

# PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—JULY 29, 1878.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, July 29th, A. D. 1878, at eight o'clock, pursuant to adjournment.

**PRESENT**—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—23.

**ABSENT**—Councilmen Maus and O'Brien—2.

## REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Brown, submitted the following report; which was concurred in, and the several contracts were duly awarded, as therein recommended:

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Contracts, to which was referred certain proposals presented to Council on July 15th, 1878, have examined the same, and find them to be as follows, to-wit:

**FIRST.** For grading and graveling Railroad street and sidewalks, from Ohio street to North street—

John L. Hanna, 69 cents per lineal foot front on each side.  
R. P. Dunning, 57 cents per lineal foot front on each side.  
John Schier, 55 cents per lineal foot front on each side.  
Chas. S. Roney, 54 cents per lineal foot front on each side.  
John Greene, 53 cents per lineal foot front on each side.  
John Low, 49 cents per lineal foot front on each side.  
D. A. Haywood, 49 cents per lineal foot front on each side.  
Geo. Wm. Seibert, 47½ cents per lineal foot front on each side.  
Henry Clay, 47 cents per lineal foot front on each side.  
Jas. W. Hudson, 46 cents per lineal foot front on each side.  
J. J. McKnight & Co., 43½ cents per lineal front foot on each side.  
Fred Gansberg, 43 cents per lineal foot front on each side.

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

**SECOND.** For erecting lamp-posts, lamps, and fixtures (complete to burn gas, except service pipes) on West street, between Kentucky avenue and Georgia street—

Thos. H. S. Peck & Co., for the sum of \$16.45 each.

Thos. H. S. Peck & Co.'s bid being a very low one, we recommend that they be awarded the contract.

Respectfully submitted,

M. L. BROWN,  
M. H. McKAY,  
T. C. READING,

The contract and bond of Fred. Gansberg, for doing the work described in the first clause of preceding report, was now presented, and, on motion, said contract was concurred in and the annexed bond was duly approved.

#### COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor presented a claim from the Western Union Telegraph Company, in the sum of \$5.10, for dispatches sent on June 8th, 9th, and 27th, in the matter of the Gregg-will case.

On Councilman Marsee's motion, aforesaid claim was referred to the Committee on Accounts and Claims, and the City Clerk was instructed to charge the allowance to account of the "Gregg Bequest."

His Honor also presented the following communication; which was duly received:

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

of the City of Indianapolis:

*Gentlemen*.:—The Indianapolis Gas-Light and Coke Company has been served with a certified copy of a resolution passed by the Common Council on July 22d, instant, and by the Board of Aldermen on July 23d, instant, as follows:

"*Moved*, That the City Clerk be instructed to notify the gas company that unless they accept \$55,000 for two thousand hours, the gas company to light and extinguish the lamps, so as to give most light, that we will discontinue the use of gas on August 1st, 1878; payment to begin July 1st, 1878, and end June 30th, 1879, under the direction of schedule furnished by City Civil Engineer."

The case between the city and the gas company is about this: On July 22d, 1876, the contract then in force was, on the demand of the city, modified by a new contract of that date. This contract was ratified by the City Council, and, under its direction, was signed by the Mayor and City Clerk, attested by the corporate seal, and delivered to the gas company. There has never been any well grounded complaint of any failure on our part to keep *all* the terms of this contract. In it, important concessions were made to the city, which were accepted as entirely satisfactory to the city authorities.

In a little more than one year from that time, the city refused to perform that contract, and a resolution passed the Council, ordering out one thousand lamps. The Board of Aldermen refusing to concur, a conference was had, which resulted in the gas company voluntarily conceding a rebate of \$10,000 for that year, from the amount which the city was bound, by its contract, to pay.

At the beginning of this fiscal year, we are again met by a refusal on the part of the city to perform its contract. The company again consented to negotiate, and made several propositions, all of which involved important concessions to the city. We again offered to give a rebate of \$10,000 for the current year, from the contract price, or to furnish a less amount of gas, at prices stated. These negotiations have terminated in the resolution copied above.

We can not accept this ultimatum; the price offered is wholly inadequate for the amount of gas demanded.

In all of these differences and negotiations, the city has put its refusal to comply with the existing contract, not upon any fraud in its procurement or any breach upon our part in its execution, but upon the ground that the city was not, in law, bound by any contract it had or could make with us. We are advised that this is not the law; but if your legal adviser is right, it seems to us to be entirely futile to be writing and signing contracts. We must test this question with you in the Courts, if the present position of the city is maintained.

We might, perhaps, regard the resolution served upon us as a sufficient justification for leaving the city in darkness, after the day you have named (August 1st); but not desiring, if it can be avoided, to subject our citizens to the inconvenience and dangers of unlighted streets, we shall, unless prevented by you, continue to furnish gas to the street-lamps, and to light them under our contract, until you shall refuse to pay our bills according to the terms of the contract of July 22d, 1876.

If you adhere to your resolution, and refuse to pay our bills, we must go to the Courts for a decision of the question, whether cities have any power to contract. It is certain that the obligation of contracts must be mutual. If the city is not bound, the other contracting party is not. If the city has the right to recede from any contract for any public work, it must be that the contractor has the same right. It ought to be known what the law on this subject is in our State.

Indianapolis, July 29, 1878.

THE INDIANAPOLIS GAS-LIGHT AND COKE CO.,

By A. M. FLETCHER, President.

[SEAL.]

Attest: H. WELZEL, Sec'y.

Immediately after the reading of preceding communication, Councilman McKay offered the following resolution:

WHEREAS, By the Act of the Legislature of 1877, the revenue of the City of Indianapolis was limited to a levy of ninety cents upon the one hundred dollars for general city purposes, and the decline in valuations of property has largely reduced the amount of taxables upon the city tax-duplicate, and thereby greatly reduced the amount of the revenue of the city for the present fiscal year;

AND WHEREAS, It is impossible to carry on the city government, and keep the expenses of the same within the amount of revenue received, and light the streets and alleys with gas in the manner and in the same way that the same have been lighted during the fiscal year last past;

AND WHEREAS, It has been impossible to make any arrangement with the Indianapolis Gas-Light and Coke Company, by which the same could be satisfactorily lighted for the present year for the amount of money that the city can spend for that purpose: Therefore, be it

*Resolved by the Common Council and Board of Aldermen,* That it is for the best interest of the city that the lighting of the streets and alleys with gas be discontinued from and after August 1st, 1878; and the Common Council and Board of Aldermen hereby order the lighting of the streets and alleys with gas to be discontinued from and after August 1st, 1878; and the Civil Engineer is hereby directed to notify the Indianapolis Gas-Light and Coke Company of the passage of this resolution, and that the city will not pay for any gas consumed in the lighting of the streets and alleys, nor for the lighting, extinguishing, cleaning, or repairing of any street lamps, after the fifteenth day of August, 1878; and the City Civil Engineer is hereby instructed to take the necessary steps to prevent the lighting of any lamps in any of the streets or alleys of the city after said date; and he is also instructed to carefully remove the tips or burners on said lamps, and seal the same so that no gas can escape.

*Be it further Resolved,* That the Committees on Gas-Light of the Common Council and Board of Aldermen be and are hereby, directed, to investigate and report what will be the expense of lighting the streets with oil lamps, or by any other mode than gas.

Councilman Tucker offered the following as a substitute for preceding resolution :

WHEREAS, By reason of the limited revenue of the city, it is impossible to continue the lighting of all the street lamps of the city during the present fiscal year; Therefore, be it

Resolved by the Common Council and Board of Aldermen, That the interests of the city demand that the lighting of twelve hundred of the city lamps be discontinued from and after the first day of August, 1878; and that the Common Council and Board of Aldermen hereby order that the lighting of twelve hundred lamps be discontinued from and after the first day of August, 1878—said twelve hundred lamps to be such as are selected and designated by the Committees on Gas-Light of the Council and Board of Aldermen; and said committees are hereby directed to select and designate said lamps to the City Engineer, who is hereby directed to notify the Indianapolis Gas-Light and Coke Company of the passage of this resolution, and also of the location of the said twelve hundred lamps so selected and designated by said committees, and that the city will not pay for the gas, or the lighting, extinguishing, or repairing of said twelve hundred lamps, from and after said first of August, 1878; and the City Civil Engineer is also directed to remove the tips or burners from said twelve hundred lamps, and to carefully seal the same, to prevent the escape of gas.

On Councilman Marsee's motion, Councilman Tucker's resolution was laid on the table by the following vote :

NAYS, 17—viz.: Councilmen Anderson, Bermann, Bruner, Cummings, Dill, Marsee, Morris, Morse, McGinty, McKay, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, and Wiese.

AYES, 6—viz.: Councilmen Brown, Layman, Reading, Tucker, Walker, and Wright.

On Councilman Marsee's motion, the resolution offered by Councilman McKay was then adopted by the following vote :

AYES, 18—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Morris, McKay, Off, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, and Wiese.

NAYS, 5—viz.: Councilmen Morse, McGinty, Reading, Walker, and Wright.

#### REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was duly approved:

To the Mayor and Common Council:—

*Gentlemen*:—I herewith report a second and final estimate in behalf of James Parker, for placing in position, on the stone abutments already erected on the canal at the crossing of Vermont street, that portion of the Delaware street viaduct set apart for that purpose—

Contract price.....	\$ 537 00
Extra iron work, as per Engineer's estimate.....	20 40
	<hr/>
	\$ 557 40
Less former estimate.....	300 00
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Present estimate.....	\$ 257 40

—Also, in compliance with your instructions, I herewith report a corrected first and final estimate in behalf of Sam'l W. Patterson, for grading and graveling Patterson street and sidewalks, from North street to Elizabeth street—

960 lineal feet, at 70 cents.....	\$672 00
Former estimate.....	672 00

This estimate was ordered corrected, because of wrong description on piece of property on line of improvement.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read :

*Resolved, by the Common Council and Board of Aldermen, That the foregoing corrected first and final estimate, allowed Samuel W. Patterson, for grading and graveling Patterson street and sidewalks, from North street to Elizabeth 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 was adopted by the following vote :

**AYES, 23**—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS**—None.

The Chief Fire Engineer submitted the following report and statement; which were duly received:

*Indianapolis, July 29, 1878.*

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

*Gentlemen* :—In compliance with your request, I have, as carefully as possible, estimated the expense of keeping in repair and running three of the fire engines, and would report that the cost of the same to the city, is two thousand four hundred dollars (\$2,400) each; making for the three, seven thousand two hundred dollars (\$7,200).

All of which is respectfully submitted.

J. G. PENDERGAST.

Salary of engineer.....	\$ 750 00
Salary of stoker.....	638 75
Salary of driver.....	638 75
Coal.....	30 00
Kindling.....	10 00
Repairs on harness.....	25 00
Shoeing.....	20 00
Cleaning material.....	5 00
Whips.....	2 50
Repairs on engine.....	50 00
Bedding for horses.....	15 00
Feed.....	200 00
Machine oil.....	10 00
Coal oil.....	2 00
Cotton waste, 50 lbs.....	5 00

\$2,402 00

## REPORTS, ETC., FROM OFFICIAL BOARDS.

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

Deaths registered during the two weeks ending July 27th, 1878:

Under 1 year.....	30
1 to 2 years.....	12
2 to 3 ".....	0
3 to 4 ".....	0
4 to 5 ".....	0
5 to 10 ".....	0
10 to 20 ".....	5
20 to 30 ".....	7
30 to 40 ".....	3
40 to 50 ".....	0
50 to 60 ".....	6
60 to 70 ".....	1
70 to 80 ".....	1
80 to 90 ".....	0
90 " 100 ".....	0
Above 100 ".....	1
Unknown.....	5
Total.....	71

HENRY JAMESON, M. D., President.

JOSEPH W. MARSEE, M. D.

WILLIAM WANDS, M. D., Secretary.

The Fire Board, through Councilman Layman, presented the following report and approved bid; and said report was duly concurred in, contract awarded as recommended, and the appended proposal was referred to the City Attorney, with instructions to prepare a contract and bond in keeping with the bid:

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

*Gentlemen:*—In accordance with the motion passed by the Board of Aldermen and Common Council on June 17th and 18th, 1878, directing the Fire Board to advertise for proposals for three thousand (3,000) feet of hose, for the use of the Fire Department, we would report the following result of the discharge of that duty:

## PROPOSALS FOR HOSE.

OFFICE OF CITY CLERK, }  
Indianapolis, Ind., June 29, 1878. }

Notice is hereby given that sealed proposals will be received at the office of the Chief Fire Engineer up to the 25th day of July, 1878, at 2 p. m., for the purchase of three thousand feet of hose for the use of the Fire Department of Indianapolis.

Persons submitting proposals will bid on the best manufacture of four-ply hose, with five-ply and capped ends, the fifth ply running back five feet from the ends; the hose to stand at least four hundred pounds pressure to the square inch; the

hose to be warranted for three years from date of purchase from giving out or failing on account of and defect in manufacture, or from becoming affected with mildew or rot.

Said bids to be accompanied by samples not less than six inches in length.

The Fire Board reserves the right to reject any or all bids that may be presented. No hose will be accepted unless approved by the Fire Board.

By order of the Common Council and Board of Aldermen :

BENJ. C. WRIGHT, City Clerk.

According to the above advertisement, we received bids as follows :

1. *New York Belting and Packing Company's Antiseptic Test-Hose.*—Mooney, Taylor & Smith propose to furnish an extra quality of Antiseptic Test-Hose, to be delivered free of expense for freight and drayage to the city, at ninety (90) cents per foot, net cash.

The hose will have an internal diameter of two and one-half inches, and will be made with four-ply of the best grade of cotton duck, with a fifth ply running back five feet from the end. The ends of each section to be capped.

2. *Boston Belting Company's Star-Hose.*—Vajen, New & Co. propose to furnish three thousand (3,000) feet of hose, two and one-half (2 1/2) inches in diameter, four ply and five ply with capped ends, the fifth ply extending back five feet from the ends, at eighty-eight and one-half (88 1/2) cents per foot.

3. *Gutta Percha and Rubber Manufacturing Company, of New York City,* propose to furnish three thousand (3,000) feet of Patent Carbolized Fire-Engine Hose, two and one-half inches internal diameter, four-ply, with five-ply and capped ends, at ninety (90) cents per foot.

4. *Hamilton Rubber Co., of Trenton, N. J.,* propose to furnish three thousand (3,000) feet of fire-engine hose, two and one-half inches internal diameter, four ply, with five-ply and capped ends, the fifth ply running back five feet from the ends, at eighty-three (83) cents per foot. The hose to be delivered to Indianapolis, free of charge for freight and drayage.

5. *Rubber and Leather Belting and Hose.*—Hallock, Holmes & Co., Chicago, Ill., propose to furnish three thousand (3,000) feet of the Seamless Cotton Rubber-Lined Fire Hose, known as the "Eureka" Hose, at ninety (90) cents per foot.

6. *Star Rubber Co., Trenton, N. J.,* propose to furnish three thousand (3,000) feet of four-ply, with five-ply capped-ends hose, of the best quality, workmanship, and stock, at ninety (90) cents per foot.

7. *New Jersey Car Spring and Rubber Co., Jersey City, N. J.,* propose to furnish three thousand (3,000) feet (more or less) of the best made Diamond Steam Fire-Engine Hose, two and one-half inches in diameter, four ply with five ply, the fifth ply running back five feet from the ends, at ninety (90) cents per foot.

After a careful examination of each sample presented, with its proposition, by first separating the outer cover of rubber from the duck, and then removing the duck, one layer at a time, and carefully comparing the materials of the different brands as to their strength, workmanship, and quality, and after due consideration, we believe that the interest of the citizens would be best subserved by the purchase of the "Test Hose," manufactured by the New York Belting and Packing Company, at ninety cents per foot. We would recommend the purchase of 2,500 feet of hose, in accordance with the proposition of said company.

For further particulars we refer you to the annexed proposition from Messrs. Mooney, Taylor & Smith.

Respectfully submitted,

R. S. FOSTER,  
JAMES T. LAYMAN,  
W. H. TUCKER,  
Fire Board.

Indianapolis, July 25, 1878.

To the Chief Fire Engineer and Fire Board of the City of Indianapolis:

*Gentlemen*.:—We hereby propose to furnish, for use of the Fire Department of the City of Indianapolis, three thousand feet of the New York Belting and Packing Company's extra quality Antiseptic Test-Hose, to be delivered, free of expense for freight and drayage to the city, at ninety cents per foot, net cash.

Every section of hose we offer, will be two and one-half inches inside diameter, made with four ply of best grade of cotton duck, thoroughly carbolized to prevent mildew and rot, and at the ends of each section there shall be a fifth ply, running back five feet from the end. The ends of each section to be capped.

Every section of the hose we offer is guaranteed to stand a pressure of four hundred pounds to the square inch; and we will furnish a satisfactory guarantee for three years from date of purchase against failure of the said Test-Hose, on account of any defect in the manufacture, or from mildew or rot.

We are prepared to furnish the hose, should the contract be awarded us, without any unusual delay.

Very respectfully,  
MOONEY, TAYLOR & SMITH.

Sample accompanies bid.

The Board of Public Improvements, through President McKay, submitted the following report; which was read and considered by clauses:

To the Mayor and Common Council:

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

1st. Is a motion directing the Street Commissioner to clean the gutter on the south side of Michigan street, from East street to Railroad street.

We recommend the work be done.

2d. Is a motion directing the City Civil Engineer to change the grade of the alley running east and west, from Virginia avenue to East street, between Dougherty and Coburn streets.

We have examined said alley, and are of the opinion that the proper way to fix the grade is to improve the alley; and we herewith introduce ordinance for same.

3d. Is a motion directing the Street Commissioner to repair the catch-basin in the alley on the west side of Virginia avenue, being the first alley north of Stevens street.

We find that the trouble at this point exists in the sewer, and recommend the Street Commissioner attend to the same at once.

4th. Is a motion directing the Street Commissioner to repair the sidewalk, with gravel, on the north side of Coburn street, at the intersection of the second alley east of East street.

We regard this as a very useless motion; and if such trivial matters are to occupy the attention of this Council, important matters will suffer. There are no repairs worthy of notice needed at this point, and we recommend the work be not done.

5th. Is a motion directing the Street Commissioner to clean the gutters of Bradshaw street, between Virginia avenue and Sullivan street.

We find said gutters are filled with grass and weeds, and recommend they be cleaned.

6th. Is a motion directing the Street Commissioner to lay cement pipes on the north and south sides of McCarty street, between Beaty street and the first alley east.

We see no necessity for this work, and recommend it be not done.

7th. Is a motion directing the Street Commissioner to fill the pond of water in McKernan street, between Coburn street and the first alley south.

It is impossible to drain this pond, and we see no way to abate the nuisance, except by properly improving the street; and we herewith submit an ordinance for the same.

8th. Is a motion directing the Street Commissioner to fill the ponds and mud-holes in the first alley west of Wright street, between Buchanan and Coburn streets.

This alley never having been improved, we recommend it be done; and herewith introduce an ordinance for the same.

9th. Is a motion directing the Street Commissioner to clean the gutters of Eddy street, from Garden street to Merrill street.

We find these gutters in need of attention, and as the distance is but two squares, we recommend the work be done.

10th. Is a motion directing the Street Commissioner to clean the street and gutters, and fill the chuck-holes, of Maryland street, from Illinois street to Tennessee street.

This street is almost worn out, and should be improved; but to re-gravel it would be an unnecessary and useless expense of money. We would recommend, however, that the gutters be cleaned.

11th. Is a motion directing the Street Commissioner to clean the gutters of West street, from Maryland street to Georgia street.

We would recommend this work be done.

12th. Is a motion directing the Street Commissioner to have the gutter in front of 325 to 337 N. Illinois street fixed, so the water will not stand in the same.

We would recommend this work be done.

13th. Is a motion directing the Street Commissioner to clean the gutters of Broadway and Plum streets, between St. Clair street and Christian avenue,

We recommend this work be done.

14th. Is a motion directing the Street Commissioner to clean the gutters of Archer street.

We recommend that this work be not done.

15th. Is a motion instructing the Street Commissioner to clean the gutters of Shelby and Olive streets.

Shelby street is not an improved street, and we recommend the work contemplated in the motion be confined to Olive street gutters.

16th. Is a motion directing the Street Commissioner to fill the pond in Spruce street, near Woodlawn avenue.

We are of the opinion that this street should be improved; and we herewith present an ordinance for said improvement.

17th. Is a motion directing the Street Commissioner to clean the gutters of Indiana avenue, from California street to Fall Creek.

This work is necessary, and we recommend it be done.

18th. Is a motion directing the Street Commissioner to repair, by filling up the hollows and holes, with broken limestone or screened creek gravel, Washington street, between Noble and State streets.

This is one of the best streets in the city, and as the repair will cost but a trifle, we recommend the work be done.

19th. Is a motion directing the Street Commissioner to fill, with gravel, the chuck-holes in W. Washington street, from California street to the crossing of the Belt Railroad.

We have examined this portion of Washington street, and would recommend the repairs contemplated be confined to that part of said street lying between California street and the east entrance of White River bridge.

20th. Is a motion directing the Street Commissioner to clean the gutters of Michigan street, between Illinois street and the canal.

We would recommend this work be done.

21st. Is a motion instructing the City Marshal to notify the I., P. & C., and C., C., C & I. Railroad Companies to open the gutters under their tracks on each side of Davidson street, between Market and Ohio streets.

We would report that the Board of Public Improvements have served proper notice on the companies aforesaid, in reference to the gutters named in the motion.

22d. Is a motion directing the Street Commissioner to lay a cement pipe in the gutter at the intersection of Kansas and Meridian streets, and haul gravel over the same.

The use of cement pipes, in cases of this kind, has proven a failure, and is likely to in this instance, and, in view of this, we would recommend the repairs desired be made with rolling-mill cinders.

23d. Is a motion instructing the Street Commissioner to repair N. Meridian street, from New York street to North Street, by substituting a sound block for a rotten one, wherever found.

We have made careful examination of this part of Meridian street, but do not feel warranted in recommending its repair for the distance specified in the motion, as it is impossible to even approximate the cost of such work. We would recommend, however, that the street be repaired in the manner indicated, from New York street to Vermont street, and an accurate account kept of the cost, which will enable us to estimate pretty closely the expense of repairs of this character.

Respectfully submitted,

M. H. McKAY,  
JOHN L. MARSEE,  
H. COBURN,

Board of Public Improvements.

Clauses 1, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, and 23 were severally concurred in, and clauses 2, 7, 8, 16, and 21 were duly received.

The following entitled ordinances were then introduced, and severally read the first time :

- S. O. 38, 1878—An Ordinance to provide for improving the alley running from Virginia avenue to East street, by grading and graveling.
- S. O. 39, 1878—An Ordinance to provide for improving the first alley west of Wright street, from Buchanan street to Coburn street, by grading and graveling.
- S. O. 40, 1878—An Ordinance to provide for improving McKernan street and sidewalks, from Coburn street to the first alley south of Coburn street, by grading and graveling.
- S. O. 41, 1878—An Ordinance to provide for improving Spruce street and sidewalks, from Prospect street to Lexington avenue, by grading and graveling.

#### REPORTS FROM STANDING COMMITTEES.

The Committee on Gas-Light, through Councilman Cummings, submitted the following report; which was duly concurred in :

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Gas-Light, to whom was referred Councilman Marsee's motion, directing the committee to estimate the cost of coal-oil lamps for engine and station houses, would report that about sixty (60) lamps will be required, the cost of which will be \$2.50 each.

We recommend that Fire Department Headquarters be first lighted with coal-oil lamps, and if the result is satisfactory, then to introduce them into the other houses.

M. M. CUMMINGS,  
WM. H. TUCKER.

The Judiciary Committee and City Attorney, through Councilman McKay, presented the following report; which was read, considered, and concurred in by clauses:

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

*Gentlemen:*—Your Committee on Judiciary, together with the City Attorney, to whom was referred sundry papers, petitions, and communications, make the following report thereon:

*First.* Is a petition of J. H. Vajen, to have refunded \$74.10, paid as taxes on farm lands within the City of Indianapolis; said claim made, and its justice claimed, under Special Act of the Legislature of 1877, approved March 13th, 1877, which is as follows:

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That lands not platted as city or town property, used solely for agricultural purposes, or are wholly unimproved and lying within the limits of any city or town of this State, when such lands have not been in any way dedicated for corporation purposes, shall not be listed or taxed for general city or town purposes, to any greater percentage on the appraised value than lands in the township outside of the corporation are taxed for township purposes."

Attached to the petition is a certificate of the City Treasurer stating that the petitioner paid, on the 15th day of April, 1878, \$145.60 on two parcels of land, one containing 40 acres north of the road in the e.  $\frac{1}{2}$  of the s. e.  $\frac{1}{4}$  of sec. 34, town 16, range 3, valued at \$7,500; and 32 and 41 100 acres, same section, valued at \$5,500, making a total valuation of \$13,000; and the petitioner paid on that amount at the rate of \$1 12-100 on each \$100, when he should have paid, in accordance with the law, but 55 cents on each \$100, as that is the percentage on the appraised value of similar lands for township purposes. The difference between the amount paid at \$1 12-100 rate and at the 55 cents rate is \$74 10, the amount claimed by the petitioner; and in view of the law and the facts, we think the demand to refund \$74.10 reasonable and just, and recommend that the prayer of the petitioner be granted.

*Second.* Is a petition of Thos. Brooker, to have money refunded to the amount of \$30.91, with interest at six per cent. per annum from February 25th, 1875. The petitioner represents that he paid to the City Treasurer \$30.91 for certificate No. 5402, for the city taxes of 1873 and 1874 on 100 feet west end of lot 7, square 23, Drake's Addition to the City of Indianapolis, listed and sold in the name of William Gossman, at city tax sale February 25th, 1875.

The tax duplicate for the year 1874 shows the whole of lot 7, square 23, Drake's Addition, listed in the name of Francis A. Jean, and the tax on the whole of lot 7, square 23, for the year 1874, paid by said Jean June 4th, 1875; which makes the tax sale erroneous and void as to the petitioner—also leaving the taxes for the year 1873 unpaid, except by the erroneous tax sale.

The 100 feet west end lot 7, square 23, as above, was transferred by one Miller to William Gossman November 14th, 1872, and from Gossman back to Miller May 13th, 1873, and from Miller to Francis A. Jean May 14th, 1873. Wm. Gossman held the property on the 1st day of April, 1873, making him liable by law for the

taxes of that year; but the fact that Miller and Jean both becoming possessed of the property so soon thereafter, would warrant the supposition that some contract with regard to taxes for the year 1873 exists, not shown of record.

In this view of the case, we recommend that the City Clerk be instructed to charge up to the present holder of lot 7, square 23, Drake's Addition to the City of Indianapolis, the current tax on 100 feet west end of said lot for the year 1873, interest added, penalty not to be taxed up. We also recommend that the sum of \$30.91, interest added, be refunded to the petitioner.

*Third.* Is a petition of T. A. Goodwin, to have money refunded to the amount of \$29.92, claiming that amount to have been paid on erroneous tax sale made by the City Treasurer February 15th, 1877. The petitioner makes his claim on the following statement: That the north half of lot 73, in Ingram Fletcher's Addition to the City of Indianapolis, listed in the name of Noah A. Walker and wife, was sold by the City Treasurer February 15th, 1877, for the taxes of 1876 on the real estate, and for the personal of Noah A. Walker for the year 1875, which personal was included in the amount sold for, and which was erroneous.

Upon investigation, we find that no personal tax was listed for 1875 or 1876 on the above described real estate, and think the sale good. We therefore recommend that the prayer of the petitioner be not granted.

*Fourth.* We recommend that the Committee on Accounts and Claims be directed to include in the next general appropriation ordinance all the claims allowed in this report.

Very respectfully submitted,

M. H. MCKAY,  
JOHN L. MARSEE,  
JOHN L. F. STEEG,  
Judiciary Committee.  
R. O. HAWKINS, City Attorney.

The Council and Aldermanic Committees on Markets submitted the following report:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Markets, in conjunction with the Aldermanic Committee on Markets and the select committee of this body, to whom were referred sundry petitions, motions, and amendments to General Ordinances 20 and 21, 1878, met at the office of the City Clerk, on the evenings of the 17th and 20th instant, and do now recommend the adoption of the following amendments, as the results of our conference:

AMENDMENTS TO GENERAL ORDINANCE 20, 1878.

Strike out the word "city" before the word "markets" and the word "only" after said word "markets," in third line of clause defining "curbstone stands," under section one; and add, at end of said clause the following phrase: "And dealers in goods of a miscellaneous character may, also, be assigned to such stands by the Market Master or person in charge of such market."

Amend the fifth clause under section two (2), so that it will read as follows:

- Stalls, at the rate of 50 cents, each, per half year..... \$ \_\_\_\_\_
- Benches, at the rate of 25 cents, each, per half year ..... \_\_\_\_\_
- Stands, at the rate of 25 cents, each, per half year..... \_\_\_\_\_

Total license-tax to be paid, ..... \$ \_\_\_\_\_"

Strike out "fifty cents" in last line of section three (3), and insert "twenty-five cents."

Strike out "fifty cents" in last line of section fourteen (14), and insert "twenty-five cents."

Add to end of section nineteen (19) the following: "Unless he shall present to the Market-Master a written permit from the lessee, obtain the consent of and pay

said officer the market-fee of twenty-five cents in advance for occupying such stalls, or fifteen cents for a leased stand.

Amend section thirty-five (35), by striking out "three months" in the fifth line, and insert, in lieu thereof, the words "six months." Insert after the words "scale beam," in first line of first paragraph under aforesaid section, the words "single or double." Strike out the words "twenty-five cents (25c)," at end of third paragraph, and insert "fifteen cents (15c)." Strike out "fifteen cents (15c); or fifty cents (50c)" from sixth paragraph, and insert "ten cents (10c); or twenty-five cents (25c)." Add after sixth paragraph the following new provision: "Said City Market-Master shall, also, from time to time, inspect and seal any and all new scales, weights, and measures which may be brought to his market, for use therein, by any marketer who has already paid the semi-annual inspection and sealing fee; but said Market-Master shall not be paid for such inspection and sealing, if such new scales, weights, or measures shall be found correct and not needing adjustment."

Insert, after "this city," in third line of section thirty-seven (37), the words "except refreshment stands." Add, at end of same section, "All curbstone stands must be taken away."

#### AMENDMENTS TO GENERAL ORDINANCE 21, 1878.

Insert in sixth line of section fourteen (14), after the words "any article," the phrase "except fresh meats."

Strike out from second line of section twenty-five (25), the phrase "within six hundred feet of," and insert, in lieu thereof, the word "at."

Change the first and second lines of section fifty-one (51), so as to read as follows: "Sec. 51. Every person who shall retail, or offer to so sell"; and insert the word "milk," after the word "vegetables," in the third line of said section.

Add a new section fifty-two, as follows: "Sec. 52. It shall be unlawful for any person to go in, along, or upon the streets, alleys, or sidewalks of this city, in vehicles or otherwise, for the purpose of purchasing, trading, or bartering for rags, paper-stock, metals, or any other commodity whatsoever, without first obtaining a huckster's license therefor."

Strike out the words "one dollar" from the last two lines of the present section fifty-two (52), and insert "twenty-five cents."

Change the numbering of section fifty-two (52), *et seq.*, to section fifty-three (53), *et seq.*

Respectfully submitted,

OMER RODIBAUGH,  
GEORGE ANDERSON,  
J. M. BRUNER.

Council Committee.

H. COBURN,  
D. W. GRUBBS,  
W. F. PIEL,  
Aldermanic Committee.

SEC. 1. The first proposed amendment was adopted by a *viva voce* vote.

The second proposed amendment was adopted by the following "aye and nay" vote:

AYES, 19—viz.: Councilmen Bermann, Bruner, Cummings, Dill, Layman, Marsee, Morse, McGinty, McKay, Off, Reading, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS, 4—viz.: Councilmen Anderson, Brown, Morris, and Rodibaugh.

SEC. 2. Councilman Steeg moved to make the license-tax on stalls twenty-five cents (25c) per quarter year.

Councilman Cummings offered the following amendments; which were adopted:

- Stalls, at the rate of \$0.50 each, for six months. \_\_\_\_\_ \$—
- Benches, at the rate of \$0.25 each, for six months. \_\_\_\_\_
- Stands, at the rate of \$0.25 each, for six months. \_\_\_\_\_

SEC. 11. On Councilman Tucker's motion, this section was stricken out.

SEC. 14. Proposed amendment was adopted.

SEC. 19. Proposed amendment was adopted.

SEC. 35. First two proposed amendments were adopted.

On Councilman Reasner's motion, the fee proposed in third amendment to this section was reduced to ten cents (10c).

The fourth and fifth proposed amendments were adopted.

SEC. 37. Both proposed amendments were adopted.

The reading of the report of the (joint) committees was here suspended, and the following entitled ordinances were introduced by Councilman Cummings, for the select committee appointed at last session of the Common Council, and read the first time;

G. O. 36, 1878—An Ordinance to amend an ordinance entitled "An Ordinance prescribing General Regulations for the Public Markets of the City of Indianapolis; providing for the establishment of Licensed Markets; and defining the General Powers, Functions, and Duties of City Market-Masters (ordained and established June 25, 1878)."

G. O. 37, 1878—An Ordinance to amend the ordinance entitled "An ordinance establishing certain Rules and Regulations for the Government of the Public Markets of the City of Indianapolis; prescribing Restrictions upon Sales of sundry Articles of Food in other portions of said city; and imposing Fines and Punishments for violations thereof (ordained and established July 2, 1878)."

Councilman Steeg moved to suspend further action on General Ordinances 36 and 37, and to publish said ordinances in "The Southside"; which motion was defeated by the following "aye and nay" vote:

AYES, 3—viz.: Councilmen Bermann, McGinty, and Steeg.

NAYS, 19—viz.: Councilmen Anderson, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Tucker, Walker, Wiese, and Wright.

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

G. O. 38, 1878—An Ordinance repealing an ordinance entitled "An Ordinance prescribing General Regulations for the Public Markets of the City of Indianapolis; providing for the establishment of Licensed Markets; and defining the General Powers, Functions, and Duties of City Market-Masters."

And Councilman Rodibaugh introduced the following entitled ordinance; which was also read the first time:

G. O. 39, 1878—An Ordinance repealing an ordinance entitled "An Ordinance establishing certain Rules and Regulations for the Government of the Public Markets of the City of Indianapolis; prescribing Restrictions upon Sales of sundry Articles of Food in other portions of said city; and imposing Fines and Punishments for violations thereof."

On Councilman Cummings's motion, General Ordinances 38 and 39 were "laid on the table" by the following vote:

AYES, 14—viz.: Councilmen Bermann, Brown, Cummings, Dill, Layman, Morris, McGinty, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS, 8—viz.: Councilmen Anderson, Bruner, Morse, McKay, O'Brien, Reading, Rodibaugh, and Wright.

On Councilman Cummings's motion, the rules were suspended, for the purpose of now reading General Ordinances 36 and 37 the second and third times, and placing them on their passage, by the following vote:

AYES, 17—viz.: Councilmen Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Sindlinger, Tucker, Walker, and Wiese.

NAYS, 5—viz.: Councilmen Anderson, Bermann, Showalter, Steeg, and Wright.

The amendments proposed in aforesaid two ordinances were severally assented to.

On Councilman Wright's motion, further action was now suspended, and the report of the Council and Aldermanic Committees on Markets and General Ordinances 36 and 37 were ordered to be referred to the Committee on Revision of Ordinances and the City Attorney, with instructions to codify General Ordinances 20 and 21 into one ordinance, said codified ordinance to be amended in conformity with the proceedings had this evening.

Councilman Brown moved that the Common Council do now adjourn; which motion failed of adoption.

The Committee on Parks, through Councilman Tucker, submitted the following report; and the amendment, therein contained, was duly concurred in:

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

*Gentlemen*.—Your Committees on Parks, to whom was referred General Ordinance 32, 1878, would most respectfully offer the following amendment, and then recommend the passage of said ordinance:

That section 20 be amended so as to read,—

SEC. 20. The Committees on Parks are hereby authorized to nominate a suitable person to the Police Board for police powers, for each of the parks where a park policeman shall be authorized by the Common Council and Board of Aldermen.

Most respectfully submitted,

W. H. TUCKER,  
I. C. WALKER,  
Council Committee.  
R. S. FOSTER,  
W. H. SNIDER,  
Aldermanic Committee.

The Committee on Public Buildings, through Councilman Anderson, submitted the following report; which, on motion, was referred back to said committee, with power to act:

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Public Buildings find the house No. 23 W. Ohio street, belonging to the Tomlinson Estate, in need of the following repairs: One sink, four rooms to paper, three rooms to paint, roof, floor, and other repairs.

GEORGE ANDERSON,  
Of Committee on Public Buildings.

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

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Streets and Alleys, to whom was referred a motion, offered by Councilman Bruner—"That the names of "Charles," "Winston," and "Cady" streets be changed to that of "Pine street," etc., would report in favor of this change, for the following reasons: There are only two slight jogs in the entire lines of these streets, from the northern terminus of Charles street, at Massachusetts avenue, to the southern terminus of Pine street, at Virginia avenue; and a large majority of the property owners on Charles, Winston, and Cady streets are in favor of the change of name, as shown by their filed petition, submitted to the last preceding Council.

Respectfully,

S. MORRIS,  
MARTIN MCGINTY,  
C. H. O'BRIEN,  
Committee on Streets and Alleys.

#### MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was duly received:

To the Mayor and Common Council:

*Gentlemen*:—At a regular session of the Board of Aldermen, held on Tuesday evening, July 16th, 1878, said body, upon the recommendation of its Committee on Railroads, amended G. O. 29, 1878, entitled "An Ordinance granting the Board of State House Commissioners the right to build and construct a Railroad Switch in and upon certain streets and alleys of the City of Indianapolis," by inserting the following clause after the words "centre of said grounds," in the first section, viz.: "And thence along the alley running north from Ohio street through the centre of said block, and for a distance of two hundred feet, provided that the written con-

sent of the owners of the property bordering on said alley shall be first had and obtained." The ordinance, as amended, was then duly passed.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

And the amendment set forth in the preceding message was concurred in by the following vote :

**AYES, 22**—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS**—None.

The following message was also duly received :

To the Mayor and Common Council :

*Gentlemen* :—I herewith transmit certain papers, favorably acted upon, by the Board of Aldermen, at their meetings, held July 16th and 23d, 1878.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

Petition from George W. McCurdy, for license to sell by auction, at No. 75 S. Illinois street [see page 237, *ante*], was read ; and the action of the Board of Aldermen, in granting the prayer of such petition, was duly concurred in.

The following Aldermanic motions were read and severally adopted :

*Moved*, That the Railroad Companies, whose roads run into or through the city, be requested to erect and maintain railroad safety-gates at the crossing of all streets in the city where they now maintain flagmen ; and that the Committees on Railroads be instructed to confer with such railroad officials in that behalf.

*Moved*, That the Fire Board and Police Board be requested to inquire into the feasibility of lighting all engine houses, station houses, and other places that are now supplied with gas by meter measure, with coal oil ; the comparative cost, and all other matters touching the interests of the city in that behalf ; and report the same to the next meeting of the Council and Board of Aldermen.

*Moved*, That the Street Commissioner be instructed to notify the property owners on the south side of Washington street, between Noble and East streets, to repair or renew the cellar doors and sidewalk where the same is out of repair ; and upon their failure to do so for a period of ten days, that he commence proceedings against such persons in the Mayor's Court.

The following Aldermanic motion was then read :

*Moved*, That, with a view of greatly economizing the use of gas in the city offices, the Committee on Gas-Light be instructed to procure at least two argand burners—one for the City Clerk's office and one for the Treasurer's office—with the proper connections, which may obviate the necessity of lighting an entire chandelier for night work by such officers, or for committee work.

And was adopted by the following vote :

**AYES, 20—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS, 2—viz.:** Councilmen Cummings and Dill.

The following message was also received ; but, on Councilman Wright's motion, the reading of same was suspended, and action postponed until next session of the Common Council :

To the Mayor and Common Council :

*Gentlemen:*—At an adjourned session of the Board of Aldermen, held Tuesday evening, July 23d, 1878, General Ordinance 13, 1878, entitled "An Ordinance relative to the Streets, Alleys, Sidewalks, and Public Places of the City of Indianapolis ; restraining the making of Excavations therein or in lands adjacent thereto ; prohibiting the placing of unauthorized Obstructions in or upon the same ; securing the Public in the free and safe use thereof ; revising and re-enacting Ordinance-Provisions now in force ; and prescribing Penalties for violations of its Regulations and Requirements," was passed, after being amended as set forth below :

**SEC. 17.** Amended by striking out the word "eight," and inserting, in lieu thereof, the word "four," in the fifth line of said section.

**SEC. 21.** Amended by striking out the words "twenty-four hours," and inserting, in lieu thereof, the words "three days," in the sixth line of said section.

**SEC. 27.** Amended by striking out the word "display" from the second line, and the words "or otherwise," "or depositing," from the third line of said section.

**SEC. 28, clause 3.** Amended by striking out the words "one hour," and inserting, in lieu thereof, the words "six hours," in the third line of said clause.

**SEC. 28, clause 7.** Amended by striking out all of said seventh clause.

**SEC. 55.** Amended by striking out the words, "or upon any other business thoroughfare, or before any premises used for mercantile purposes."

**SEC. 56.** Amended by inserting the words "for a longer time than two hours," after the word "markets," in the second line of said section.

**SEC. 63.** Amended by striking out the words "nor shall there be any sprinkling-orifices in the ends of said attachments," and inserting, in lieu thereof, the words, "and the orifices in such sprinkling-attachments shall be so arranged as to only give an upward projection to the streams and to not discharge the same outwardly beyond the width of such sprinkler-cart."

**SEC. 68.** Amended by striking out the words "Indianapolis Daily Sentinel," and inserting in lieu thereof, the words "The Southside."

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

#### INTRODUCTION OF ORDINANCES.

On roll-call had, the following entitled ordinances were introduced, and severally read the first time :

Councilman Reasner introduced—

G. O. 40, 1878—An Ordinance fixing the Salary of the City Treasurer.

Councilman Reasner moved to suspend the rules, for the purpose of now reading aforesaid ordinance the second and third times, and placing same on its passage.

Councilman McKay moved to lay the preceding motion on the table; which was done by the following vote:

AYES, 12—viz.: Councilmen Anderson, Brown, Cummings, Dill, Layman, Morris, Morse, McKay, Rodibaugh, Tucker, Walker, and Wright.

NAYS, 10—viz.: Councilmen Bermann, Bruner, McGinty, Off, Reading, Reasner, Showalter, Sindlinger, Steeg, and Wiese.

Councilman Morris introduced—

S. O. 42, 1878—An Ordinance to provide for improving the third alley east of the intersection of Clifford avenue and Pendleton Pike, from Pendleton Pike to the first alley south, by grading and graveling.

Councilman Morse introduced—

S. O. 43, 1878—An Ordinance to provide for improving the first alley south of Vermont street, from Columbia street to West street, by grading and graveling.

Preceding ordinance was accompanied by the following petition; which was duly received:

*Indianapolis, July 29, 1878.*

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on the first alley south of Vermont street, between Columbia street and West street, respectfully petition for the passage of an ordinance providing for the improvement of said alley, by grading and graveling the same.

And your petitioner will ever pray.

MARY E. MORSE,  
By T. J. MORSE.

It being nearly eleven o'clock, on Councilman Layman's motion, the session was further extended by the necessary vote, taken *viva voce*.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Bermann presented the following petition; and, on motion, the prayer of the petitioners was granted:

We, the undersigned citizens of Indianapolis, Indiana, would respectfully represent to your honorable body, that we are in need of a railroad-switch, to connect our coal-yard, situated on a lot at the junction of the Jeffersonville, Madison & Indianapolis Railroad and Madison avenue, with the said railroad; and that said track must necessarily pass over a part of the said Madison avenue in making such connection.

Will this Honorable Council, therefore, grant to us the right to construct and maintain such track?

McINTIRE & KUHN.

*Indianapolis, July 27, 1878.*

Councilman Brown presented the following petitions; which were referred to the Judiciary Committee and the City Attorney:

CITY OF INDIANAPOLIS, *Marion County, Indiana.*

To the Honorable Board of City Councilmen:

*Gentlemen:*—The undersigned, your petitioner, respectfully represents to your honorable body, that her husband, John George Kremline, died in the month of January, 1874, leaving the undersigned, his widow, and five children—two girls and three boys. That since his death the undersigned and said two female heirs have remained, and still are, unmarried. That the said John George Kremline was, at the time, the owner in fee simple of the following realty, to-wit: Lot 348, in out-lot 98, in the City of Indianapolis, Marion county, State of Indiana. That during the years named in the receipts on file herewith, said realty has been of the average assessed value of \$625 for each year therein named. That one-third interest claimed by the undersigned has been assessed at \$208. That the one fifth interest claimed by each heir of the remaining two-thirds of said realty has been of the average assessed value of \$127 for each of said years. That your petitioner and said female heirs have not owned any other realty; that their personal property has not, at any one time since 1874, exceeded in value \$10.00 each, during the years named in the receipts on file herewith.

The undersigned has paid the sum of \$28.22, which sum was assessed against said realty, as taxes claimed to be due thereon, and so collected of your petitioner. That, by virtue of an Act made to provide for a uniform assessment of taxes, approved December 21st, 1872, the undersigned, to the amount of \$500, and of said two female heirs, was, under said Act, during the years named in the receipts, exempt from taxation. Wherefore, your petitioner prays that your honorable body cause to be refunded to her the sum of \$28.22.

ANNA M. KREMLINE.

STATE OF INDIANA, *County of Marion:*

Before me the undersigned, a notary public in and for said County and State, personally appeared Anna M. Kremline, who subscribed her name to the foregoing instrument, and swore that the matters and things therein contained are true in substance and in fact, as she verily believes. This 29th day of July, 1878.

[SEAL.]

ALFRED A. FALKENBURG, Notary Public.

CITY OF INDIANAPOLIS, *Marion County, Indiana.*

To the Honorable Board of City Councilmen:

*Gentlemen:*—The undersigned, your petitioner, respectfully represents to your honorable body, that her husband, Gideon S. Reich, died in the month of October, 1873 leaving the undersigned, his widow, and two children—one girl and one boy. That, since his death, the undersigned and said female heir have remained, and still are, unmarried. That the said petitioner and her female heir have not owned any realty excepting, to-wit, Lot 182, in out lot 97, in the City of Indianapolis, Marion County, State of Indiana, during the years named in the receipts on file herewith. Said realty has been of the average assessed value of \$1050 for each year therein named; the one-third interest has been of the average assessed value of \$350 for each year named in said receipts. Their personal property has not, at any one time since 1873, exceeded in value \$5 each. That during the years named in the receipts on file herewith, the undersigned has paid the sum of \$57.63, which sum was assessed against said realty as taxes claimed to be due thereon, and so collected of your petitioner. That by virtue of an Act made to provide for a uniform assessment of taxes, approved December 21st, 1872, the interest of the undersigned to the amount of \$500, and of said female heir, was, under said Act, during the

years named in the receipt, exempt from taxation. Wherefore, your petitioner prays that your honorable body cause to be refunded to her the sum of \$54.88.

Attest: J. M. JOHNSON.

REBECCA C. <sup>Her</sup> REICH.  
Mark.

COUNTY OF MARION, *State of Indiana, July 27, 1878.*

The said Rebecca C. Reich personally appeared before me, a notary public in and for Marion County and State of Indiana, and, upon her oath, swore that the matters contained and set forth in the above affidavit, are true in substance and in fact, and acknowledged her signature to the same.

Witness my hand and notarial seal, this 27th day of July, 1878.

[SEAL.]

ALFRED A. FALKENBURG, Notary Public.

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

*Moved,* That the Street Commissioner be directed to clean and fill up the gutter in front of No. 309 Massachusetts avenue, as the water will not run off.

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

*Moved,* That the Street Commissioner be instructed to raise the stone crossing on the west side of Illinois street, at the crossing of New York street.

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

*Moved,* That the Street Commissioner be instructed to clean the gutters of Alabama street, between Fort Wayne avenue and Morrison street; also of Morrison street, between Alabama and Delaware streets.

Councilman Morris offered the following motion; which was duly adopted:

*Moved,* That the Board of Health be directed to abate a nuisance on the lot east of and adjoining lot 137, Pendleton Pike.

Councilman Morse offered the following motion; which was duly adopted:

*Moved,* That the City Civil Engineer be directed to notify the owners of the mill-race crossing Market street, between Blackford and Geisendorff streets, to place the bridge over the same in good repair, within ten days; and that if the same is not done within that time, the city will close the bridge and fill the race at that point.

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

*Moved,* That the Street Commissioner be directed to re-lay the floor of the Indiana avenue bridge over the canal.

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

*Moved*, That Fred. Gansberg be granted thirty days extension of time in which to complete his contract on Michigan street.

*Moved*, That David A. Haywood be granted twenty days extension of time in which to complete his contracts on Ohio and Mill streets

The same gentleman presented a communication from J. D. Campbell, offering the sum of \$400 for the cottonwood trees on the Sellers' Farm; which was referred to the Committee on Sellers' Farm.

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

*Moved*, That the Street Commissioner be ordered to clean the gutters on each side of Bates street, between Leoto and Dillon streets.

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

*Moved*, That the Street Commissioner be hereby authorized to dig up the gutter on the west side of Tennessee street, between Georgia and Louisiana streets, in order to let the flow of water pass down to South street sewer. Also, to put a crossing over the gutter of Mobile and Tennessee streets. Also, to fill up the holes caused by taking up of street railway track on Tennessee street.

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

*Moved*, That the Street Commissioner be directed to fill the chuck-holes in Dougherty street, between Wright and East streets.

*Moved*, That the Street Commissioner be directed to fill up the mud hole in Sullivan street, where Bismarck street intersects the same.

*Moved*, That the Street Commissioner be directed to fill up the chuck-holes in Coburn street, between McKernan and Wright streets.

Councilman Tucker offered the following motion:

*Moved*, That the City Clerk be directed to issue, and that the City Marshal be directed to serve, all proper notices for the widening of Dillon street, from Harrison street to Meek street; and opening the same from Meek street to or near the intersection of Washington street and Michigan Road.

Preceding motion was adopted by the following "aye and nay" vote:

A Y E S, 17—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Morris, McGinty, Off, Reading, Reasner, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

N A Y S, 5—viz.: Councilmen Layman, Morse, McKay, Rodibaugh, and Wright.

The same gentleman offered the following motion; which, at suggestion of Councilman Morse, was referred to the Committee on Markets, with power to act:

*Moved*, That "Cheap John from Texas" be permitted to re-rent his old stand at the East Market, by paying the amount said stand is held at by the city.

Councilman Walker presented the following petition; which was referred to the Judiciary Committee and the City Attorney:

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

Your petitioner, Mrs. Elsey Tanner, would respectfully represent that she is now, and has been for nearly six years past, a resident of the City of Indianapolis. That on the morning of the 10th of July, 1878, she had occasion to cross a culvert near the corner of North and Douglass streets in the said city; that the said culvert was not in proper repair, in that one of the boards composing said culvert was not properly nailed down, and when she stepped upon such board it gave way and allowed her to fall through, whereby she sustained severe injury to her left ankle, spraining and bruising the same so that she has been, and probably will be for a long time, incapacitated from work. And your petitioner further represents that she is very poor, and has no husband or relatives to whom she can look for support; that she is compelled to earn her support by washing, and that, by reason of said accident, which was caused by no fault of hers, she is unable to do any work whatever, but must depend upon the charities of her friends, who themselves are very poor and unable to afford her board and the cost of living. That she is now forty-five years old, and, because of her inability to pay for medical assistance, and her advanced age, she fears that she will never fully recover the use of the injured ankle. Wherefore, and in view of the facts herein set out, she prays your honorable bodies to appropriate, out of the city treasury, the sum of six hundred dollars, to be paid to her.

And she will ever pray.

Respectfully submitted,

ELSEY TANNER.

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

*Moved*, That the Mayor and City Attorney procure from the Auditor of Marion County, certified copies of the assessment of banks, joint-stock companies, railroads, etc., as required by law.

*Moved*, That the Chief Fire Engineer be authorized to place a gong in the Council Chamber, *provided* the same can be done without extra expense.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

Councilman Tucker called up General Ordinance 32, 1878 [relative to Public Parks], and asked that same be engrossed and passed.

On Councilman Reasner's motion, action on aforesaid ordinance was postponed until next session of the Common Council, by the following vote:

**AYES, 12**—viz.: Councilmen Anderson, Bermann, Brown, Cummings, Dill, Morris, Morse, McKay, Off, Reasner, Rodibaugh, and Wright.

**NAYS, 10**—viz.: Councilman Bruner, Layman, McGinty, Reading, Showalter, Sindlinger, Steeg, Tucker, Walker, and Wiese.

Councilman Dill moved to suspend the rules, and take up Appropriation Ordinance 48, 1878, and place same on its passage; which was ordered by the following vote:

AYES, 22--viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

Ap O. 48, 1878—An Ordinance appropriating the sum of Three Hundred Dollars (\$300) to James Parker, on account of the construction of Vermont street bridge over the canal.

And was passed by the following vote:

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

Councilman Layman moved to suspend the rules, and take up General Ordinance 35, 1878, and place same on its passage; which was ordered by the following vote:

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

G. O. 35, 1878—An Ordinance regulating the use of the Fire Alarm Telegraph and the boxes connected therewith; and prohibiting the giving of False Alarms of Fire.

And was passed by the following vote:

AYES, 22--viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Morris, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,  
President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.