

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—APRIL 15, 1889.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, April 15th, A. D. 1889, at 7:30 o'clock, in regular session.

PRESENT—Hon. John R. Pearson, President *pro tem.* of the Common Council, in the Chair, and 20 members, viz: Councilmen Burns, Cummings, Darnell, Davis, Elliott, Gasper, Gaul, Hicklin, Johnston, Markey, McClelland, O'Connor, Parkinson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

ABSENT, 5—viz: Councilmen Coy, Dunn, Finch, Kelley, and Long.

The Proceedings of the Common Council for the regular session held April 1st, 1889, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

On motion by Councilman Trusler, the City Attorney was instructed to draw up proper forms for Street Improvement Ordinances.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I hereby report the following estimate of work done according to contract:

A first and final estimate in behalf of Robert Kennington, for grading, bowldering and curbing the gutters of Market street, from Noble street to Pine street.

1,316.33 lineal feet of bowldering, at 65 cents.....	\$855 68
1,330.40 lineal feet of curbing, at 45 cents.....	598 66

\$1,454 34

A first and final estimate in behalf of Joseph Bernauer, for grading and paving with brick the west sidewalk of Meridian street, from Kansas street to Arizona street.

395.70 lineal feet, at 35 cents... ..	\$138 51
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Respectfully submitted, A. P. SHAWVER, City Civil Engineer.

The following estimate resolution was 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 Robert Kennington, for grading, bowldering and curbing the gutters of Market street, from Noble street to Pine street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; 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, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Elliott, Gasper, Gaul, Hicklin, Johnston, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

The following estimate resolution was 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 Joseph Bernauer, for grading and paving with brick the west sidewalk of Meridian street, from Kansas street to Arizona street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; 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, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Elliott, Gasper, Gaul, Hicklin, Johnston, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

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 the office of the City Clerk, for the collection of street improvement assessments by precepts, to-wit:

Jos. Bernauer vs. Victor Remus, for	\$ 26 73
Wm. F. Gansberg vs H. B. Rodgers, for.....	138 39

Respectfully submitted, JNO. W. BOWLUS, City Clerk.

Which report was received, and the precepts ordered to issue, by the following vote:

AYES, 17—viz: Councilmen Davis, Elliott, Gasper, Gaul, Hicklin, Johnston, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS, 3—viz: Councilmen Burns, Cummings, and Darnell.

The City Attorney submitted the following report :

To the Mayor and Common Council :

Gentlemen:—Since the last meeting of the Council the following cases have been disposed of:

1. Is the suit of Catharine Miller, to enjoin the city from taking possession of Miami street. The court has rendered judgment in favor of the city and refused a new trial in the case, and the plaintiff prayed an appeal to the Supreme Court and filed an appeal bond therein, the effect of which will be to stay proceedings for a certain time, at least, in this case.

2. Is the test case of Watson M. Murdock, of Illinois, against John R. Fohl and the entire Health Board for killing what is known as a big cancer-jawed deer at the Stock Yards. Considerable feeling has been engendered over this case, but the jury returned a verdict in favor the city, and judgment has been rendered accordingly. The plaintiff contended that, since the Stock Yards were in West Indianapolis, that the jurisdiction of the city did not extend into the jurisdiction of said corporation of West Indianapolis; but I answered for the defendants that the plaintiff had received full consideration, and I further plead accord and satisfaction, the plaintiff having been paid eight dollars for the horns, hair, hide and carcass of the animal, and the jury coincided with this view of the case, and verdict was returned accordingly.

3. Is the case of the Indianapolis Cable Street Railroad Company vs. the city. In this case the said Cable Company, on the 19th day of March, began tearing up Tennessee street for the ostensible purpose of laying an electric street railroad on said street. I recommended to the Street Commissioner to stop work on said street, which was done, and the Cable Company brought this suit against the city and its officers to enjoin them from interfering with said company's workmen. A hearing was had last week on affidavits, and this morning Judge Howe rendered an opinion therein, which I submit herewith and ask for its special consideration. It will be seen that the court refuses an injunctive relief to said company.

4 I submit herewith an ordinance preventing ball-playing on the streets and alleys of this city. I do this at the urgent request of not only the Superintendent of Police and other officers, but of many citizens who are constantly harrassed, and whose property has been and will be damaged, in consequence of reckless ball-playing in the city.

Respectfully submitted,

WM. L. TAYLOR, City Attorney.

STATE OF INDIANA, *Marion County, ss:*

Indianapolis Cable Street Railroad Company vs. The City of Indianapolis.	}	SUPERIOR COURT—ROOM 2. No. 39,355.
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Howe, J.—Shortly stated, the prayer of the plaintiff is that the hands of the city officers may be tied while it digs up North Tennessee street for the purpose of laying down a railroad track to be operated in some way not yet determined upon.

There are various reasons disclosed by the affidavits on file on account of which it is, to say the least, extremely doubtful whether the plaintiff is entitled to the temporary injunction prayed for. If erroneously granted, the injury to the city would be far greater than the injury which can result to the plaintiff if the injunction prayed is erroneously refused. In such a case it is well settled that a temporary injunction will be refused. *Kerr Injunctions*, 1 Am. ed., 209; *High Injunctions*, 2 ed., 13.

I again call attention of the City Council and Board of Aldermen to what I have already twice said in regard to the urgent necessity of enacting an ordinance vesting in some board or officer supervision of all work done by street railroad, gas, water and other companies or persons, requiring the tearing up of the city streets, and providing reasonable rules and regulations for the doing of such work which will prevent conflicts between such companies and protect the rights of the city.

The primary purpose of streets is to provide thoroughfgres for the use of the public generally. Subordinate to this purpose is the use of the streets for street-car tracks, gas and water mains, telegraph and telephone lines, and other uses of them by private corporations.

It is, therefore, necessary that the city should adopt reasonable rules and regulations, not only to protect the paramount rights of the public, but also to prevent any corporation having a right to use the streets for its purposes from so exercising its rights as unnecessarily to interfere with the rights of other corporations to use the streets for their purposes.

The right of the city to make such rules and regulations, notwithstanding any

grant which it may heretofore have made to any corporation, is too well settled to be longer the subject of controversy. Cooley Constitutional Limitations, 5 ed., 712; 2 Dillon Municipal Corporations, 3 ed., sec. 720.

As it is now, the only way of settling conflicting claims to the use of the streets seems to be to fight them out, steal a march on rivals in the night, or rush to the courts for an injunction, and usually in such contests the rights of the general public are wholly ignored by the contestants.

The general rights of the public are superior to those of all these corporations and should be enforced by appropriate legislation.

On motion, the third clause of the above report was referred to the City Attorney, with instructions to prepare an ordinance, and the remainder of the report was received.

The following entitled ordinance was introduced and read the first time:

G. O. 14, 1889—An ordinance prohibiting the throwing or batting of balls along, upon or across the streets, alleys, sidewalks, public grounds and vacant grounds in the City of Indianapolis.

Councilman McClelland moved that the Rules be suspended for the purpose of placing the above entitled ordinance—G. O. 14, 1889—on its final passage.

Which motion failed of adoption, by the following vote:

AYES, 7—viz: Councilmen Gasper, McClelland, Pearson, Smith, Swain, Thalman, and Trusler.

NAYS, 13—Councilmen Burns, Cummings, Darnell, Davis, Elliott, Gaul, Hicklin, Johnston, Markey, O'Connor, Parkinson, Stuckmeyer, and Wilson.

The following report from the Board of Health was read, and on motion by Councilman Swain, referred to the Committee on Finance, with instructions to consult with the Board of Metropolitan Police Commissioners:

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

Gentlemen:—The undersigned, members of the City Board of Health most respectfully invite your attention to the following statement:

The first Board of Health for this city was organized in 1849, but not until 1870 was the board allowed sanitary officers. In that year our city had a population of 49,000, and three sanitary officers were authorized by the city government. After two years, in 1872, one of the officers was made clerk of the board, and in 1886, when the population had reached 79,000, one of the remaining two was made meat inspector, thus leaving but one sanitary officer. We now have a population of fully 115,000, with about 600 miles of streets and alleys, with an enormous increase of vaults, sinks, cesspools, etc., to be sanitarily inspected.

It is plain that one sanitary officer can do but a very small proportion of the needed sanitary work in this city.

The records show that the greater part of one man's time is required to attend to the posting of contagious-disease cards, the removal of the same and the proper instructing under the circumstances.

These facts make it evident that the Board of Health can do but very little under the circumstances to abate unsanitary conditions. We therefore petition

most earnestly that we be permitted to appoint three more officers to be assigned to such duties as the Board may, in its judgment, deem fit.

(Signed),

O. B. PETTIJOHN, President.
 J. N. HURTY, Chemist.
 J. H. WOODBURN, Secretary.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Committee on Public Property herewith submit the following pay-roll and bills, expenditures in improving Garfield Park, and recommend they be paid.

Pay-roll	\$ 446 28
N. F. Dalton & Co, lumber	36 40
M. Murry & Co., grade stakes	7 00
J. V. Cress, trees	50 00
Francke & Schindler, hardware	8 50

Total.....\$ 548 18

Respectfully submitted,

Wm. E. Davis,
 W. M. Hicklin,
 P. C. Trusler,
 Committee on Public Property.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Councilman Elliott:

- S. O. 31, 1889—An ordinance to provide for grading and graveling the roadway of Hazel street, from Valley Drive street to Lawrence street.
- S. O. 32, 1889—An ordinance to provide for grading and graveling the roadway of Valley Drive street, from Beach street to Hazel street.

By Councilman Darnell:

- S. O. 33, 1889—An ordinance to provide for grading, bowldering and curbing the north gutter of Second street, and paving with brick the sidewalk thereof, from Illinois street to Meridian street.
- S. O. 34, 1889—An ordinance to provide for grading and graveling Tenth street and sidewalks, from Illinois street to Meridian street.
- S. O. 35, 1889—An ordinance to provide for grading, bowldering and curbing the gutters of Second street, and paving with brick the sidewalks thereof, from Meridian street to Mississippi street.

By Councilman Gasper, accompanied with petition:

- S. O. 36, 1889—An ordinance to provide for grading and bowldering the roadway of Budd street, curbing with stone and paving with brick the sidewalks thereof, from New York street to Vermont street.

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

Gentlemen:—We, the undersigned, property owners fronting on Budd street, between New York and Vermont streets, respectfully petition your honorable

body to grade, curb and bowlder the said street, and to pave with brick the sidewalks, and place gutter in center of street, or as City Engineer may direct.

F. A. and J. S. Bryan, 90 feet; Eliza Ehrensperger, 27½ feet; Emma B. Rhem, 40 feet; I. E. Robertson, 45 feet; Amelia A. Elder, by John R. Elder, 33 33 6-12 feet; Melissa Belle Haag, 33 9-12 feet; Lorenz Smith, 33 9.12 feet; S. A. Clark, 45 feet.

By Councilman Gaul :

- S. O. 37, 1889—An ordinance to provide for grading and graveling the first alley south of Catharine street, from Missouri street to Chadwick street.
- S. O. 38, 1889—An ordinance to provide for grading and graveling Kansas street and sidewalks, from Tennessee street to Minnesota, or Carlos street.
- S. O. 39, 1889—An ordinance to provide for grading and graveling Ann street and sidewalks, from McCarty street to Reaum street.
- S. O. 40, 1889—An ordinance to provide for grading and graveling Ann street and sidewalks, ffrom Reaum street to Ray street.
- S. O. 41, 1889—An ordinance to provide for grading and graveling Tennessee street and sidewalks, from Morris street to Wisconsin street.
- S. O. 42, 1889—An ordinance to provide for grading and graveling the first alley north of McCarty street, from Illinois street to the first alley west of Illinois street.

By Councilman Hicklin :

- S. O. 43, 1889—An ordinance to provide for grading and paving with brick the north sidewalk of Garden street, from Meridian street to Illinois street, where not already properly paved.

By Councilman O'Connor :

- S. O. 44, 1889—An ordinance to provide for grading and graveling the second alley south of Georgia street, from East street to the second alley east of Cook street.

By Councilman Parkinson :

- S. O. 45, 1889—An ordinance to provide for grading and paving with brick the north sidewalk of South street, from Tennessee street to the west line of Missouri street.

By Councilman Stuckmeyer :

- S. O. 46, 1889—An ordinance to provide for grading, bowldering and curbing the gutters of Harrison street, from Noble street to Dillon street.

By Councilman Thalman :

- S. O. 47, 1889—An ordinance to provide for grading and bowldering the first alley east of Illinois street, from Michigan street to North street.
- S. O. 48, 1889—An ordinance to provide for grading, bowldering and curbing the gutters, and widening the sidewalks of New York street, from Meridian street to Illinois street.

By Councilman Long :

G. O. 15, 1889—An ordinance giving Bowman & Wright a license for twenty-five dollars, to conduct an illusion show in the city.

On motion by Councilman Long, the Rules were suspended for the purpose of placing the above entitled ordinance—G. O. 15, 1889—on its final passage, by the following vote :

AYES, 17—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, O'Connor, Parkinson, Stuckmeyer, and Thalman.

NAYS, 5—viz: Councilmen McClelland, Pearson, Smith, Trusler, and Wilson.

The ordinance—G. O. 15, 1889—was then read the second time, ordered engrossed, and read the third time.

And it was passed by the following vote :

AYES, 19—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, O'Connor, Parkinson, Stuckmeyer, Swain, Thalman, and Wilson.

NAYS, 4—viz: Councilmen McClelland, Pearson, Smith, and Trusler.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Burns offered the following motion :

That the Street Commissioner be, and is hereby instructed, to cover the gutter of the south side of Washington street, from Missouri street to the first alley west of Missouri street, with two-inch oak plank.

Councilman Trusler moved to refer the matter to the Finance Committee.

Which motion failed of adoption by the following vote :

AYES, 11—viz: Councilmen Darnell, Dunn, Gasper, Long, McClelland, Pearson, Smith, Stuckmeyer, Swain, Thalman, and Trusler.

NAYS, 12—viz: Councilmen Burns, Cummings, Davis, Elliott, Gaul, Hicklin, Johnston, Kelley, Markey, O'Connor, Parkinson, and Wilson.

Councilman Thalman moved as a substitute, that the motion be referred to the Committee on Markets.

Councilman Burns moved to lay the motion on the table.

Which motion was adopted, by the following vote :

AYES, 12—viz: Councilmen Burns, Cummings, Davis, Gasper, Gaul, Hicklin, Johnston, Kelley, Markey, O'Connor, Parkinson, and Wilson.

NAYS, 11—viz: Councilmen Darnell, Dunn, Elliott, Long, McClelland, Pearson, Smith, Stuckmeyer, Swain, Thalman, and Trusler.

Councilman Thalman moved that the motion be adopted, provided that the cost of said work does not exceed \$75.00.

Which was adopted.

On motion by Councilman Cummings, the following entitled ordinances were recalled from the Board of Aldermen :

- S. O. 26, 1889—An ordinance to provide for grading, paving with Filbert Vulcanite or Sheet Asphaltic Pavement, the roadway of Mississippi street, widening the sidewalks to a width of twenty feet, and curbing with stone the outer edges thereof, from the south line of Ohio street to the south line of Washington street.
- S. O. 27, 1889—An ordinance to provide for grading, paving with Filbert Vulcanite or Sheet Asphaltic Pavement, the roadway of Tennessee street, bowldering between the rails of the tracks of the Citizens' Street Railroad, and widening the sidewalks to a width of twenty feet, and curbing with stone the outer edges thereof, from the north line of Washington street to the north line of Ohio street; and requiring the Citizens' Street Railroad Company to pay a portion of the costs thereof, as provided for in General Ordinance No. 4, 1884.
- S. O. 28, 1889—An ordinance to provide for grading, paving with Filbert Vulcanite or Sheet Asphaltic Pavement, the roadway of Ohio street, bowldering between the rails of the tracks of the Citizens' Street Railroad, and widening the sidewalks to a width of twenty feet, and curbing with stone the outer edges thereof, from the west line of Tennessee street to the west line of Mississippi street; and requiring the Citizens' Street Railroad Company to pay a portion of the costs thereof, as provided in General Ordinance No. 4, 1884.

Councilman Cummings moved that the vote by which the above entitled ordinances were passed, be reconsidered.

Which motion was adopted, by the following vote :

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Cummings offered the following resolutions :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is deemed necessary to improve the roadway of Tennessee street from Washington street to Ohio street, by grading, curbing, and paving the same with Asphaltic pavement. And that the City Clerk be, and he is hereby ordered, to give the required legal notice to property owners along the line of said proposed improvement, of the time and place, when and where objections can be made to the necessity for such improvement.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is deemed necessary to improve the roadway of Mississippi street, from Washington street to Ohio street, by grading, curbing and paving with asphaltic pavement. And that the City Clerk be, and he is hereby, ordered to give the required legal notice to property owners along the line of said proposed improvement of the time and place, when and where objections can be made to the necessity of such improvement.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is deemed necessary to improve the roadway of Ohio street, from Tennessee street to Mississippi street, by grading, curbing, and paving with Asphaltic pavement. And that the City Clerk be, and he is hereby ordered, to give the required legal notice to property owners along the line of said proposed improvement, of the time and place, when and where objections can be made to the necessity for such improvement.

And they were adopted by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Swain offered the following resolutions :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is deemed necessary to improve the roadway of Pennsylvania street, from First street to Seventh street, by grading and paving with Asphaltic or similar pavement. And that the City Clerk be, and he is hereby ordered, to give the required legal notice to property owners along the line of said proposed improvement, of the time and place, when and where objections can be made to the necessity for such improvements.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That it is deemed necessary to improve the roadway of College avenue, from Christian avenue to Tenth street, by grading and paving with asphaltic or similar pavement. And that the City Clerk be, and he is hereby, ordered to give the required legal notice to property owners along the line of said proposed improvement of the time and place when and where objections can be made to the necessity of such improvement.

And they were adopted by the following vote :

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Cummings offered the following motion ; which was referred to the Finance Committee :

That Prather & Hankel be appointed rental agents for the city in place of the late Wm. H. Hadley.

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

Indianapolis, Ind., April 15, 1889.

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

Gentlemen:—The undersigned, owners of real estate fronting on Herbert, or Eleventh street, between Meridian and Illinois streets, respectfully petition for the passage of an ordinance providing for the narrowing of said Herbert or Eleventh street, between Meridian and Illinois streets. The street is now sixty (60) feet wide, and it is our desire to have vacated not less than five (5) feet on each side of said street, thus making the width of said street fifty (50) feet. We attach hereto a plat of said street, showing the same and the names of the abutting property holders on said street. Said plat is marked "Exhibit A."

W. W. Winslow, Jas. N. Rogers, Charles M. Raschig.

Councilman Davis offered the following motion ; which was adopted :

That the Commissioner of University Park be authorized to expend not to exceed two hundred dollars towards improving the same

Councilman Elliott offered the following motion :

That the Street Commissioner be, and is hereby, directed to notify all owners of wagon scales, located on any street in this city, to at once remove the same, and to repair the street where they stand; and in case they fail to do so within ten days, then the Street Commissioner is ordered to do the same, and to collect the cost thereof off of said scale owners.

Which failed of adoption, by the following vote:

AYES, 4—viz: Councilmen Elliott, Pearson, Smith, and Thalman.

NAYS, 19—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Stuckmeyer, Swain, Trusler, and Wilson.

Councilman Elliott offered the following resolution :

Resolved, That the Indianapolis Water Company be, and is hereby, directed to lay water mains on Clifford avenue, between Massachusetts avenue and Albemarle street, and that the City Clerk is hereby directed to notify said company of the passage of this resolution, and that the Chief Fire Engineer is directed to superintend the placing of fire hydrants along said line.

And it was adopted by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Swain offered the following resolutions :

Resolved, That the Indianapolis Water Company be, and are hereby directed to extend their water-mains north on Broadway street, from Ninth street to Eleventh street, thence west on Eleventh street to Park avenue, connecting with the main at said point; fire-plugs to be located under the direction of the Chief Fire Engineer, according to contract.

Resolved, That the Indianapolis Water Company is hereby directed to extend its mains on Central avenue to Ninth street, and that one fire-plug be located under the direction of the Chief fire Engineer.

And they were adopted by the following vote :

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Gaul offered the following motion ; which was adopted :

That the Street Commissioner be, and is hereby instructed, to have the shed removed from the alley between Missouri and Meikel streets and McCarty and Ray streets. The alley is obstructed from traffic by the erection of a shed owned by Catherine Monahan.

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

Indianapolis, March 9th, 1889.

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

Gentlemen:—The undersigned, owners of real estate fronting on Meridian street between Arizona street and Grand avenue, respectfully petition for the passage of an ordinance providing for the extension and opening of Illinois street in the City of Indianapolis from Arizona street to Grand avenue, beginning on the south line of Arizona street at a point three hundred (300) feet west of the point of intersection of said south line of Arizona street, with the west line of Meridian street, and extending south to the intersection of the said Grand avenue. Said street so to be extended and opened fifty (50) feet in width and extending and passing over the lands owned by Ormes heirs, George Rech, Catharine Rech, Frederick Beck, Richard Essigke, Peter Sindlinger, Luther Mehring, George Knarzer. The undersigned hereby donate to said city, for the purpose of the said street the ground necessary to extend and open the same on our said lands. A plat of our said lands and the said proposed street is hereto attached and made part hereof marked Exhibit "A."

Respectfully submitted,

George Rech, Catharine Rech, Peter Sindlinger, Richard Essigke, George Knarzer, Luther Mehring, Fred Beck.

Councilman Dunn presented the following petition; which was referred to the Committee on Public Health:

Indianapolis, Ind., April 10, 1889.

To the Mayor, and Common Council:

Gentlemen:—The undersigned, citizens of the Thirteenth Ward, City of Indianapolis, herewith petition the honorable Board of Aldermen and City Council, to-wit:

That the cow pound erected on Wabash street, in said ward and city, be removed, as it is a nuisance and injurious to health of all property owners in the neighborhood.

April 5, one cow jumped the fence, walked through the yard to Ohio street, and in all the houses around the pound are little children. We will hold the city responsible for any accident or damage done through that cow pound.

Otto Schissel, wife and two children; Henry Webb and wife, S. Goins, Frank Goins, wife and one child; M. S. Goins, C. S. Sanders, Miles Waren and wife.

Councilman Hicklin offered the following resolution; which was referred to the Committee on Railroads, and City Attorney:

Resolved, That the City Attorney be, and he is hereby, instructed to prepare and submit to the Council a general ordinance providing for the granting of a franchise to an electric street railway company, to construct and operate an electric street railway, running from Crown Hill Cemetery on the most convenient route from thence along North Mississippi street to Vermont street, east on Vermont street to Delaware street, and south on Delaware street to McCarty street, thence by the most practical route to Garfield Park.

The Street Commissioner submitted the following report:

Indianapolis, April 15th, 1889.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I respectfully recommend the purchase by the city of four Champion Road Machines at a cost of two hundred and sixty dollars each, or one thousand dollars for the four machines. I have thoroughly tested the working of these machines and find that the work can be done at less than twenty per cent. of the cost of the work by the present methods.

Respectfully,

D. DERUITER, Street Commissioner.

On motion by Councilman Thalman, the Street Commissioner and Board of Public Improvements were authorized to purchase said machines.

Councilman Kelley presented the following petition; which was granted:

Indianapolis, Ind., April, 1889.

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

Gentlemen:—The undersigned, owners of real estate fronting on Applegate street, between Morton and Beecher streets, respectfully petition for permission to grade and gravel Applegate street and sidewalks, from Morton street to Beecher street, at our own expense, under the direction of the City Civil Engineer

J. A. LEMCKE.

Councilman Long offered the following motion; which was referred to the Committee on Public Light:

That the Brush Electric Light Company be instructed to erect a 2000-candle power arc light at the corner of Ohio and East streets, under the direction of the City Civil Engineer.

Councilman Johnston offered the following motion; which was adopted:

That the Street Commissioner be and is hereby directed to remove the fence from the first alley south of Palmer street, running from Union street to Meridian street.

On motion by Councilman O'Connor, the following entitled ordinance was ordered stricken from the files:

S. O. 21, 1889—An ordinance to provide for grading and graveling the first alley south of Georgia street, from East street to Liberty street.

Councilman O'Connor offered the following motion; which was referred to the Committee on Public Light:

That the Indianapolis Brush Electric Light and Power Company be, and are hereby, ordered and directed to erect one electric light at or near the intersection of Cruse street and the Chicago, St. Louis and Pittsburg and the Cincinnati, Hamilton and Indianapolis railroad tracks.

Councilman Parkinson offered the following motion; which was referred to the Committee on Finance:

That A. S. Patterson be appointed City Rental Agent, vice William Hadley, deceased, provided he be required to file a bond with the City Clerk for the sum of \$200, and to the approval of the Mayor.

Councilman Smith offered the following motions; which were adopted:

To the Mayor and Members of the Common Council:

Gentlemen:—The State of Indiana has taken down the fence north of the Blind Asylum and Walnut streets, and has opened same for a park; therefore

Moved, That John Landers be appointed Commissioner for the Blind Asylum Park until his successor is appointed.

That the Committee on Public Property be instructed to visit Blind Asylum Park and see what should be done to improve the same.

Councilman Cummings moved that the report of the City Commissioners, together with the resolution in the matter of the vacation of the strip off of the west side of the alley on the east side of Pogue's Run running from South street to McNabb street (see pages 761, 762 and 763, *ante*), be recalled from the Special Committee.

Which motion was adopted.

The report of the Committee, and the following resolution accompanying the same, (see page 763, *ante*), were read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the report of the Board of City Commissioners in the matter of the vacation of the strip off of the west side of the alley on the east side of Pogue's Run, running from South street to McNabb street, in said city, be, and the same is hereby, in all things accepted, adopted and approved, and that the following described parcel of land, to-wit: A strip along the west side of the alley on the east side of Pogue's Run, being two feet wide at South street and extending one hundred and eighty-three feet north to a point, be, and the same is hereby, vacated.

Resolved, further, That the petitioners for said vacation be, and they are hereby, required to pay to the County Treasurer, for the city, within twenty days from the adoption of this resolution, the sum of one hundred and ten dollars (\$110.00) costs therein; and that said petitioners be, and are hereby, required to have made out by the City Civil Engineer, and filed by the City Clerk and recorded in the Recorder's office of Marion county, Indiana, a plat of said strip of ground herein vacated, and to procure from the City Clerk, and have recorded in the Recorder's office of Marion county, Indiana, a certified copy of this resolution, at their own expense: *Provided,* That until the expenses are paid as aforesaid, and such plat and certified copies of such proceedings recorded as aforesaid, said strip of ground shall not be vacated or otherwise used than as now.

Which report was concurred in, and the resolution adopted, by the following vote :

AYES, 18—viz: Councilmen Burns, Cummings, Davis, Dunn, Elliott, Gasper, Gaul, Johnston, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Stuckmeyer, Swain, Thalman, and Wilson.

NAYS, 4—viz: Councilmen Hicklin, Kelley, Smith, and Trusler.

Councilman Thalman presented the following petition; which was ordered filed with the ordinance :

Indianapolis, Ind., March 9th, 1889.

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

Gentlemen:—The undersigned, owners of real estate fronting on alley between Michigan and North streets, respectfully petition for the passage of an ordinance providing for bowldering the first alley east of Illinois street, between Michigan and North streets.

Charles Williams, 196 feet; Charles Mayer, 205 feet;
Jno. F. Wallick, 85 feet; D. P. Erwin, 70 feet; Mrs.
E. J. Jones, 40 feet.

Councilman Thalman presented the following petition and motion; which were referred to the Committee on Bridges :

Indianapolis, April 6th, 1889.

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—The undersigned, owners of real estate fronting on East New York

street, between Pinc and Hanna streets, respectfully petition for the passage of an ordinance providing for a bridge over Pogue's Run.

Respectfully submitted,
Chris. H. Harmening, Christian Off, Philip S. Frick, Jr.,
Peter Pfeifer, Samuel Ayles—and 34 others.

That the City Civil Engineer be, and is hereby, instructed to prepare plans and advertise for the construction of a bridge over Pogue's Run on East New York street.

Councilman Thalman offered the following motion; which was adopted:

To whom it may concern:

The undersigned has no objection for Mr. Robert Duncan to locate a water plug for street sprinkling purposes on the south side of North street, west of the alley between Illinois and Meridian streets, fronting my property.

CHARLES MAYER.

That Robert Duncan be authorized to locate a water plug at above-named place.

Councilman Trusler offered the following petition, accompanied with resolution:

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

Gentlemen:—The undersigned, owners or residents on Hoyt avenue, between Dillon street and Reid street, respectfully petition for the passage of a resolution ordering the extension of natural gas mains in and along said street.

Geo. Lowry, Franklin C. Collings, 30 feet; Wm. Herndon, 30 feet; Lucy Jane Herndon, 30 feet; Henry Boketah, 30 feet; J. T. Peake, J. R. Shelton—and 24 others.

WHEREAS, The owners or residents of Hoyt avenue, between Dillon and Reid streets, have petitioned for the extension of natural gas mains on said street; and whereas, one-tenth of the residents are willing to use gas, and whereas the mains of the Consumers Gas Trust Company are contiguous to said street;

Resolved, That the Consumers Gas Trust Company is hereby ordered to extend its mains in and along said Hoyt avenue within sixty days from the passage of this resolution.

Which petition was received, and the resolution adopted, by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Trusler offered the following petition, accompanied with resolution:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned, owners of real estate fronting on Woodlawn avenue, between Dillon and Reid streets, respectfully petition for the passage of a resolution to provide for laying natural gas mains in and along Woodlawn avenue, between Dillon and Reid street, as provided for, and in accordance with Section 13 of General Ordinance No. 14, 1887. Total number feet of mains required..... Total number feet of property on said line herein represented.....

Respectfully submitted,

George Meyer, John Meyke, Daniel Bates, C. H. Hoestman, Geo. Kimmich—and 47 others.

WHEREAS, The owners or residents on Woodlawn avenue, between Dillon and Reid streets; have petitioned for the extension of natural-gas mains on said street; and, *Whereas*, One-tenth of the residents on said street are willing to use gas; and, *Whereas*, The mains of the Consumers' Gas Trust Company are contiguous to said street;

Resolved, That the Consumers' Gas Trust Company is hereby ordered to extend its mains in and along said Woodlawn avenue, from Dillon to Reid street, within sixty days from the passage of this resolution.

Which petition was received, and the resolution adopted, by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Trusler presented the following petition, accompanied with resolution:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned, owners of real estate fronting on Spann avenue, between Dillon and Reid streets, respectfully petition for the passage of a resolution to provide for laying natural gas mains in and along Spann avenue, between Dillon street and Reid street as provided for, and in accordance with Section 13 of General Ordinance No. 14, 1887. Total number feet of mains required..... Total number feet of property on said line herein represented.

Respectfully submitted,

M. E. Smock, 30 feet; O. T. Johnston, 30 feet; A. F. Statz, 30 feet; W. F. Barrows—and 36 others.

WHEREAS, The owners or residents on Spann avenue, from Dillon to Reid streets, have petitioned for the extension of natural gas mains on said street; and

Whereas, One tenth of the residents are willing to use gas; and, *Whereas*, The mains of the Consumers' Gas Trust Company are contiguous to said street;

Resolved, That the Consumers' Gas Trust Company is hereby ordered to extend its mains in and along said Spann avenue, from Dillon street to Reid street, within sixty days from the passage of this resolution.

Which petition was received, and the resolution adopted, by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Trusler presented the following petition, accompanied with resolution:

Indianapolis, April 15, 1889.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We, the undersigned, owners of real estate fronting on English avenue, between Dillon street and Reid streets, respectfully petition for the adoption of a resolution to provide for laying of natural gas mains in and along English avenue, from Dillon street to Reid street, as provided for, and in accordance

with, Section 13 of General Ordinance No. 14, 1887. Total number of feet of mains required..... Total number of feet of property on said line herein represented, viz:.. ..

Respectfully submitted,
Ed. Brumdage, 30 feet; John G. Simmons, Sarah Simmons,
J, H. Whism, J. G. Ereland—and 16 others.

WHEREAS, The owners or residents on English avenue have petitioned for the extension of natural-gas mains on said street, from Dillon street to Reid street; and, *Whereas*, One-tenth of the residents are willing to use gas; and, *Whereas*, The mains of the Consumers' Trust Company are contiguous to said street,

Resolved, That the Consumers Gas Trust Company are hereby ordered to extend their mains in and along said English avenue, from Dillon to Reid streits, within sixty days from the passage of this resolution.

Which petition was received, and the resolution adopted, by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Trusler presented the following petition; which was received:

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

Gentlemen:—The undersigned, owners of real estate fronting on Fletcher avenue, between Linden and Reid streets, respectfully petition for the adoption of a resolution to provide for the laying of natural gas mains in and along Fletcher avenue, between Linden and Reid streets, as provided far, and in accordance with Section 14 of General Ordinance No. 14, 1887.

H. C. Raffensperger, 40 feet; C. H. Schneider, 40 feet;
J. C. Winter, 30 feet; J. Q. White, 70 feet; D. P.
Gray, 40 feet—and 8 others.

Councilman Trusler offered the following resolution:

Resolved, That the Union Belt Railroad Company be, and is hereby instructed, to open St. Charles street at the crossing of the Belt Railroad, and to place cattle guards at said crossing in conformity with ordinances in such cases provided.

And it was adopted by the following vote:

AYES, 23—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Gasper, Gaul, Hicklin, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Smith, Stuckmeyer, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

Councilman Stuckmeyer offered the following motion; which was adopted:

That the Consumers' Gas Trust Company be, and are hereby notified, that they are violating the Natural Gas Ordinances in demanding payment of twelve dollars in advance for natural gas connections, and that the City Clerk notify them of the same.

The Committee on Sewers, through Councilman Gasper, submitted the following report; which was received:

To His Honor, the Mayor, and Common Council:

Gentlemen:—Your Committee, to whom was referred a motion relative to placing catch basins to the Seventh street sewer from Meridian street the Canal, would respectfully recommend that catch basins be placed on said sewer the distance between same to be 250 feet.

Respectfully submitted,

J. L. Gasper,
Jas. Johnston,
Wm. T. Long,
Sewer Committee.

PENDING ORDINANCES.

On motion, the following entitled ordinance was recalled from the Committee on Markets:

G. O. 59, 1888—An ordinance to amend Sections 9 and 10, of General Ordinance No. 2, 1887, entitled "An ordinance supplemental to the ordinance of the City of Indianapolis, on the subject of the general markets of said city; modifying and changing certain rules heretofore existing for the regulation and government of said markets; repealing all conflicting provisions; putting the Market-Masters on salaries, and requiring that all rents and fees of marketers shall be paid into the treasury;" ordained and established March 21st, 1887, and to regulate the time of holding markets.

The ordinance—G. O. 59, 1888—was then read the second time.

Councilman Long offered the following amendment, which was adopted:

Add to Section 1 the following: "Provided, That no marketer shall be permitted to stand between the intersecting crossings at the corner of Alabama and Market streets.

The ordinance—G. O. 59, 1888—was then ordered engrossed, and read the third time.

And it was passed by the following vote:

AYES, 18—viz: Councilmen Burns, Cummings, Davis, Dunn, Gasper, Hickln, Johnston, Kelley, Long, Markey, McClelland, O'Connor, Parkinson, Pearson, Stuckmeyer, Thalman, Trusler, and Wilson.

NAYS, 4—viz: Councilmen Darnell, Elliott, Smith, and Swain.

The following entitled ordinance was read the second time, and referred to the Committee on Sewers and Drainage:

S. O. 4, 1889—An ordinance to provide for the construction of a brick sewer, two and one-half feet internal diameter, in and along Broadway street and Christian avenue, from the north line of Cherry street to the west line of Central avenue.

On motion, the Common Council then adjourned, at 10:56 o'clock, P. M.

....., President *pro tem.*
of the Common Council.

Attest: , City Clerk,