions, and on motion by Alderman Grubbs, the recommendation of the committee was concurred in.

For the Board of Aldermen,

GEO. T. BREUNIG, Clerk.

On motion, this body receded from its former action, and concurred with the Board of Aldermen in adopting the recommendation of the committee.

The following message was read :

To the Mayor and Common Council :

Gentlemen.—The Board of Aldermen, at its session held on August 4th, 1880, for the second time refused to pass Special Ordinance No. 58, 1880, "An ordinance to provide for re-grading and re-bowldering Meridian street, from Washington street to Louisiana street."

I herewith submit the said ordinance for your further consideration and action.

2d. The said body, at the same session, amended Special Ordinance No. 27, 1880,

"An ordinance to provide for grading, paving with brick, the south sidewalk, and bowldering the south gutter, of Louisiana street, from New Jersey street to the first alley west of New Jersey street," by striking out so much thereof as provides for bowldering the gutter. The ordinance as amended was then passed.

I herewith submit the said ordinance for your further consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion by Councilman Bryce, the action of the Board of Aldermen, in not passing S. O. 58, 1880, was approved, and the ordinance was stricken from the files.

On motion by Councilman Lamb, the action of the Board of Aldermen, in amending S. O. 27, 1880, was concurred in, and the said ordinance, as amended, was ordained and established by the following vote:

AYES, 23—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, Thalman, White, and Yoke.

NAYS—None.

Councilman Thalman was excused for the remainder of this session.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at its regular session held on August 4th, 1880, refused to concurrently adopt the following motions:

"That J. H. Greenstreet and J. L. McCormick be given permission to act as a committee for citizens on Tennessee street, between First and Seventh streets, and look after the improvement now being made on said street, and to make suggestions to the contractor if, in their opinion, any of the work at any time is being done contrary to the contract and specifications on file," (adopted by Common Council August 2d, 1880.)

2d. "That Jacob Woesner be allowed to construct a passage across sidewalk, on north side of his property on Grove street, at his own expense," (adopted by Common Council August 2d, 1880.)

I herewith submit foregoing papers for your further consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, this body determined to adhere to its former action in adopting the first above mentioned motion.

On motion, this body receded from its former action in adopting last above mentioned motion.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—I herewith submit for your consideration, a report from the Aldermanic Committee on Railroads, which report was concurred in by the Board of Aldermen at its meeting held on August 4th, 1880.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Railroads, to whom was referred the following motion, (adopted by the Common Council June 21st, 1880):

“WHEREAS, The iron railing around the tunnel on south Illinois street is in a bad and dangerous condition, and demands immediate attention; therefore

Moved, That the Board of Public Improvements be directed to put said railing in good and proper condition, and said Board have full power to act in the matter.”

We recommend that the action of the Common Council be not concurred in, and that the City Marshal be, and is hereby, directed to notify the Citizens' Street Railway Company to put and keep said railing in good repair

Respectfully submitted,

F. W. Hamilton, James T. Layman, H. Seibert,	}	Committee.
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On motion, this body determined to adhere to its former action in adopting the motion set forth above.

NEW ORDINANCES.

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

By Councilman Lamb:

S. O. 130, 1880—An Ordinance to provide for grading and bowldering the gutters of South street, from New Jersey street to Delaware street.

By Councilman McKay:

S. O. 131, 1880—An Ordinance to provide for grading and graveling New Jersey street and sidewalks, from Sixth street to Seventh street.

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

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

Gentlemen:—The undersigned, property owner, respectfully petitions your honorable bodies to pass an ordinance to grade and gravel New Jersey street and sidewalks, from Sixth street to Seventh street. And your petitioner will ever pray.

OTTO STECHHAN, 47 feet.

By Councilman McKay:

S. O. 132, 1880—An Ordinance to provide for grading and graveling the first alley north of Home avenue, from Park avenue to Broadway street.

By Councilman Pearson:

G. O. 36, 1880—An Ordinance to repeal section twenty-three (23) of an ordinance entitled "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;" ordained March 1st, 1880.

Councilman Pearson moved to suspend the rules for the purpose of placing the above entitled ordinance on its passage.

Which motion failed of adoption by the following vote :

AYES, 12—viz. Councilmen Bedford, Dean, Downey, Koller, Lang, Mauer, Morrison, McKay, Pearson, Pritchard, Shilling, and Yoke.

NAYS, 10—viz. Councilmen Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Lamb, O'Connor, Prier, and White.

By Councilman Prier :

S. O. 133, 1880—An Ordinance to provide for grading and bowldering the gutters of Columbia avenue, and curbing with stone the outer edges of the sidewalks thereof, from Malott avenue to Home avenue.

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

Indianapolis, July 19, 1880.

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

Gentlemen:—The undersigned, owners of real estate fronting on Columbia avenue, between Malott avenue and Home avenue, respectfully petition for the passage of an ordinance providing for grading and bowldering the gutters of Columbia avenue, and curb with stone the outer edges of the sidewalks, from Malott avenue to Home avenue; the gutters on the east side of Columbia avenue to extend to the south side of Malott avenue. And your petitioners will ever pray, &c.

J. T. Hammond, 40 ft.; Rudolph Molz, 40 ft.;
John Freck, 40 ft.

By Councilman Pritchard :

G. O. 37, 1880—An Ordinance to repeal "An ordinance to prohibit the Erection or Maintenance of Bill-boards in the City of Indianapolis, unless the consent of the adjoining property holders shall be first obtained;" ordained May 21st, 1878.

By Councilman White :

S. O. 134, 1880—An Ordinance to provide for grading and graveling the alley between Pleasant street and Lexington avenue, from Linden street to Spruce street.

S. O. 135, 1880—An Ordinance to provide for grading and graveling Pleasant street and sidewalks, from Linden street to Reid street.

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

Indianapolis, July 24th, 1880.

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

Gentlemen.—The undersigned, owners of real estate fronting on Pleasant street, between Linden and Reid streets, respectfully petition for the passage of an ordinance providing for grading and graveling of said street, (between the points named,) and the sidewalks. And your petitioners will ever pray, &c.

N. J. Bradbury, 40 feet front; J. C. Crocker, 40 feet front; W. H. Hoover, 80 feet; Wm L. Cox, 80 feet front; Hiram Seibert, 80 feet front; C. H. Fulmer, 40 feet front; Dr. Camron, 120 feet front; Mrs. C. Dormire, 40 feet front; Oliver Fulmer, 40 feet front; John Griner, 40 feet front; John Herman, 160 feet front; D. M. Bradbury, 40 feet front.

S. O. 136, 1880—An Ordinance to provide for grading and graveling the first alley north of Prospect street, from Spruce street to Reid street.

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

CITY OF INDIANAPOLIS, *Marion County, Indiana, ss:*

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

Gentlemen.—The undersigned, citizens of Indianapolis, Ind., would very respectfully ask your honorable body to pass such ordinance or ordinances as may be necessary in order that first alley north of Prospect street and south of Woodlawn avenue, and between Reid street on the east, and Spruce street on the west, in said city, may be graded and gravelled at the expense of the owners of property butting and bounded on said alley. And your petitioners would ever ask, &c.

Samuel Davis, Chas. Davis, John Peter Schneider, Sophia Koch.

This improvement should be undertaken and completed as early as possible, for the reason that the alley has been filled at one place, and in wet weather it is next to impossible to get out upon Prospect street or Woodlawn avenue, without crossing a sidewalk.

MISCELLANEOUS.

Councilman Bedford offered the following motion; which was adopted:

That Samuel M. Patten be authorized to construct a bowldered drive-way across the south side of North street, east of East street, in front of his business place, at his own expense, in conformity to ordinance and under direction of the City Engineer.

Councilman Bernhamer offered the following motion; which was referred to the Committee on Contracts:

That John Greene and John Schier be relieved from the operation of the rule adopted by the Common Council and Board of Aldermen on the 31st day of May, and 2d of June, 1880, as shown by pages 83 and 128 of the Journal of Proceedings, arising from failure to file bonds for contracts heretofore awarded to them respectively.

Councilman Bernhamer offered the following motion; which was referred to the Board of Public Improvements, with power to act:

That W. H. Drapier be, and is hereby, permitted to dig a sink under the sidewalk at the southeast corner of Virginia avenue and Bradshaw street, to be used only for the purpose of draining water out of the cellar, the work to be done at his own expense and under the direction of the City Civil Engineer.

Councilman Bernhamer offered the following motion; which was referred to the Joint Committees on Office Fixtures and Supplies, with power to act:

That the City Janitor be instructed to procure a movable lamp, with proper hose connections, for the use of the reporter's table.

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

That the Joint Committees on Office Fixtures and Supplies be, and are hereby, authorized to have a wood and glass screen constructed on the counter in the City Clerk's office.

That the City Marshal be instructed to notify the owner or owners of the property on south Illinois street, (east side,) from the corner of Maryland street north four business houses, to re-lay with new brick the sidewalk in front thereof; and if not done within ten (10) days, that the Street Commissioner be instructed to do the work at the said owner or owners' expense.

Councilman Bryce offered the following motion; which was referred to the Committee on Railroads:

That some action be taken to prevent Louisiana street, between Meridian and Illinois streets, being blocked up with freight trains, as it is much to the detriment of business houses along such square.

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

That the Street Commissioner be instructed to relay the crossing of sidewalk in front of No. 7 Engine house on Maryland street.

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

That the Street Commissioner be directed to repair the foot-ways of the bridge on Tennessee street over Pogues Run, by relaying with the best oak plank.

That the Street Commissioner be directed to clean the gutters and repair Kentucky avenue, from Illinois street to South street.

That the Street Commissioner be directed to clean the gutters and repair Mississippi street, fill the chuck-holes, &c., between Washington and Merrill streets.

Councilman Fultz presented the following petition; which was referred to the Joint Committees on Streets and Alleys:

To the Common Council of the City of Indianapolis :

Gentlemen.—The undersigned petitioners respectfully show to your honorable body the following facts, to-wit:

First. That the Indianapolis Rolling Mill Company is the owner in fee-simple of all that portion of out-lot number 125 in the City of Indianapolis, Marion County, Indiana, which is bounded by the streets as follows, to-wit: On the north by Merrill street, on the south by Catharine street, on the east by Tennessee street, and on the west by Mississippi street; all of which will more fully appear by a reference to the plat hereto attached and made a part of this petition. That on said premises the Indianapolis Rolling Mill is now situated.

Second. That Susan McKernan, David S. McKernan, Lewis H. McKernan, Joseph V. McKernan, William E. McKernan, Leo. A. McKernan, Henry McKernan and Mary McKernan, are heirs-at-law and divisors of James H. McKernan, and are the owners in fee-simple of that portion of out-lots Nos. 125 and 126 in said City of Indianapolis, described as follows, to-wit: Lots number 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34, in McKernan and Pierce's subdivision of out-lot 125 and that unplatted part of the west half of the south of said out-lot 125 lying and adjoining lots 27 to 39 in said subdivision, and described as follows, to-wit: Commencing at the northwest corner of said lot No. 27, running thence south 390 feet, thence west 117½ feet, thence north 390 feet, thence east to the place of beginning.

Also lots Nos. 21, 22, 23, 24, 25, 26, 27, 32, 33, 34 and 35, and lots Nos. 28, 29, 30 and 31, excepting 196 feet 8 inches on McCarty street by 100 feet deep off of the south ends of said lots 28, 29, 30 and 31, in McKernan & Pierce's subdivision of out-lot 126; also that part of out-lot 126 lying north and east of said subdivision, excepting a certain part thereof at the northwest corner of said out-lot fronting 135 feet on Merrill street by 100 feet deep on Missouri street. That a description of said premises will more clearly appear by a reference to the plat hereto attached. Said premises being all that portion of said out-lots 125 and 126, as appears enclosed within the red lines marked out on said plat.

Third. That Samuel E. Hanna, administrator of the estate of James H. McKernan, deceased, also joins in the petition as such administrator.

Fourth. That Aquilla Q. Jones, trustee for McKernan & Pierce, in cause No. 17,906 in the Superior Court of Marion County, Indiana, and who has an interest as such trustee in a portion of the lands above described, also joins in this petition.

Your petitioners respectfully ask for the vacation of the following streets and alleys or portions thereof in and about said premises as follows, to-wit:

1. Catharine street from the first alley east of Missouri street to the eastern terminus in out-lot No. 126.
2. Catharine street from Mississippi street east to Tennessee street in out-lot No. 125.
3. Mississippi street from Merrill street to McCarty street.
4. Ann street from Catharine street to a point even with the south lines of lots 19 and 34, in McKernan & Pierce's subdivision of out lot 125.
5. The first alley lying north of McCarty street from the first alley east of Missouri street to its eastern terminus in out lot 126.
6. The alley lying northeast of lots 22 and 28 in McKernan and Pierce's subdivision of out lot 126, from its beginning at the northeast corner of said lot 22, to its intersection with Mississippi street on the east side of said lot 28.
7. The first alley west of Tennessee street, from Catharine street south to a point even with a line drawn ten feet north of the south line of lots No. 5 and 22 in McKernan & Pierces subdivision of out lot 125.

All of which will more clearly appear by reference to the plat hereto attached.

That the persons to be effected by the vacation of said streets and alleys, if any persons are effected thereby, are as follows, to-wit: J. and M. Monehan, who are owners of lot 14 of out lot 125; Andrew G. and Catharine Kane, who are owners of lots 35 and 36 of said out lot 125; Jacob Shatz, who is owner of lot 27 of said out lot 125; P. Lieber & Co., who are owners of lots 38 and 39 in said out lot 125; Also, Margaret Tobin, who is the owner of parts of lots 28 and 29 in out lot 126; Timothy Falvey, who is owner of parts of lots 29 and 30 in out lot 126; Patrick Ward who is owner of parts of lots 30 and 31 in out lot 126; Bridget and Mary Shea who are owners of part of lot 30 in out lot 126; all of which will more clearly appear by a reference to the plat hereto attached.

Your petitioner respectfully ask for a vacation of said streets and alleys in order that a steel rail mill may be erected on the premises hereinbefore described, which can not be done unless said streets and alleys are vacated.

Respectfully submitted,

Indianapolis Rolling Mill Company, by Aquilla Jones, President; S. C. Hanna, Administrator of estate of J. H. McKernan, deceased; Louis H. McKernan by J. V. McKernan; Susan McKernan; Leo A. McKernan, by J. V. McKernan; Wm. E. McKernan; Joseph V. McKernan, Guardian of Henry and Mary McKernan; David S. McKernan; Joseph V. McKernan; Aquilla Q. Jones, Trustee for McKernan & Pierce.

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

That the Street Commissioner be instructed to repair Maryland street, between Missouri and Helen streets, by filling chuck-holes and hollow places with gravel, and cleaning out gutters.

That the Street Commissioner be instructed to repair Georgia street, between Missouri and West streets, by filling chuck-holes and hollow places with gravel.

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

That the Street Commissioner be instructed to repair and clean the gutters of North street, from Noble street to Pine street.

Also, clean the gutters and repair Michigan street, from Noble street to the first alley east of Pine street.

Also, clean the gutters and repair Vermont street, from Noble street to Pine street.

Also, clean the gutters and repair New York street, from Noble street to first alley east of Pine street.

Councilman Koller offered the following motion; which was referred to the Committee on Bridges:

That the Board of Public Improvements and Street Commissioner be directed to build a bridge over Pogue's Run, at the intersection of New York street; the same to be completed in ninety days.

Councilman Kahn, through the City Clerk, presented the following remonstrance; which was referred to the Board of Public Improvements, together with the ordinance:

Indianapolis, August 16th, 1880.

To the Common Council of the City of Indianapolis, Ind.:

We, the undersigned, property owners along the line of the first alley east of Alabama street, from North to Michigan street, representing 505 feet of the 840 feet of same, for the bowldering of which there is now an ordinance pending before your honorable body, hereby enter our protest against such improvement, as said alley is in reasonable good condition; and therefore pray that said ordinance (S. O. 124, 1880,) may not be passed.

H. M. Foltz, 50 feet; Geo. K. Share, 50 feet;
First National Bank, by H. L. Smith, agent,
50 feet; Mrs. Clara D. Wolfram, 150 feet;
F. Bremerman, 30 feet; John Reynolds, 50
feet; John Shellenberger, 50 feet; Berg. Ap-
plegate, 50 feet; Heirs of N. S. Beaty, 25 feet.

Councilman Lamb presented the following petition; which was referred to the Joint Committees on Finance and Sewers and Drainage:

Indianapolis, August 13th, 1880.

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

Gentlemen:—The undersigned, owners of real estate fronting on Washington street, between Pennsylvania and New Jersey streets, respectfully petition for the passage of an ordinance providing for the construction of a sewer in and along said street, between the points named; said sewer to be circular in form, and of seven feet internal diameter, and to cost in any sum not to exceed \$1.50 per lineal foot front on each side of said street. And your petitioners will ever pray, &c.

Edward Mueller, 16.10 feet; Wolfram Bros.;
Frederick Thoms, 17 feet; Clemens Vonnegut.

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

That the City Marshal notify owner of property to repair sidewalk in front of 143 east South street; and if not done within ten days from the service of the notice, the Street Commissioner is hereby directed to do the same at the expense of the owner.

That the City Marshal notify the owner of property to repair sidewalk and cellar door in front of 107 east Washington street; and if not done in ten days from the date of service of notice, the Street Commissioner is hereby directed to do the same at expense of owner.

That the City Marshal notify owner of property to repair sidewalk (and cellar door, if any) in front of 213 and 219 east Washington street; and if not done within ten days from the service of notice, the Street Commissioner is hereby directed to do the same at the expense of the owner.

That the City Marshal notify owner of property to repair sidewalk (and cellar door, if any) in front of 231 east Washington street; and if not done within ten days from the service of notice, the Street Commissioner is hereby directed to do the same at the expense of the owner.

That the City Marshal notify the Pittsburg, Cincinnati and St. Louis Railway Company to repair the sidewalk in front of their ground on Virginia avenue north of their freight depot; and if not done within ten days from the date of service of notice, the Street Commissioner is hereby directed to do the same at the expense of the company.

That the City Marshal notify the owner to repair or level sidewalk to correspond with grade, in front of 143 east Washington street; and if not done within ten days from the service of notice, the Street Commissioner is hereby directed to do the same at the expense of the owner.

That the City Marshal notify the owner of property to repair sidewalk and cellar door in front of 109 east Washington street; and if the same is not done within ten days from the service of notice, the Street Commissioner is hereby directed to repair the same at the expense of the owner.

That the City Marshal notify the owner of property to repair sidewalk and cellar door in front of 141 east Washington street; and if not done within ten days from the service of notice, the Street Commissioner is hereby directed to repair the same at the expense of the owner.

Councilman Lamb offered the following resolution; which was referred to the Committee on Water:

Resolved, That the Water Works Co. be, and are hereby, directed to lay a 6-inch water main from the Virginia avenue main to the South street main, in and along Delaware street, and to place two fire plugs on said line, to be located under the directions of the Fire Board and Chief Fire Engineer.

Councilman Lang presented the following communication; which was referred to the Committee on Streets and Alleys, and Accounts and Claims:

Indianapolis, Ind., August 15th, 1880.

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

Gentlemen.—An ordinance has been passed by your honorable body to improve east Ohio street, from Arsenal avenue to State avenue.

Beginning at a point (see plat annexed,) 251 feet 10 inches east of northeast corner of Arsenal avenue and Ohio street, is a strip of ground 25 by 341 $\frac{3}{4}$ feet long, owned by me, that has never been dedicated to public use, but was thrown open at the time a sewer was built in and along said street. I am willing the public should use the ground, but object to paying taxes on the same while so used. If the city will bear the expense, I will file a plat of, and dedicate the same to, public use; and would request your honorable body to instruct the City Assessor to deduct from my assessed valuation the value of said ground for the year 1880.

Respectfully, E. H. KOLLER.

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

That the Street Commissioner be instructed to clean the gutters on Michigan street, from Douglass street to Agnes street.

Councilman Morrison presented the following communication; which was referred to the Committee on Contracts, City Civil Engineer and his deputy:

Indianapolis, August 16th, 1880.

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

Gentlemen.—We, the undersigned, citizens and property owners on Michigan street, from Tennessee street to the I., C. & L. R. R., would most respectfully pro-

test against the payment of the estimate for the improvement of the sidewalks on Michigan street, as, in our opinion, the work has not been done in a workman-like manner, and not according to the specifications now on file in the office of the City Civil Engineer.

J. F. Watterson, 120 feet; Fannie M. Farquhar, per Brown, 70 feet; Louise S. Moore, by T. C. Moore, 195 feet; Jacob L. Greene, per W. B. Thurston, 77 feet; John H. Lindley, by Dain & McC., 150 feet; Eberle Cullum, 82 feet; M. E. Clark, 28 feet.

Councilman McKay offered the following resolution:

WHEREAS, In the execution of the proper deeds, by the Trustee, on the sale of any of the lands received by the City of Indianapolis, for the benefit of the Common Schools, under the will of T. D. Gregg, deceased, to recite the definite authority of such Trustee to execute such deed; And whereas, the necessary delay to procure formal expression of such authority may become vexatious, and might at some time prevent what would be otherwise an advantageous sale; therefore

Be it Resolved, That George Merritt, Esq., Trustee of said lands situated in Dallas county, Iowa, (including the town lots,) be, and he is hereby, authorized to sell, and upon the sale to execute the proper deed of conveyance for the following described real estate situate in said county, to-wit: The southeast quarter of the northeast quarter of Section 19, in Township 79, north of Range 27 west of the 5th principal meridian.

Town Blocks No. 14, 16, 25 and 27, in the town of Adel, Iowa.

Indianapolis, Ind., Aug. 9, 1880.

DR. H. G. CAREY—*Dear Sir*: The above resolution was unanimously adopted at a regular session of the Board of School Commissioners of the City of Indianapolis, held Aug. 6, 1880.

Yours, respectfully,

[SEAL.]

JOHN R. GIBSON, Ass't. Sec'y.

Which was adopted by the following vote:

AYES 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, White, and Yoke.

NAYS—None.

Councilman McKay offered the following motion; which was referred to the Police Board:

That the Police Board be, and is hereby, directed to place the names of the men known as "extras." on the regular pay-roll, at one dollar per day for each and every day they attend the roll-calls, and hold themselves in readiness for duty.

Councilman O'Connor offered the following resolution:

Resolved, That the owners of the following described real estate, to-wit: that part of the west half of the northwest quarter of Section 7, Township 15, north of Range 4 east, of the second principal meridian, which lies south of the track of the C., I., St. L. & C. R. R. Co., east of Dillon street, north of the first alley north of Deloss street, and west of Laurel street, in the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or

may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote:

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, White, and Yoke.

NAYS—None.

Councilman O'Connor offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be directed to repair the culvert in Bates street, between Dillon and Leota streets.

Councilman O'Connor offered the following motion; which was referred to the Committee on Streets and Alleys:

That the Street Commissioner be directed to remove the water fountain on the south side of east Washington street, between Oriental and Pine streets, to the intersection of Michigan Road and Washington street. Said work to be done under the direction of the City Civil Engineer.

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

That the Street Commissioner be directed to clean the gutters on Peru street, from Christian avenue to Home avenue.

That the Street Commissioner be directed to clean the gutters on Beeler street, from Hill avenue to Seventh street.

That the Street Commissioner be directed to put in a gutter bridge at the intersection of Beeler street and Hill avenue; and at the intersection of Newman street and Hill avenue.

That the Street Commissioner be directed to clean the gutters on Yandes street, from Malott avenue to Linden avenue.

That the Street Commissioner be directed to clean the gutters on Home avenue, from the I., P. & C. Railroad to Columbia avenue.

That the Street Commissioner be directed to clean the gutters on Columbia avenue, from Home avenue to Seventh street.

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

That the Street Commissioner be instructed to fill the chuck-holes with gravel on Sixth street, from the railroad track west to the canal.

Councilman Pritchard offered the following motion ; which was adopted :

That the City Marshal be instructed to notify the owners of lots fronting upon Illinois street, between Tenth street and Twelfth street, to clean off the dirt upon the sidewalks in front of their lots ; and upon the failure of any lot owner to remove said dirt from said sidewalks within ten days after receiving notice to do so, the Street Commissioner shall, and is hereby, directed to clean said sidewalks at the expense of property owners.

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

That the Street Commissioner be directed to clean the gutters on New York street, between Missouri and Douglass streets.

That the Street Commissioner be directed to clean the gutters, and fill the chuck-holes, on West street, between North and Washington streets.

Councilman Shilling presented the following remonstrance ; which was received ;

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

Gentlemen.—We, the undersigned, property owners on West street, between Washington street and Indiana avenue, respectfully remonstrate against the passage of an ordinance to bowlder and curb the gutters on said street, between above named points. We represent almost the entire property, and trust you will not burden us with this tax against our wishes.

Respectfully,

N. Kellogg, 195 feet; Stephen Mattler, 65 feet; Henry Schnull, 145 feet; R. B. Emerson, 65 feet; Simon Goins, 120 feet; Frank Byrkit, 135 feet; James A. Isgrigg, 50 feet; Henry C. Cox, 67½ feet; F. L. Werbe, 202½ feet; Henry F. Pope, 50 feet; Harriet J. Groves, Adm'x., 67½ feet; Susanna Revels, 70 feet; Narcis
Turner, ^{her} + 33 feet 9 inches; John Gahm, 149
mark.
feet; Charles J. Kuhn, 20 feet; L. Woerner, 20 feet; J. M. Seger, 30 feet; Christian Brink, for Hy. Ruschhaupt's heirs, 67½ feet; Ida D. Burkley, 67½ feet; Mrs G. J. Smith, 54 feet; Mrs. Anna Barbre Birk, 105 feet; Edward Santo, 52½ feet; B. A. Wilson & L. W. Hess, 51 feet; V. Keifer, 96 feet; W. W. Swing, 44½ feet; Harriet Barbour, 37½ feet; Jacob Dickert, 36 feet; J. B. Emerson, 36 feet; Emeline Bisbing, 36 feet; Frank A. Maus, 109 feet; Wm. Johnson, 33 feet 9 inches; David Kregelo, 33 feet; C. B. Parkman, 40 feet; W. H. Miner, 25 feet; J. S. Hinton, 33½ feet; Sarah Woollen, 60 feet.

On motion by Councilman Shilling, the following entitled ordinance was stricken from the files :

S. O. 122, 1880—An Ordinance to provide for grading and bowldering the gutters (where not already bowldered); of West street, from Washington street to Indiana avenue.

Councilman White presented the following petition; which was referred to the Committee on Water:

We, the undersigned, do hereby petition your honorable body to grant us better fire protection, by extending water mains down Olive street, from Prospect street to Pleasant Run.

G. W. Baxter, H. Wilson, S. L. Bryan, Lot Lee,
Drusilla Lee, Ann Mather, George Bosdorfer,
E. J. Orlopp, Harry Banke, M. L. Brown,
I. F. Preusch, Joseph Brado, Frank Brown,
Nick Gerardy, John F. Connor, H. Beck,
Conrad Muller, Michael Hamill, John Fred
Weber, Henry Semmler, Charles Metzger.

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

That the Street Commissioner be instructed to cut grass out of gutters, and fill chuck-holes, on Woodlawn avenue, from Dillon street to Spruce street.

Councilman White offered the following motion; which was adopted:

That the City Marshal notify owner of 107 Woodlawn avenue, to remove clay spread over sidewalk in front of same; and if not done within ten days, that the Street Commissioner do it at owner's expense.

Councilman White offered the following resolutions:

Resolved, That the owners of the following described real estate, to-wit: Lot No. 148, in Spann & Co.'s Woodlawn addition to the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Resolved, That the owners of the following described real estate, to-wit: Lots No. 181 and 182, in Spann & Co.'s Woodlawn addition to the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to

fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which were severally adopted by the following vote :

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, White, and Yoke.

NAYS—None.

Councilman Dowling offered the following resolution :

Resolved, That in view of the fact of the necessity of cleaning the gutters of the streets in this city, in the interest of the health of our people, that the Board of Public Improvements be, and are hereby, directed to employ an extra force of men, sufficient to perform said work.

Which was adopted by the following vote :

AYES, 16—viz. Councilmen Bernhamer, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, McKay, O'Connor, Pearson, Prier, Shilling, White, and Yoke.

NAYS, 6—viz. Councilmen Bedford, Bryce, Caylor, Dean, Morrison, and Pritchard.

Councilman Pearson was excused for the balance of this session.

It now being nearly eleven o'clock, Councilman Lamb moved the suspension of the following section of the rules, 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 motion was adopted, and the rules suspended by the following vote:

AYES, 17—viz. Councilmen Bedford, Bryce, Dean, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Morrison, McKay, O'Connor, Prier, Pritchard, White, and Yoke.

NAYS, 4—viz. Councilmen Bernhamer, Caylor, Mauer, and Shilling.

PENDING ORDINANCES.

The following entitled ordinance was taken up on its third reading :

S. O. 39, 1880—An Ordinance to provide for grading and bowldering the gutters, and curbing with stone the outer edge of the sidewalks (where not already bowldered and curbed,) of Virginia avenue, from Washington street to its southern terminus.

Councilman Bernhamer moved to strike the ordinance from the files.

Which motion was not adopted.

Councilman Lamb presented the following petition; which was received:

Indianapolis, August 12, 1880.

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

Gentlemen:—The undersigned, owners of real estate fronting on Virginia avenue, between Washington street and its southern terminus, respectfully petition for the passage of an ordinance providing for grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks (where not already bowldered and curbed,) of Virginia avenue, from Washington street to its southern terminus. And your petitioners will ever pray, &c.

H. Seibert, 45 feet; S. D. Crane.

The foregoing entitled ordinance was then passed by the following vote:

AYES, 17—viz. Councilmen Bedford, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, Prier, Pritchard, Shilling, and Yoke.

NAYS, 2—viz. Councilmen Bernhamer, and O'Connor.

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

S. O. 77, 1880—An Ordinance to provide for grading, and paving with brick, the sidewalks of Louisiana street, from East street to Virginia avenue.

And it was passed by the following vote:

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Shilling, and Yoke.

NAYS—None.

The following entitled ordinance was read the second time and stricken from the files:

S. O. 78, 1880—An Ordinance to provide for grading and bowldering the gutters of Louisiana street, from East street to Virginia avenue.

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

S. O. 125, 1880—An Ordinance to provide for the improvement of Tennessee street, from Seventh street to Twelfth street, by grading and graveling the roadway, and bowldering the gutters thereof.

And it was passed by the following vote:

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Shilling, and Yoke.

NAYS—None.

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

- S. O. 126, 1880—An Ordinance to provide for improving Massachusetts avenue, from New Jersey street to the intersection of Clifford avenue, by removing the bowlders, forty (40) feet in the centre of the street, and graveling the same with raker river gravel.

And it was passed by the following vote :

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Shilling, and Yoke.

NAYS—None.

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

- S. O. 127, 1880—An Ordinance to provide for grading and bowldering the north gutter of South street, from Virginia avenue to New Jersey street.

And it was passed by the following vote :

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Shilling, and Yoke.

NAYS—None.

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

- S. O. 128, 1880—An Ordinance to provide for grading and graveling the first alley east of Virginia avenue, from Grove street to Elk street.

And it was passed by the following vote :

AYES, 19—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Shilling, and Yoke.

NAYS—None.

Councilman Prier was excused for the remainder of this session.

The following entitled ordinance was read the second time :

- G. O. 33, 1880—An Ordinance regulating the removal of Garbage, Slops and Waste Matter from the corporate limits of the City of Indianapolis, and providing certain Penalties for a violation thereof by owners, agents and occupants of property, and the person or persons who shall receive the contract hereunder.

On motion by Councilman Lamb, section two was amended by substituting the words "of one, two, three, four or five years," for the words "not to exceed one year."

The ordinance as amended was then ordered to be engrossed; read the third time, and passed by the following vote:

AYES, 18—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Downey, Fultz, Harrold, Koller, Lamb, Lang, Mauer, Morrison, McKay, Pritchard, Shilling, White, and Yoke.

NAYS, 2—viz. Councilmen Dean, and O'Connor.

On motion, the Common Council then adjourned.

J. Learen Mayor,
President of the Common Council.

Attest: Jos. Tuaguer City Clerk.