

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—APRIL 21, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, April 21st, 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, Tucker, Walker, and Wright—22.

ABSENT—Councilmen Morris, Steeg, and Wiese—3.

The Proceedings of the Common Council, for the regular session, held on April 7th, and of the adjourned session, held on April 14th, 1879, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

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 partial estimate, in behalf of John Greene, for improving Lawrence street, from Beech street to Rural street, by grading and graveling the roadway thereof, for nineteen cents per lineal foot front on each side—present estimate being made at the rate of ten cents per lineal foot front on each side—

4,583 lineal feet at 10 cents..... \$458 30

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 partial estimate, allowed John Greene, for improving Lawrence street, from Beech street to Rural street, by grading and graveling the roadway thereof, be, and

the same is hereby, adopted as the estimate of said 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, 17—viz.: Councilmen Anderson, Brown, Bruner, Cummings, Layman, Marsee, Morse, McGinty, McKay, O'Brien, Off, Reading, Rodibaugh, Sindlinger, Tucker, Walker, and Wright.

NAYS—None.

The same officer submitted the following communication, accompanying it with the contracts and bonds therein referred to ; which communication was received, and the contracts and bonds were severally concurred in and approved :

To the Mayor and Common Council :

Gentlemen:—I herewith report the following contracts and bonds, for your consideration :

Contract and bond of Hiram Seibert, for re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street. Bond, \$100; surety, Richard Carr.

Contract and bond of William Morrison, for improving the first alley west of California street, by grading and graveling, Bond, \$100; surety, James Mahoney,

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The same officer submitted the following communication ; which was received, the suggestion and estimate, therein contained, were duly approved, and the Street Commissioner was ordered to construct said bridge :

To the Mayor and Common Council :

Gentlemen:—The Council having rejected the proposals for building stone abutments for the bridge over the canal, at the crossing of St. Clair street, it becomes necessary to adopt some other plan of re-placing the present structure at that point, which is in a very bad condition.

I would suggest the use of the iron trusses of the Delaware street viaduct, already on the ground, in building a bridge at this point. These, supported by double wooden bents at each end, would make a good and substantial bridge, that would last fifteen years, and could be built for \$666, by careful estimate.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The City Attorney submitted the following legal opinion ; which was duly concurred in :

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

Gentlemen:—At your last meeting, I was instructed to examine the papers in the matter of the widening of Shelby street, and report whether a legal assessment of benefits had been made.

I would report that I have examined the case, and find that the petition was referred to the Commissioners, by the Council, on the 4th of February, 1878, by a vote of twenty-one in the affirmative and none in the negative; and that the same reference was made by the Board of Aldermen, on the 5th of February, 1878, by a vote of seven in the affirmative and none in the negative. That the resolution adopting the report of the Commissioners was passed by the Council on November 18th, 1878, by a vote of twenty in the affirmative and two in the negative; and the same resolution was passed by the Board of Aldermen, on November 25th, 1878, by a vote of seven in the affirmative and one in the negative. As these votes show the passage of the two resolutions by more than two-thirds of both bodies, I am of the opinion that the proceedings are legal and in accordance with the statute.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

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

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

1st. Is a motion instructing the Street Commissioner to bridge the gutter on the southeast corner of Noble and St. Clair streets.

We recommend the repair of the bridge already there.

2d. Is a motion directing the Street Commissioner to fill the chuck-holes in West street, between New York and North streets; also, to clean the gutter of West street, west side, between Michigan and North streets.

We recommend this work be done.

3d. Is a motion directing the Street Commissioner to clean the gutters and fill the chuck-holes in Union street, between Ray and Hill streets.

We recommend this work be done.

4th. Is a motion directing the Street Commissioner to fill the chuck-holes, between the J., M. & I. Railroad track and Merrill street, on Madison avenue—expense not to exceed \$10 per square.

We recommend the work be done, but at a cost not to exceed \$25, complete.

5th. Is a motion directing the Street Commissioner to repair one square of Ray street, between Meridian and Illinois streets.

We recommend this work be done.

6th. Is a motion directing the Street Commissioner to fill the low places and holes in N. Illinois street, with some of the broken stone now at the city stone-yard.

We recommend this work be done.

7th. Is a motion directing the Street Commissioner to improve S. Meridian street, between McCarty and Morris streets, by hauling on said street at least twenty-five yards of gravel per square.

We recommend only the filling of the large chuck-holes at said point.

Respectfully submitted,

M. H. MCKAY,
H. COBURN,
JOHN L. MARSEE,
Board of Public Improvements.

The same official board and the City Civil Engineer submitted the following report; which was duly concurred in :

To the Mayor and Common Council:

Gentlemen.—The Board of Public Improvements, together with the City Civil Engineer, were instructed to examine the ditch at the corner of Woodlawn avenue and Reed street, and report the best and most economical way of securing the proper drainage for that locality.

We have examined the ditch referred to, and would recommend the same be filled with earth, to a proper level, and then secured from washing by rolling-mill cinders. This is a much needed improvement, the cost of making which will not be to exceed fifteen dollars.

Respectfully submitted,

M. H. MCKAY,

H. COBURN,

JOHN L. MARSEE,

Board of Public Improvements.

R. M. PATTERSON, City Civil Engineer.

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

Report of Deaths in the City of Indianapolis, from April 1st to 15th, 1879, inclusive:

Under 1 year	10
1 to 2 years	4
2 to 5 "	3
5 to 10 "	2
10 to 15 "	1
15 to 20 "	3
20 to 25 "	4
25 to 30 "	3
30 to 40 "	2
40 to 50 "	2
50 to 60 "	5
60 to 70 "	6
70 to 80 "	4
80 to 90 "	1
90 to 100 "	0
100 and upwards	0
Unknown	1
Total	51

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, on Councilman Rodibaugh's motion, was referred to the Hospital Board:

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

Gentlemen.—We have examined the condition of the back-water from the dam on Fall Creek, and find that the same is injurious to the health of our city, and submit the matter to your honors, for further action.

By order of Board of Health:

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

The Board of City Commissioners submitted the following report; which, on Councilman Layman's motion, was referred to the Board of Public Improvements:

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

Gentlemen.—Your Commissioners do respectfully report to your honorable body, in the matter of opening and widening John street, from Massachusetts avenue to Peru avenue, referred back to us for reconsideration—

FIRST—That in our former report to your honorable body, in conformity with the City Attorney's opinion at that time, we, your Commissioners, proceeded to assess the damages to the land taken in the said opening of John street, on the assumption that the alley running north and south through the property belonging to Brown's heirs was vacated; but, in this investigation of the matter, it appears to be a doubtful question whether the alley is vacated or not: hence, your Commissioners do now proceed to assess the damages for the property taken, assuming that the alley is still as the recorded plat indicates—thus showing lot 25 to have a frontage on Peru avenue only, and not on Massachusetts avenue, as before considered.

Therefore, your Commissioners do report the value of the land to be appropriated is, in the aggregate, nineteen hundred (1900) dollars, and do assess the damages as follows, to-wit:

Upon a parcel of real estate, owned by Philip Brown's heirs, described as follows, and owned by De Marquis C. Brown and Louisa D. McKibben (guardian of Hilton N. Brown): 42 feet off of n e side of lot 25, Peru and Indianapolis Railroad Subdivision of out-lots Nos 43 and 44 of the City of Indianapolis, sixteen hundred dollars (\$1600); Charles H. G. Ball's heirs, triangle, 48 feet, more or less, on Massachusetts avenue, and 64 feet, more or less, on the alley, n e cor. of 2½ acres, n e cor. of out-lots 43 and 44, \$300, which is of the value of nineteen hundred dollars (\$1900); and that no one will be benefited by the said opening except the lots on either side adjoining; and that the expense of making the street by such owners of adjoining property will be fully equal to the benefits in the opening of the said John street.

And further, that, inasmuch as the City of Indianapolis is under agreement with the C., C., C. & I. Railway Co. and the L., P. & C. Railway Co. to open said John street, your Commissioners do assess the City of Indianapolis the full amount of the expense of said opening of John street, from Massachusetts avenue to Peru avenue, to-wit, nineteen hundred dollars (\$1900).

Respectfully submitted,

GEO. W. HILL,
JOHN L. AVERY,
J. S. HILDEBRAND,
R. H. PATTERSON,
City Commissioners.

April 21, 1879.

REPORTS, ETC., FROM COMMITTEES.

The Committee on Bridges, the City Civil Engineer, and the Street Commissioner, through Councilman Morse, submitted the following report; which was duly received:

To the Mayor and Common Council:

Gentlemen.—In compliance with your instructions, we have estimated the cost

of erecting a wooden bridge over Pogue's Run, at the crossing of New Jersey street, and find that said structure will cost, according to our estimate, \$600.02.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.
L. A. FULMER, Street Commissioner.
THOS. J. MORSE,
MARTIN MCGINTY,
HENRY BERMANN,
Council Committee on Bridges.

The Committees on Markets, through Councilman Rodibaugh, submitted the following report; and the recommendation, therein contained, was duly concurred in :

To His Honor, the Mayor, and Members of the Common Council:

Gentlemen :—Your Committee on Markets, to whom was referred the communication of Mr. Rowell, Market-Master at the West Market, stating that a portion of the occupants of the stands at the West Market claim that they owe no back rent, have had the same under consideration, and see no reason why the Market-Master should not carry out the instructions of this Council. We would recommend that the Market-Master proceed, immediately, to carry out said instructions.

Respectfully,

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

The Committee on Railroads, through Councilman Tucker, presented the following communication; which was duly received :

Indianapolis, April 21, 1879.

To His Honor, John Caven, Mayor, the Common Council,
and Board of Aldermen of the City of Indianapolis:

Gentlemen :—We wish to make a statement to you regarding an ordinance now under consideration, to allow a side-track to our warehouse, on the corner of Missouri and Georgia streets.

We built the warehouse in about eight weeks, and only completed it in time to receive a large amount of hams that had to be received into ice-storage in March. Being located on the L. C. & L. Railroad, some of the officials of that road were seen relative to laying a side-track, and they agreed to lay it at once, and volunteered the information that no permit from Council would be required, as Missouri street had been used for canal purposes, and did not come under same rule as other streets.

Mr. Neeld went, immediately, to see City Attorney, and learned that a permit *would be* necessary, and asked him to prepare an ordinance. On the Monday following, Mr. Neeld went to City Attorney's office to see if the ordinance would be ready to present to Council on that evening, and learned that it would be two weeks before Council met—namely, April 7th—making, in all, three weeks between meetings. Mr. Hawkins advised us to see the Railroad Committee, and have them view the point at which the switch was desired. Before we could get committee together, the switch was put in, and the work was half done before we knew it. At this point, we saw one of the Railroad Committee, and he said there would be no trouble, and to let the work go on. Another member of the committee also examined the switch, when completed, and said it was all right, and there could be no trouble about it,

If we have done anything wrong, it has been through ignorance, and not an intention on our part to ignore the authority of the Council. We went about the matter honestly, and with no intention of injuring any one's property or violating any laws; but, on the contrary, we did all we could to keep inside of the laws and act in accordance with them.

If, however, we have injured any one, and been guilty of an infraction of the law, we stand ready to pay damages to property owner and suffer penalty of the law. We have built a large warehouse, at a heavy cost, and are carrying on a legitimate business and one of not a little importance to the city; and if a switch is denied us, our outlay of money will be a total loss. We have ignorantly pursued the wrong course to get a side-track to our warehouse, and are now willing to submit our case to the members of Council and Board of Aldermen.

We wish to say, through you, to the owner of lot lying north of us, that we will put down a brick pavement in front of his lot and a plank crossing over the switch, so as to almost wholly obscure the switch, and leave his frontage in a much better condition than before the track was put down.

Very respectfully,

J. P. WIGGINS,
I. N. NEELD,
WOOD G. TOUSEY,
F. D. NEELD.

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

To the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Opening, etc., Streets and Alleys, to whom was referred the complete papers in the matter of the vacation of the plat known as Metcalf and Cook's Subdivision of Blocks 2, 3, 4, 5, and 6 of Wm. F. H. and Almira D. Brooks's Addition to the City of Indianapolis, having made a careful and full examination into said matter, would now report in favor of such vacation for the following reasons:

1. Through the purchase of certain tax-titles, the sole ownership of said Subdivision is now vested in Jacob W. Hoagland, the petitioner.
2. There is no platted territory on either the west or south sides of the proposed vacation.
3. The east line of this Subdivision is Fall Creek, and, consequently, the vacation of its east and west thoroughfare will work no harm to the public.
4. There is no public thoroughfare projecting from this Subdivision into Burr and Miller's Addition, lying north thereof.

We, herewith, offer a resolution to legalize the vacation prayed for, and recommend its adoption.

Respectfully submitted,

JAMES T. LAYMAN,
WM. F. REASNER,
Committee on Opening, etc., Streets and Alleys.
R. O. HAWKINS, City Attorney.

Also, offered the following resolution:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the plat of ground known as Metcalf and Cook's Subdivision of Blocks 2, 3, 4, 5, and 6 of William F. H. and Almira D. Brooks's Addition to the City of Indianapolis, as recorded in Plat-Book No. 6, page 133, together with all the streets and alleys passing over and through the same, be, and the same are hereby, declared to be vacated and forever annulled (*provided* the owner of said plat shall dedicate

to the public use a strip of land thirty feet in width along the entire length of the west side of the said Subdivision, for use as a public highway), in compliance with the petition of Jacob W. Hoagland, the sole owner of such platted territory.

And the vote on same resulted in a tie, as follows :

AYES, 11—viz.: Councilmen Brown, Bruner, Cummings, Layman, Marsee, Morse, McKay, Reading, Reasner, Rodibaugh, and Walker.

NAYS, 11—viz.: Councilmen Anderson, Bermann, Dill, Maus, McGinty, O'Brien, Off, Showalter, Sindlinger, Tucker, and Wright.

The City Clerk then called for an expression from His Honor, the Mayor; who voted "aye," and the foregoing resolution was thus declared to have been adopted by a vote of 12 ayes to 11 nays.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read :

To the Common Council of the City of Indianapolis :

Gentlemen:—At the adjourned session of the Board of Aldermen, held on the 15th instant, that body reiterated its determination to adhere to its action of March 18th and April 8th, when it declared in favor of bowldered driveways over sidewalks, and adversely to allowing such driveways to be constructed of wood of any form, kind, or condition.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

And then, on Councilman McKay's motion, the Common Council determined to adhere to its action heretofore had on March 17th and April 7th, as modified on April 14th.

NEW ORDINANCES.

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

Councilman Cummings introduced—

G. O. 13, 1879—An Ordinance regulating the cleaning, etc., of Privy Vaults, Water-Closets, and other Receptacles of Human Excrements, and requiring persons who may engage in such business to be duly licensed before undertaking such work.

Councilman Walker introduced—

G. O. 14, 1879—An Ordinance granting John C. New, Edward D. Woodruff, John M. Denison, and T. Edward Hambleton permission to erect a balcony over the sidewalk of Pennsylvania street, in front of lots number 10, 11, and 12, in square number forty-four (44), in the City of Indianapolis.

Councilman Bermann introduced—

S. O. 12, 1879—An ordinance to provide for grading and graveling Madison avenue and sidewalks, from Nebraska street to the Jeffersonville, Madison, and Indianapolis Railroad tracks.

Councilman Maus introduced—

S. O. 13, 1879—An Ordinance to provide for grading and graveling the first alley west of Maxwell street, between Elizabeth and Coe streets.

S. O. 14, 1879—An Ordinance to provide for grading and graveling the first alley north of Elizabeth street, between Maxwell and Wilson streets.

The last preceding entitled ordinances were accompanied by the following petition ; which was duly received :

Indianapolis, April 21, 1879.

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

Gentlemen.—The undersigned, owners of the real estate fronting on the alleys referred to below, respectfully petition for the passage of ordinances providing for the grading and graveling of the first alley west of Maxwell street, between Elizabeth and Coe streets; and for grading and graveling the first alley north of Elizabeth street, running between Maxwell and Wilson streets.

And your petitioners will ever pray, etc.

John Gibson, John H. Glauber, John F. Redmond,
John Catt, Marshall Palmer, Samuel Spaulding,
John Taylor.

Councilman McKay introduced—

S. O. 15, 1879—An Ordinance to provide for grading and graveling the alley between College avenue and Broadway street, from Ninth street to the State Ditch.

MISCELLANEOUS BUSINESS.

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

That the City Civil Engineer be directed to examine the first alley south of Co-burn street, from Madison avenue to East street, and report, at the next meeting of this Council, what steps are necessary to improve the drainage of said alley.

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

That the Street Commissioner be directed to fill, with gravel, the chuck-holes in Wyoming street, between Delaware and High streets.

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, lots one (1), three (3), and four (4), in Woodruff's Subdivision of Morris's 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, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Tucker, Walker, and Wright.

NAYS—None.

Also, presented the following communication; which, at the suggestion of Councilman Brown, was referred to the Council and Aldermanic Committees on Water-Works :

Indianapolis, April 21, 1879.

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

Gentlemen :—The undersigned respectfully asks a reconsideration of your order, passed April 7th, directing the Water-Works Company to extend its mains down Madison avenue, from Morris to Nebraska street, the city taking one hydrant upon said extension, a distance of about 1500 feet.

There is much important property on the line mentioned, that four hydrants, at least, would be required to protect; and, as compared with the cost and utility of cisterns necessary to cover the same territory, or a steam fire engine, as now being generally urged, I submit, with respect, the city can well afford, on the score of safety and economy, to place the four hydrants on said line, being one to each square.

The citizens have not yet come to the support of the mains already laid, to justify the company in making extensions, much as we desire to satisfy all demands; and the city's assessment of \$8000 on existing contracts, during the past two years, does not add to an already impoverished company's ability to make additional investments at present.

A proposition, already made to Councilman Bermann, to lay the desired extension of 6-inch main, on terms agreed upon, provided the city established and maintained four hydrants, or one to each square, seems to us as eminently fair and liberal; and we believe your honorable body will so consider it, upon a fuller understanding of the existing condition of things. The nature of property on said line does not promise much income outside of the fire-hydrants, and we do not believe it is the intention or desire of the city to inflict new losses upon a company in our circumstances.

We, therefore, respectfully ask for a reconsideration, and the establishment of four hydrants as suggested; whereupon, the agreement or proposition to Councilman Bermann can be promptly carried out.

Very respectfully,

THE WATER-WORKS CO. OF INDIANAPOLIS,

By DANIEL MACAULEY, Manager.

Councilman Brown offered a resolution, to amend the resolution appointing inspectors and judges of election for the coming City Election, to be held on the 6th *proximo*, by filling a vacancy in Ward 22 election board; when, at the suggestion of President Caven, the City Clerk was directed to call the list of the Wards, for additional amendments, and that officer was instructed to incorporate all acceptable amendments in an engrossed amendatory resolution, to be offered in lieu of aforesaid special resolution.

Such amendatory resolution, engrossed as ordered, is as follows :

Resolved, That the resolution appointing inspectors and judges for the coming City Election, to be held on Tuesday, the 6th day of May, 1879 (adopted at the last meeting of the Council), be amended as follows :

Ward 4—By inserting the name of Dennis Sullivan, as judge, in lieu of Edward Tomlinson.

Ward 6—By inserting the name of Riley Foster, as judge, in lieu of William Hadley.

Ward 10—By inserting the name of Charles Lamotte, as judge, in lieu of W. F. Christian.

Ward 11—By inserting the name of William Mansur, as inspector, in lieu of John H. Vajen; and the name of William H. English, as judge, in lieu of John W. Murphy.

Ward 13—By inserting the names of Charles N. Lee and Samuel E. Perkins, jr., as judges, in lieu of William Powell and Daniel Coble.

Ward 15—By inserting the name of John Rupp, as judge, in lieu of Patrick Manley.

Ward 18—By inserting the name of Peter Zimmer, as judge.

Ward 22—By inserting the name of Emsley H. Shaw, as judge.

And was adopted by the following vote :

AYES, 22—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Sindlinger, Tucker, Walker, and Wright.

NAYS—None.

Councilman Bruner 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 Pine street.

That the Street Commissioner be directed to clean the gutters of Vine street.

That the Street Commissioner be directed to clean the gutters, and fill the chuck-holes, of Cherry street; also, put cinders or gravel on the crossing of Cherry street, at Ft. Wayne avenue.

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

That David S. Benson be granted license as auctioneer, at No. 68 E. Washington street, under the provisions of the city ordinances upon the subject, and that the City Clerk be directed to issue the same.

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

That the Street Commissioner be ordered to clean the gutters on both sides of West street, from North street to Third street, and have it well done.

That the Street Commissioner be ordered to clean the gutters of First street, from West street, east, to Meridian street.

Councilman Dill presented the following petition; and the prayer of the petitioner was, on motion, duly granted:

To the Common Council and Board of Aldermen:

Gentlemen.—The undersigned respectfully petitions your honorable bodies for permission to construct a coal vault under the Mississippi street sidewalk, alongside of No. 100 Indiana avenue—said vault to be thirty-two feet in length and fifteen feet in width, and to be built of brick, and in strict compliance with the ordinance governing such matters.

Respectfully,

WILLIAM PFAFFLIN.

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

That when the Council adjourns, it adjourn to meet on next Monday, at 7.45 P. M.

Also, presented the following petition; and the prayer of the petitioner was, on motion, duly granted:

To the Common Council of the City of Indianapolis, Ind.:

The Indiana National Bank of Indianapolis, Ind., the owner of lots ten (10), eleven (11), twelve (12), thirteen (13), and seven and two-twelfths (7 2-12) feet off of the west side of lot fourteen (14), in Anderson and Bell's Addition or Subdivision of out-lot four (4), west of White River, in the City of Indianapolis, Ind., respectfully petitions your honorable body that it be authorized to grade and gravel a sidewalk in front of said lots, on the National Road—said improvements to be done to the satisfaction of the City Civil Engineer.

INDIANA NATIONAL BANK OF INDIANAPOLIS,

By WM. COUGHLIN, Pres.

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

That the Street Commissioner be directed to clean the gutters of Ray street, from Illinois street to Pogue's Run.

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

That Mrs. M. Miller be granted permission to grade, and pave with brick, the sidewalk in front of her property, No. 36 Central avenue, at her 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 repair the old road-bed of the Peru Railroad, where it crosses Massachusetts avenue, by bowldering the same.

Also, presented the following petition; which was referred to the Committee on Opening, etc., Streets and Alleys:

Indianapolis, April 21, 1879.

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

Gentlemen:—The undersigned would respectfully show that he is the owner of a tract of real estate, known as lot number 8, in Brett, Braden & Co.'s Addition to the City of Indianapolis; that said lot contains an acre or more of ground, and is used for manufacturing purposes only. That the lot is in the northwestern portion of the city, and the corporate limits seem to have been extended so as to include it, although the surrounding property, upon three sides of said lot, is not within the corporate limits. That there are no streets or alleys laid out or opened around it, except McIntire street upon the south side of it. That said lot is the only property within the corporate limits lying north of said McIntire street.

Wherefore, I would ask that you refer this petition to some proper committee, to investigate the matter; and that you change the corporate limits, so that McIntire street shall be the line of the corporation, and your petitioner's said lot will not be within the corporate limits of the city.

Very respectfully,

THEO. P. HAUGHEY.

Also, presented the following petitions; which were severally referred to the Judiciary Committee and the City Attorney:

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

Gentlemen:—Your petitioner respectfully represents that on the sixth day of September, 1876, as per receipt attached hereto, he paid into your city treasury the sum of one hundred (\$100) dollars. That said sum was demanded of him, and he was notified, under penalty, to pay said sum to the then Treasurer, H. W. Tutewiler, as benefits in the matter of opening Second street, from Pennsylvania to Meridian street, assessed against lots 30, 31, 32, and 33, Duncan's Add.

The proceedings in said matter having been decided illegal, and the collection of said benefits having been illegal, your petitioner prays that said sum, and interest on same, be ordered returned to him.

Respectfully submitted,

HERVEY BATES.

Indianapolis, Ind., April 16, 1879.

To the Honorable, the Mayor and Common Council,

President and Board of Aldermen of the City of Indianapolis:

The undersigned respectfully represents that on the 19th day of September, 1876, he paid into the city treasury the sum of forty dollars (\$40), on account of benefits for opening of Second street, from Meridian to Pennsylvania street, on lot 2, Lewis' Sub. St. Clair's Add.

The Superior Court having recently decided the opening of said street to be illegal and void, your petitioner asks that said sum of \$40, illegally collected from him by Henry W. Tutewiler, City Treasurer, may be refunded, with interest from date of said payment. (Treasurer's receipt inclosed.)

Very respectfully, etc.,

GEO. F. MCGINNIS.

Councilman O'Brien offered the following motion; which, at Councilman Marsee's suggestion, was referred to the Board of Health:

That the Street Commissioner be ordered, to notify the party or parties owning the property immediately south of, and adjoining, the pork house of Pettis, Holmes & Bradshaw, to drain into White River, or fill the stink-pond on the above described property, within ten days, or, in case of neglect or refusal to do so, the work to be done at expense of the owners of said property.

Councilman Showalter offered the following motion; which, at Councilman Morse's suggestion, was referred to the Council and Aldermanic Committees on Gas-Light, for joint consideration:

That the Gas Company be instructed to re-light the lamp on the corner of the first alley south of Mayhew street, on the west side of N. West street, and to extinguish one on the east side of same street, between St. Clair and First streets.

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

That the Street Commissioner be instructed to notify the owners of 484 and 486 Virginia avenue to repair the sidewalk in front of said property; and if not repaired within five days to repair the same at their expense.

Also, offered the following motion:

That a committee be appointed, to examine all of the Additions to the city, and report what Additions should be vacated, and make one general sweep of vacating.

Councilman Layman moved that Councilman Tucker be appointed as chairman of the proposed select committee, and that Councilman Wright be one of the members of same.

On Councilman Marsee's motion, the whole matter was laid on the table.

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

That the City Civil Engineer be instructed to advertise for proposals to build a wooden bridge across Pogue's Run, on New Jersey street—said bridge to be built according to the plans and specifications prepared by the City Civil Engineer.

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

That the Street Commissioner be ordered to fill the chuck-holes in Alabama street, between New York and North streets, with broken stone.

That the Street Commissioner be ordered to fill the chuck-hole at the northwest corner of New Jersey and Michigan streets.

Councilman Sindlinger was excused for the balance of this session.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

General Ordinances 13 and 14 [see titles on page 948, *ante*] were read through for information.

On motions made, the rules were suspended for the purpose of advancing aforesaid ordinances to their final passage, by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

Councilman McKay called for the reading, for information, of General Ordinance 12, 1879 [on same subject as General Ordinance 13, 1879], and the same was done.

On Councilman Marsee's motion, last aforesaid ordinances were then referred to the Council and Aldermanic Judiciary Committees and the City Attorney.

On request, the majority and minority reports from the (joint) Committees on Railroads [see page 925, *ante*] were read ; and, on Councilman Walker's motion, the minority report was duly concurred in.

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

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.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

On Councilman Layman's motion, it was ordered that the communication from Mr. Wiggins and his associates [published on page 946, *ante*] should be attached to the above entitled ordinance, and, in event of concurrent favorable action upon ordinance by the Board of Aldermen, that said communication should be recorded on Ordinance Record, as a reason for enacting an *ex post facto* law.

The following entitled ordinance [by virtue of suspension of the rules, heretofore ordered—see page 955, *ante*] was read the second time, ordered to be engrossed, and read the third time :

G. O. 14, 1879—An Ordinance granting John C. New, Edward D. Woodruff, John M. Denison, and T. Edward Hambleton permission to erect a balcony over the sidewalk of Pennsylvania street, in front of lots numbered 10, 11, and 12, in square number forty-four (44), in the City of Indianapolis.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following ordinances were called up from the files, and read the second time : Special Ordinances 2, 4, 5, 6, 7, 8, 9, and 10, 1879.

Further action on Special Ordinance 2, 1879, was postponed.

On Councilman Wright's motion, Special Ordinance 5, 1879, was referred to the Board of Public Improvements.

Special Ordinances 4, 6, 7, 8, 9, and 10, 1879, were severally ordered to be engrossed.

The following entitled ordinance was then read the third time :

S. O. 4, 1879—An Ordinance to provide for grading, and paving with brick, the west sidewalk of Arsenal avenue, from Washington street to the first alley north of Washington street.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

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.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

S. O. 7, 1879—An Ordinance to provide for grading and bowldering Delaware street, from Washington street to the north line of Wabash street.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

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

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

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.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

The following entitled ordinance was also read the third time :

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.

And was passed by the following vote :

AYES, 21—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Dill, Layman, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Reasner, Rodibaugh, Showalter, Tucker, Walker, and Wright.

NAYS—None.

On motion, the Common Council then adjourned, to meet on next Monday evening, 28th instant, at half past seven o'clock.

JOHN CAVEN, Mayor,
President of Common Council.

Attest: BENJ. C. WRIGHT, City Clerk.