

# PROCEEDINGS OF COMMON COUNCIL.

## ADJOURNED SESSION—OCTOBER 14, 1878.

The Common Council of the City of Indianapolis met in its Council Chamber, on Monday evening, October 14th, A. D. 1878, at half-past seven 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, Marsee, Maus, Morris, McGinty, McKay, Off, Reading, Reasner, Showalter, Steeg, Tucker, Walker, Wiese, and Wright—19.

**ABSENT**—Councilmen Dill, Layman, Morse, O'Brien, Rodibaugh, and Sindlinger—6.

The Proceedings of the Common Council, for the adjourned session, held on August 12th; for the regular sessions, held on August 19th and September 2d; and for the special session, held on September 6th; also, for the sessions of the Board of Equalization, held on August 28th and September 6th, 1878, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

### 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 of the City of Indianapolis:

*Gentlemen*:—Your Committee on Contracts, to which was referred the proposals presented to Council on October 7th, 1878, have examined the same, and find them to be as follows, to-wit:

*First*. For improving Hoyt avenue, from Dillon street to Linden street, by grading, and paving with brick, the sidewalks thereof—

- James Mahoney, 32 cents per lineal foot front on each side.
- James W. Hudson, 28 cents per lineal foot front on each side.
- Richard Carr, 27 cents per lineal foot front on each side.
- John Woher, 25 $\frac{3}{4}$  cents per lineal foot front on each side.
- David A. Haywood, 25 cents per lineal foot front on each side.
- John Schier, 24 $\frac{1}{2}$  cents per lineal foot front on each side.

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

*Second.* For improving the south sidewalk of Michigan street, from Meridian street to Pennsylvania street, by grading, and paving with brick—

John Schier, 63 cents per lineal foot front.  
 D. A. Haywood, 40 cents per lineal foot front.  
 James Mahoney, 39 cents per lineal foot front.  
 Henry Clay, 35 cents per lineal foot front.  
 James W. Hudson, 35 cents per lineal foot front.

James W. Hudson being the lowest and best bidder, your committee recommend that he be awarded the contract.

*Third.* For improving the first alley south of Elizabeth street, from Blake street to Douglass street, by grading and graveling—

D. A. Haywood, 18 cents per lineal foot front on each side.  
 Richard Carr, 14 cents per lineal foot front on each side.  
 Niland & O'Conner, 13 cents per lineal foot front on each side.  
 James Mahoney, 13 cents per lineal foot front on each side.

James Mahoney being the best bidder, your committee recommend that he be awarded the contract.

*Fourth.* For improving the alley between Delaware and Pennsylvania streets, from Home avenue to King street, by grading and graveling—

Henry Clay, 26 cents per lineal foot front on each side.  
 James Mahoney, 20 cents per lineal foot front on each side.  
 Niland & O'Conner, 18 cents per lineal foot front on each side.  
 D. A. Haywood, 17 cents per lineal foot front on each side.  
 Richard Carr, 15 cents per lineal foot front on each side.

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

Respectfully submitted,

M. L. BROWN,  
 M. H. McKAY,  
 T. C. READING,  
 Committee on Contracts.

The contract and bond of John Schier, for doing the work described in the first paragraph of preceding report [penalty of bond, \$1,000; surety, Michael Staebler], was submitted, and was duly approved.

#### REPORTS, ETC., FROM OFFICIAL BOARDS.

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

To the Mayor and Common Council:

*Gentlemen:*—The Board of Public Improvements would respectfully report as follows, upon papers referred to it:

1st. Is a motion directing the Street Commissioner to clean the gutters of Wyoming street, between Delaware and High streets.

We recommend this work be done.

2d. Is a motion directing the Street Commissioner to clean the gutters of Merrill street, between East and Alabama streets.

We recommend this work be done.

3d. Is a motion directing the Street Commissioner to clean the gutters of New Jersey street, between McCarty and Coburn streets.

We recommend this work be done.

4th. Is a motion directing the Street Commissioner to clean the gutters of Bicking street, between Delaware and East streets.

We recommend this work be done.

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

We recommend this work be done.

6th. Is a motion directing the Street Commissioner to clean the gutters of Wright street, between Buchanan and Coburn streets.

We recommend this work be done.

7th. Is a motion directing the Street Commissioner to fill the chuck-holes in New York street, between Tennessee street and the canal.

We recommend this work be done.

8th. Is a motion directing the Street Commissioner to fill the chuck-holes in Indiana avenue, from North street to St. Clair street.

We recommend this work be done.

9th. Is a motion directing the Street Commissioner to fill the chuck-holes in Mississippi street, from New York street to Ohio street.

We recommend this work be done.

10th. Is a motion directing the Street Commissioner to clean the gutters of Elm and Huron streets, from Noble street to Dillon street.

We recommend this work be done.

Respectfully submitted,

M. H. McKAY,  
JOHN L. MARSEE,  
Board of Public Improvements.

The same official board submitted the following report and appended legal opinion; which were duly received:

To the Mayor and Common Council:

*Gentlemen:*—At a meeting of the Common Council, on the 24th day of June, 1878, the following motion was adopted:

That the Board of Public Improvements be instructed to investigate and report what steps are necessary to be taken for the city to obtain control of the Michigan Road pike, located between the intersection of E. Washington street and the P., C. & St. L. Railroad crossing, so that the same may be improved.

We referred this motion to the City Attorney, whose written opinion, relative thereto, is herewith transmitted.

Respectfully submitted,

M. H. McKAY,  
JOHN L. MARSEE,  
Board of Public Improvements.

*Indianapolis, September 21, 1878.*

To the Board of Public Improvements of the City of Indianapolis:

*Gentlemen*:—The annexed motion was referred to me by your board, for my opinion; and, in response, I would say that the only way in which the city can obtain control of a gravel road within the city limits is by purchasing the franchise as far as the road extends into the city, or by condemning and appropriating the road and paying the damages.

The statute requires, in proceedings to condemn, that the City Commissioners assess damages and benefits in about the same manner that streets are laid out and opened.

Respectfully yours, etc.,

R. O. HAWKINS, City Attorney.

REPORTS, ETC., FROM COMMITTEES.

The Council and Aldermanic Committees on Finance, through Councilman Wright, submitted the following joint report; which was duly approved:

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

*Gentlemen*:—Your Committees on Finance, to whom were referred the Report of the City Treasurer of Receipts and Payments and the City Clerk's Report of Orders issued during the month of September, 1878, respectfully represent that we have examined said reports, and compared them with the books in the offices of Clerk and Treasurer, and find them to be correct.

A. L. WRIGHT,  
S. MORRIS,  
J. M. RIDENOUR,  
D. MUSSMANN,  
T. E. CHANDLER.

The Committee on Markets, through Councilman Anderson, submitted the following report; and the rental-schedule, therein set forth, was duly approved:

*Indianapolis, October 7, 1878.*

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

*Gentlemen*:—Your Committee on Markets would report that they have, under the provisions of section 9 of the Market Ordinance, fixed the prices of stalls and stands at the West Market, as follows:

For each ten foot front stall on Washington street, one dollar per week; for each ten foot front stall on Missouri street, fifty cents per week; and for each outside stand, ten cents for each market day.

And we recommend that the same be approved.

Respectfully submitted,

GEORGE ANDERSON,  
J. M. BRUNER,  
Committee on Markets.

The joint select committee, which had been appointed at the last sessions of the Common Council and Board of Aldermen [see pages 476 and 487, *ante*], submitted the following reports and other papers; which were severally read, and were duly received:

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

*Gentlemen:*—We, the undersigned property owners, resident upon and merchants doing business upon S. Meridian street in this city, would respectfully remonstrate against granting to any company or corporation the right to construct and operate a street-railway along and upon said street, from Washington street to Louisiana street, as the same would very materially damage and obstruct the wholesale commerce of this city.

Very respectfully submitted,

Schnull & Co., Fitzhugh & Co., E. H. Stark & Co., Lemon Bros., Samuel Beck & Son, M. O'Conner & Co., L. Ludorff, C. S. Phillips, Eli Lilly, Alfred Burd-  
sal, Wheeler Bros., H. Martens, Louis Manheimer, J. C. Manheimer & Co., Hollweg & Reese, Schwabacher & Selig, Lewis Dessar, Crossland & Sawyer, Payne & Solomon, Griffith Bros., Fahnley & McCrea, F. Vannattan, Williams, Pee & Stoneman, W. J. Holliday & Co., Layman, Carey & Co., A. D. Lynch, Henry D. Pierce, Henry Schnull, August Schnull, per H. Schnull, attorney, Wm. K. Nanse, N. M. Ross, Patrick Kirland, S. A. Fletcher & Co., Fred. P. Rush & Co., John Hauck, J. F. Ramsey, J. H. Vajen, S. Yandes, T. B. Boyd, for Oliver Tousey's heirs, Fairbanks & Co., Hildebrand & Fugate, Morris, Gorrell & Jones, Mothershead, Morris & Co., Severin, Ostermeyer & Co., Murphy, Johnston & Co., D. W. Coffin, of Wiles, Coffin & Smith, A. Keifer, Robertson & Perry, Camplin & Co., J. A. Hanson, Woodford, Dean & Co., Charles F. Hahn, William Daggett & Co., McKee & Branham, John C. Burton & Co., Pfau, Ward & Wehrle, Mooney, Taylor & Smith, Syfers, McBride & Cook, B. F. Tuttle, Conduitt, McKnight & Co., Byram, Cornelius & Co., Jones, Armstrong, & Co., C. H. Talbott & Co., Fortner, Floyd & Co., W. H. Morrison, Ed. S. Alvord, Henry Frommeyer, V. K. Hendricks & Co., M. H. Ruddell, per J. H., T. C. Vinton, by M. E. V., Lindley Vinton, by M. E. V.; E. W. Sloan, Superintendent for American Express Company, but not property owners on this street; Hibben, Pattison & Co., F. Stout & Son, M. M. Defrees, for E. M. Defrees, Wm. B. Burford, R. L. McOuat, F. D. Condit, T. A. Morris.

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Indianapolis, October 14, 1878.

To the Mayor, and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

*Gentlemen:*—Your special committee, to whom were referred the ordinance granting the Indianapolis Street Railway Company the right to build and operate a street railway upon certain streets and alleys of the city would report, that we have examined the matter, and are of the opinion that it may be the duty of the city to notify the Citizens' Street Railway Company, under the provisions of the 15th section of their charter, to build the line of street railway, before granting the right to any other corporation; and if they shall fail to notify the city that they propose to build the same at once, then your committee are of the opinion that the new company should be granted the right to do so.

Your committee, therefore, recommend the adoption of the accompanying resolution, requiring the Citizens' Company to build a line, commencing at a point on Massachusetts avenue as near as practicable to the Massachusetts avenue depot; thence, southwest along said avenue, to Noble street; thence, south, on Noble, along said street, to E. Market street; thence, west on Market street, to Alabama street; thence, by the most available connection with the present lines; and that it be so operated as to carry passengers from the northeastern terminus, through the business portions of the city, for one fare.

Your committee are of the opinion that the ordinance referred to them should be amended in several particulars, and ask further time to report upon the same.

Respectfully submitted,

A. L. WRIGHT,  
C. F. WIESE,  
S. MORRIS.

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the said Council and Board deem it expedient that a line of street railway be constructed from a point on Massachusetts avenue where the tracks of the C., C., C. & I. and I., P. & C. Railroads cross said avenue; thence, southwest along said avenue, to Noble street; thence, south, on Noble street, to Market street; thence, west, on Market street, to Alabama street; thence, by the most available connection with the present lines; and that the Citizens' Street Railway Company be, and are hereby, directed to construct the same at once. And the City Clerk is hereby directed to serve a copy of this resolution upon the proper officer of said company, in accordance with the provisions of section 15 of "An Ordinance authorizing the construction, extension, and operation of certain Passenger Railways in and upon the streets of the City of Indianapolis (ordained and established January 18th, 1864)."

*Indianapolis,* October 14, 1878.

To the Mayor, and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

*Gentlemen:*—Your special committee, to whom was referred the ordinance granting the Indianapolis Street Railway Company the right to build and operate a street railway upon certain streets and alleys of the city, would report that we have examined the matter, and are of the opinion that it may be the duty of the city to notify the Citizens' Street Railway Company, under the provisions of the 15th section of their charter, to build the line of street railway, before granting the right to any other corporation; and if they shall fail to notify the city that they propose to build the same at once, then your committee are of the opinion that the new company should be granted the right to do so.

Your committee, therefore, recommend the adoption of the accompanying resolution, requiring the Citizens' Company to build a line from Circle, east, on Market, to Arsenal avenue, and from Market street, north, on Noble street, to Massachusetts avenue; thence, northeast, on said avenue, to the point where the C., C., C. & I. and the I., P. & C. Railroad tracks cross said avenue.

Your committee are of the opinion that the ordinance referred to them should be amended in several particulars, and they would, therefore, ask for further time to report upon the same.

Respectfully submitted,

J. M. RIDENOUR,  
W. F. PIEL.

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the said Council and Board deem it expedient that a line of street railway be constructed along and upon Market street, from Circle street, east, to Arsenal avenue, and north, on Noble street, from the intersection of Market street, to Massachusetts avenue; thence northeast, on said avenue, to the point

where the tracks of C., C., C. & I. and the L., P. & C. Railroads cross said avenue; and that the Citizens' Street Railway Company be, and are hereby, directed to construct the same at once. And the City Clerk is hereby directed to serve a copy of this resolution upon the proper officer of said company, in accordance with the provisions of section 15 of an ordinance entitled "An Ordinance authorizing the construction, extension, and operation of certain Passenger Railways in and upon the streets of the City of Indianapolis (ordained January 18, 1864)."

To His Honor, the Mayor, the Common Council and

Board of Aldermen of the City of Indianapolis, Ind.:

*Gentlemen*.—We herewith hand you the minutes of our board meeting, held this day, which we most respectfully submit.

CITIZENS' STREET RAILWAY COMPANY,

[SEAL.]

CHARLES F. JOHNSON, President.

At a meeting of the Board of Directors of the Citizens' Street Railway Company of Indianapolis, Ind., at the office of the company, held this 14th day of October, 1878, the following resolutions were offered by T. L. Johnson, and passed unanimously:

1. *Resolved*, That if your honorable bodies, under the provisions of our charter, shall so direct, we will successively build the following lines of street railway, viz.:

A line, commencing at a point on Massachusetts avenue as near as practicable to the Massachusetts avenue depot; thence, southwest, along said avenue, to Noble street; thence, south, along said street, to E. Market; thence, by the most available connection with our present lines; and that line shall be so operated as to carry passengers from its northeastern terminus, through the business portion of the city, for one fare.

2. *Resolved, further*, That we also construct the Indiana avenue extension, and the same to be operated in connection with our Virginia avenue line, so as to carry passengers from the northwestern terminus, on Indiana avenue, to southeastern terminus of our Virginia avenue line, for one fare.

3. *Resolved, further*, That the work be commenced at once, and pushed forward as rapidly as possible, so as to complete the work on one line of extension this fall, and to be operated continuously as soon as completed; and the other route to be completed, and in full operation, not later than the 1st of May, 1879.

CITIZENS' STREET RAILWAY COMPANY,

[SEAL.]

CHARLES F. JOHNSON, President.

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

Your petitioners having organized a company, under the laws of this State, to be known as the Indianapolis Street Railway Company, for the purpose of building and operating passenger railways upon the streets of Indianapolis, would respectfully petition your honorable bodies to grant us the right-of-way in and upon the streets of Indianapolis, under such restrictions and regulations as you may deem for the best interests of the city.

We desire, first, to build a line beginning at Washington and Meridian streets; running, thence, north, on Meridian and Circle streets, to Market street; thence, east, to East, Noble, or Liberty street; thence, north, on one or more of said streets, to Massachusetts avenue; thence, along said avenue, to Peru street; thence, north, on Peru and Rohampton streets, to Tenth street.

Beginning on Circle street; thence, east, on Market street, to Arsenal avenue; thence, north, on Arsenal avenue, to Michigan street; thence, east, on Michigan street, to Woodruff Place.

Beginning on Circle street; thence, north, on Meridian street, to Ohio street;

thence, on Ohio street, to Indiana avenue; thence, on said avenue, to Blake street; thence, south, on Blake street, to New York street.

It is the intention of your petitioners to construct and operate a system of rail-ways centering at the Circle, with waiting-room and general office at that point.

We shall construct our roads in the most substantial manner, and shall take pleasure in conforming to any provisions you may see fit to demand in building our tracks and maintaining same.

In the operating of said roads we shall use only two-horse cars, of the latest improved pattern, and shall run them in such manner and numbers as will give satisfaction to the public; and we will not, during the holding of State Fairs, or at any other time, abandon any line, to accommodate any rush of travel upon some particular route.

Your petitioners believe that in carrying out this enterprise they will confer a great benefit to the city and citizens of Indianapolis, in that it will provide greater and better means of rapid transit through the city than is now afforded. It will make our beautiful suburbs more desirable as places of residence, and give the people of all parts of the city access, by rail, to the market and to business centres. It will add largely to the tax duplicate, not only in the amount of money invested, but will greatly increase the value of property in all parts of the city that are reached by its lines. It will give employment to a large force of laborers in its construction and operation. These are but a few of the advantages to be derived by the granting of our prayer.

It has been stated by parties interested, and their friends, that it was not intended by our company to build any of the lines named—that the intention was simply to force the existing company to buy us off. While we scorn to notice these attacks, false as they are, they may have some effect upon the action of your honorable body; therefore, your petitioners would respectfully make the following proposition:

That, upon the granting of the right-of-way, as desired, we will place in the hands of a Trustee, mutually satisfactory, a certificate of deposit for the sum of five thousand dollars (\$5,000), which sum shall be a forfeit to the city, and shall be paid to the Orphan Asylums of the city, in equal portions, if we fail to take advantage of the charter passed and accepted. Said five thousand dollars (\$5,000) shall be drawn from the hands of the Trustee by the treasurer of this company, only as the work progresses, as follows: Upon the completion of the first mile of track, fifteen hundred dollars (1,500); upon the completion of the second mile of track, \$1,500; and upon the completion of the third mile of track, \$2,000; *provided*, that three miles of track shall be laid within one year, and any part of said \$5,000 not drawn as above stipulated at the end of said year, shall be appropriated as designated.

Believing that your honorable body do not wish to foster a monopoly, but would rather act in the spirit of the constitution of this State, which declares "That the General Assembly shall not grant to any citizen or class of citizens privileges or immunities which, upon the same terms shall not equally belong to all" (see section of our Bill of Rights); *therefore*, if the General Assembly can grant no such rights, how could the City Council of *fifteen years ago* grant such privileges, and bind the present city government to a grant of that kind?

Praying for your early and favorable consideration of our petition, we respectfully submit the above.

INDIANAPOLIS STREET RAILWAY COMPANY,  
CHARLES E. DARR, Secretary.

Aldermen Ridenour and Piel of the committee being in attendance, the courtesies of the Council were extended these gentlemen; and Alderman Ridenour made a brief explanation of the recommendations set forth in the minority report.

At the close of Alderman Ridenour's remarks, further time was granted the committee in which to report on the charter-ordinance [G.O. 49, 1878], which had been referred to it.



On motion, the Common Council concurred in the majority report.

And, on Councilman Marsee's motion, the resolution appended to said majority report was adopted by the following vote :

AYES, 18—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morris, McGinty, McKay, Off, Reading, Reasner, Showalter, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

That the Citizens' Street Railway Company be requested to proceed to build a line of street railway, upon and along Indiana avenue, from Illinois street to Blake street ; and that the same be operated as a continuous route, in connection with Virginia avenue line, and that the same be constructed and completed by the 1st of May, 1879.

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

The following message from the Board of Aldermen was read ; and the Aldermanic action, therein set forth, was duly concurred in :

To the Mayor and Common Council :

*Gentlemen* :—At a regular session of the Board of Aldermen, held on September 17th, 1878, on recommendation of its Committee on Gas-Light, said body non-concurred in the action of your honorable body, in adopting the motion offered by Councilman Wright, ordering the "removal of the first gas-post north of Vermont street, on East street, to the corner of Vermont and East streets," for the reason that said post is within about twelve feet of the corner aforesaid, and, being unobstructed by houses or trees, the light is fairly thrown on both streets.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The following message was also read ; and was duly received :

To the Mayor and Common Council :

*Gentlemen* :—I herewith transmit certain motions, offered in and acted upon by the Board of Aldermen, at its regular session, held on September 17th, 1878, for your consideration and action.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The following Aldermanic motions (transmitted with preceding message) were then read, and were severally adopted :

*Moved*, That the Mayor and President of the Board of Aldermen be requested to call a joint session of the Common Council and Board of Aldermen, for the purpose of choosing a Trustee or Trustees, in whom shall be vested the title to the real estate belonging to the city, derived from the Gregg estate.

☛ *Moved*, That the Street Commissioner be directed to notify the owners of property on Virginia avenue, between Merrill street and the first alley south thereof, to repair the bridges over the gutters thereof, within five days, and on failure to do so, that he immediately remove the same.

☛ *Moved*, That there be appointed by the Chair a committee of three, and the Council is requested to appoint a like committee, with instructions to inquire into and report the necessity of a change in the salaries of city officers.

His Honor, Mayor Caven, in response to the demand of the Common Council that the Chair should appoint the committee required by last preceding motion, designated the Council Committee on Finance as the Council membership of the joint committee.

The following Aldermanic motion [which the Board of Aldermen had referred to the Board of Public Improvements, with power to act—see page 454], was read, and the reference and power given were duly confirmed :

That the Street Commissioner be instructed to raise the gutter at the intersection of West and North streets, in such manner as to cause the water to flow west along North street, instead of Indiana avenue, and that the culvert at said point be removed—all of said work to be done under the direction of the City Civil Engineer.

The following Aldermanic message was also read :

To the Mayor and Common Council :

*Gentlemen* :—At a meeting of the Board of Aldermen, held on Tuesday evening, September 24th, 1878, said body, upon recommendation of its Committee on Markets, refused to pass G. O. 42, 1878, entitled "An Ordinance regulating the Public Markets; and providing for the establishment of Licensed Markets, and regulating the same."

2d. On recommendation of its Committee on Sellers' Farm, the Board refused concurrent action upon the motion adopted by your honorable body, providing for the advertising for bids for the timber upon the Sellers' Farm.

I herewith submit said papers for your further consideration.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The first clause of preceding message being under consideration, on Councilman Cummings's motion, the Common Council determined to adhere to its former action in passing General Ordinance 42, 1878.

The second clause being under consideration, on Councilman McKay's motion, the Common Council determined to adhere to its former action in said matter, also.

#### NEW ORDINANCES, ETC.

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

Councilman Off introduced—

G. O. 51, 1878—An Ordinance requiring the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company and the Indianapolis, Peru & Chicago Railway Company to station a Flagman at their Davidson street crossing.

Councilman Wright introduced—

G. O. 52, 1878—An Ordinance providing for the Licensing of Private Scales in the City of Indianapolis, and regulating the weighing of certain articles offered for sale at the East and West Markets of the city.

The foregoing entitled ordinance was referred to the Council and Aldermanic Committees on Markets, for joint examination and report.

Councilman Brown introduced—

S. O. 51, 1878—An Ordinance to provide for improving the first alley south of Prospect street, from Laurel street to Everson street, by grading and graveling.

Councilman Steeg presented the following remonstrance against the passage of Special Ordinance 29, 1878; which was duly received:

*Indianapolis, October 12, 1878.*

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

*Gentlemen:*—The undersigned owners of the real estate fronting on Wright street, between Coburn street and the first alley south of Coburn street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of Wright street and sidewalks, from Coburn street to the first alley south of Coburn street.

And your remonstrants will ever pray, etc.

ISAAC LEMMON, 114 feet.  
C. NIEHAUS, 114 feet.

Councilman Walker presented the following remonstrance against the passage of Special Ordinance 49, 1878; which was duly received:

*Indianapolis, Ind., September 27, 1878.*

We, the undersigned petitioners, respectfully remonstrate against the grading and bowldering of the alley leading from Massachusetts avenue to Vermont street, between Delaware and Alabama streets, believing the same is not necessary to the maintenance of the health of the neighborhood, or any other just cause.

Joseph A. Eastman, M. D., 33 feet 9 inches on said alley; O. S. Runnels, M. D., 33 feet 9 inches on said alley; Jos. A. Moore, Agent, per W. B. Thurston, 139 feet on said alley; D. B. McDonough, 48 feet on alley; Hervey Bates, about 50 feet.

#### MISCELLANEOUS BUSINESS.

Councilman Brown presented the following resolution:

*Resolved by the Common Council and Board of Aldermen,* That the owners of the following described real estate, to-wit: Lot number 127, in Spann & Co.'s First

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

Which was adopted by the following vote :

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, McGinty, McKay, Off, Reading, Reasner, Showalter, Steeg, Tucker, and Walker.

NAYS—None.

The same gentleman offered the following motion :

That the Board of Police be authorized to employ a Janitor at Central Station House.

Upon which a vote by "ayes and nays" was demanded; which, being taken, resulted as follows :

AYES, 8—viz.: Councilmen Anderson, Brown, Bruner, Maus, Reading, Reasner, Tucker, and Walker.

NAYS, 8—viz.: Councilmen Bermann, Cummings, Marsee, McGinty, McKay, Off, Showalter, and Steeg.

The above proving to be a tie vote, the City Clerk called for an expression from President Caven; and that gentleman having voted in the affirmative, the foregoing motion was duly adopted by a vote of 9 ayes to 8 nays.

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

That the Street Commissioner be instructed to build a foot-bridge over Pleasant Run, at Spruce street.

The same gentleman offered the following motion; which President Caven decided to be out of order, because it proposed to legalize a violation of existing city law :

That August Elbrecht be granted permission to erect a shed over the sidewalk in front of his property, at the intersection of Virginia avenue and Dillon street.

Councilman Bruner offered the following motion; which, at his request, was referred to the Board of Public Improvements, with power to act :

That the Street Commissioner be instructed to build a bridge or culvert over ditch, at intersection of Spring and St. Clair streets.

Also, offered the following motion ; which was referred to the Board of Public Improvements :

That the Street Commissioner be instructed to clean the gutters of Pine street, from Washington street to Peru avenue ; also, fill up mud-hole, at Ohio street.

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

That the Fire Board, together with the Chief Fire Engineer, be ordered to inspect the public buildings of this city, and see if they are sufficiently provided with fire-escapes in case of a fire, and report to this Council at its next meeting.

Also, offered the following motion ; which was referred to the Board of Public Improvements :

That the Street Commissioner be ordered to clean the gutters of Fayette street, it being only two squares long.

Also, offered the following motion ; which was referred to the Committee on Bridges :

That the City Civil Engineer be ordered to advertise for proposals to build stone abutments for bridge over canal, on First street.

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

That John Low be granted twenty days' extension of time, in which to complete his contract for improving the first alley west of Blake street, from New York street to Michigan street.

Also, offered the following motions ; which were severally referred to the Board of Public Improvements :

That the Street Commissioner be directed to fill the chuck-holes in New York street, between Blackford and Agnes streets.

That the Street Commissioner be directed to repair the gutter at the intersection of Blake and Elizabeth streets.

Also, presented the following petition which was duly received :

*Indianapolis*, September 23, 1878.

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

*Gentlemen* :—The undersigned, owners of real estate on New York street, between Agnes and Minerva streets, and on Agnes street, between New York and North streets, respectfully petition your honorable bodies to require the Indianapolis Gas-Light and Coke Company to extend its mains on said street, between the points named, in compliance with the provisions of section six (6) of "An Ordinance investing the Indianapolis Gas-Light and Coke Company with the privilege of furnishing gas to the city and inhabitants of Indianapolis, upon certain conditions therein named (ordained March 19th, 1866)."

Your petitioners hereby obligate themselves to take gas for the numbers of burners set forth after their names.

C. Maus, 7 burners; Magdalena Maus, 10 burners; H. H. Rodewald, 6 burners, M. Ripley, 7 burners; Thomas Cummings, 10 burners; Mattie Malone, 3 burners; Ludwig L. Hellmann, 4 burners; Mary J. Smith, 3 burners; H. L. Revergel, 3 burners; Edmund Moore, 2 burners; John H. Chinn, 2 burners; John Graham, 1 burner; Caroline P. Lock, 7 burners; H. Bailie, 5 burners; M. E. Bradford, 4 burners; A. Stelting, 4 burners; J. D. Abbott, 4 burners.

The following motion, offered by same gentleman, was then duly adopted:

That the petition of C. Maus and others, asking that the Indianapolis Gas-Light and Coke Company extend and lay down gas-mains upon New York street, between Agnes and Minerva streets, and upon Agnes street, between New York and North streets, be, and the same is hereby, approved; and the said company is hereby directed to lay the mains as in said petition prayed, and in accordance with section 6 of the ordinance of March 19th, 1866; and the City Marshal is hereby instructed to serve a copy of this motion upon the president of said company.

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

That A. J. Sloan & Co. be granted twenty days' extension of time, in which to complete their contract for improving the alley between Bellefontaine avenue and Ash street, from Eighth street to Ninth street.

The same gentleman presented the following deed of dedication; which, on motion, was referred to the Committees on Public Schools, who have the matter of the vacation of Arsenal Park Addition (which includes the portion of Ohio street hereby dedicated to the use of the public) in charge:

THIS INDENTURE WITNESSETH, That Stoughton J. Fletcher and Laurel L. Fletcher, his wife, of Marion County, in the State of Indiana, convey and warrant to The Public, for the sum of one dollar and other considerations, the following real estate, in Marion County, in the State of Indiana, to-wit:

A strip of ground commencing where Ohio street abuts my land on the west side, meeting and evenly joining the north and south lines of said Ohio street, and running due east the uniform width of said street, as it is now laid out west of my land, to Highland avenue, and continuing until it intersects Arsenal avenue, on the east side of my land.

Said land is in this manner deeded for a continuation of Ohio street, to remain an open highway to the public forever.

*In Witness Whereof*, The said Stoughton J. Fletcher and Laurel L. Fletcher have hereunto set their hands and seals this 12th day of October, A. D. 1878.

STOUGHTON J. FLETCHER. [SEAL.]  
LAUREL L. FLETCHER. [SEAL.]

STATE OF INDIANA, *Marion County*, ss:

Before me, Josiah Locke, a notary public in and for said county, this 12th day of October, 1878, Stoughton J. Fletcher and Laurel L. Fletcher, his wife, acknowledged the execution of the annexed deed.

*Witness my hand and notarial seal this 12th day of October, 1878.*

[SEAL.]

JOSIAH LOCKE, Notary Public.

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

That the Board of Health be directed to investigate the pools and standing-water at the corner of Leota and Bates streets.

Also, presented the following petition; which was referred to the Council and Aldermanic Committees on Markets and the City Attorney, for joint consideration and report:

*Indianapolis, September 21, 1878.*

To the Board of Aldermen and Members of the Common Council of the City of Indianapolis, Ind.:

*Gentlemen.*—We, the undersigned gardeners, respectfully petition your honorable bodies to grant us the following privileges relative to the East Market, which, we think, will be necessary for the preservation of a good market.

*First.* We ask the privilege to erect a good, substantial structure along the south side of the north walk of the East Market, extending from Alabama street to Delaware street; which building we think is necessary for our protection during inclement weather—the said structure to be erected at our own cost, under the supervision of the Market-Master.

*Second.* We further ask that, as we erect said building at our own expense, the stalls contained therein shall not be sold at auction to the highest bidder, but that we may have the privilege, for the period of five years, to purchase said stalls at private sale, at the yearly appraisalment thereof.

*Third.* We ask that the appraisalment of said stalls shall not be increased by reason of any improvements that we may make at our own expense.

These privileges, we think, are due us from the city; and as it is for the good of the city as well as ourselves, we think they should be granted.

Yours respectfully,

George Rickenbach, G. H. Off, Ch. T. Lentz, G. W. Blue, John J. Traub, Charles Lang, J. A. Woerner, Christ. Hoerger, Maria Zeck, D. Henning, A. Abrecht, Wm. Minkner, Waikel Knerger, Jacob F. Bauer, John G. Lentz, Jr., John Suenker, H. Suenker, Henry A. Schreiber, Andrew Dank, Jacob Stiltz, J. M. Simmons, Henry M. Shuyler, H. Schoeneman, T. Snider, Herman Unverzagt, P. Roost, H. H. Stienecker, John F. Kraft, Stephanna Shinbe, T. Brinkman, T. Yeitk, Carl Freund, John Bierman, Lizzie Hartley, T. Bierler, Fredrick W. Tapp, H. Roemer, John G. Lentz, John Harmon, August Wacker.

Councilmen Tucker offered the following motion, which was duly adopted:

That the City Clerk be, and is hereby, directed to issue all necessary papers and notices for the widening of Dillon street from Harrison street to Meek street, and opening the same from Meek street to Washington street and Michigan Road; and that the City Marshal be instructed to serve all such papers and notices.

Also, offered the following motion; which was referred to the Committees on Markets:

That the Committee on Revision of Ordinances be directed to prepare an ordinance repealing that part of the General Ordinance on Markets, wherein the West Market-Master is compelled to turn over to the city forty per cent. of the income of said market.

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

That the Committee on Benevolence and Hospitals be directed to examine the fence and gates enclosing Greenlawn Cemetery, and make such repairs as will be necessary to protect the cemetery. Also, to examine and report what the city should do to provide sufficient burying-ground for city paupers.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

Councilman Morris called up Special Ordinance 42, 1878, and it was read the second time, and ordered to be engrossed.

Councilman Off called up Special Ordinance 48, 1878, and it was read the second time.

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

That the ordinance for grading and graveling Highland street, from Washington street to Miami street, be amended so that it shall read "from Washington street to Ohio street."

The title of Special Ordinance 48, 1878, was amended by preceding motion, so that it now reads as follows :

S. O. 48, 1878—An Ordinance to provide for improving Highland street, from Washington street to Ohio street, by grading and graveling the street and sidewalks, and bowldering and curbing with stone the gutters thereof.

And the ordinance was duly ordered to be engrossed, as amended.

Councilman Steeg was excused for the balance of this session.

Councilman Maus called up the following entitled ordinance, and it was read the second time, and ordered to be engrossed, viz. :

S. O. 50, 1878—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Agnes street, between New York and North streets.

On Councilman Maus's motion, further action on aforesaid ordinance was postponed.

The following entitled ordinance was then read the third time :



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

And was passed by the following vote :

AYES, 18—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morris, McGinty, McKay, Off, Reading, Reasner, Showalter, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 48, 1878—An Ordinance to provide for improving Highland street, from Washington street to Ohio street, by grading and graveling the street and sidewalks, and bowldering and curbing with stone the gutters thereof.

And was passed by the following vote :

AYES, 18—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morris, McGinty, McKay, Off, Reading, Reasner, Showalter, Tucker, Walker, Wiese, and Wright.

NAYS—None.

Councilman Wright moved to reconsider the vote by which the Dillon street opening and widening case had been ordered to be re-commenced [see motion on page 507, *ante.*]

But, on Councilman Tucker's motion, the motion to re-consider was laid on the table.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.