

# PROCEEDINGS OF COMMON COUNCIL.

## REGULAR SESSION—APRIL 7, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, April 7th, A. D. 1879, at half-past seven o'clock, in regular session.

**PRESENT**—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright—24.

**ABSENT**—Councilman Morris—1.

The Proceedings of the Common Council, for the regular session, held on March 17th, 1879, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

Sealed proposals for making the below-proposed improvements [under the provisions of the special ordinances noted before the same] were opened and read by the City Clerk, and were then referred to the Committee on Contracts:

- S. O. 22, 1878—Grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee street.
- S. O. 58, 1878—Improving the first alley west of California street, from Pratt street to First street, by grading and graveling.
- S. O. 59, 1878—Re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street.

Building stone arches over Pogue's Run, on New Jersey street.

Building stone abutments on canal, at the crossing of St. Clair street.

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

His Honor, Mayor Caven, presented the following papers; which were referred to the Judiciary Committee and the City Attorney:

Indianapolis, April 7, 1879.

*Gentlemen*:—I herewith enclose you my letter in the matter of Catholic Hospital, etc.

Please present the same to the Common Council, at the first meeting, and please take such action in the matter as the rights of my clients and other citizens warrant and demand.

Very respectfully, &c.,

CHAS. L. HOLSTEIN, Attorney, &c.

Hons. JOHN CAVEN, Mayor; R. HAWKINS, Att'y of City, etc.

*Gentlemen*:—It has been publicly and authoritatively announced that the Catholic authorities of this city intend to convert their buildings, situated on Vermont street, between East and Liberty streets, into a vast general hospital, and proceedings have already commenced to that end. On behalf of some of the tax-payers resident in that vicinity, I write you to invoke the aid of the municipal power and authority to prevent and stop this flagrant violation of the rights of the citizens. That a large general hospital situated in the very midst of the homes of our citizens is a public nuisance *per se*, is a legal proposition of an elementary and fundamental character; and that the city authorities have the legal power (and are in duty bound to exercise it) to abate such a nuisance is also an elementary and fundamental principle of law.

These principles are axiomatic; they are embodied in familiar law maxims.

"A man must enjoy his own property in such a manner as not to invade the legal rights of his neighbor—*Expedit reipublicae ne sua re quis male utatur*." "Every man," observes Lord Truro, "is restricted against using his property to the prejudice of others," and, as further remarked by the same learned lord, "the principle embodied in the maxim, *Sic utere tuo ut alienum non laedas*, applies to the public in at least as full force as to individuals." There are other maxims equally expressive of the principle: *Nihil quod est inconveniens est licitum*, and *Salus reipublicae suprema lex*."—Broom's Maxims, t. p. 275 (6 Am. Ed.)

Hilliard on "Torts" (Vol. 1, t. p. 557) says: "In general it may be said, that any injury to lands or houses, which renders them useless, or even uncomfortable for habitations, is a nuisance. Thus, in regard to offensive odors, it is said, the neighborhood has a right to pure and fresh air. And a smell need not be *unwholesome*, if it is offensive, and renders the enjoyment of life and property uncomfortable, as by giving many persons headaches." The same writer says, "The following establishments, or occupations, have been held public nuisances: A smith's forge; a privy; a pig-sty; a lime kiln; a tobacco mill; making candles, by boiling stinking stuff; a manufactory for spirit of sulphur, vitriol, and aquafortis; a tannery; conveying gas into a river, thus destroying the fish, and making the water unfit to drink; a common provision dealer, selling unwholesome food, or mixing noxious ingredients with it; pigeon-shooting; common stages for ropedancers; exposing one who has the small-pox, in public."

And further, the same author (Vol. 1, p. 558, *et seq.*) says: "A soap-boiling establishment in the midst of a densely populated city is a nuisance, against which a perpetual injunction will be issued. So, although a stable in a town is not, like a slaughter-pen or a pig-sty, necessarily or *prima facie* a nuisance, yet, if it be so built, so kept, or so used as to destroy the comfort of persons owning and occupying adjoining premises, and impair their value as places of habitation, or if the adjacent proprietors are annoyed by it in any manner which could be avoided, it becomes an actionable nuisance. So a livery stable in a city, erected within sixty-five feet of a hotel, is *prima facie* a nuisance, and may be restrained by injunction. And the answer of the defendant, admitting the facts charged in the bill, as to the distance and relative situation of the stable from the tavern, but denying that a livery stable is a nuisance, is a mere matter of opinion, and not sufficient to authorize the dissolution of the injunction before the final hearing, nor will the court discharge the *ad interim* interdict, so far as to permit the experiment to be made, whether a livery stable could be erected and constructed in such a manner as not to be a nuisance. So a powder magazine erected in a populous part of a city, in which large quantities of gunpowder are stored, is *per se* a nuisance. So the occupation of a

building in a city as a slaughter house is *prima facie* a nuisance to persons residing in the neighborhood, and may be restrained by injunction, notwithstanding the denial by the defendant that it is a nuisance. So a melting house in a city, for the purpose of frying animal fat from the slaughter houses, is presumptively a nuisance to the inhabitants in its vicinity; and a general denial that it is a nuisance or offensive will not justify the dissolution of a preliminary injunction. *So a dwelling house, cut up into small apartments, inhabited by a crowd of poor people, in a filthy condition, and calculated to breed disease, is a public nuisance, and may be abated by individuals residing in the neighborhood, by tearing it down, especially during the prevalence of a disease like the Asiatic cholera.*"

With the intended work, as such, my clients find no fault. They complain of its proposed location only. That a vast general hospital, of the character intended, is a great, noble, and needed work, all good men concur. Such an institution, if properly located, will redound to the credit, honor, and glory of the great Catholic church, to which civilization already owes so much for works of like character. But if this hospital is placed in the very heart of our beautiful city, in the midst of our homes, it will be the occasion of more evil than good, and the great work, so noble in its conception, will fail of its purpose. If the proposed location is not abandoned, that part of the city—in fact the whole northern part of the city—will be rendered uncomfortable and unsafe to those who have built and beautified their homes there. Let the good Bishop and the kind Father who have this work in charge put themselves in the place of my clients, and then consider the matter from that standpoint.

In case of an epidemic like the last summer's yellow fever, such a hospital would necessarily be used for the greater portion of its victims. Infection and contagion would spread the disease, and desolate that part of the city. It would make a graveyard of it.

There are more eligible locations for such a hospital. It should be located outside of the city, or somewhere about its boundaries. All great cities now compel the location of hospitals, cemeteries, pest-houses, etc., outside of their environs, or near them; and in some instances where the city has grown up about old institutions of such character, their removal has been compelled. Its accessibility and conveniency would not be impaired by placing it somewhere on the skirts of the city. In all respects such a location would be best for all concerned. Its beneficiaries would have fresh air, and plenty of it; and at relatively small cost, beautiful and ample grounds could be purchased at the edge of the city. Such a location would assist the physician, and be medicine to the sick. Nature there would join with man to bring health back to his invalid brothers. Such a place could be made to minister to the eye and soul as well as to the body. It could be made an ornament to the city. The beautiful and the useful would there go hand in hand together. But, if located as projected, it will always be an eyesore to those who are compelled to live in its vicinity.

There are certain rights to which man is entitled "by the laws of nature and of nature's God." These are the self-evident and inalienable rights of "life, liberty, and the pursuit of happiness." Man is of right entitled to God's sunlight and His fresh air unobstructed and uncontaminated. "To secure these rights, governments are instituted amongst men." And therefore, in the name and on behalf of my clients, I invoke the powers of the municipality to protect them, now and at once, from this threatened invasion of their rights and homes.

The power of the city is ample. It is vested by the organic law. The delegation of this power, to preserve the public health and comfort, and to abate nuisances, carries with it the duty to exercise that power for the public good. Chief Justice Cooley (Const. Lim., p. 206) says, speaking of like powers, and the duty of the representative body of and for the people to exercise them: "It [the legislative body] can and should exercise them again and again, as often as the public interests require."

Again, then, invoking you to exercise the powers vested in you, by law, for the public good, on behalf of my clients, this is

Respectfully submitted,

CHAS. L. HOLSTEIN, Att'y for certain taxpayers.

To Hons. JOHN CAVEN, Mayor; R. HAWKINS, City Attorney; and the Common Council of the City of Indianapolis.

## REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor and Common Council:

*Gentlemen*:—I herewith report the following estimate:

A first and final estimate, in behalf of John Low, for grading and graveling the first alley west of Blake street, from New York street to Michigan street—

1919.16 lineal feet, at 9½ cents.....\$182.32

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then offered:

*Resolved by the Common Council and Board of Aldermen*, That the foregoing first and final estimate, allowed John Low, for grading and graveling the first alley west of Blake street, from New York street to Michigan 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, 20—viz.: Councilmen Bermann, Brown, Bruner, Cummings, Layman, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

The same officer also submitted the following report, accompanying same with the account therein referred to; and said report was duly received, and the Committee on Accounts and Claims were authorized and directed to insert the account in the Appropriation Ordinance to be introduced by it during this session:

To the Mayor and Common Council:

*Gentlemen*:—At a meeting of the Council, on September 16th, 1878, I reported the completion of the State-House sewer, and presented bill of the city's portion of same, between the east line of Mississippi street and the Missouri street sewer, due Anderson Bruner, the contractor. Of the amount, \$433.90, I held back \$86, which is now due; and I herewith present bill of same, and recommend its payment.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The City Clerk submitted the following reports; which were severally referred to the Committees on Finance of the Common Council and Board of Aldermen:

To the Mayor and Common Council:

*Gentlemen:*—I herewith report the following orders issued on the City Treasurer, during the month of March, 1879:

City Assessor's Department.....	\$ 143 10	
City Civil Engineer's Department.....	122 87	
City Dispensary.....	166 66	
City Hospital and Branch.....	828 38	
Cisterns.....	118 00	
Coal Oil Light.....	23 65	
Costs.....	70 30	
Damages.....	250 00	
Fire Department.....	4,344 77	
Gas.....	4,684 46	
Ice.....	2 60	
Interest on Bonds.....	62,480 25	
Market-Masters' Fees.....	107 43	
Office fixtures and supplies.....	32 30	
Parks.....	47 25	
Printing, Stationery, and Advertising.....	146 94	
Salary.....	56 00	
Station Houses.....	279 47	
Street repairs.....	2,139 55	
Taxes refunded.....	388 85	
Water rent.....	6,251 50	
Police.....	3,212 07	
		\$ 85,896 40
School Fund.....		6,675 82
Total.....		<u>\$ 92,572 22</u>

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

*Report of Wm. M. Wiles, City Treasurer, for the month of March, 1879.*

RECEIPTS.

Balance on hand February 28th, 1879, as per report.....	\$136,956 16
From delinquent taxes.....	2,768 15
From current taxes.....	67,487 32
From auction licenses.....	50 00
From dog licenses.....	75
From coal licenses.....	10 00
From dray licenses.....	55 00
From express licenses.....	52 00
From fines and fees (City Court).....	18 10
From hack licenses.....	46 00
From hucksters' licenses.....	28 00
From market fees.....	315 10
From peddlers' licenses.....	53 00
From promiscuous (sale of horse, Fire Department).....	50 00
From tapping sewers.....	20 00
	<u>\$207,909 58</u>

## DISBURSEMENTS.

For Fire Department.....	\$ 4,376 85
For Police.....	3,215 32
For street repairs.....	2,087 11
For City Hospital and Branch.....	717 12
For Civil Engineer's Department.....	125 77
For City Assessor's Department.....	143 10
For interest on bonds.....	62,480 25
For cisterns.....	118 00
For City Commissioners.....	123 00
For City Dispensary.....	166 66
For coal oil light.....	23 65
For costs.....	70 30
For damages.....	250 00
For gas.....	4,684 46
For ice.....	2 60
For Market-Masters' fees.....	107 43
For office fixtures and supplies.....	32 30
For parks.....	47 25
For printing, stationery, and advertising.....	181 19
For rent.....	1,500 00
For salary.....	149 75
For Station House.....	268 91
For taxes refunded.....	388 85
For water rent.....	6,251 50
<b>Total.....</b>	<b>\$ 87,511 37</b>
Balance on hand, including School Fund.....	120,398 21
	<u>\$207,909 58</u>

## TOMLINSON ESTATE.

Balance on hand February 28th, 1879, as per report.....	\$ 18,420 05
From rents.....	275 33
	<u>\$ 18,695 38</u>
For repairs.....	\$ 10 75
Balance on hand.....	18,684 63
	<u>\$ 18,695 38</u>

Respectfully submitted,

WM. M. WILES, City Treasurer.

To BENJ. C. WRIGHT, City Clerk.

The City Assessor submitted the following communication; which was received, and the several nominations and appointments, therein set forth, were duly approved and confirmed:

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

*Gentlemen:*—I hereby nominate, and ask your honorable bodies to confirm, as Deputy City Assessors, the following named persons: H. M. Hadley, R. D. Townsend, C. W. Pritchard, C. S. Wright, N. Doan, L. D. McLain, O. S. Dale, W. D. Sater, James Schonover, Lem. Mix, A. F. Fay, George C. Brooks, H. Hensel, Benj. Reau, Henry Roney, T. V. Kimball, John Baker, George M. Hawkins, J. W. Jackson, Jere. Dill, P. R. Perine, Austin Prather, J. W. McVey, Daniel Jones, A. M. Smith, Fred. Rassfeld.

Also, ask you to confirm the following appointed Township Assessors, in order to legalize the assessments made by them for city purposes: T. D. Thorpe, H. C. Perkins, T. W. Brouse, R. D. Bacon, F. Rubush, M. W. E. Doran, Leroy Morris, William Munson, William M. Blythe, Albert Davis, H. H. Boggess, N. Hoss, W. M. Lowry, E. Carpenter, A. H. Baker, Eugene Sauley, A. S. Mount, A. J. Many, G. Bohne, J. B. Mann, Charles Baden, J. H. Lehr.

Respectfully submitted,

WM. HADLEY, City Assessor.

The Superintendent of the City Hospital and Branch submitted the following report; which was duly received:

The following report of the City Hospital and Branch, for the month ending March 31st, 1879, is respectfully submitted:

NO. OF BEDS IN HOSPITAL—100.	First Week.	Second Week.	Third Week.	Fourth Week.	Three Days.	Total.
Number of Patients at last report—adults.....	36	38	29	35	40	.....
Number of Patients at last report—infants.....	4	5	6	6	7	.....
Received New Patients—adults.....	10	8	10	11	4	43
Births, or Received—infants.....	2	2	.....	1	.....	5
Discharged—adults.....	8	16	4	6	5	39
Discharged—infants.....	1	1	.....	.....	1	3
Died—adults.....	.....	1	.....	.....	1	2
Died—infants.....	.....	.....	.....	.....	.....	.....
Number of Patients remaining—adults.....	38	29	35	40	38	.....
Number of Patients remaining—infants.....	5	6	6	7	6	.....
Number of Patients in Branch—adults.....	.....	.....	.....	.....	.....	.....
Number of Patients in Branch—infants.....	.....	.....	.....	.....	.....	.....
Aggregate No. of days of Patients in Hospital—adults.....	262	271	219	262	124	1138
Aggregate No. of days of Patients in Hospital—infants.....	29	46	42	44	21	182

Total expenditures for month.....\$ 570 61

Net expenditures for the month..... 570 61

Aggregate number of days subsistence furnished.....1799

Average expense per capita per diem..... 31.7 cents.

W. H. DAVIS, Superintendent.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board and the Committee on Water-Works, through Councilman Layman, submitted the following report; which was duly received:

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

Gentlemen:—Your Committee on Water-Works and Fire Board, to whom was referred the resolution requiring the Water-Works Company to lay mains upon

Madison avenue, would report that we have examined the matter, and recommend that the resolution be passed.

Respectfully submitted,

R. S. FOSTER,  
JAS. T. LAYMAN,  
W. H. TUCKER,

Fire Board.

JOHN L. MARSEE,  
OMER RODIBAUGH,  
FRANK A. MAUS,

Committee on Water-Works.

The following resolution [which had been offered by Councilman Bermann on February 17th—see page 787, *ante*], was then read :

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That it is necessary, for the further and better protection of the city from fire, that water-mains be laid and extended upon Madison avenue, from Morris to Nebraska street. That the Water-Works Company be notified by the City Clerk to proceed to lay such mains, and establish fire hydrants, under the direction of the Chief Fire Engineer—such hydrants to be established not less than one thousand feet apart, under the provisions of the charter of the Water-Works Company.

And was adopted by the following vote :

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

**NAYS—None.**

The Police Board, through Councilman Brown, submitted the following report; which was concurred in :

To the Mayor and Common Council :

*Gentlemen:*—The claim of Dr. Wagner, amounting to \$2,411, and preferred against the city by him, on account of alleged medical attention on the prisoners in the Central Station House, from 1st May, 1877, to January 27th, 1878, and which was referred to this Board, for investigation and information, by your honorable body, has had our attention, and we herewith report that the police authorities, as instructed by the Common Council and Board of Aldermen, have called for and received medical aid for the prisoners only of those in charge at the Dispensary, with the exception of a few urgent cases, when no one could be found to respond promptly from that institution. The Superintendent of the Dispensary fully agrees with us in exonerating the city from any responsibility for pay for medical services from his employes under the existing agreement with him. We, therefore, return the bill, with the recommendation that the bill be not allowed.

Respectfully submitted,

W. D. WILES,  
M. L. BROWN,  
THOS. J. MORSE,  
Board of Police.

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



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

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

1st. Is a motion directing the Street Commissioner to clean the gutters of Davia street, south of Bicking street, and fill the alley-crossing on said street.

We recommend this work be done.

2d. Is a motion instructing the Street Commissioner to fill the chuck-holes in St. Clair street, from Massachusetts avenue to Pine street.

To repair this street would, in our opinion, be a useless expense, and we recommend said work be not done.

3d. Is a motion directing the Street Commissioner to repair the gutter at the intersection of Agnes and North streets.

We recommend the work be done.

4th. Is a motion instructing the Street Commissioner to repair, with new blocks, the block pavement of Delaware street, from St. Clair street to Seventh street, at a cost not to exceed \$15 per square.

We recommend this work be done.

5th. Is a motion instructing the Street Commissioner to fill the chuck-holes, with gravel, in Market street, between Davidson and Pine streets.

We recommend this work be not done, at present.

6th. Is a motion instructing the Street Commissioner to fill, with gravel, the chuck-holes of New York street, between Noble and Railroad streets.

We recommend this work be not done.

7th. Is a motion instructing the Street Commissioner to fill, with gravel, the chuck-holes in the Crawfordsville road, from Fall Creek bridge, at the end of Indiana avenue, to the bridge crossing White River.

We recommend this work be done, at a cost not to exceed twenty-five dollars, (\$25).

8th. Is a motion instructing the Street Commissioner to raise the stone-crossing of McCarty street, where the same intersects Virginia avenue, and fill chuck-holes at same place.

We recommend this work be done.

9th. Is a motion instructing the Street Commissioner to put a cinder crossing on Coburn street, where Wright street intersects said street.

We recommend this work be done.

10th. Is a motion directing the Street Commissioner to fill the chuck-holes in Coburn street, between East street and Virginia avenue.

We recommend this work be not done.

11th. Is a motion directing the Street Commissioner to put two cinder crossings at the intersection of Wright and Dougherty streets.

We recommend this work be done.

12th. Is a motion directing the Street Commissioner to clean the gutters of Palmer street, between Union and Meridian streets.

We recommend this work be done.

13th. Is a motion directing the Street Commissioner to take up the culvert and the gutter on the east side of Union street, at the crossing of Morris street.

We recommend this work be done.

14th. Is a motion directing the Street Commissioner to lay a stone crossing on the north side of Morris street, at the crossing of Meridian street.

We recommend this work be not done.

15th. Is a petition of D. Reynolds, M. M. Hook, and others, asking that the Street Commissioner be instructed to improve or repair Malott avenue, from Alvord street, running northeast, to the first alley east of Yandes street.

We recommend the Street Commissioner be instructed to repair this street, between the points indicated, at a cost not to exceed fifteen dollars (\$15).

Very respectfully submitted,

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

Board of Public Improvements.

The same official board, with the Street Commissioner, submitted the following report; which was duly approved:

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

*Gentlemen:*—We herewith report expenses of the Street-Repairs Department for the month of March, 1879, together with total expenses from May 16th, 1878, to April 1st, 1879:

Ike King, blacksmithing .....	\$	3	40
J. L. Scanlon, stone for Work-House.....		40	80
Clemens Vonnegut, hardware .....		44	07
Indianapolis Rolling Mill Co., cinders.....		80	00
C. F. Shepherd, cement, etc.....		16	50
John Anderson, bowlders.....		1	25
Ed. Barnett, bowlders.....		25	50
Stephen Beamer, bowlders.....		2	35
R. P. Dunning, bowlders.....		3	00
I., C. & L. R. R. Co., freight.....		102	00
John McDonald, bowlders.....		13	50
John Blackwell, bowlders.....		2	50
Michael Wren, bowlders.....		19	50
Edward Swing, bowlders.....		1	25
D. B. McDonough, cement pipe.....		3	53
B. A. Rains, bowlders.....		2	50
W. S. Johnson, bowlders.....		12	00
Chas. Shover, sand.....		4	50
Thomas A. Goodwin, sand .....		7	60
Pay-Rolls for March, 1879.....		1,536	67
		<hr/>	
Total expenses for March, 1879.....	\$	1,922	42
Total expenses per last report.....		21,807	42
		<hr/>	
Total expenses to April 1st, 1879.....	\$23,729	84	

Respectfully submitted,

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

Board of Public Improvements.

L. A. FULMER, Street Commissioner.

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

*Report of Deaths in the City of Indianapolis, from March 15th to 31st, 1879, inclusive:*

Under 1 year.....	11
1 to 2 years.....	5
2 to 5 ".....	3
5 to 10 ".....	0
10 to 15 ".....	3
15 to 20 ".....	6
20 to 25 ".....	3
25 to 30 ".....	1
30 to 40 ".....	3
40 to 50 ".....	1
50 to 60 ".....	3
60 to 70 ".....	3
70 to 80 ".....	2
80 to 90 ".....	0
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	4
<b>Total.....</b>	<b>48</b>

HENRY JAMESON, M. D., President.  
 JOSEPH W. MARSEE, M. D.  
 WILLIAM WANDS, M. D., Secretary.

The same official board also submitted the following report; which was duly received:

*Gentlemen:*—We herewith submit our Mortality Report of Indianapolis for the twelve months ending December 31st, 1878, as follows:

I. Zymotic diseases.....	347
II. Constitutional diseases.....	265
III. Local diseases.....	417
IV. Developmental diseases.....	96
V. Accidental and violence.....	107
Stillborn.....	83
<b>Total.....</b>	<b>1315</b>

CLASS FIRST.

ORDER 1.—Scarlatina, 10; small-pox, 3; diphtheria, 23; croup, 21; tonsilitis, 3; whooping-cough, 30; erysipelas, 13; typhoid fever, 16; remittent fever, 4; typhus malarial fever, 24; pyemia, 13; diarrhœa, 5; dysentery, 6; cholera morbus, 1; cholera infantum, 62; entero-colitis, 5; cerebro-spinal meningitis, 16; yellow fever, 1.

ORDER 2—ENTHETIC OR INNOCULATED.—Syphilis, 2; syphilis congenital, 6.

ORDER 3—DIETIC.—Inanition, 50; intemperance, 1.

CLASS TWO.

ORDER 1—DIATHETIC.—Cancer of breast, 1; of stomach, 2; of uterus, 6; of liver, 2; of heart, 1; rheumatism, 1; marasmus, 12; general debility, 11; infantile debility, 4.

ORDER 2—TUBERCULAR.—Scrofula, 11; consumption, 182; tabes mesenterica, 8; hydrocephalus, 10; tubercular meningitis, 9; lumbar abscess, 4; of throat, 7.

## CLASS THREE—LOCAL.

ORDER 1—NERVOUS.—Abscess of brain, 3; meningitis, 19; encephalitis, 2; apoplexy, 7; softening of brain, 4; insanity, 10; epilepsy, 1; convulsions, 38; paralysis, general, 15; paraplegia, 1; hemiplegia, 1; chorea, 2; tetanus, 14; trismus, 1; congestion of stomach, 11; coup de soleil, 2; congestion of brain, 34; disease of the brain, 8.

ORDER 2—CIRCULATORY.—Aneurism of aorta, 1; aortic regurgitation, 1; cardiac hypertrophy, 1; angina pectoris, 2; fatty degeneration of heart, 2; gall stone, 1; pericarditis, 3; endocarditis, 3; valvular disease, 24; dropsy, 15.

ORDER 3—RESPIRATORY.—Laryngitis, 11; bronchitis, 17; pneumonia, 75; hydrothorax, 1; congestion of lungs, 21; empyema, 2; hæmoptysis, 5.

ORDER 4—DIGESTIVE.—Stomatitis, 3; gastritis, 4; gastro-enteritis, 8; peritonitis, 1; ulceration of intestines, 1; ulcer of stomach, 4; dentition, 2; cœrrosis of liver, 5; hepatitis, 6; dyspepsia, 3.

ORDER 5—URINARY.—Nephritis, 4; Bright's disease, 2; diabetes, 4; cystitis, 5; hæmaturia, 1.

ORDER 6—GENERATIVE.—Metro peritonitis, 2.

ORDER 7—LOCOMOTORY AND OSSEOUS.—Periostitis, 1; spina bifida, 2; eczema, 1.

## CLASS FOUR—DEVELOPMENTAL.

ORDER 1—CHILDREN.—Premature births, 36; preternatural births, 4; cyanosis, 12; parturition, 2; hemorrhages, 7.

THE ORDER OF THEME NOT STATED.—Puerperal metritis, 1; peritonitis, 2; inflammation of uterus, 3; miscarriage, 5.

ORDER 3.—Old age, 24.

## CLASS FIVE.

ORDER 1—VIOLENCE, ACCIDENTS, HOMICIDES, SUICIDES, ETC.—Fracture of skull, 6; of pelvis, 1; gun-shot, 11; killed by railroad, 11; fall from building, 3; burns and scalds, 6; poisoned by morphine, 5; shock from violence, 4; asphyxia, 6; drowned, 4; suicides (how committed is not stated), 7; deaths (causes not ascertained), 43.

The population of our city is estimated at 90,000. In this report, the death rate per thousand is 14.60 per centum.

Children, under five years of age, to total number of deaths, 47.22 per centum.

Zymotic diseases to the total number of deaths, 26.38 per centum.

The deaths of nationalities are as follows:

America.....	1100
Ireland.....	61
England.....	9
Germany.....	100
France.....	8
Italy.....	2
Scotland.....	1
Russia.....	1
Wales.....	1
Denmark.....	1
Poland.....	1
Sweden.....	1
And other nationalities not stated.....	29
Total.....	1315

RECAPITULATION.

Adults.....	440
Minors.....	875
Total.....	1315
Males, white.....	604
Females, white.....	500
Males, colored.....	99
Females, colored.....	91
Sex not stated.....	21
Total.....	1315
Buried from public institutions.....	60
On certificate of Coroner.....	76
On certificate of midwife.....	42
Total.....	178

HENRY JAMESON, M. D., President.

WILLIAM WANDS, M. D., Secretary.

Per T. N. WATSON, M. D., Acting Health Officer.

REPORTS, ETC., FROM COMMITTEES.

The Committee on Benevolence and Hospitals, through Councilman Walker, presented the following report; which was duly received:

*Report of the City Dispensary for March, 1879.*

Number of visits made in District "North" .....	100
Number of visits made in District "South" .....	87
Number of visits made to Station House.....	31
Number of patients prescribed for at Dispensary.....	455
Number of patients prescribed for at Station House.....	22
Number of surgical cases.....	62
Number of prescriptions filled.....	1101
Number of prescriptions filled for Station House.....	27
Number of teeth extracted.....	7
Number of births.....	2
Number of deaths.....	2

Respectfully submitted,

W. B. FLETCHER, Supt.

H. A. PFAFFLIN, Clerk.

The Judiciary Committee and the City Attorney, through Councilman Layman, submitted the following report; which was duly concurred in:

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

*Gentlemen:*—Your Committee on Judiciary and City Attorney, to whom was referred the petition of Mary Graney, asking to be relieved from certain delinquent taxes due the city, would report that we have investigated the matter, and find that the petitioner is a widow, and that her property is appraised at less than one thousand dollars—to-wit, seven hundred and fifty dollars,—and that she is entitled to an exemption upon five hundred dollars' worth.

As these taxes have not been paid, we would recommend that, as to five hundred dollars of said property, she be exempt, and that the Assessor and Clerk be instructed to make the proper entry upon the duplicate.

Respectfully submitted,

M. H. MCKAY,  
JOHN L. MARSEE,  
JOHN L. F. STEEG,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The same committee also submitted the following report; which was duly concurred in:

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

*Gentlemen* :—Your joint Committee on Judiciary, to whom was referred the reports of W. O. Sherwood, late Chief Fire Engineer, with instructions to investigate the same, would report that we have had the matter under consideration, and have had Mr. Sherwood and a number of other witnesses before us, but are not able to make any satisfactory report, for the reason that we find that Mr. Sherwood, while acting as Chief Fire Engineer, kept no books of account, or accounts of any kind, showing the amounts of old material and horses sold by him, or of the amounts of money received and expended by him on account of the city. We, therefore, have had nothing upon which to base our investigation but the two reports made by Mr. Sherwood to the Council; and these reports show no items, but only state amounts in the aggregate, and Mr. Sherwood was unable to remember or explain any of the items or particulars embraced in these reports, or that went to make up the sums reported by him as received and expended.

As to the two horses reported as sold to Messrs. Engle and Drew, and not paid for, we find that there is still due the city the sum of \$125 from these gentlemen, which they say they are ready to pay at any time. As to the horse sold Mr. Gimber, we find that since the matter was referred to us, Mr. Gimber has paid the amount due the city to the City Treasurer. As to the two horses reported as sold to Mr. E. H. Adams, and not yet paid for, we find that Mr. Sherwood claims that they were sold for \$40 and \$60, while Mr. Adams claims that he bought them for \$35 and \$60; he also claims that they were to be paid for in brick, and that he gave Sherwood a due-bill, payable in brick. Sherwood admits that he received the due-bill, but can not produce it, and does not remember amount or date of it, but denies that it was payable in brick. We find that the city has received brick upon this account, to the amount of \$47, and Mr. Adams informs your committee that he is ready and willing to furnish brick for the balance due the city.

As we have stated before, Mr. Sherwood having failed or neglected to keep any accounts, and being now unable to explain his reports, we are unable to say whether they are correct or not, but we are of the opinion that in failing to keep accounts of his receipts and expenditures as Chief Fire Engineer, he neglected a very important duty of his office.

We would recommend that the City Treasurer be instructed to collect \$125, due the city, from Messrs. Engle & Drew, and that the Street Commissioner be instructed to receive from Mr. Adams the balance due the city in brick.

Respectfully submitted,

M. H. MCKAY,  
JOHN L. MARSEE,  
JOHN L. F. STEEG,

Committee on Judiciary.

The Committee on Opening, etc., Streets and Alleys, and the City Attorney, through Councilman Layman, submitted the following report; which was considered and duly concurred in by clauses:

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

*Gentlemen* :—Your Committee on the Opening, Laying-out, etc., of Streets and Alleys, to whom was referred sundry matters, would report that we have examined the same, and find that the

FIRST is a petition from Ingram Fletcher, asking that the plat, together with the streets and alleys, in what is known as McLane and Denny's First Addition to the City of Indianapolis, be vacated.

We find that the necessary notices of vacation have been given according to law; and as this is ground that is only suitable for agricultural purposes, and wholly unimproved, we recommend that the prayer of the petition be granted, and that the accompanying resolution be passed.

SECOND is a petition from George B. Edwards, Andrew Fleming, and Ingram Fletcher, asking a vacation of the plat, together with the streets and alleys therein contained, being known as Fred. L. Russell's Subdivision of 17 6-10 acres of the south end of the west  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of section 30, township 16, range 4.

We find in this case, that all the requirements of the statute have been complied with; and, for the same reason as stated before, we recommend that the prayer of the petition be granted, and that the accompanying resolution be passed.

THIRD is a petition from Jacob W. Hoagland, asking a vacation of a plat of ground.

In this case, we find that the petitioner has not complied with the statute, in giving the proper notices, as required by law, and therefore the Council and Board have not the power to vacate the plat and streets.

FOURTH is a petition from Isaac Foster and the Brothers of the Sacred Heart, asking the vacation of so much of the first alley south of Coburn street, in Daugherty's Subdivision of a part of out-lot No. 99, as lies south of lots Nos. 11, 12, 13, 14, and 15.

We have examined this matter, and are of the opinion that it is expedient that the matter be referred to Board of City Commissioners. We, therefore, recommend that the accompanying resolution be passed.

FIFTH is a petition from R. L. McQuat and others, asking that the alley through R. L. McQuat's Second Addition be vacated.

We have examined the matter, and are of the opinion that it is expedient that the matter be referred to the City Commissioners for their action. We would, therefore, recommend the passage of the accompanying resolution.

Respectfully submitted,

JAMES T. LAYMAN,  
JOHN L. F. STEEG,  
WM. F. REASNER,

Committee on Opening, etc., Streets and Alleys.

R. O. HAWKINS, City Attorney.

The following resolution was then read :

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis*, That the plat of ground known as McLane and Denny's First Addition to the City of Indianapolis, being a subdivision of ten (10) acres off the west half of the southeast quarter of section thirty (30), township sixteen (16), range four (4), as recorded in Plat-Book 4, page 214, of the Recorded Plats of Marion County, Indiana, and bounded and described as follows, to-wit: Beginning at the southwest corner of lot seven (7) in said McLane & Denny's Addition; thence, north, along the east line of Bismarck street, to the centre of Harlan street; thence, east, along the centre of Harlan street, to its intersection with Baltimore avenue;

thence, north, along the west line of Baltimore avenue, to the southeast corner of lot fifty-three (53) in said Addition; thence, west, along the south line of the lots in said Addition, to the place of beginning; together with the streets and alleys passing over and through the same, be, and the same are hereby, declared to be vacated and forever annulled, in compliance with the petition of Ingram Fletcher, asking the same.

And was adopted by the following vote :

AYES, 15—viz.: Councilmen Brown, Bruner, Cummings, Dill, Layman, Marsee, Morse, McKay, Reading, Rodibaugh, Sindlinger, Steeg, Tucker, Walker, and Wiese.

NAYS, 9—viz.: Councilmen Anderson, Bermann, Maus, McGinty, O'Brien, Off, Reasner, Showalter, and Wright.

The following resolution was also read :

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the plat of ground known as Fred. L. Russell's Subdivision of 17 6-10 acres off the south end of the west  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of section thirty (30), township 16, range 4, as recorded in Plat-Book 4, page 172, of the Recorded Plats of Marion County, Indiana, bounded and described as follows, to-wit: Beginning at the northeast corner of Bismarck and Anderson streets, thence, north, along the east line of Bismarck street, to the north line of Long Branch street; thence, east, along the north line of Long Branch street, to the west line of Hill avenue; thence, southwesterly, along the west line of Hill avenue, to the north line of Anderson street; thence, west, along the north line of Anderson street, to the place of beginning; together with the streets and alleys passing over and through the same, be, and the same are hereby, declared vacated and annulled, in compliance with the petition of George B. Edwards, Andrew Fleming, and Ingram Fletcher.

And was adopted by the following vote :

AYES, 15—viz.: Councilmen Brown, Bruner, Cummings, Dill, Layman, Marsee, Morse, McKay, Reading, Reasner, Rodibaugh, Sindlinger, Steeg, Walker, and Wiese.

NAYS, 9—viz.: Councilmen Anderson, Bermann, Maus, McGinty, O'Brien, Off, Showalter, Tucker, and Wright.

The following resolution was also read :

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the petition of Isaac Foster and the Brothers of the Sacred Heart, asking for the vacation of a part of the first alley south of Coburn street, in Dougherty's Subdivision of a part of out-lot No. 99, in the City of Indianapolis, be, and the same is hereby, referred to the Board of City Commissioners, for their action thereon.

And was adopted by the following vote :

AYES, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.



The following resolution was also read :

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the petition of R. L. McQuat and others, asking for the vacation of the alley running through R. L. McQuat's Second Addition to the City of Indianapolis, be, and the same is hereby, referred to the Board of City Commissioners, for their action thereon.

And was adopted by the following vote :

AYES, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

NAYS—None.

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

The following message was read and considered by clauses :

To the Common Council of the City of Indianapolis :

*Gentlemen:*—The Board of Aldermen, at its last regular session, held March 18th, amended the action of your honorable body, had on the previous evening, in the following particulars :

1. By requiring Jacob Fritz to bowlder, instead of planking, the driveway over the sidewalk in front of his property, on Yeiser street. [See clause 1, Report from Board of Public Improvements, page 832.]

2. The following Council motion was duly adopted, after it had been amended by requiring the driveway to be constructed of "bowlders" instead of "plank" :

That David Russell be granted permission to lay a plank driveway over the sidewalk in front of his foundry, on Biddle street—the same to be done at his own expense, and under the directions of the City Civil Engineer.

3. The following Council motion was duly adopted, after it had been amended by inserting the word "bowlder" before "driveway" in the second line, and adding the phrase "under direction of the City Civil Engineer" :

That John L. S. Arnold be allowed to build a bridge across the gutter in front of his place of business, on Virginia avenue; also a driveway across the sidewalk, at his own expense.

4 and 5. The following Council motions were severally adopted, after they had been amended by adding the phrase "under the direction of the City Civil Engineer" :

That W. H. Hammons be allowed to build a bridge across the gutter in front of his place of business, on Daugherty street; also, to put a cinder-crossing across said street, and to pave the sidewalk with brick—all of said work to be done at his own expense.

That Claffey & Seele be allowed to build a bridge across the gutter in front of their place of business, on Virginia avenue.

6. The following Council motion was, on Alderman Grubbs's motion, referred back to its author, for the purpose of having the exact location of the proposed repair specifically stated :

That the Street Commissioner be directed to notify the Indianapolis Gas-Light and Coke Company to repair the sidewalk in front of Virginia avenue.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The following proceedings were then had :

CLAUSES 1, 2, AND 3.—On motions duly made, the Common Council determined to adhere to its original action upon these several matters.

CLAUSES 4 AND 5.—On motions duly made, the Common Council concurred in the Aldermanic amendments to the two motions.

CLAUSE 6.—No further action was necessary, Councilman Steeg reporting that the desired repairs had already been made.

The following message was duly received :

To the Common Council of the City of Indianapolis :

*Gentlemen* :—I herewith submit, for your consideration and action upon same, certain papers which were favorably acted upon by the Board of Aldermen, at its regular session, held on March 18th, 1879.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

Report from Aldermanic Committee on Streets and Alleys, recommending that the Street Commissioner be ordered to repair S. Meridian street, between McCarty and Morris streets, with not exceeding twenty-five loads of coarse gravel [see page 864, *ante*], was read; and then, on Councilman Wiese's motion, the Common Council refused to concur in the Aldermanic recommendation, on account of insufficiency.

The following Aldermanic motion was duly adopted :

That the General Ordinance entitled "An Ordinance regulating the erection of Public Lamps, and providing for lighting the Streets and Alleys of the City of Indianapolis with Gas (ordained May 31st, 1869)" be referred to the Council and Aldermanic Committees on Gas-Light, with instructions to consider the amendment of sections 2 and 3 of said ordinance, so that the number of lamps on all but Washington street, the four principal avenues, and Meridian and Illinois streets, from Washington street to Louisiana street, be reduced to three on each square frontage.

The following Aldermanic motions [which the Board of Aldermen had referred to the Board of Public Improvements, with power to act—see page 865, *ante*], were read; and the reference and power given were duly confirmed :

That the Street Commissioner be ordered to repair Chestnut street, between Madison avenue and Ray street.

That the Street Commissioner be ordered to fill up the chuck-holes in Madison avenue.

That the Street Commissioner be instructed to fill the chuck-holes in Morris street, between West and Dakota streets, with coarse gravel.

## INTRODUCTION OF ORDINANCES.

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

The Fire Board, through Councilman Layman, introduced—

Ap. O. 18, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

The Hospital Board, through Councilman Walker, introduced—

Ap. O. 19, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.

The Police Board, through Councilman Brown, introduced—

Ap. O. 20, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

The Board of Public Improvements, through President McKay, introduced—

Ap. O. 21, 1879—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repairs Department of the City of Indianapolis.

The Committee on Accounts and Claims, through Councilman Layman, introduced—

Ap. O. 22, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

The Committee on Printing, etc., through Councilman Wright, introduced—

Ap. O. 23, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Councilman Wright introduced—

G. O. 11, 1879—An Ordinance granting J. P. Wiggins, F. D. Neeld and I. N. Neeld, partners doing business under the name and style of "Indianapolis Ice Storage Company," the right and privilege of building and constructing a Railroad Switch, connecting their warehouse with the main track of the Indianapolis, Cincinnati & Lafayette Railroad, near the corner of Georgia and Missouri streets, in the City of Indianapolis.

The Board of Public Improvements, through Councilman McKay, introduced—

S. O. 5, 1879—An Ordinance to provide for improving the first alley north of Lockerbie street, from Liberty street to Noble street, by grading and graveling.

Councilman Anderson introduced—

- S. O. 6, 1879—An Ordinance to provide for curbing with stone, and paving with brick the west sidewalk, and bowldering the west gutter of Alabama street, from Washington street to Market street.
- S. O. 7, 1879—An Ordinance to provide for grading and bowldering Delaware street, from Washington street to the north line of Wabash street.

Councilman Cummings introduced—

- S. O. 8, 1879—An Ordinance to provide for paving with brick the sidewalks of Pratt street, from Illinois street to Mississippi street.

Councilman McKay introduced—

- S. O. 9, 1879—An Ordinance to provide for improving the alley between Ash street and College avenue, from the first alley north of Christian avenue to the second alley north of Christian avenue, by grading and graveling.

Councilman O'Brien introduced—

- S. O. 10, 1879—An Ordinance to provide for improving the north sidewalk of Washington street (except where already properly improved), from White River bridge to Ray street, by grading and graveling.

The last above entitled ordinance was accompanied by the following petition; which was duly received:

To the Common Council of the City of Indianapolis:

The undersigned property owners respectfully request your honorable body to cause the unimproved portions of the sidewalk on the north side of Washington street, between White River bridge and Ray street, West Indianapolis, to be graded and graveled.

Edward Mueller, 80 feet; Amos Wood, 66 feet; W. H. Watt, 40 feet; Percy Hosbrook, 75 feet; Magdalena Bletzinger, 110 feet; M. E. Kingan, 137 feet; Edward A. Naltner, 54 feet; Guido Bell, 54 feet.

#### APPROPRIATION ORDINANCES—PASSAGE OF.

This being the regular appropriation night, Appropriation Ordinances 18, 19, 20, 21, 22, and 23, 1879, were severally read the second time without suspension of the rules, were severally ordered to be engrossed, and were passed to a third reading.

The following entitled ordinance was then read the third time:

- Ap. O. 18, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$636.09.]

And was passed by the following vote:

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

The following entitled ordinance was also read the third time :

**Ap. O. 19, 1879—**An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$570.61.]

And was passed by the following vote :

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

The following entitled ordinance was also read the third time :

**Ap. O. 20, 1879—**An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$409.92.]

And was passed by the following vote :

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

The following entitled ordinance was also read the third time :

**Ap. O. 21, 1879—**An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repairs Department of the City of Indianapolis.

And was passed by the following vote :

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

The following entitled ordinance was also read the third time :

**Ap. O. 22, 1879—**An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$15,727.13.]

And was passed by the following vote :

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

The following entitled ordinance was also read the third time :

**Ap. O. 23, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$678.02.]**

And was passed by the following vote :

**AYES, 24—viz.:** Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS—None.**

#### MISCELLANEOUS BUSINESS.

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

That A. F. Reasner be granted permission to bowlder sidewalk and bridge gutter, in front of his flour and feed store, on E. North street—said work to be done at his own expense, and under the direction of the City Civil Engineer.

That Garrett D. Green be granted permission to lay a brick sidewalk in front of his property, No. 64 Cherry street—said work to be done at his own expense, and under the direction of the City Civil Engineer.

Councilman Cummings presented the following proofs of posting and publication; which were referred to the Committee on Opening, etc., Streets and Alleys :

#### NOTICE OF VACATION.

To John H. Vajen, J. C. and C. E. Geisendorff, and all others concerned :

Notice is hereby given, that I have filed in the office of the City Clerk of the City of Indianapolis, Indiana, a petition for the vacation of all streets and alleys in Metcalf & Cook's Subdivision of lots 2, 3, 4, 5, and 6 of W. F. H. and Almira D. Brooks' Addition to the City of Indianapolis, Marion County, State of Indiana, and that the same will be presented to the City Council, at their regular meeting on Monday evening, April 7, or as soon thereafter as the same can be heard.

JACOB W. HOAGLAND.

STATE OF INDIANA, *Marion County, sct.:*

Isaac Dunn, being duly sworn, on his oath says, that he posted up three notices (of which the attached is a copy) in three of the most public places in the township—one of which was on the premises described as Metcalf & Cook's Subdivision of lots two, three, four, five, and six in W. F. H. and A. D. Brooks' Addition to the City of Indianapolis, and one at the Court House—on the 12th day of March, 1879.

ISAAC DUNN.

Subscribed and sworn to before me, a notary public in and for said County, on this 5th day of April, 1879.

[SEAL.]

IVAN N. WALKER, Notary Public.

## NOTICE OF VACATION.

To John H. Vajen, J. C. and C. E. Geisendorff, and all others concerned :

Notice is hereby given, that I have filed in the office of the City Clerk of the City of Indianapolis, Indiana, a petition for the vacation of all streets and alleys in Metcalf & Cook's Subdivision of lots 2, 3, 4, 5, and 6 of W. F. H. and Almina D. Brooks' Addition to the City of Indianapolis, Marion County, State of Indiana, and that the same will be presented to the City Council, at their regular meeting on Monday evening, April 7, or as soon thereafter as the same can be heard.

JACOB W. HOAGLAND.

STATE OF INDIANA, *Marion County, ss :*

Personally appeared before the undersigned, James I. Tibbetts, who, being duly sworn, says that he is a clerk of the Indiana State Sentinel, a public weekly newspaper of general circulation, printed and published in the City of Indianapolis, in the County aforesaid; and, upon his oath further saith, that the notice, of which the attached is a true copy, was duly published in said paper for three weeks successively, the first of which publication was on the 12th day of March, and the last publication was on the 26th day of March, 1879.

JAMES I. TIBBITTS.

Subscribed and sworn to before me, this 5th day of April, 1879.

[SEAL.]

C. J. WHITRIDGE, N. P.

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

That the Street Commissioner be allowed to fill in the low places and holes in N. Illinois street with some of the broken stone now at the city's stone-yard, as said street is in a bad condition at this time.

Also, offered the following motion; which, at Councilman Marsee's suggestion, was referred to the Council and Aldermanic Committees on Streets and Alleys and the City Attorney, for joint consideration, and with power to act:

That the Street Commissioner be ordered to have Mr Duffey, on canal, between St. Clair street and Walnut street, open alley in rear of Pat Griffin's lot on St. Clair street.

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

That E. J. Overman be granted permission to pave with brick the sidewalk in front of his property, No. 146 W. New York street—to be done according to grade stakes set by the City Civil Engineer, at his own expense, and to be completed in sixty days.

Also, offered the following motion; which was referred to the Board of Public Improvements, who were given power to act:

That the Street Commissioner be instructed to place a plank crossing over the gutter at the alley crossing on Mississippi street, between Michigan and Vermont streets.

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

That when the Council adjourns, it adjourn to meet on next Monday night, April 14th, at 7½ o'clock.

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

That the Street Commissioner be directed to fill the chuck-holes in Blake street, between Washington and Michigan streets.

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

That sixty days' extension of time be granted John Greene, in which to complete his contract on Lawrence street, from Beech street to Rural street.

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

That the Street Commissioner be directed to clean the gutters of Garden street, from Merrill to Norwood street.

That the Street Commissioner be directed to clean the gutters of Tennessee street, from McCarty to Ray street.

Also, presented the following notice; which was referred to the Council and Aldermanic Judiciary Committees and the City Attorney:

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

You are hereby notified to select a Civil Engineer, to act in conjunction with an Engineer to be selected by me, to ascertain the work done by me in grading and graveling South Tennessee street, from McCarty to Garden street, and estimate the value thereof, as was agreed by the City of Indianapolis and myself, when my action in court against the city for said work was pending. Make the selection above indicated, and advise me of the same, so that I may, as I am prepared to do, select and notify my Engineer of the time of meeting for ascertaining said work and its value.

April 7, 1879.

THOMAS WREN.

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

That the Judiciary Committee be instructed to prepare and report an ordinance regulating the cleaning of vaults, etc., and repealing the ordinance now in force upon that subject.

That the City Civil Engineer be instructed to notify the Gas Company to move the gas post located at the first alley south of Home avenue, on the east side of Park avenue, as it is, at present, three feet outside of the alley line, and obstructs the alley.

Also, presented the following petition; which, at Councilman Marsee's suggestion, was referred to the Council and Aldermanic Committees on Railroads:



*Indianapolis, March 28, 1879.*

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

*Gentlemen*.—The undersigned, owners of the real estate fronting on Indiana avenue, between West street and Fall Creek, respectfully petition for the passage of an ordinance providing that the street railroad which is about to be built on Indiana avenue may be extended on said avenue to the intersection of said avenue and Blake street.

And your petitioners will ever pray, etc.

Jno. C. Wright, 900 feet; S. A. Fletcher, F. M. Churchman, John H. Caffee, C. Held, 82 feet; Frank H. Hays, 33 feet; Hardy Wray, Jonathan Willis, H. P. Kurts, James E. Watts, Edward Gilbert; F. Witt-hoft, 91 feet; John Haufler; Conrad Monninger, 65 feet; Wm. Smith, J. C. Willits, Ph. Rohling, J. O. Connor, Mrs. Heidenresch, Charley Scherrer, David Schmidt.

Also, 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, Catharine Rankin, represents to your honorable bodies that she is the present owner, by warranty deed from Henry Rankin, of lot 16 in Peru & Indianapolis Railroad's Sub. of the west part of out-lot 44, in the City of Indianapolis, Marion Co., Indiana.

That, upon the 25th day of October, 1875, one Charles Lower petitioned your honorable bodies to open and straighten Winston street, from the north end thereof to St. Clair street, a distance of 160 feet, and just the length of said lot 16; and such proceedings were had, under and by virtue of said petition, as that the regularly appointed Commissioners for such purposes reported to your honorable bodies that said lot 16 would be benefited by said improvement in the sum of \$700, and that all the damages sustained by said improvement amounted to \$900, and were sustained by August Schmidt, who then owned lots 17, 18, and 19 in the aforesaid Subdivision, which lots front east and lie immediately west of said lot 16. And your petitioner says that all the proceedings in assessing said \$700 benefits against said lot 16 are null and void, and of no binding force. That, by mistake and inadvertence of said Commissioners, and of your honorable bodies, who followed their report in your order assessing the benefits, and opening said street, there was no plat of the street proposed to be changed filed with said report, nor did said report show the width said street was opened through said 160 feet; that the amount of ground vacated was erroneously stated; that said report, and the assessment against said lot 16, was made upon the supposition that a large amount of ground besides the 15 feet alley lying immediately west of said lot 16 was vacated, and title thereto vested in the owner of said lot 16, when in fact such was not the case. That the map and plat filed with the report of said Commissioners, and both their report and the order of your honorable bodies, show that there was appropriated a strip of ground 22½ feet wide off of the east ends of said lots 17, 18, and 19, and the street was intended to be 40 feet wide; and, if it is so, then it would take the 15 feet alley and 2½ feet off of the west side of said lot 16, to make a forty feet street.

Your petitioner further states that, in fact, said assessment against said lot 16 was made because of a mistake of the facts in the case, and was not just and proper.

Your petitioner refers to the report of the Commissioners, the plat filed therewith, and all the papers and records on file in the City Clerk's office, in support of the foregoing facts, and makes them a part of this petition.

And petitioner says that said assessment is a cloud and pretended lien upon her said lot 16; that she is in debt, and desires to mortgage said lot to raise money to pay said debts, which she can not do while said assessment stands against said lot.

unsatisfied and uncanceled: wherefore, she asks your honorable bodies to relieve her from said assessment so wrongfully standing against her, and to save her from the expense of a suit in court for that purpose.

And she will ever pray, etc.

CATHARINE RANKIN.

RITTER, WALKER & RITTER, Attorneys.

Councilman O'Brien offered the following motion; which was referred to the Board of Public Improvements, who were given power to act:

That the Street Commissioner be ordered to fill the chuck-holes in Georgia street, between Illinois street and Kentucky avenue. The street is in a condition requiring early attention.

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

That the Board of Public Improvements, with the City Civil Engineer and the Street Commissioner, be directed to examine the bridge over Pogue's Run, on Ohio street, and report its condition.

That Fred Kleiner, No. 478 E. Washington street, be allowed to put in a plank crossing over the sidewalk in front of his private alley, at his own expense, and under the direction of the City Civil Engineer.

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

That the Street Commissioner be directed to clean out the gutters of S. Arsenal avenue and Summit street, between Washington street and the I. & St. L. Railroad tracks.

That the Street Commissioner be ordered to put a plank crossing over the gutter of Michigan Road, in front of an alley between Washington street and Oriental street, this being the only alley or street between the two points named.

Councilman Rodibaugh presented the following communication, together with the appended motion; and the communication was received and the motion was duly adopted:

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

*Gentlemen:*—The following amounts, due me as market fees, are unpaid; and I would respectfully request that you direct the Master of the West Market to collect the same, and deposit it with the City Treasurer. H. Roemer, who was expelled from the Market by your order, still owes the following amount. He is again doing business on the West Market, and openly makes his boasts that he has beaten the Council.

H. Roemer, Washington street stand.....	\$14 00
Ed. Kline, Washington street stand.....	8 33
Sunneberg, Washington street stand.....	2 50
Glick, Washington street stand.....	3 00
McDougal, Missouri street stand.....	2 00

\$29 33

Very respectfully,

CHAS. N. LEE, Late Master West Market.

Indianapolis, April 5, 1879.

That the request of Mr. Lee be granted; and that the Market-Master at the West Market give the parties notice that unless they pay up their rents within one week, the Market-Master move their stands off the Market Space, and that they be deprived the privilege of attending any public markets of the city.

Also, offered the following motions; which were severally adopted:

That the City Clerk notify the proprietor of the Southside Market that unless he settles with the city the rent due from said market, within two weeks, the stands and stalls will be sold to pay the same, and the market will be discontinued.

That the motion of Mr. Wright, directing the Market Committee to examine the reports of Mr. Hampton, late Market-Master, be referred to the Judiciary Committee, to examine said reports, and report to this Council at its next regular meeting.

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

That the Street Commissioner be directed to fill the ruts and chuck-holes in Illinois street, from Seventh to Twelfth streets.

Also, presented the following petition; which, at the suggestion of Councilman Marsee, was referred to the Council and Aldermanic Committees on Markets:

To the Honorable Common Council of Indianapolis:

*Gentlemen*:—Your petitioners would respectfully ask your consent to erect a large refrigerator on the northwest corner of the East Market Square, for the purpose of selling ice, oysters, fish, etc., etc.—say 15 by 20 feet, and fronting on Delaware street.

April 7, 1879.

GEO. W. PITTS,  
LOUIS P. HILD.

Also, offered the following resolution:

*Resolved by the Common Council and Board of Aldermen*, That the owners of the following described real estate—to-wit, lot No. seven (7) in square eighteen (18) in McKernan and Pierce's Re-Subdivision of Drake's Addition of the City of Indianapolis—be, and they are hereby required to fill or drain the same, as, in the opinion of the 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 28, 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**, 24—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Walker, Wiese, and Wright.

**NAYS**—None.

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

That A. Caylor be granted permission to move his scales from where they now stand, in front of No. 187, and place the same in front of No. 177, on Indiana avenue; *provided that*, when moved, he agrees to fill the old pit and boulder the same, so as to make it as good as the balance of the square, at his own expense, and under the direction of the City Civil Engineer.

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

That the Street Commissioner be instructed to fill, with gravel, the chuck-holes in Indiana avenue, from North street to Fall Creek.

Also, presented the the following petition; which was referred to the Judiciary Committee and the City Attorney:

STATE OF INDIANA, }  
Marion County, ss: } Amended Petition.

To the City Council of Indianapolis, Indiana:

The petition of Mrs. Elizabeth Barth, of Corydon, Indiana, and John W. Barth, of Indianapolis, Indiana, respectfully shows:

That, on the 15th day of March, 1877, your petitioner, Elizabeth Barth, was the owner of lots one (1) and three (3), in square ten (10), in Affenstranger's Sub., etc., in the City of Indianapolis, and that, on that day, sold and conveyed one of said lots—to-wit, lot three (3)—to William H. Young, by deed of warranty, a copy of which deed is filed herewith, marked "A".

That afterward—to-wit, on the 18th day of November, 1878—your petitioner, John W. Barth, upon instruction, by letter, from said Elizabeth Barth to pay "her taxes," paid to William M. Wiles, Esq., City Treasurer, the sum of sixty-one and 80-100 dollars, the same being the amount of taxes assessed against both lots, first above described, for 1877, as per William M. Wiles's receipt, a copy of which is hereto attached, marked "B".

That seventeen (\$17) dollars of said sum so paid by said John W. Barth for Mrs. Elizabeth Barth, as aforesaid, was the amount assessed against said lot three, after it had been sold and conveyed to said William H. Young, as aforesaid.

Wherefore, in view of the premises that the taxes for 1877 on said lot three (3)—to-wit, the sum of seventeen (\$17) dollars—was paid by mistake, as aforesaid, your petitioners pray that said sum of seventeen dollars (\$17) be ordered returned and refunded by said William M. Wiles, Esq., City Treasurer, to your petitioners, and that the same be charged against said lot three (3), as aforesaid, and to the owners thereof, to the end that justice may be had and done.

ELIZABETH BARTH,  
JNO. W. BARTH.

#### EXHIBIT "A".

THIS INDENTURE WITNESSETH, That Elizabeth Barth and Sebastian C. Barth, her husband, of Marion County, in the State of Indiana, convey and warrant to William H. Young and Frances Young, of Marion County, in the State of Indiana, for the sum of five thousand five hundred dollars, the following real estate, in Marion County, in the State of Indiana, to-wit: Lot numbered three, in H. J. Affenstranger's Subdivision of lots numbered one (1), two (2), and three (3), in James M. Ray's Subdivision of the northeast half of square numbered ten (10), in the City of Indianapolis, subject to a mortgage encumbrance of two thousand (\$2,000) dollars, which was executed by the grantors herein to the Aetna Life Insurance Com-

pany of Hartford, Conn., and which falls due January 1st, 1881, which the grantees herein assume and agree to pay, together with four interest notes for \$180, which fall due, respectively, January 1st, 1878, 1879, 1880, and January 1st, 1881.

The grantors herein agree to pay the taxes for 1876.

*In Witness Whereof*, The said Elizabeth Barth and Sebastain C. Barth, his wife, have hereunto set their hands and seals this 15th day of March, A. D. 1877.

ELIZABETH BARTH, [SEAL.]  
SEBASTIAN C. BARTH. [SEAL.]

STATE OF INDIANA, *Marion County, ss:*

Before me, Fred. D. Miner, a notary public in and for said County, this 15th day of March, 1877, Elizabeth Barth and Sebastian C. Barth, her husband, acknowledged the execution of the annexed deed.

Witness my hand and notarial seal, this 15th day of March, 1877.

FRED. D. MINER, Notary Public.

E X H I B I T "B".

R. No. 9932. }  
D. No. 723. }

CITY TREASURER'S OFFICE,  
*Indianapolis, Ind., November 18, 1878.* }

Received of Elizabeth Barth, sixty-one and 80-100 dollars,

	Lot.	Square.	Out-Lot.
On Affenstranger's Sub...	1	10	
do do .....	3	10	

in full of taxes assessed against same by the Common Council of Indianapolis, for the year 1877 and delinquencies for 1876.

\$61.80.

[Signed]

WILLIAM M. WILES, Treasurer.

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

That Will F. A. Bernhamer be allowed to improve so much of the south sidewalk of Daugherty street as adjoins lots 113, 114, and 115, in Daugherty's Subdivision of a part of out-lot 99, by paving the same with brick, *provided* the same be done at his own expense, and under the direction of the City Civil Engineer.

That Henry Bakemeyer be allowed to put a cinder crossing across Virginia avenue, in front of his place of business, at his own expense, and under the direction of the City Civil Engineer.

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

That the Street Commissioner be directed to build a bridge across the gutter on the south side of Buchanan street, where Wright street intersects said street.

That the Street Commissioner be directed to fill the chuck-hole in McCarty street, where said street intersects East street.

That the Street Commissioner be directed to clean the gutters of Stevens street between East street and Virginia avenue.

That the Street Commissioner be directed to raise the stone crossing across Daugherty street, where said street intersects East street, and fill the chuck-holes at same place.

That the Street Commissioner be directed to build a bridge across the gutter on the north side of Buchanan street, where Greer street intersects said street.

That the Street Commissioner be directed to clean the gutters of Greer street, between Buchanan and McCarty streets.

Also, offered the following resolution; which, on Councilman O'Brien's motion, was referred to the Board of Health:

*Resolved by the Common Council and Board of Aldermen,* That the owners of the following described real estate—to wit, lot 30, in Hendricks's Subdivision of a part of out-lot 99, of the City of Indianapolis—be, and they are hereby, required to fill or drain the same, as, in the opinion of the 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.

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

That the Committee on Gas-Light be instructed to report to this Council by whose authority the gas-light was extinguished on Cedar street, at the beginning of Hosbrook street.

That the Street Commissioner be instructed to examine the gutter at the north-east corner of Pine and Huron streets, and report to this Council what, if anything, can be done to run off the water.

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

That the Street Commissioner be instructed to fill the chuck-holes in Harrison street, between Noble and Dillon streets.

Also, offered the following motion:

That the Committee on Parks and the City Civil Engineer be authorized to set out one hundred trees in Military Park and twenty in Circle Park, to cost not to exceed sixty cents each.

A proposition was made to lay the preceding motion on the table, but the Chair decided that a direct vote on its adoption would be preferable; whereupon the author of the motion demanded the "ayes and nays"; which, being taken, the motion failed of adoption by the following vote:

AYES, 10—viz.: Councilmen Bermann, Brown, Maus, Morse, McGinty, Reasner, Sindlinger, Steeg, Tucker, and Walker.

NAYS, 14—viz.: Councilmen Anderson, Bruner, Cummings, Dill, Layman, Mar-see, McKay, O'Brien, Off, Reading, Rodibaugh, Showalter, Wiese, and Wright.

Councilman Tucker also presented the following petition; which was referred to the Judiciary Committee:

Indianapolis, April 7, 1879.

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

Your petitioners, James H. Russell & Co., respectfully represent to your honorable body that they contemplate the erection of a morgue for the benefit of this county and city, accessible to all citizens; wherefore they respectfully solicit your assistance, by a small appropriation towards the erection of the proposed morgue, and that you appoint a committee, composed of members of your body, to confer with the County Commissioners upon the subject.

JAMES H. RUSSELL & CO.

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

That the Street Commissioner be instructed to improve S. Meridian street, between McCarty and Morris streets, by hauling on said street at least twenty-five yards of gravel per square.

Councilman Wright presented the following notice and petition (accompanied by a plat); which were referred to the Committee on Opening, etc., Streets and Alleys:

Messrs. Yandes & Smith, owners of lots 8, 9, 12, and 13 of Yandes & Smith Subdivision of lots 9, 10, and 11 of C. St. J. West's Addition to the City of Indianapolis, Indiana:

You are hereby notified, that a petition will be presented to the Common Council of the City of Indianapolis, Indiana, for the vacation of a certain alley, commencing on the east line of Howard street, and running thence, east, 180 feet, to another alley running north and south and passing between lots 8, 9, 12, and 13 of Yandes and Smith Subdivision of lots 9, 10, and 11 of C. St. J. West's Addition to the City of Indianapolis, and that said Common Council will be asked to vacate said alley, in order to obtain a proper site for a public school building for the benefit of the public.

JOHN W. BLAKE.

Being the owner of lot No. 9, I hereby acknowledge services of the above notice.

D. A. BOHLEN.

We hereby acknowledge due service of the above notice.

YANDES & SMITH.

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

*Gentlemen*:—The School Board of the City of Indianapolis being desirous of building a new school building upon certain grounds (a plat of which is hereto attached), and, in order to give sufficient space for the purpose, it is necessary to vacate a certain short alley. We, therefore, petition your honorable body to cause to be legally vacated a certain alley, commencing in Howard street, on the east line of said street, and running thence, east, between lots 9 and 12, and 8 and 13 of Yandes & Smith's Subdivision of lots 9, 10, and 11 of C. St. J. West Addition to the City of Indianapolis, to a certain alley running north and south. The length of said alley asked to be vacated is 180 feet. The lots which are contiguous to said alley—to-wit, lots 9, 12, 8, and 13 are the property of said Yandes

& Smith. We believe it would not be injurious to public travel to make such vacation, and be a public advantage in obtaining a proper school house site.

The accompanying plat properly shows the location and surroundings.

JOHN W. BLAKE,  
YANDES & SMITH,  
WILLIAM GORDON,  
H. T. MATHEWS,  
D. A. BOHLEN,  
GEORGE B. YANDES.

Councilman Reading moved that the Common Council do now adjourn; which motion failed of adoption by the following "aye and nay" vote:

AYES, 10—viz.: Councilmen Anderson, Brown, Cummings, Morse, Reading, Rodibaugh, Showalter, Steeg, Tucker, and Wiese.

NAYS, 13—viz.: Councilmen Bermann, Bruner, Dill, Layman, Marsee, Maus, McGinty, McKay, O'Brien, Off, Reasner, Sindlinger, and Wright.

By consent, Councilman O'Brien was permitted to offer the following motion; which was duly adopted:

That the Indianapolis Gas-Light and Coke Company be, and they are hereby, directed to look after the condition of lamps in covered bridge on Washington street over White River. Spiders, sparrows, and bats have had undisturbed possession of the premises for a long time. The bridge is in danger, and should be looked to.

Councilman Tucker moved that the Common Council do now adjourn; which motion failed of adoption by the following "aye and nay" vote:

AYES, 9—viz.: Councilmen Bermann, Brown, Morse, McKay, Reading, Showalter, Steeg, Tucker, and Wiese.

NAYS, 14—viz.: Councilmen Anderson, Bruner, Cummings, Dill, Layman, Marsee, Maus, McGinty, O'Brien, Off, Reasner, Rodibaugh, Sindlinger, and Wright.

Councilman O'Brien was excused for the balance of this session.

By consent, the Committee on Opening, etc., Streets and Alleys were permitted to submit the following report and offer the appended resolution:

To the Mayor and Members of the Common Council:

Your Committee on Opening, Laying out, etc., of Streets and Alleys, to whom was referred the petition of George B. Yandes and others, asking for the vacation of the alley commencing at the east line of Howard street, and running thence, east, between lots 9, 12, 8, and 13 of Yandes & Smith Subdivision of lots 9, 10, and 11 of C. St. J. West Addition to the City of Indianapolis, and running thence, east, to a certain alley running north and south, would report that we have examined the same, and find that it is expedient that said alley be vacated. We would, there-



fore, recommend that the said petition and plat be referred to the City Commissioners for their action, and that the accompanying resolution be passed.

Respectfully submitted,

JAMES T. LAYMAN,  
JOHN L. F. STEEG,  
WM. F. REASNER,

Committee on Opening Streets and Alleys.

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the petition of George B. Yandes and others, asking for the vacation of a certain alley, therein described, be, and the same is hereby, referred to the City Commissioners, for their action thereon.*

The foregoing resolution was duly adopted by the following vote:

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS, 1—viz.: Councilman Cummings.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

Councilman Wright moved to suspend the rules for the purpose of taking up General Ordinance 11, 1879 [introduced by that gentleman at this session—see page 885, *ante*], for the purpose of now reading same for the second and third times, and placing it on its passage.

But, on Councilman Morse's motion, the aforesaid ordinance was referred to the Council and Aldermanic Committees on Railroads, with instructions to report it back at the adjourned session, to be held next Monday evening.

Special Ordinance 55, 1878, and Special Ordinances 1 and 3, 1879, were called up, were severally read the second time, and were ordered to be engrossed.

The following entitled ordinance was then read the third time:

S. O. 55, 1878—An Ordinance to provide for improving Garden street and sidewalks, from Eddy street to Tennessee street, by grading and graveling.

And was adopted by the following vote:

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time:

S. O. 1, 1879—An Ordinance to provide for improving Linden street, from Prospect street to Pleasant street, by grading and graveling the street and sidewalks thereof.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 3, 1879—An Ordinance to provide for improving New York street, between Tennessee and Missouri streets, by grading and graveling the street, widening and curbing the sidewalks, and bowldering the gutters thereof.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Rodibaugh, Showalter, Sindlinger, Steeg, Tucker, Wiese, and Wright.

NAYS—None.

Councilman Steeg called up the following entitled ordinance, and, on his motion, it was stricken from the files :

G. O. 86, 1875—An Ordinance to prevent Geese and Ducks from running at large in the City of Indianapolis.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.