

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—SEPTEMBER 20, 1880.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, September 20th, A. D. 1880, at half-past seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 23 members, viz: Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

ABSENT—Councilmen Prier, and Lang—2.

The Proceedings of the Common Council, for the regular session held on September 6th, 1880, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

Sealed proposals for constructing the below described sewers, were opened, read, and referred to the Committee on Contracts:

For constructing a sewer in, and along, Indiana avenue, from Tennessee street to, and connecting with, the Illinois street sewer.

For constructing a sewer in, and along, the first alley east of Meridian street, from Maryland street to Washington street, connecting with the Washington street sewer.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committees on Contracts, through Councilman Thalman, submitted the following report; which was concurred in and the several contracts awarded, except the fourteenth clause, relating to the improvement of west gutter of New Jersey street, being rejected:

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

Gentlemen.—The Committee on Contracts, to whom was referred sundry proposals, presented to Council September 6th, 1880, have examined the same, and find them to be as follows:

1st. For grading and paving with brick, the south sidewalk of Louisiana street, from New Jersey street to the first alley west of New Jersey street.

H. C. Roney, 37 cents per lineal foot front.
 John Schier, 36 cents per lineal foot front.
 Smith & Sylvester, 35 cents per lineal foot front.
 Wm. Kown, 34 cents per lineal foot front.

Wm. Kown being the lowest and best bidder, we recommend he be awarded the contract.

2d. For grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks of Kentucky avenue, from Maryland street to Louisiana street.

Richard Carr, 56 cents on each side for bowldering; and 40 cents per lineal foot front for curbing.
 Henry C. Roney, 54 cents per lineal foot front on each side for bowldering; and 41 cents per lineal foot on each side for curbing.
 Robert P. Dunning and James W. Hudson, 49 cents per lineal foot front on each side for bowldering; and 41 cents on each side for curbing.

Robert P. Dunning and James W. Hudson being the lowest and best bidders, we recommend they be awarded the contract.

3d. For grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks (where not already bowldered or curbed), of Virginia avenue, from Washington street to its southern terminus.

R. H. Patterson, 85 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing.
 Michael Faust, 63½ cents per lineal foot front on each side for bowldering; and 41 cents per lineal foot front on each side for curbing.
 Fred. Gansberg, 60 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing.
 Robert P. Dunning and Jas. W. Hudson, 57 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing. Work to be completed on or before August 1st, 1881.

Fred. Gansberg being the lowest and best bidder, we recommend he be awarded the contract.

4th. For grading and bowldering the southeast gutter, and curbing with stone the outer edge of the southeast sidewalk, of Kentucky avenue, from Louisiana street to Sharpe street.

Richard Carr, 56 cents per lineal foot front for bowldering; and 39 cents per lineal foot front for curbing.
 Henry C. Roney, 54 cents per lineal foot front for bowldering; and 41 cents per lineal foot front for curbing.
 Henry Clay and John Langsdale, 47 cents per lineal foot front for bowldering; and 42 cents per lineal foot front for curbing.
 Robert P. Dunning and James W. Hudson, 47 cents per lineal foot front for bowldering; and 39 cents per lineal foot front for curbing.

Robert P. Dunning and James W. Hudson being the lowest and best bidders, we recommend they be awarded the contract.

5th. For grading and graveling the first alley east of East street, from Walnut street to Massachusetts avenue.

J. L. Spaulding, 24 cents per lineal foot front on each side.
 W. M. Morrison, 18 cents per lineal foot front on each side.

W. M. Morrison being the lowest and best bidder, we recommend he be awarded the contract.

6th. For grading and graveling the first alley east of Tennessee street, from Ray street to a point 110 feet south of McCarty street.

J. L. Spaulding, 13 cents per lineal foot front on each side.

J. L. Spaulding being the only bidder, and believing the same to be low, we recommend he be awarded the contract.

7th. For grading and graveling King street and sidewalks, from Pennsylvania street to Delaware street.

Robert P. Dunning and James W. Hudson, 81 cents per lineal foot front on each side.

August Richter, 66 cents per lineal foot front on each side.

Richard Carr, 65 cents per lineal foot front on each side.

Henry C. Roney, 59 cents per lineal foot front on each side.

J. L. Spaulding, 52 cents per lineal foot front on each side.

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

8th. For grading and graveling the first alley east of Wright street, from Dougherty street to Coburn street.

J. L. Spaulding, 21 cents per lineal foot front on each side.

Michael Faust, 17½ cents per lineal foot front on each side.

James Mahoney, 15 cents per lineal foot front on each side.

By action of the Board of Aldermen, reconsidering the passage of the above ordinance, and referring the same to the Committee on Streets and Alleys, we cannot consider the above bids, and recommend they be rejected.

9th. For grading and graveling the first alley north of Buchanan street, from Greer street to Beatty street.

August Richter, 17 cents per lineal foot front on each side.

J. L. Spaulding, 13 cents per lineal foot front on each side.

Michael Faust, 12½ 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, we recommend he be awarded the contract.

10th. For grading and graveling the first alley west of Missouri street, from Indiana avenue to North street.

J. L. Spaulding, 21 cents per lineal foot front on each side.

J. L. Spaulding being the only bidder, and the same considered low, we recommend he be awarded the contract.

11th. For grading and graveling the first alley west of Tennessee street, from Garden street to Pogue's Run.

J. L. Spaulding, 17 cents per lineal foot front on each side.

J. L. Spaulding being the only bidder, and believing the same to be low, we recommend he be awarded the contract.

12th. For grading and graveling the first alley east of Maple street, from Ray street to Wilkens street.

J. L. Spaulding, 19 cents per lineal foot front on each side.

J. L. Spaulding being the only bidder, and believing the same to be low, we recommend he be awarded the contract.

13th. For grading, and paving with brick, the sidewalks of Louisiana street, from East street to Virginia avenue.

Henry C. Roney, 37 cents per lineal foot front on each side.

Smith & Sylvester, 36 cents per lineal foot front on each side.

John Schier, 34 cents per lineal foot front on each side.

John Schier being the lowest and best bidder, we recommend he be awarded the contract.

14th. For grading and bowldering the west gutter of New Jersey street, from South street to the south line of the first alley south of South street.

James L. Spaulding, 68 cents per lineal foot front.

Henry C. Roney, 65 cents per lineal foot front.

James Mahoney, 59 cents per lineal foot front.

Wm. Kown, 59 cents per lineal foot front.

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

15th. For grading, bowldering and curbing the gutters of Ohio street (where not already properly bowldered or curbed,) from Meridian street to Pennsylvania street.

R. H. Patterson, 72 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing.

Michael Faust, 68½ cents per lineal foot front on each side for bowldering; and 41 cents per lineal foot front on each side for curbing.

Robert P. Dunning and James W. Hudson, 61 cents per lineal foot front on each side for bowldering; and 41 cents per lineal foot front on each side for curbing.

Richard Carr, 63 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing.

Wm. Kown, 58 cents per lineal foot front on each side for bowldering; and 39 cents per lineal foot front on each side for curbing.

Henry C. Roney, 56 cents per lineal foot front on each side for bowldering; and 40 cents per lineal foot front on each side for curbing.

Henry Clay and John Langsdale, 52 cents per lineal foot front on each side for bowldering; and 41 cents per lineal foot front on each side for curbing.

Henry Clay and John Langsdale being the lowest and best bidders, we recommend they be awarded the contract.

16th. For grading and graveling the first alley south of Prospect street, from Olive street to Laurel street.

J. L. Spaulding, 21 cents per lineal foot front on each side.

August Richter, 19 cents per lineal foot front on each side.

James Mahoney, 18 cents per lineal foot front on each side.

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

17th. For grading and graveling the alley between Archer and Dorman streets, from Pogue's Run to Michigan street.

Wm. Kown, 21 cents per lineal foot front on each side.

W. M. Morrison, 17 cents per lineal foot front on each side.

W. M. Morrison being the lowest and best bidder, we recommend he be awarded the contract.

18th. For grading and bowldering the gutters of Morrison street, between Alabama and Delaware streets.

J. L. Spaulding, 39 cents per lineal foot front on each side.

Richard Carr, 37 cents per lineal foot front on each side.

Henry C. Roney, 35 cents per lineal foot front on each side.

Wm. Kown, 26 cents per lineal foot front on each side.

Wm. Kown being the lowest and best bidder, we recommend he be awarded the contract.

19th. For grading and paving Cypress street and sidewalks, from Linden street to Olive street.

August Richter, 86 cents per lineal foot front on each side.

J. L. Spaulding, 76 cents per lineal foot front on each side.

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

20th. For improving Tennessee street, from Seventh street to Twelfth street, by grading and graveling the roadway, and bowldering the gutters thereof.

R. M. Patterson, \$1.09 cents per lineal foot front on each side.

D. A. Haywood, 99 cents per lineal foot front on each side.

Richard Carr, 95 cents per lineal foot front on each side.

James W. Hudson, Robert P. Dunning and 92 cents per lineal foot front on each side.

Henry Clay and John Langsdale, 92 cents per lineal foot front on each side.

August Richter, 90 cents per lineal foot front on each side.

August Richter being the lowest and best bidder, we recommend he be awarded the contract.

21st. For grading and bowldering the north gutter of South street, from Virginia avenue to New Jersey street.

August Richter, 51 cents per lineal foot front on each side.

Henry C. Roney, 45 cents per lineal foot front on each side.

J. L. Spaulding, 45 cents per lineal foot front on each side.

James Mahoney, 39 cents per lineal foot front on each side.

Robert P. Dunning and James W. Hudson, 38 cents per lineal foot front on each side.

Robert P. Dunning and James W. Hudson being the lowest and best bidders, we recommend they be awarded the contract.

22d. For grading and graveling the first alley east of Virginia avenue, from Grove street to Elk street.

August Richter, 23 cents per lineal foot front on each side.

J. L. Spaulding, 21 cents per lineal foot front on each side.

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

23d. For constructing a well twelve feet in depth and twelve feet in diameter at or near the corner of Ash and Tenth streets. Work to be done according to plans and specifications on file in the office of the City Civil Engineer, and under his direction.

Henry C. Roney, constructing well, corner of Ash and Tenth streets, \$1,000.

John Schier, constructing well, corner Ash and Tenth streets, \$995.00.

A. Bruner, constructing well, corner Ash and Tenth streets, \$400.00.

Wm. Kown, constructing well, corner Ash and Tenth streets, \$265.00.

August Richter, constructing well, corner Ash and Tenth streets, \$185.00.

August Richter being the lowest and best bidder, we recommend he be awarded the contract.

24th. For the removal of Garbage, Kitchen Offal, and other Waste Matter from within the corporate limits of the City of Indianapolis, as per G. O. 33, 1880.

Henry C. Buddenbaum & Co., for three or five years, the city as a whole, for first year, \$18,995.00; for second year, \$18,000.00; for third year, \$17,500.00; for fourth year, \$17,000.00; for fifth year, \$17,000.00.

Henry Clay and John Langsdale, \$12,000 per year, for one or five years, "the city as a whole."

Chas. E. Shover, \$11,887 per year, for five years.

Harvey A. Moore, for the term of three years, \$7,500 per year; the city as a

whole, for the term of five years, \$6,500 per year. In Aldermanic Districts: First District, for five years \$2,200; Second District, five years, \$1,700; Third District, for five years, \$1,100; Fourth District, for five years, \$1,000; Fifth District, for five years, \$1,200.

Aegidius Naltner, for a term of five years, for the city as a whole, \$5,400 per year; for third, fourth and fifth Districts, \$1,000 per year.

Aegidius Naltner being the lowest and best bidder, for the city as a whole, we recommend he be awarded the contract for the removal of Garbage, &c., provided he file his bond to strictly comply with the ordinance in all respects.

25th. The below described improvement, which was referred back by your honorable body, August 23d, 1880, we beg leave to report.

For grading and paving with brick, the east sidewalk of West street, (where not already paved,) from St Clair street to First street.

Henry C. Roney, 65 cents per lineal foot front.

Henry Clay, 60 cents per lineal foot front.

Fred. Gansberg, 58 cents per lineal foot front.

J. L. Spaulding, 58 cents per lineal foot front.

Smith & Sylvester, 54½ cents per lineal foot front.

Smith & Sylvester being the lowest and best bidders, we recommend they be awarded the contract.

Respectfully submitted,
John Newman,
Aldermanic Committee.

Isaac Thalman,
James A. Pritchard,
C. H. Koller,
Council Committee.

By consent, Councilman Thalman offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, directed to re-advertise for proposals 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.

Also, 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.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

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

Gentlemen:—The amount of Mayor's fees collected by me during August, was \$219.46; the amount of Police witness fees, \$227.82; and the fines due the city treasury, \$45.15—making a total of \$492.43; which I have paid to the City Treasurer and filed the receipt with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

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

Indianapolis, Ind., Sept. 14, 1880.

Hon. Jno. Caven, Mayor, and Common Council of the City of Indianapolis:

Gentlemen:—I have the honor to enclose to you the following resolutions, adopted by Geo. H. Thomas Post Grand Army of the Republic:

1st. *Resolved*, That the Mayor and Common Council of the City of Indianapolis, and the Board of Aldermen, be invited to take part in a body and officially, in the

parade on the occasion of the Soldiers Reunion, to be held at 10 o'clock A. M., on September 22d, and that the Police Force and Fire Department of the city also be invited to assist in the display on the occasion.

2d. Resolved, That the National, State, County and City authorities, and the citizens generally, be requested to make suitable decorations in honor of that occasion.

I am, gentlemen, very respectfully,

F. A. FIELD, Adjutant.

On motion by Councilman Morrison, the following members of the Council were appointed by the President as a Committee on Arrangements: Councilmen Morrison, Bernhamer, McKay, Lamb, and Fultz.

Councilman Yoke moved that two be added from the Board of Aldermen, and that Aldermen Coburn and Seibert be requested to act in concert with committee.

REPORTS, ETC., FROM CITY OFFICERS.

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

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

Gentlemen:—I herewith report the following estimates:

A first and final estimate in behalf of Henry C. Roney, for grading and paving with brick the sidewalk, and curbing the outer edge with stone, and bowldering the gutters of Pearl street, between Delaware and Alabama streets, where not already properly paved, curbed and bowldered.

506 $\frac{1}{2}$ lineal feet paving, at 30 cents.....	\$152 06
400 $\frac{3}{4}$ lineal feet curbing, at 38 cents.....	152 15
405 $\frac{1}{2}$ lineal feet bowldering, at 14 cents.....	56 80
	<hr/>
	\$361 01

A first and final estimate in behalf of Smith & Sylvester, for grading and paving with brick, (where not already paved,) the west sidewalk of Maple street, from McCarty street to Ray street.

822 lineal feet, at 34 $\frac{1}{2}$ cents.....	\$283 59
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A first and final estimate in behalf of J. L. Spaulding, for grading and bowldering the second alley east of the intersection of Clifford avenue and Pendleton road, to Brookside avenue.

565 lineal feet, at 37 cents.....	\$209 05
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A first and final estimate in behalf of Morrison & Beatty, for grading and graveling the first alley north of Arch street, from Broadway to Plum street.

597 $\frac{6}{12}$ lineal feet, at 13 cents.....	\$77 67
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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 Henry C. Roney, for grading and paving with brick, the sidewalk, and curbing the outer edge with stone,

and bowldering the gutters of Pearl street, between Delaware and Alabama streets, where not already properly paved, curbed and bowldered, 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, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS—None,

The following estimate resolution 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 Smith & Sylvester, for grading and paving with brick, (where not already paved,) the west sidewalk of Maple street, from McCarty street to Ray 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, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS—None.

The following estimate resolution 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 J. L. Spaulding, for grading and bowldering the second alley east of the intersection of Clifford avenue and Pendleton road, from Pendleton road to Brookside avenue, 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, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS—None.

The following estimate resolution 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 Morrison & Beatty, for grading and graveling the first alley north of Arch street, from Broadway to Plum 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, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, Van Vorhis, 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 J. L. Spaulding, for grading and graveling the first alley east of Tennessee street, from Ray street to a point 110 feet south of McCarty street. Bond, \$300.00; surety, Francis Bergmann.

Contract and bond of J. L. Spaulding, for grading and graveling the first alley east of Missouri street, from Indiana avenue to North street. Bond, \$200.00; surety, Francis Bergmann.

Contract and bond of J. L. Spaulding, for grading and graveling the first alley west of Tennessee street, from Garden street to Pogue's Run. Bond, \$200.00; surety, Francis Bergmann.

Contract and bond of J. L. Spaulding, for grading and graveling the first alley east of Maple street, from Ray street to Wilkens street. Bond, \$300.00; surety, Francis Bergmann.

Contract and bond of August Richter, for constructing a well, corner of Ash street and Tenth street. Bond, \$250.00; surety, Fred. Gansberg.

Contract and bond of August Richter, for improving Tennessee street, from Seventh to Twelfth street. Bond, \$600.00; surety, Fred. Gansberg.

Contract and bond of William Kown, for grading and bowldering the gutters of Morrison street, between Alabama and Delaware streets. Bond, \$250.00; surety, J. Rubush.

Contract and bond of William Kown, for grading and paving with brick the south sidewalk of Louisiana street, from New Jersey street to the first alley west of New Jersey street. Bond, \$500.00; surety, J. Rubush.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer

The City Civil Engineer submitted the following report :

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

Gentlemen:—The matter of improving Mississippi street, from Ohio to First street, having come under my supervision, I find, by examining the ordinance providing for the improvement of the same, that there will be certain additional improvements necessary in order to complete the work in a permanent and workmanlike manner; and as the question has arisen as to whether the Engineer or the Board of Public Improvements, or either, has the authority to order said improvements, without an order of the Common Council, I respectfully submit the following for your consideration and action thereon:

1st. As the ordinance provides for the widening of the sidewalks to a width of twenty feet, the location of the gutter will be changed, and it will therefore be necessary to either move the bridges, along the gutters, over to the position of the new gutters, or to do away with them entirely. Therefore, as the keeping of the bridges in repair is a source of constant expense, as well as increasing the city's liability to

damages arising from broken planks, or from filling up and backing up the water of the gutters so as to overflow adjacent property, I would recommend that the bridges be taken out, and the gutters be bowldered instead, as I have taken the necessary elevations, and find that the bridges can be done away with, and the gutters be put in a better condition than they are in now, and also reduce the future expenses on bridge repairs.

I would also call your attention to the bridge over the east gutter of the same street, on Indiana avenue. The bridge was put in without authority from the City Civil Engineer, and in my judgment it is not of dimensions sufficient to carry the water necessary to prevent flooding of the sidewalks and property above.

2d. As the ordinance only provides for curbing and bowldering the gutters, it will be necessary to make some provisions for improving the intersection of the cross streets and alleys, in order to complete the work in a permanent and workman-like manner. Therefore I would recommend that you authorize either the Board of Public Improvements or City Civil Engineer to make said necessary improvements, by bowldering said crossings, and that they be ordered to do so at once, as an arrangement can be made with the contractor to do the work as the other work progresses, at the regular contract price for bowldering the gutters.

Respectfully submitted,

S. H. SHEARER, Ass't. City Civil Engineer.

The Board of Public Improvements, through Councilman Morrison, submitted the following report:

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

Gentlemen:—The Board of Public Improvements make the following report for your consideration and action thereon:

An ordinance passed by your honorable bodies for the improvement of north Mississippi street, does not provide for the improvement of the intersections of cross streets, alleys, culverts, &c., and as provisions of said ordinance makes the roadway narrow, necessarily requiring the improving at said crossings, and in the opinion of the Board the work ought to be done, while said improvement is being made by the contractor. Therefore, the Board would ask your honorable bodies to take some action relative thereto at once.

Respectfully submitted,

Wm. H. Morrison,
Edward H. Dean,
Hiram Seibert,

Board of Public Improvements.

By consent, Councilman Pritchard offered the following resolution:

Resolved, By the Common Council and Board of Aldermen of the City of Indianapolis, That the Board of Public Improvements, and City Civil Engineer, be and are hereby directed to make the necessary improvements of the city's portion of connections of street and alley crossings on North Mississippi street, from Ohio street to Seventh street, while the said street is being improved under contract.

Councilman Thalman moved that the resolution be amended so as to prohibit the placing of stone crossings on said street.

Which amendment failed of passage by the following vote:

AYES, 8—viz. Councilmen Bryce, Downey, Kahn, Lamb, Mauer, O'Connor, Shilling, and Thalman.

NAYS, 14—viz. Councilmen Bedford, Bernhamer, Caylor, Dean, Fultz, Harrold, Koller, Morrison, McKay, Pearson, Pritchard, VanVorhis, White, and Yoke.

The resolution was then adopted by the following vote :

AYES, 14—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Koller, Morrison, McKay, Pearson, Pritchard, VanVorhis, and White.

NAYS, 8—viz. Councilmen Downey, Kahn, Lamb, Mauer, O'Connor, Shilling, Thalman and Yoke.

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

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:

Richard Carr vs. James Means, for.....	\$26 00
Richard Carr vs. Daniel G. Littlefield, for	26 00
Richard Carr vs. Daniel G. Littlefield, for	26 00
Fred. Gansberg vs. Wm. L. Peck, for	49 77
Fred. Gansberg vs. Wm. L. Peck, for	30 81

Recommend that you order the precepts to issue.

Respectfully submitted,

Jos. T. MAGNER, City Clerk.

And the precepts ordered to issue by the following vote :

AYES, 16—viz. Councilmen Bedford, Bernhamer, Bryce, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, McKay, O'Connor, Pritchard, Shilling, and Yoke.

NAYS, 6—viz. Councilmen Caylor, Morrison, Pearson, Thalman, VanVorhis, and White.

The City Clerk presented the following communication from the Board of School Commissioners; which was received:

Indianapolis, Ind., Sept. 18, 1880.

Hon. JOS. T. MAGNER, City Clerk, Indianapolis, Ind.:

DEAR SIR:—At a meeting of the Board of School Commissioners of the City of Indianapolis the following resolution was adopted :

Resolved, That the tax levy for 1880-81 be adopted and established as follows :

Special Fund	8½ cents.
Tuition Fund	11½ cents.
Library Fund.....	2 cents.
Total.....	22 cents.

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

The Board of School Commissioners.
By W. A. BELL, their President;
J. J. BINGHAM, their Secretary.

Adopted Sept. 17, 1880.

JOHN R. GIBSON, Assistant Secretary.

The City Clerk presented the following communication :

CITY ASSESSOR'S OFFICE, *Sept. 13, 1880.*

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

Gentlemen :—The undersigned, H. M. Hadley, Deputy City Assessor, is desirous of leaving the city for a short time, and asks your honorable bodies to grant him leave of absence for two weeks ending September 30th.

H. M. HADLEY.

Mr. Hadley has my consent to take vacation asked for, should Council and Board take favorable action thereon.

M. F. CONNETT, City Assessor.

Councilman Bernhamer moved that the above request be granted, provided he be allowed no compensation during his absence ; which motion was adopted by the following vote :

AYES, 11—viz. Councilmen Bernhamer, Downey, Fultz, Harrold, Kahn, Kollerf, Mauer, O'Connor, Shilling, Thalman, and VanVorhis.

NAYS, 10—viz. Councilmen Bedford, Bryce, Dean, Lamb, Morrison, McKay, Pearson, Pritchard, White, and Yoke.

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

Indianapolis, Sept. 20th, 1880.

To the Mayor, Common Council and Board of Aldermen :

Gentlemen :—I have collected from George W. Scott & Co., on account of back rent of Southern Park, the sum of one hundred dollars, which amount I have paid to the City Treasurer, and filed his receipt for the same with the City Clerk.

I would further report, that in accordance with your direction, the said Scott & Co. have paid all costs accrued in the case of the city against them, to recover possession of said park, and said cause has been dismissed.

Respectfully,

JOHN A. HENRY, City Attorney.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Police Board, through Councilman Downey, submitted the following report ; which was received, and the request granted :

Indianapolis, Sept. 18, 1880.

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

Gentlemen :—During the week of the approaching State Fair, we think it advisable to employ ten (10) additional policemen, and we respectfully request permission to employ that number while the Fair is in progress.

Respectfully submitted,

D. W. Grubbs,
John T. Downey,
Police Board.

R. C. WILLIAMSON, Chief of Police.

J. CAVEN, Mayor.

By consent, Councilman Kahn introduced the following entitled ordinance; which was read the first time:

Ap. O. 60, 1880—An Ordinance appropriating money for the payment of the Salaries and Compensation of City Officers, City Janitor, and officers and members of the Police and Fire Departments.

On motion by Councilman Kahn, the rules were suspended for the purpose of placing the above entitled ordinance on its final passage, by the following vote:

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

NAYS—None.

The above entitled ordinance (Ap. O. 60, 1880,) was then read the second time, ordered to be engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

ORDINANCES ON SECOND AND THIRD READING.

The following entitled ordinances were read the second time:

G. O. 34, 1880—An Ordinance fixing the amount of license to be paid by Academy of Music Theatre.

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."

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.

The above entitled ordinance (G. O. 34, 1880,) was then ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

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 owners shall be first obtained," was ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

Councilman Bryce offered the following amendment to G. O. 36, 1880:

To amend by striking from Section No. (24) twenty-four, that part that requires the hackmen or drivers to stand within two feet of their vehicles,

Councilman Dowling offered the following amendment to same ordinance, which was ruled out of order by the Chair:

That Section 23 be so amended as to allow the soliciting of passengers by owners of public vehicles, or by any transfer company on trains within city limits.

On motion by Councilman Morrison, the previous question was ordered. The question then being on the engrossment, the ordinance was ordered engrossed by the following vote:

AYES, 12—viz. Councilmen Bedford, Caylor, Dean, Kahn, Mauer, Morrison, O'Connor, Pearson, Pritchard, Shilling, Thalman, and Van Vorhis.

NAYS, 11—viz. Councilman Bernhamer, Bryce, Dowling, Downey, Fultz, Harrold, Koller, Lamb, McKay, White, and Yoke.

The following entitled ordinance was then read the third time:

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.

And passed by the following vote:

AYES, 14—viz. Councilmen Bedford, Caylor, Dean, Kahn, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, Van Vorhis, and Yoke.

NAYS, 9—viz. Councilmen Bernhamer, Bryce, Dowling, Downey, Fultz, Harrold, Koller, Lamb, and White.

By consent, Councilman Dowling offered the following motion; which was adopted, and Councilmen Dowling, Pearson, and Bryce, appointed to act as members of said committee:

That a special committee of three be appointed, whose duty it shall be to investigate the workings of the city ordinance commonly known as the Hack Ordinance, and report at the next meeting of this Council any change that might be desirable.

REPORTS, ETC., FROM OFFICIAL BOARDS.

Councilman Morrison, in behalf of the Board of Public Improvements, submitted the following report; which was concurred in, except the 9th and 16th clauses, which were referred back to said Board:

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 S. O. 97, 1880—An Ordinance to provide for grading and graveling Linden street and sidewalks, from Orange street to Pleasant Run, together with petition for and a remonstrance against said improvement. Recommend that said ordinance be amended to improve said street from Orange street to Willow street, and then passed,

2nd. Is S. O. 88, 1880—An Ordinance to provide for grading and paving with brick the west sidewalk of Broadway street, between St. Clair street and Vine street, together with a remonstrance against said improvement. Recommend that said ordinance be passed.

3rd. Is a resolution that the owners of lots Nos. 129, 130, 131 and 132, Noble's subdivision of Outlot 45, be required to fill or drain the same. Recommend that said resolution be adopted.

4th. Is a resolution that the owners of lots Nos. 101 and 102, Outlot 155, in Bright, Powell & Ellis' subdivision, be required to fill or drain the same. Recommend that said resolution be adopted.

5th. Is a resolution that the owners of lots Nos. 47 and 48, Woodruff's subdivision of Morris' addition; also lot 29, Kappes' subdivision of Morris' addition, be required to fill or drain the same. Recommend that said resolution be adopted.

6th. Is a resolution that the owners of lots Nos. 82, 83 and 84, Yeiser's addition, and alley in rear of same, be required to fill or drain the same. Recommend that said resolution be adopted.

7th. Is a motion that the Street Commissioner repair the gutter on the east side of Pennsylvania street, on the first square north of St. Clair street, so that the water will not stand in it. We find this gutter in good condition; therefore recommend the work be not done.

8th. Is a motion that the Street Commissioner clean the gutter on south side of Massachusetts avenue, between Liberty and Noble streets. Work has been done.

9th. Is a motion that double stone crossings be laid across Pearl street, on the east side of Meridian street. Recommend the work be not done.

10th. Is a motion that the Street Commissioner and City Civil Engineer examine the culvert at the east end of the Union Depot, which is said to be in a dangerous condition. Recommend that the City Marshal be, and is hereby, directed to notify the Union Railway Company to make the necessary repairs, to make the same in good and safe condition.

11th. Is a motion that the Street Commissioner clean the gutters on First street, from West street to Camp street. Recommend the work be done.

12th. Is a motion that the Street Commissioner clean the gutters on California street, from Indiana avenue to First street. Recommend the work be done.

13th. Is a motion that the Street Commissioner clean the gutters on Camp street, from St. Clair street to First street. Recommend the work be not done.

14th. Is a motion that the Street Commissioner clean the gutters on Maple street, from McCarty street to Morris street, and fill the chuckholes. Recommend the work be not done.

15th. Is a motion that the Street Commissioner repair with gravel the city's portion of Michigan road, from the intersection of Washington street. Recommend the work be done.

16th. Is a motion that the Street Commissioner clean the gutters on Fayette street. Recommend the work be done.

17th. Is a motion that the Street Commissioner clean the gutters on Pratt street, from Tennessee street to Meridian street. Recommend the work be done.

18th. Is a motion that the Street Commissioner repair the footbridge on the west side of California street, at the intersection of New York street. Recommend the work be done.

19th. Is a motion that the Street Commissioner fill the chuck-holes with gravel on Seventh street, from railway track west to canal. Recommend the work be done.

20th. Is a motion that the Street Commissioner clean the gutters on East street, between St. Clair and Gregg streets. Recommend the work be not done.

21st. Is a motion that the Street Commissioner clean the gutters on Washington street, from California street to White river bridge. Recommend the work be done.

22d. Is a motion that the Street Commissioner lay plank crossing across ditch at first alley west of fertilizing stables, on West Washington street, west of White River. Recommend the work be not done.

23d. Is a motion that the Street Commissioner clean out the ditch on the north side of Washington street, from White River bridge to some point near I. B. & W. Railroad crossing. Recommend the work be not done.

24th. Is a motion that the Street Commissioner repair Washington street, from California street to White River bridge, by filling up chuck-holes and bad places with gravel. Recommend the work be done.

25th. Is a motion that the Board of Public Improvements lay stone crossings on West street (where the same is being now improved), between Washington street and Kentucky avenue, and the City Civil Engineer be authorized to order the same. Recommend that stone crossings be laid on the north and south sides of Maryland street—one on north side of Chesapeake alley and one on north side of Kentucky avenue.

26th. Is a motion that the Street Commissioner clean the gutters of Archer street, from Clifford avenue to Michigan street. Recommend the work be not done.

27th. Is a motion that the Street Commissioner drain the water from the pond standing on Lincoln street, at the intersection of Central avenue. Recommend the work be done.

28th. Is a motion that the Street Commissioner clean the gutters and cut the

weeds on Peru and Bellefontaine streets, from Christian avenue to Home avenue ; and Home avenue, from Central avenue to Bellefontaine street. Recommend the work be not done.

29th. Is a motion that the Street Commissioner place double stone crossings on Illinois street, at the intersection of Merrill street—the stone to be fifteen inches wide and four inches thick. Recommend that the work be done in a workmanlike manner. Respectfully submitted.

William H. Morrison,
Edward H. Dean,
Hiram Seibert,
Board of Public Improvements.

The Drainage resolutions (referred to the Board of Public Improvements September 6th, 1880—see pages 480 and 481, *ante*) were adopted by the following vote :

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, O'Connor, Pearson, Pritchard, Shilling, Thalman, VanVorhis, 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 August, to the 15th day of September, 1880—inclusive.

Under 1 year.....	24
1 to 2 years.....	7
2 to 5 ".....	3
5 to 10 ".....	3
10 to 15 ".....	1
15 to 20 ".....	5
20 to 25 ".....	5
25 to 30 ".....	2
30 to 40 ".....	4
40 to 50 ".....	6
50 to 60 ".....	1
60 to 70 ".....	1
70 to 80 ".....	2
80 to 90 ".....	0
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0
Total.....	64

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

REPORTS, ETC., FROM COMMITTEES.

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

sig. 121.

Indianapolis, September 6, 1880.

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

Gentlemen.:—Your Committee on Finance, to whom was referred the reports of the City Clerk and Treasurer, beg leave to report that they have examined the same, and find after due examination and comparison with the books of these respective officers, to be in form and correct.

We have also examined the report of the Superintendent of the Hospital, and find no error therein, and recommend the same to be received and placed on file.

The report of the Board of Public Improvements, also referred to us, is simply a statement of the quarterly expenditures of that department; which we find to be in form and correct, and so far, within the limits of their estimates.

Respectfully submitted,

Leon Kahn,
John R. Pearson,
E. H. Koller,
M. H. McKay.

Councilmen Dowling and O'Connor were excused for the remainder of this session.

The Committee on Judiciary, through Councilman Lamb, submitted the following report. The 2d and 3d clauses were concurred in. First clause was *not* concurred in :

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

Gentlemen.:—Your Judiciary Committee, to whom was referred certain papers, report thereon as follows, to-wit :

The first is a communication from City Attorney in regard to case of Charles Kuhlman vs. the City, wherein the plaintiff recovered a judgment of \$500 in special term of Superior Court, which judgment was affirmed by Superior Court in general term.

We deem it expedient to pay the judgment, without further costs or litigation; and so recommend that judgment be paid.

The second is an inquiry into the right of the City Assessor to place on the duplicate and to collect the amount of tax and street-improvement certificates; and whether such assessments should be for the full value of such certificates, or the penalty, interest and costs be added up to first of April of each year.

We refer the same to City Attorney, and request him to give his legal opinion, in writing, of question involved, to the Council.

The third is a communication from John Green, asking the City to pay him for certain street improvements on Wisconsin street, from Meridian street to Mississippi street, assessed against three separate pieces of property on said street. Estimates were allowed, on 4th and 5th of February, 1878, and after precepting the several tracts, were not sold for want of bidders. The petitioner now asks the city to pay him the estimates.

We refer the same to City Attorney, and request him to give his legal opinion, in writing, to this Council, whether or not the city is liable to John Green for the sum of his uncollected estimates.

Respectfully submitted,

Wm. C. Lamb,
James A. Pritchard,
Jas. T. Dowling,
Committee.

Councilman VanVorhis moved that an appeal be taken to the Supreme Court in the case of Charles Kuhlman vs. The City of Indianapolis; which was adopted by the following vote:

AYES, 16—viz. Councilmen Bernhamer, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Mauer, Morrison, McKay, Pearson, Shilling, Thalman, VanVorhis, and Yoke.

NAYS, 5—viz. Councilmen Bedford, Bryce, Lamb, Pritchard, and White.

Councilman VanVorhis, in behalf of the Committee on Public Health, and Special Committee on Public Health, submitted the following report; which was concurred in:

Indianapolis, Ind., September 20, 1880.

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

Messrs.—Your committee, to whom was referred the matter of purchasing and arranging a dumping-ground for the City, with authority to act, subject to the approval of this body and the Board of Aldermen, respectfully report that said ground is now ready to be occupied and used for the purpose intended. That your committee, after due consideration, are of the opinion that it will be of advantage to the city to lease said grounds, and have leased said grounds, subject to the approval of this body and the Board of Aldermen; which said lease, as drafted by the City Attorney, is herewith submitted, and its approval recommended.

Respectfully submitted,

F. J. Van Vorhis,
Collins T. Bedford,
James T. Dowling,
Special Committee on Health.

F. J. VanVorhis,
John W. Fultz,
C. T. Bedford,
Committee on Public Health.

Councilman VanVorhis submitted the following agreement; which was approved:

THIS AGREEMENT, made and entered into this 20th day of September, 1880, by and between the City of Indianapolis, party of the first part, and David F. Ratts, party of the second part, witnesseth:

That the party of the first part has this day leased to the party of the second part the following real estate, to-wit: Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40, in square 12 of William Braden's Riverside Addition to the City of Indianapolis, Marion County, Indiana, for the term of three years from the 20th day of September, 1880.

The said party of the second part hereby covenants and agrees to pay the said party of the first part for the use of said premises, and for the privileges granted under this lease, the sum of One Hundred Dollars per annum, payable quarterly in advance.

It is hereby expressly agreed and understood that the said premises are to be used by the party of the second part exclusively as a dumping-ground for privy-vault and cesspool cleanings, and such other refuse matter as may be designated by the Board of Health, and as a means of dumping said refuse matter into the current of White river, and for no other purpose whatever.

The said party of the second part is to furnish, at his own expense, all necessary

appliances for dumping said refuse matter into the current of the river, opposite or below said premises, at all stages of water, and so conduct and manage said dumping ground that same shall not become offensive or deleterious to health. He shall have personal charge of the dumping of said filth and the cleaning of vessels and vehicles used in hauling the same to said grounds; and shall provide, at his own expense, the necessary help to properly dump said filth and cleanse said vessels. And he is hereby authorized to charge and receive from the persons engaged in hauling said refuse matter to said grounds, for his services in dumping said refuse matter into the river and cleaning said vehicles and vessels, such sums as may be agreed upon with such persons, not exceeding the following sums, to-wit: For privy-vault or cesspool cleanings, 2½ cents per donegan, or 50 cents per load; for garbage and other refuse matter, 25 cents for two-horse loads, and 15 cents for one-horse loads.

The said party of the first part does hereby fix and designate the said premises as a dumping-ground for the refuse matter herein mentioned, for and during the term specified in this contract; unless the use of the same for that purpose should be enjoined by proper legal authority, or the same should become offensive or injurious to health.

The party of the second part hereby covenants and agrees to deliver up the possession of said premises at the expiration of this lease—or sooner, should the city, by her proper health officers, deem it advisable to abandon said premises as a dumping-ground. And on failure to pay rent as hereinbefore stipulated, or should he charge the parties engaged in hauling said refuse matter to said grounds, any sum in excess of the price herein specified for his services in dumping said matter and cleansing said vessels, or should he violate any of the terms and conditions of this lease, then and in such case he shall forfeit all his rights under this lease; and the party of the first part, without notice, shall have the right to enter and take possession of said premises, and expel the occupant thereof.

IN WITNESS WHEREOF, The parties hereto have set their hands and seals the day and year above written.

DAVID F. RATTS, [SEAL.]

Know all Men by these Presents, That we, David F. Ratts and Edward Gilbert, and Jackson H. Wright, hereby acknowledge ourselves bound to the city of Indianapolis in the sum of Three Hundred Dollars, for the payment of which we bind ourselves, our heirs, executors and administrators; by these presents.

The condition of this obligation is such, that if the above bound David Ratts shall well and truly perform all of the conditions of the above lease, then this obligation shall be void; otherwise, to remain in full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals, this 20th day of September. 1880.

DAVID F. RATTS. [SEAL.]
EDWARD GILBERT. [SEAL.]
JACKSON H. WRIGHT. [SEAL.]

It now being nearly eleven o'clock, Councilman Morrison 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, 20—viz. Councilmen Bedford, Bernhamer, Bryce, Dean, Downey, Fultz, Harold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, Pearson, Pritchard, Shilling, Thalman. Van Vorhis, White, and Yoke.

NAYS—None.

The Committee on Public Light, through Councilman Bryce, submitted the following report ; which was concurred in :

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

Gentlemen.—Your Joint Committee on Public Light, to whom was referred S. O. 110, 1880, an ordinance to provide for the erection of lamp posts, lamps, and fixtures (complete to burn gas, except service pipes), on Elizabeth street from Blake street to Locke street, and thence north on Locke street to City Hospital grounds, would report, after due consideration, and in view of the fact that the city is making arrangements for putting gas in the City Hospital, and this being the proper time to connect the Hospital service pipes with, therefore would recommend that said ordinance be passed.

Respectfully submitted.

F. W. Hamilton,
Aldermanic Committee.

Peter F. Bryce,
James T. Dowling,
Common Council Committee.

The Committee on Streets and Alleys, through Councilman Downey, submitted the following report ; which was concurred in :

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

Gentlemen.—Your Joint Committee on Streets and Alleys, to whom was referred a petition of the Indianapolis Rolling Mill Company, and others, asking for the vacation of certain streets and alleys, to enable them to erect a steel-rail mill, would report that we have examined and investigated the matter, and in our opinion, the same should be referred to the City Commissioners. We therefore recommend that the following resolution be adopted :

Resolved, That the petition for the vacation of Catharine street from the first alley east of Missouri street to the eastern terminus in out-lot No. 126 ;

Catharine street from Mississippi street east to Tennessee street in out-lot No 125 ;

Mississippi street from Merrill street to McCarty street ;

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 ;

The first alley lying north of McCarty street from the first alley east of Missouri street to its eastern terminus in out-lot 126 ;

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 ;

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 Nos. 5 and 22 in McKernan & Pierce's subdivision of out-lot 125 ;

And the matter appertaining thereto be referred to the City Commissioners, with instructions to assess benefits to any persons thereby benefited. The said Commissioners are instructed to return, as part of their report, all petitions and notices ; and if any property owner immediately upon the line of said streets or alleys, who is directly interested therein, shall object to such vacation, to make such fact a part of their report ; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

Respectfully submitted,

H. E. Drew,
Aldermanic Committee.

Jno. T. Downey,
Wm. H. Morrison,
Council Committee.

And resolution adopted by the following vote:

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

NAYS—None.

Councilman Pearson called up the report of the Joint Committees on Public Property (submitted to Council August 2d, 1880—see page 349, *ante*) which was read, and *not* concurred in, by the following vote:

AYES, 9—viz. Councilmen Bernhamer, Bryce, Caylor, Fultz, Harrold, Lamb, Morrison, Pearson, and Shilling.

NAYS, 12—viz. Councilmen Bedford, Dean, Downey, Kahn, Koller, Mauer, McKay, Pritchard, Thalman, VanVorhis, White, and Yoke.

Councilman Pearson presented the following communication; which was received:

WHEREAS, I, Mary T. Tomlinson, widow of Stephen D. Tomlinson, deceased, pursuant to the terms of a certain agreement, in writing, made with the City of Indianapolis, and dated April 27, 1874, did convey to said city certain real estate described therein;

And whereas, said agreement provides, amongst other things, that the rents and profits arising from said real estate shall be by said city used for the purpose of erecting a building for city purposes on what is known as "East Market Space," and for no other purpose whatever, and that should said city sell said real estate, the proceeds of said sale shall be applied for like purposes, and to no other purpose whatever;

And whereas, there is now in the hands of the Treasurer of said city certain moneys arising from the rents of said real estate, and said city may also deem it advisable to sell said real estate and invest the fund arising from said sale, and also the funds now on hands, until such time as said funds and the accumulations of interests shall be sufficient to erect a suitable building on said "East Market Space;"

Now, therefore, for the purpose of giving effect to the true intent and meaning of said contract, as well as to enable the said City of Indianapolis to carry out the intention of the testator (Stephen D Tomlinson), I, the said Mary T. Tomlinson, do hereby consent to, and fully authorize said City of Indianapolis, should the Common Council and Board of Aldermen of said city deem it advisable to sell said real estate in said contract described and invest the proceeds thereof, as well also the said funds now on hands, in bonds, mortgage or other securities, until such funds and the accumulations of interest thereon shall be deemed by the Common Council and Board of Aldermen sufficient to erect a suitable building on said space.

And I hereby waive any and all right which I might have to claim a rescission of said contract on account of the temporary investment of said funds.

In witness whereof, I have hereunto set my hand and seal this 30th day of July, 1880.

[SEAL.]

MARY T. TOMLINSON.

STATE OF NEW HAMPSHIRE, *County of Grafton*:

Before me, the undersigned, as Notary Public in and for said County and State, personally came Mary T. Tomlinson, and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this 30th day of July, 1880:

[SEAL.]

OSCAR C. HATCH, Notary Public, Littleton, N. H.

The Committee on Water, through Councilman McKay, submitted the following report; which was concurred in:

To the Mayor and Members of the Common Council, and

Board of Alderman of the City of Indianapolis:

Gentlemen:—Your Committee on Water, to whom was referred a resolution, that it is necessary for the better protection of the city from fire that water-mains be laid and extended on Vermont street from West to California, thence north to Michigan street, thence east to West street; that the Water-Works Company be notified by the City Clerk to proceed at once to lay such mains and establish fire hydrants, under the direction of the Chief Fire Engineer.

After examination, your committee recommend that the resolution be not concurred in.

2d. Is a motion "that the City Civil Engineer be directed to advertise for sealed proposals for furnishing and erecting a drinking-fountain at the southeast corner of North street and Indiana avenue.

We recommend the motion be adopted.

Respectfully submitted,

M. H. McKay,
H. J. Mauer,
Committee.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held September 8th, 1880, amended S. O. 93, 1880, by inserting the following words: "Lowest and" before the word "best" in the second line of section 2 of the above ordinance; also, by striking out the word "seven," and inserting "seven and one-half;" in line 12 of section 1 of above ordinance, so as to read, "The interior diameter thereof shall be seven and one-half feet."

I submit the same, together with the ordinance, for your further consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the action of the Board of Aldermen, in amending S. O. 93, 1880, was concurred in by the following vote:

AYES, 20—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Morrison, McKay, Pearson, Pritchard, Shilling, VanVorhis, White and Yoke.

NAYS, 1—viz. Councilman Thalman.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held September 8th, 1880, amended G. O. 38, 1880, by striking out the following words: "Every public vehicle, commonly called 'Express Wagons,' engaged in transferring passengers to and from State Fair grounds, during the State Fair and other public gatherings, may charge and receive the sum of ten cents for each passenger, and no more."

I submit the same, together with the ordinance, for your further consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the action of the Board of Aldermen, in amending G. O. 38, 1880, was concurred in by the following vote:

AYES 14—viz. Councilmen Bedford, Caylor, Dean, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, Pearson, Pritchard, White, and Yoke.

NAYS, 7—viz. Councilmen Bernhamer, Bryce, Morrison, McKay, Shilling, Thaman, and VanVorhis.

MISCELLANEOUS.

Councilman Bernhamer offered the following motion; which was adopted:

That the report of the Committee on Streets and Alleys, received June 21st, 1880, as per page 148, be concurred in.

Councilman Bernhamer offered the following motion; which was referred to the City Attorney, with instructions to report at next regular meeting:

That so much of the resolution accompanying the report of the Committee on Streets and Alleys, received June 21, 1880, as entered on page 148 of these proceedings, as occurs after the word "owners," in line 2 of clause 3 of said resolution, be struck out.

Councilman Bernhamer presented the following petition; which was referred to the Committee on Streets and Alleys:

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

Gentlemen:—The undersigned, owners of lots 12, 13, 14 and 15, of Phebe M. Dougherty's subdivision as per Plat Book 2, page 103, of the east part of Out-lot 99, in the city of Indianapolis, and of the east half of lot 2, and the west half of lot 1, in David S. Beatty's subdivision as per Plat Book 2, page 92, of the northeast corner of the northeast quarter of Section 13, Township 15 north, Range 3 east, all in Marion county, Indiana, respectfully petition for the vacation of so much of the former plat as lies west of Short (formerly Hunter) street, south of Coburn street, and east of a point 15 feet east of the west line of lot 15, in said Dougherty's subdivision, and for the opening of an alley 15 feet wide north and south, to be taken off the west end of said lot 15, and for the vacation of the alley south of said lots 12, 13 and 14, and that the part of lot 15 not appropriated for said proposed alley; a plat of said lots 12, 13, 14 and 15, and the alleys to be vacated and proposed to be opened, are filed herewith, and made a part hereof.

Respectfully submitted, this August 2d, 1880.

BROTHERS OF THE SACRED HEART.

By Bro. Vincent, Director St. John's School.

The undersigned, resident freeholders, concur in the above, and join in the petition.

John L. F. Stegg, C. C. Glass, Isaac Foster,
Albert Duckett, Caroline Kuntz.

Councilman Lamb offered the following motions; which were adopted:

That the City Attorney be, and is hereby, instructed to furnish this Council, at its next meeting, all contracts, papers and memoranda between the city and the Peru and Bee-Line Railway Companies, in reference to the opening of Maryland street, and the construction of their two depots.

That owner of property on southwest corner of South and New Jersey streets be permitted to construct gutter, at his own expense, under the direction of the City Civil Engineer, from South street to first alley south of South street.

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

That the Street Commissioner be, and is hereby, instructed to fill chuck holes in South street, between Virginia avenue and Delaware street, and put some gravel on said street; and that the same instructions be applied to south New Jersey street, from Washington to Merrill street.

Councilman Mauer presented the following remonstrance; which was referred to the City Commissioner:

Indianapolis, Sept. 7, 1880.

To His Honorable City Council and Board of Aldermen:

We, the undersigned, property owners on Vermont street, and one-half square north and south of the same, respectfully ask of you that you will not assess us to pay for the opening out of Vermont street, as we deem the assessment would be unjust, and no benefit to us property owners.

Yours respectfully,

David Coble, No. 138 Bright street, 36½ feet; Jacob Rhinehold, 373 Vermont street, 34 feet; Delia O'Donnelle and husband, Dan'l O'Donnelle, 189 Bright street, by Daniel O'Conner, agent, 35 feet; Johana O'Conner and husband, Daniel O'Conner, 192 Douglass street, 35 feet; William J. Riddle, 183 Douglass street, 35 feet; Cathrine Nolan, 191 Douglass street, 35 feet; Emily A. Featherston, southwest corner Vermont and Bright streets, 35 feet; Furman Stout, 194 California street, 52 feet; Mrs Elizabeth Theodore, No. 200 Douglass street, 35 feet; Joseph Fitzgerald, No. 210 Blackford street, 35 feet; T. J. Breedlove, No. 188 Blackford street, 36 feet; Margaret C. Messick, 218 Blackford street, 35 feet; A. G. Semborn, 226 Blackford street, 35 feet; Harriet J. Groves, No. 202, 77½ ft. West street, 120 Vermont street; Mary A. Jones, No. 270 & 268 Vermont street, 64 feet; Sallie Galiton, No. 225 Bright street, 35 feet; Sophia Cox, No. 227 Bright street, 35 feet; J. B. Emerson, No. 224 north West street, 36 feet; Ann Judge, No. 220 Bright street, 36 feet; Elizabeth Beam and husband, No. 279 west Vermont, 36 feet; Percy H. Rozier, George H. Rozier, Mary E. Rozier, Edward Rozier, Rebecca Rozier, Phœbe Rozier Miller, Henry Miller, her husband, John Rozier, heirs of Aaron Rozier, deceased, corner Vermont and Blackford streets, about 250 feet

north of Vermont on Blackford, and 36 on Vermont street, and 36 feet on Blackford, south of Vermont; Addie Reed, 210 Bright street; Effie Devinay, Jacob Dickert, 220 north West street, 37 feet, heirs of Wm. Glasscock, deceased; Harriet Barber and husband, 216 north West street, 37½ feet; Emeline Bisbing, 212 north West st., 36 feet; Albert B. Summers, 192 Blackford st., 35 feet; George Coble, 361 west Vermont st.; 35 feet; J. W. Hess, 196 Bright street, 36 feet; O. H. Wadsworth, 200 north West st., 72 feet; Joseph and Louisa Gardner, No. 190 north West st., 36 feet on West street, south of Vermont; B. F. Aimon, by Dain & McCullough, agent, 374 west Vermont st., 34 feet; John F. Isensee, 228 north California st., 54 feet; A. B. Compton, 225 north California, 54 feet; Hulda J. Cox, 275 west Vermont street, 38½ feet. The Council had better give this part of the town to Mr. Chandler—John J. Smith, 212 California street, 200 feet. Mary F. Chamberlin, 336 west Vermont, 23 feet; F. A. Maus, 180 north West street, 102 feet; Sarah Roback, 369 west Vermont street, 34 feet; M. G. I. Stern, 332 west Vermont street, 40 feet; Susanah Aldredge, 206 Blackford street, 36 feet.

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

That the Hospital Board be, and is hereby, directed to appoint by or before the first meeting of the Council in October, three additional members of the medical staff.

Councilman Pritchard presented the following petition; which was referred to the Committee on Streets and Alleys:

Indianapolis, August 5, 1880.

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

Gentlemen:—Your petitioners pray your honorable bodies to cause to be laid out and opened West street, of the width of one hundred feet, and running from First street in a northern direction to the canal, at a point where the old Michigan road crosses the same.

A plat of such proposed extension of West street is herewith filed, and made part of this petition.

Respectfully,

Wm. Gordon, Josiah Smith, Geo. J. Miller, A. H. C. Page, Alexander Jones, J. D. Brown, Benj. Charles, W. M. Porter, R. D. Dodds, J. W. Ely, Joseph C. Smyth, Jacob Heller, L. P. Cullodin.

Councilman Pritchard offered the following resolution; which was referred to the Committee on Streets and Alleys:

Resolved, That the petition of Wm. Gordon, Josiah Smith, Geo. J. Miller, and others, praying for the laying out and opening of West street, from First street north to the canal crossing on old Michigan road, be referred to the Commission-ers, with instructions to assess benefits and damages, and to make due report; and

that for the purposes of such laying out and opening of West street, the Common Council and Board of Aldermen of the city of Indianapolis do propose to appropriate such real estate and property as may be necessary therefor.

The said Commissioners are instructed to return as part of their report all petitions and notices.

The City Clerk is hereby directed to issue, and the City Marshal to serve, the proper notices upon the Commissioners and property owners.

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

That the Street Commissioner be, and is hereby, directed to clean the gutters on east, west and north sides of Military Park.

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

That the Street Commissioner be, and is hereby, directed to build a bridge over Pogue's Run on east New York street, under the direction of the Board of Public Improvements.

That the Street Commissioner be, and is hereby, directed to clean the gutters and fill the chuck-holes of Davidson street, from Washington street to North street.

Also, that the Street Commissioner be, and is hereby, directed to throw the dirt and gravel into the street out of the gutters of Railroad street, from Ohio street to North street.

Also, that the Street Commissioner be, and is hereby, directed to fill the chuck-holes with broken stone, and repair Washington street, from Noble street to east city limits.

Councilman VanVorhis offered the following motion; which was adopted, and Councilmen Pearson, Pritchard, and Dowling, appointed as the Council members of said committee.

WHEREAS, It is reported that Van Amburgh's Circus desires to remain in the city during the coming winter; and

Whereas, said circus employs a large number of men, and will be a large consumer, and will be of great advantage to the business interest of the city; and

Whereas, it is also reported that the proprietors of said show propose, if proper grounds and buildings are furnished them, to place the menagerie at the disposal of the city, for either a free exhibition or with privilege to collect all admission fees; therefore

Moved, That a committee of three members of this body and two of the Board of Aldermen be appointed to confer with the State Board of Agriculture, and urge upon said board the propriety and advisability of permitting the proprietors of said show to occupy the Exhibition building, and so much of the grounds as may be necessary to the proper care of their stock and animals; and that said committee have power to act, and are hereby instructed to act immediately.

Councilman Yoke offered the following resolution:

Resolved, That the Mayor be requested to call a joint session of the Common Council and Board of Aldermen, at an early date, for the purpose of electing "Inspectors of Public Halls," as provided for in an ordinance to provide for the safety of the people when attending theaters, lectures, or places of amusement or instruction.

Councilman Bernhamer moved to amend above resolution, to include the reading and correcting the minutes of the first session of the Joint Convention; which amendment was accepted by Councilman Yoke, and the resolution passed by the following vote:

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

NAYS—None.

Councilman Thalman offered the following motion; which was adopted:

That Robert P. Dunning and James W. Hudson be and are hereby granted until the first day of November, 1880, to complete their contract for improving West street from Washington to South street.

NEW ORDINANCES.

Councilman McKay introduced the following entitled ordinances; which were read the first time:

- G. O. 40, 1880—An Ordinance to provide for the construction of a brick sewer in, and along, Massachusetts avenue, from Alabama street to Alvord street; north on Alvord street to Malott avenue; thence along Malott avenue to Columbia avenue; thence north to Seventh street.
- S. O. 145, 1880—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service pipes,) on Pendleton Pike, from Clifford avenue to Columbia avenue.

Councilman Bryce introduced the following entitled ordinance; which was read the first time:

- G. O. 41, 1880—An Ordinance to amend section twenty-four (24) 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 Harrold presented the following petition; which was received:

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

Gentlemen.—The undersigned, Thomas S. Webster, respectfully petitions your honorable body for the passage of a special ordinance granting your petitioner permission to occupy and use, for the purpose of carrying on and maintaining a manufactory of toilet and laundry soaps, and washing compounds, the frame buildings erected on lots Nos. 3, 4, 5 and 6 in French's subdivision, west of White River, in the City of Indianapolis; and to alter, rebuild and repair the same for that purpose; said ordinance to contain a provision prohibiting the rendering of grease of any kind on the said premises.

And your petitioner will ever pray, &c.

Indianapolis, Sept. 4th, 1880.

THOMAS S. WEBSTER.

Councilman Harrold introduced the following entitled ordinance, which was read the first time:

G. O. 42, 1880—An Ordinance to grant permission to Thomas S. Webster to occupy and use, for the purpose of carrying on and maintaining a Manufactory of Toilet and Laundry Soaps, and Washing Compounds, the frame buildings erected on Lots No. 4, 5, and 6, and part of Lot 3, in French's subdivision Out-lot 4, west of White River, in the City of Indianapolis.

Councilman VanVorhis moved to suspend the rules, for the purpose of placing the above entitled ordinance (G. O. 42, 1880,) on its final passage.

The rules were suspended by the following vote:

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

NAYS—None.

The above entitled ordinance (G. O. 42, 1880,) was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

S. O. 110, 1880—An Ordinance to provide for the erection of Lamp-posts, Lamps, and Fixtures (complete to burn gas, except service pipes,) on Elizabeth street, from Blake street to Locke street, and thence north on Locke street to the City Hospital grounds.

Was then taken up, read the second time, ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

On motion, the Common Council then adjourned.

J. C. Caren Mayor,
President of the Common Council.

Attest: *J. S. Wagner* City Clerk.