

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
March 19, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 19, 1894, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 17 members, viz: Messrs. Colter, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott and Young.

Absent, 3—viz: Messrs. Allen, Costello and Krauss.

The Clerk proceeded to read the Journal, whereupon Councilman Rauh moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
March 12, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I have this day approved the following ordinances passed by your honorable body on the 5th inst., viz:

- G. O. No. 15, of 1894. An ordinance prescribing general regulations for the public markets, etc.
- G. O. No. 19, of 1894. An ordinance authorizing the City Attorney to employ an assistant in the pending and proposed litigation with the Citizens Street-railroad Co., etc.
- G. O. No. 20, of 1894. An ordinance to annex to the City of Indianapolis certain contiguous territory (the same lying between Fall Creek and Twenty-sixth street, on the east side of Meridian street.
- App. O. No. 2, of 1894. An ordinance appropriating to the law department the sum of \$6,500 for special counsel fees, etc.

Respectfully submitted,
C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
March 19, 1894. }

To the President and Members of the Common Council :

GENTLEMEN—It is apparent to every observing person that Indianapolis should have a number of safe and convenient passage-ways provided over its streets, where public travel is now obstructed and rendered hazardous by the constant moving of trains and switch engines across the same. At a meeting of the Heads of the City Departments, held on the 15th inst., the viaduct question was fully discussed and the opinion prevailed that the city authorities should take steps to secure the building of at least two safe crossings at once, and two others in the near future. The ones deemed of most importance at this time are those on Kentucky avenue and West street and Massachusetts and Clifford avenues, while it was also conceded that the crossings on East Washington at Noble street and on West Washington street near the Belt road, have also grown very dangerous. Other points might be named where public travel is greatly impeded and life is constantly endangered; but it is not deemed proper to make unreasonable demands of the railroad companies in the matter of constructing viaducts or other expensive crossings over or under their tracks, and hence the discussions have so far been limited to the ones above referred to.

That part of Section 23 of the new city charter under the heading "Railroads," gives your honorable body broad powers on the subject of requiring viaducts to be built by railroad companies, where, by reason of large traffic, they render street crossings dangerous and unprofitable to the general public. The courts have by their mandatory powers, when invoked by municipalities whose citizens have suffered by reason of heavy railroad traffic over street crossings, kept pace with enlightened public thought on this subject, and have compelled the construction of safe and convenient crossings, when the reasonable demands of such municipalities have been denied in the first instance. Let us trust, however, that the courts will not have to be resorted to, in order to secure the city's just demands in the cases under consideration. On the contrary, we may assume, I think, that the railroad companies will meet the city authorities in a generous and friendly spirit on this important public matter. It is more than a mere business proposition. It includes questions of security to life and convenience to thousands of our citizens, who are daily subjected to danger, delay and annoyance by present conditions.

I hope an amicable arrangement can be had with the railroad companies in interest, by which safe passage-ways can speedily be secured at a portion or all of the crossings above named. To that end, I respectfully suggest that the whole matter be referred to a committee of your body, with instructions to secure conferences with the official representatives of the several interested railroad companies, looking to the building of all present needed viaducts, on plans to be mutually agreed on. As the Board of Public Works would have to join with your honorable body in any final contract to be made, I suggest that the members of said Board be called into all conferences that may be held.

Permit me to suggest that prompt action be taken in this matter, as much time will necessarily be consumed in any event. If an agreement mutually satisfactory can not be arrived at, that fact should be known as early as possible, in order that the proper legal proceedings may be commenced in the near future.

ELECTRIC WIRES.

The question of forbidding any more telegraph, telephone, or electric light wires to be strung overhead, and of requiring those now suspended on poles to be removed, was also discussed at the monthly conference. The opinion prevailed that it is entirely feasible to bury the wires, so far as the ability of the companies to render good services in that way is concerned. But as the cost of placing and maintaining underground wires is much greater than the present overhead system, it was deemed unfair, as well as unnecessary, to require the burying of such wires in the outlying districts. While no special boundary lines were decided on, it was the opinion gen-

erally, I think; that the wires should be buried in the central business district, extending at least to North, East, South and West streets.

I respectfully refer this question to you for consideration, and hope it may be promptly decided by your honorable body.

Respectfully submitted,

C. S. DENNY,
Mayor.

Which was read and referred to the Committee on Railroads.

REPORTS FROM OFFICIAL BOARDS.

The following communication was received from the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, March 1, 1894. }

Hon. W. H. Cooper, President Common Council, City of Indianapolis:

DEAR SIR—We herewith respectfully submit to your honorable body for consideration and action thereon “An ordinance authorizing the improvement of the roadway of Alabama street, in the City of Indianapolis, in Marion County, State of Indiana, from the northwest property line of Massachusetts avenue to the southeast property line of Ft. Wayne avenue, by grading and paving the roadway for a width of fifty feet from curb to curb, excepting the area between the rails and tracks of the Citizens Street-railroad Company, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake, in the island of Trinidad), or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections and at the north end and west side of the pavement above St. Clair street; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys between the above named points.”

We beg to inform you that we have placed on file in the office of the City Clerk, for the information of the Common Council, all papers relating to this proposed improvement.

Very respectfully,

J. A. WILDMAN,
ANDREW KRAMER,
F. J. MEYER,
Board of Public Works.

Which was read and referred to the Committee on Sewers, Streets and Alleys.

The following communication was received from the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, March 1, 1894. }

Hon. W. H. Cooper, President Common Council, City:

DEAR SIR—We herewith respectfully submit to your honorable body for consideration and action thereon “An ordinance authorizing the improvement of the roadway of Alabama street, from the north curb line of Maryland street to the

southeast property line of Massachusetts avenue, in the City of Indianapolis, in Marion County, State of Indiana, by grading and paving the roadway to a width of sixty feet, including the tracks of the Citizens Street-railroad, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad) or asphalt of equal quality, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections not already improved, and at the south end of the pavement; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys not already improved, between the above named points."

We beg to inform you that we have placed on file in the office of the City Clerk, for the information of the Common Council, all papers relating to this proposed improvement.

Very respectfully,

J. A. WILDMAN,
ANDREW KRAMER,
F. J. MEYER,
Board of Public Works.

Which was read and referred to the Committee on Sewers, Streets and Alleys.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred:

G. O. No. 21, 1894. An ordinance authorizing the issue and sale of three hundred refunding bonds of one thousand dollars each of the City of Indianapolis, in order to raise money to take up certain bonds bearing date July 1, 1874, known as "Series C," which will become due twenty years after said 1st day of July, 1874 aggregating three hundred thousand dollars; prescribing the time and manner of advertising the sale of said refunding bonds, and of the receipt of the bids for the same, together with the mode and terms of sale; also appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds, and providing the time and manner of payment of said outstanding bonds; and providing for the refunding of the indebtedness of said City of Indianapolis represented by said bonds known as "Series C," and matters connected therewith, and fixing the time when the same shall be in force and take effect.

Made the following report:

INDIANAPOLIS, March 16, 1894.

To the President and Members of the Common Council:

The Finance Committee recommend the passage of G. O. No. 21, for the issue and sale of the three hundred refunding bonds of one thousand dollars each.

J. R. ALLEN.
GEO. R. COLTER.
GEO. MERRITT.
JAS. H. COSTELLO.
ED. G. STOTT.

Which was read and concurred in.

Mr. Magel, on behalf of the Committee on Printing, to whom was referred the printing of the annual reports of the different departments of the city government, made the following report:

INDIANAPOLIS, March 19, 1894.

Mr. President:

Your committee, to whom was referred the printing of the Mayor's annual message, together with reports from the heads of the various departments, beg leave to report that after due consideration we recommend the same be printed according to specifications prepared by the Board of Public Works.

HENRY MAGEL,
OLIVER M. MURPHY,
JAS. H. COSTELLO,
Committee.

Which was read and concurred in.

Mr. Stott, on behalf of the majority of Special Committee on Public Property, to whom was referred:

G. O. No. 11, 1894. An ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, and matters connected therewith, and fixing the time for the taking effect thereof.

Submitted the following from the City Attorney as a report:

INDIANAPOLIS, March 16, 1894.

Hon. Chas. Koehring, Chairman Committee on Public Property and Improvement:

SIR—I have examined pending G. O. No. 11, 1894, being an ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, etc., at your request.

I am of the opinion that said ordinance, if passed, will be valid. It is, of course, subject to amendment, if its terms are not satisfactory to the Council.

Respectfully,

J. E. SCOTT,
City Attorney.

Mr. Koehring, on behalf of a minority of the Special Committee on Public Property, to whom was referred the above entitled ordinance (G. O. No. 11, 1894,) made the following report:

To the President and Members of the Common Council:

GENTLEMEN—The minority of the Committee on Public Property and Improvements, to whom was referred G. O. No. 11, recommend that it be not passed. Herewith I present the report of the City Attorney, to whom it was referred.

Yours respectfully,

CHAS. KOEHRING.

INDIANAPOLIS, March 16, 1894.

Hon. Chas. Koehring, Chairmon Committee on Public Property and Improvement:

SIR—I have examined pending G. O. No. 11, 1894, being an ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, etc., at your request.

I am of the opinion that said ordinance, if passed, will be valid. It is, of course, subject to amendment, if its terms are not satisfactory to the Council.

Respectfully,

J. E. SCOTT,
City Attorney.

Mr. Hennessy moved that the minority report be laid on the table.

Which motion was lost by the following vote:

AYES 8—viz: Messrs. Kaiser, Koehring, Magel, Schmid, Shaffer, Stein, Young and President Cooper.

NAYS: 9—viz: Messrs. Colter, Drew, Hennessy, Merritt, O'Brien, Puryear, Rauh, Ryan and Stott.

Mr. Young, on behalf of the Committee on Railroads, to whom was referred:

G. O. No. 14, 1894. An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at Palmer street and said company's tracks in the City of Indianapolis, Indiana.

Made the following report:

INDIANAPOLIS, March 19, 1894.

Mr. President:

Your committee, to whom was referred G. O. No. 14, 1894, beg to report that they have considered the same and recommend that it be passed.

Respectfully submitted,

A. A. YOUNG.
THEODORE STEIN.
P. J. RYAN.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

Under this order of business the following ordinance was introduced:

By Mr. Rauh:

App. O. No 3, 1894. An ordinance appropriating three hundred and twenty-one thousand five hundred and thirteen and $\frac{20}{100}$ dollars with which to pay at maturity certain bonds aggregating \$300,000, designated "Series C," dated July 1, 1874, due twenty years after date thereof; certain National Encampment bonds aggregating \$20,000, maturing April 20, 1894, and the interest on \$35,000 of National Encampment bonds, which interest amounts in the aggregate to \$1,513.20, and will become due April 20, 1894; and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated to the Finance Department of the City of Indianapolis out of the funds of the treasury of said City of Indianapolis the sum of three hundred and twenty-one thousand five hundred and thirteen and $\frac{20}{100}$ dollars, as follows, to-wit: To pay at maturity certain bonds of the City of Indianapolis, aggregating \$300,000, designated "Series C," dated July 1, 1874, and due twenty years after date thereof the sum of three hundred thousand dollars; to pay at maturity certain National Encampment bonds, aggregating \$20,000, due April 20, 1894, the sum of twenty thousand dollars; to pay interest on National Encampment bonds, aggregating thirty-five thousand dollars, which interest becomes due April 20, 1894, and amounts in the aggregate to \$1,513 $\frac{20}{100}$, the sum of one thousand five hundred and thirteen and $\frac{20}{100}$ dollars.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time and referred to Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced :

By Mr. Colter :

G. O. No. 22, 1894. An ordinance to license, tax and regulate the selling or giving away of any spirituous, vinous, or malt liquors in the City of Indianapolis, Indiana, or outside of said city, but within four miles of the corporate limits thereof, and matters connected therewith; fixing the license fee to be paid to said City of Indianapolis by all persons hereafter or heretofore acquiring licenses from the Board of Commissioners of Marion county, Indiana, to sell spirituous, vinous or malt liquors in the City of Indianapolis or outside of the City of Indianapolis, but within four miles of the corporate limits thereof; defining the term "retailer," providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person to sell, barter or give away, any spirituous, vinous or malt liquor in a less quantity than a gallon at a time in the City of Indianapolis, or outside of the City of Indianapolis but within four miles of the corporate limits thereof, without having first procured a license from the City Comptroller so to do as hereinafter provided; nor shall any retailer of spirituous, vinous or malt liquors under the provisions of this ordinance, sell, barter or give away such liquors in said city or outside of said city but within four miles of the corporate limits thereof. without having first procured such license; nor shall any person, without having first procured such license, sell, barter or give away any spirituous, vinous or malt liquors to be drunk, or suffered to be drunk, in his house, outhouse, yard, garden or the appurtenances thereto belonging, in said city, or outside of said city but within four miles of the corporate limits thereof.

SEC. 2. The word "retailer" shall apply to any dealer in or vender of spirituous, vinous or malt liquors in any quantity less than a gallon at a time; and upon sale of such liquors, in any quantity less than a gallon at a time, by such person, without having first being licensed according to the provisions of this ordinance he shall, without further proof, be deemed a retailer of such liquors, and shall suffer the penalty hereinafter provided.

SEC. 3. Before any person is permitted to sell, barter or give away any spirituous, vinous or malt liquors in any less quantity than a gallon at a time, in the City of Indianapolis, or outside of the City of Indianapolis but within four miles of the corporate limits thereof, he shall pay to the City Treasurer for the use of said city, the sum of two hundred and fifty dollars, and upon the presentation of the Treasurer's receipt for that amount to the City Comptroller, said Comptroller shall, if the said applicant be a person over the age of twenty-one years, and if such applicant shall have a valid and existing license from the Board of Commissioners of Marion county, Indiana, issue to such person a city license to sell spirituous, vinous or malt liquors, within such city or outside of said city but within four miles of the corporate limits thereof, at the place designated in the license to said applicant from the Board of Commissioners, for the period of one year, which year shall be co-terminus with the year set forth in the license to said applicant from the Board of Commissioners.

SEC. 4. Said City Comptroller shall keep a record of the names of all persons receiving from said Comptroller such license, with the date when issued and the ex-

piration of the same, which date of expiration shall be the same as fixed in the said license so granted by the Board of Commissioners of Marion county, Indiana, also the name of the street and location where such person conducts his said business, which location shall be the same as fixed in the said license so granted by the Board of Commissioners, for all of which services said City Comptroller shall collect a fee of one dollar, for the use of the City of Indianapolis, to be paid by the person receiving such license.

Provided, That such license shall not be transferable, nor shall it authorize any sales on other premises than those designated as aforesaid.

SEC. 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Provided, however, That nothing herein shall be construed to rescind or make void unexpired licenses heretofore issued by the city under existing valid ordinances, but the same shall remain in force for the term for which they were issued, and as to such licenses, the ordinance or ordinances under which they were issued shall remain in full force and effect, including the penalties for violation thereof, until the expiration of such license.

SEC. 6. This ordinance shall take effect and be in force from and after its passage and publication once each week for two consecutive weeks in *The Sun*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Marion county, Indiana.

Which was read the first time and referred to Committee on Finance.

By Board of Public Works :

G. O. No. 23, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, from the north curb line of Maryland street to the southeast property line of Massachusetts avenue, in the City of Indianapolis, in Marion County, State of Indiana, by grading and paving the roadway to a width of sixty (60) feet, including the tracks of the Citizens' Street-railroad, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad) or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections not already improved, and at the south end of the pavement; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys not already improved, between the above named points; and fixing the time when this ordinance shall take effect.

WHEREAS, heretofore, to-wit: On the 26th day of January, 1894, the Board of Public Works of the City of Indianapolis, Indiana, deeming it necessary to improve Alabama street, from the north curb line of Maryland street to the southeast property line of Massachusetts avenue, in the City of Indianapolis, in Marion County, State of Indiana, by grading and paving the roadway to a width of sixty (60) feet, including the tracks of the Citizens' Street-railroad, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad) or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections not already improved, and at the south end of the pavement; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys not already improved, between the above named points, adopted a resolution to that effect, known and designated as Improvement Resolution No. 15, 1894; and,

WHEREAS, Said Board caused the necessary specifications, profiles and drawings for said street improvement to be prepared and filed in their office, where they now are; and,

WHEREAS, Said Board caused notice to be duly given of said resolution, ordering the improvement of said street, by publication thereof in *The Sun*, a daily

newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, State of Indiana, once each week for two consecutive weeks, namely: on the 27th day of January, 1894, and the 3d day of February, 1894; and,

WHEREAS, In the opinion of said Board, said street improvement is deemed necessary and the total cost thereof shall be apportioned all as provided for in "An Act concerning the incorporation and government of cities having more than one hundred thousand population according to the United States census last preceding, and matters connected therewith and declaring an emergency," approved March 6, 1891, and in accordance with and pursuant to the provisions of all amendatory and supplemental acts thereto passed by the General Assembly of the State of Indiana; and,

WHEREAS, Said Board met, according to said published notice, to-wit: In its office, Room No. 5, basement Court House, Indianapolis, Indiana, at 10 o'clock A. M. on the 12th day of February, 1894, to receive or hear remonstrances from persons interested in or affected thereby, if any there should be, against the improvement of said street; and,

WHEREAS, At such meeting a remonstrance was duly filed with such Board by persons interested in or affected thereby against the improvement of said street, and whereas, said Board, after duly considering such remonstrance, did, on the 14th day of February, 1894, take final action on said Improvement Resolution No. 15, 1894, after modifying the same and the specifications for such improvement to provide for the use of either standard Trinidad Pitch Lake asphalt, or asphalt equal or superior thereto; and,

WHEREAS, Later, to-wit: On the 24th day of February, 1894, and within ten days after final action was taken by said Board on said Improvement Resolution, two-thirds of all the resident free-holders abutting on said Alabama street, along the line of said proposed street improvement, filed with said Board their written remonstrance against such improvement, which remonstrance has been made a part of the records in the office of said Board; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the improvement of the roadway of Alabama street, between the north curb line of Maryland street and the southeast property line of Massachusetts avenue, in the City of Indianapolis, as more fully described in the preamble hereto, and specifically shown by the profile and drawings now on file in the office of the Board of Public Works, as referred to therein, be and the same is hereby specifically ordered, and Improvement Resolution No. 15, 1894, of said Board, and all its other acts in relation thereto, be and the same are now hereby, in all things, approved, confirmed, adopted and specifically ordered.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Board of Public Works:

G. O. No. 24, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, in the City of Indianapolis, in Marion County, State of Indiana, from the northwest property line of Massachusetts avenue to the southeast property line of Ft. Wayne avenue, by grading and paving the roadway for a width of fifty (50) feet, from curb to curb, excepting the area between the rails and tracks of the Citizens' Street-railroad Company, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad), or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections and at the north end and west side of the pavement above St. Clair street; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys between the above named points; and fixing the time when this ordinance shall take effect.

WHEREAS, heretofore, to-wit: On the 26th day of January, 1894, the Board of Public Works of the City of Indianapolis, Indiana, deeming it necessary to improve Alabama street, in the City of Indianapolis, in Marion County, State of Indiana, from the northwest property line of Massachusetts avenue to the southwest property line of Ft. Wayne avenue, by grading and paving the roadway for a width of fifty (50) feet from curb to curb, excepting the area between the rails and tracks of the Citizens' Street-railroad Company, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake, in the island of Trinidad), or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections and at the north end and west side of the pavement above St. Clair street; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys between the above named points, adopted a resolution to that effect, known and designated as Improvement Resolution No. 16, 1894; and,

WHEREAS, Said Board caused the necessary specifications, profiles and drawings for said street improvement to be prepared and filed in their office, where they now are; and,

WHEREAS, Said Board caused notice to be duly given of said resolution, ordering the improvement of said street, by publication thereof in *The Sun*, a daily newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, State of Indiana, once each week for two consecutive weeks, namely: On the 27th day of January, 1894, and the 3d day of February, 1894; and,

WHEREAS, In the opinion of said Board, said street improvement is deemed necessary and the total cost thereof shall be apportioned all as provided for in "An act concerning the incorporation and government of cities having more than one hundred thousand population according to the United States census last preceding, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and in accordance with and pursuant to the provisions of all amendatory and supplemental acts thereto passed by the General Assembly of the State of Indiana; and,

WHEREAS, Said Board met, according to said published notice, to-wit: In its office, Room No. 5, basement Marion County Court House, Indianapolis, Indiana, at 10 o'clock A. M., on the 12th day of February, 1894, to receive or hear remonstrances from persons interested in or affected thereby, if any there should be, against the improvement of said street: and,

WHEREAS, At such meeting a remonstrance was duly filed with such Board by persons interested in or affected thereby, against the improvement of said street; and whereas, said Board, after duly considering such remonstrance, did, on the 14th day of February, 1894, take final action on said Improvement Resolution No. 16, 1894, after modifying the same and the specifications for such improvement, in such manner as to provide for the grading and paving the roadway to a width of fifty feet from curb to curb, excepting the area between the rails and tracks of the Citizens' Street-railroad Company, and to provide for the use of either standard Trinidad Pitch Lake asphalt, or asphalt equal or superior in quality thereto; and,

WHEREAS, Later, to-wit: On the 24th day of February, 1894, and within ten days after final action was taken by said Board on said Improvement Resolution, two-thirds of all the resident free-holders abutting on said Alabama street, along the line of said proposed street improvement, filed with said Board their written remonstrance against such improvement, which remonstrance has been made a part of the records in the office of said Board; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the improvement of the roadway of Alabama street, between the northwest property line of Massachusetts avenue and the southeast property line of Ft. Wayne avenue, in the City of Indianapolis, as more fully described in the preamble hereto and specifically shown by the profile and drawings now on file in the office of the Board of Public Works, as referred to therein, be and the same is hereby specifically ordered, and Improvement Resolution No. 16, 1894, of said Board, and all its other acts in relation thereto, be and the same are now hereby, in all things, approved, confirmed, adopted and specifically ordered.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Murphy:

G. O. No. 25, 1894. An ordinance to change the name of Ludlow Lane to Ludlow Avenue.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That pursuant to the authority vested by Section 23 of the Act approved March 6, 1891, commonly called the City Charter, that the name of Ludlow Lane, the same being the name of the street which begins at the intersection of Hill avenue and Hillside avenue, and extends northeast to Valley Drive, all in the City of Indianapolis, be and the same is hereby changed to Ludlow Avenue.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

MISCELLANEOUS BUSINESS.

Mr. Shaffer offered the following resolution:

Resolved, by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Safety be requested to have printed five hundred copies of G. O. No. 15, 1894 (Market ordinance) to be given to the Market Master for distribution among the marketers.

Which was read and adopted.

Mr. Young submitted the following petitions:

To the Honorable, the Common Council of the City of Indianapolis:

The petitioner herein respectfully represents that he is and was the owner of land lying in Marion county, Indiana, the same being a part of section thirty-six (36), township sixteen (16), range three (3), containing fourteen acres, bounded on the south by an alley, on the north by Home avenue, on the east by Central avenue, on the west by Alabama street.

That the same lies within the corporate limits of the City of Indianapolis, and that for the years 1887, 1888, 1889 and 1890 the same was not platted as city property, and not used for other than agricultural purposes or wholly unimproved, and that contrary to the provisions of Section 3261 of the Revised Statute of this State (1881) then in force, said land was during said several years, taxed for all purposes by said city at a higher percentage upon the appraised value thereof than the aggregate percentage of tax levy in Center township, said county and State, wherein said land lies, and that said taxes were paid by him; that said overpaid taxes, and the amounts not refunded, with interest thereon amount to the following sums: For the year 1887, to the sum of \$495.52; for the year 1888, to the sum of \$562.68; for the year 1889, to the sum of \$363.91; for the year 1890, to the sum of \$659.73, in all the sum of \$2,081.84, which sum includes interest on said several sums.

I respectfully request that said sum may be refunded to me in accordance with the provisions of Section 3157 R. S. 1881, empowering Common Councils to refund

taxes erroneously assessed and collected, and the decision of the Appellate Court of this State in case of Leonard vs. the City of Indianapolis.

Wherefore, I respectfully request that an ordinance be passed directing the proper officer to issue a warrant for the payment of said sum of \$2,081.84.

Respectfully submitted,

THOMAS A. MORRIS.

By FRANK H. BLACKLEDGE,
Attorney.

To the Honorable, the Common Council of the City of Indianapolis:

GENTLEMEN—The petitioner respectfully represents that he is and was the owner during the years below named, of the southwest corner of the northeast quarter (n. e. $\frac{1}{4}$) of Section 13, Township 15, Range 3 east, containing twenty-four acres, lying within the corporate limits of the City of Indianapolis; that for the years 1889 and 1890 city taxes were assessed against and erroneously collected from him in violation of the provisions of Section 3261 of the Revised Statutes (1881).

That there is due to him from the City of Indianapolis the following sums: For the year 1889, the sum of \$128.81; for the year 1890, the sum of \$149.38; in all, the sum of \$278.19.

Wherefore, your petitioner requests that the proper officer may be directed by authority of your body to issue to me a warrant for the payment of the sum of \$278.19 under authority vested in your body by Section 3157 R. S. 1881.

Respectfully submitted,

HENRY WEGHORST,

By F. H. BLACKLEDGE,
Attorney.

Which were referred to the Committee on Finance.

ORDINANCES ON SECOND READING.

On motion of Mr. Rauh, the following entitled ordinance was taken up and read the second time:

G. O. No. 21, 1894. An ordinance authorizing the issue and sale of three hundred refunding bonds of one thousand dollars each of the City of Indianapolis, in order to raise money to take up certain bonds bearing date July 1, 1874, known as "Series C," which will become due twenty years after said 1st day of July, 1874, aggregating three hundred thousand dollars; prescribing the time and manner of advertising the sale of said refunding bonds, and of the receipt of the bids for the same, together with the mode and terms of sale; also appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds, and providing the time and manner of payment of said outstanding bonds; and providing for the refunding of the indebtedness of said City of Indianapolis represented by said bonds known as "Series C," and matters connected therewith, and fixing the time when the same shall be in force and take effect.

On motion of Mr. Rauh, G. O. No. 21, 1894, was ordered engrossed, read third time, and passed by the following vote:

AYES 17—viz: Messrs. Colter, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Drew, the following entitled ordinance was called up for engrossment :

G. O. No. 11, 1894. An ordinance authorizing the sale and alienation of personal property belonging to the City of Indianapolis, and matters connected therewith, and fixing the time for the taking effect thereof.

Mr. Drew moved that G. O. No. 11, 1894, be engrossed.

Which motion was lost by a rising vote of 8 to 10.

Mr. Ryan moved that G. O. No. 11, 1894, be referred back to Special Committee on Public Property, for revision and further consideration.

Which motion was adopted.

On motion of Mr. Young, the following entitled ordinance was taken up, read second time, ordered engrossed, and then read the third time :

G. O. No. 14, 1894. An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at Palmer street and said company's tracks in the City of Indianapolis, Indiana.

And was passed by the following vote :

AYES 18—viz : Messrs. Colter, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Rauh, the Common Council, at 9 o'clock P. M., adjourned.

M. K. Cooper

President.

ATTEST :

Lee Ryan

City Clerk.