

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—NOVEMBER 17, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, November 17th, 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 23 members, viz.: Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

ABSENT, 2—viz. Councilmen Bryce and King.

The Proceedings of the Common Council, for the regular session, held on November 3d, 1879, and for the special sessions, held on November 11th and 12th, 1879, having been printed, and placed on the desks of the Councilmen, said journals were approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, submitted the following report; which was approved:

Indianapolis, November 17, 1879.

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

Gentlemen.:—The amount of fines collected by me during the month of October, 1879, due the city treasury, was \$65.76; which amount I have paid to the City Treasurer, and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

REPORTS, ETC., FROM CITY OFFICERS.

☞ The City Civil Engineer submitted the following report; which was received:

To the Common Council of the City of Indianapolis:

Gentlemen.:—At a meeting of your honorable body on the 20th day of October, 1879, George Woodfill & Son were awarded a contract for grading, and paving

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with brick, the sidewalks of Madison avenue, from Nebraska street, south, to the Jeffersonville Railroad tracks.

I would report that said parties have failed to file a contract and bond under said award.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

Councilman Brown moved to reconsider the vote by which the contract was awarded to Geo. Woodfill & Son for grading, and paving with brick the sidewalks of Madison avenue, from Nebraska street, south, to the Jeffersonville Railroad tracks.

Which motion to reconsider was adopted by the following vote :

A Y E S, 20—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shepard, Shilling, Tucker, Van Vorhis, Wiese, and Wood.

N A Y S—None

On motion by Councilman Brown, the contract for doing above described work was then awarded to John Schier, at his bid, $38\frac{1}{4}$ cents per lineal foot front on each side.

The City Civil Engineer submitted the following report; which was received; and the estimates (presented therewith) were severally approved :

To the Common Council of the City of Indianapolis:

Gentlemen :—I herewith report the following estimates:

A first and final estimate in behalf of David A. Haywood, for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets—

4247 lineal feet, at $30\frac{1}{2}$ cents	\$1,295 33
11 yards of gravel, at 60 cents.....	6 60
Total estimate.....	\$ 1,301 93

A first and final estimate in behalf of William Morrison, for grading and graveling the alley between Illinois and Meridian streets, and the sidewalks thereof, from North street to Walnut street—

780 lineal feet, at 21 cents.....	\$ 163 80
2 yards of gravel, at 75 cents	1 50
Total estimate.....	\$ 165 30

A first and final estimate in behalf of E. B. Elliott, for grading, and paving with brick, the north sidewalk of Sixth street, from Tennessee street to Engine House No. 5—

150 lineal feet, at 24 cents.....	\$ 36 00
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Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of David A. Haywood, for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets, 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 it was adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

The following estimate resolution was also read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate, in behalf of William Morrison, for grading and graveling the alley between Illinois and Meridian streets, and the sidewalks thereof, from North street to Walnut 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 it was adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

The following estimate resolution was also read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of E. B. Elliott, for grading, and paving with brick, the north sidewalk of Sixth street, from Tennessee street to Engine House No 5, 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 it was adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

The City Attorney submitted the following report; which was received :

Indianapolis, November 17, 1879.

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

Gentlemen :—I beg leave to report that since your last meeting, the case of Thos. H. Phillips vs. The City et al., has been tried in the Superior Court, and resulted in a verdict in favor of the city.

This was an action for damages which the plaintiff claimed to have sustained by reason of an alleged defect in the sidewalk on West New York street.

The case was vigorously prosecuted, occupying ten days in its trial, and resulted as above stated.

I also deem it proper to again call your attention to the case of Charles Boehl vs. The City, the decision of which I reported to you at your last meeting.

There are a number of other claims of a similar character against the city, and the attorneys of the parties are urging the payment of the same.

The legal question having been settled in the Boehl case, I recommend that steps be at once taken to provide for the payment of said claims, in order that the city may thereby avoid the expense of other suits of a similar character.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

On motion, the Police and Fire Boards were instructed to file with the City Clerk, special pay-rolls, for the payment of above mentioned claims, and said officer was directed to pay the same out of the current appropriations.

The Chief Fire Engineer submitted the following report; which was received :

Indianapolis, November 17, 1879.

To the Honorable Mayor Caven, Common Council, and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—I hereby call your attention to the fact that there are quite a number of localities in our city that are almost entirely without water supply in case of fire. The lines of water mains that you have ordered layed, cover nearly all of this territory, but as nothing has yet been done, as I can see, towards the laying of these lines, I feel that I can not longer delay in calling your attention to this fact.

The first place I would call your attention to, is the corner of Seventh and Howard streets, where there is a large district that is thickly built up, and some large factories, and no water to depend upon in case of fire.

The second place is in the vicinity of the City Hospital. There is a large district that has no water supply in case of fire in the City Hospital. There is but one cistern that we could reach, and that is about 1000 feet from the building, which would take nearly two reels of hose.

The third is in the vicinity of Furguson's Pork-house. Should a fire break out in that building, the nearest water that we could get is nearly 2000 feet from the building, and that only one hydrant.

The fourth is near the corner of Kentucky avenue and Merrill street. There are several large factories and pork-houses there, and in a manner no water.

The fifth is south and west of Lieber's Brewery. There is a large district wholly unprotected.

Sixth, east of the Fair Grounds, there are some hundreds of acres that are entirely without water.

I would therefore recommend to your honorable bodies that cisterns be located and built at once, in the above named localities.

Yours respectfully,

J. G. PENDERGAST, Chief Fire Engineer.

Councilman McKay moved to refer foregoing report to the Fire Board, with instructions to report at next session of this Council.

Councilman Lamb moved as a substitute, to refer to the Board of Public Improvements.

Councilman Tucker moved to amend the substitute by adding "the Committee on Judiciary and City Attorney".

Which amendment was adopted.

Councilman Lamb's motion, as amended, was then adopted.

NEW ORDINANCES.

Under this order of business, the following entitled ordinances were introduced, and were severally read the first time :

By Councilman Morrison :

G. O. 63, 1879—An Ordinance to amend section 8 of an ordinance entitled "An Ordinance to establish a Dispensary in the City of Indianapolis, to be known as the City Dispensary, and to provide for the government and management thereof."

By Councilman Prier :

G. O. 64, 1879—An Ordinance granting George R. Root the right to build, maintain and use a railroad switch across the alley running north and south between Meridian and Pennsylvania, and Georgia and Louisiana streets and the Union Railroad, in the City of Indianapolis.

Councilman Prier moved to suspend the rules, for the purpose of placing the above entitled ordinance on its second and third reading, and final passage.

Which motion failed of adoption by the following vote :

AYES, 10—viz. Councilmen Dowling, Downey, Kahn, Lamb, Morrison, McGinty, O'Connor, Pearson, Prier, and Rooker.

NAYS, 12—viz. Councilmen Bermann, Bieler, Carey, Hamilton, Harmening, McKay, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

G. O. 64, 1879, was then referred to the Committee on Railroads.

Councilman Rooker presented the following remonstrance; which, together with S. O. 68, 1879, was referred to the Committee on Streets and Alleys :

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

Gentlemen :—The undersigned, owners of the real estate fronting on Seventh (7th) street, between Illinois and Meridian streets, respectfully remonstrate against the passage of an ordinance providing for the paving of the sidewalks on Seventh street. We have a splendid gravel walk; it has within the last year or so been graveled.

As we represent the entire frontage on Seventh street, between Illinois and Meridian streets, we trust you will cheerfully give our remonstrance due consideration.

And your petitioners will ever pray, etc.

C. A. Ferguson, Fleming J. Jones, Aaron Clem,
I. N. Clark.

MISCELLANEOUS.

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

That the Street Commissioner be instructed to lay a crosswalk over McCarty street, on line with the west sidewalk of New Jersey street.

That the Street Commissioner be instructed to lay a stone crossing over Alabama street, on line with the north sidewalk of McCarty street.

That the Street Commissioner be instructed to lay two stone crosswalks over McCarty street, on a line with the Delaware street sidewalks.

That the Street Commissioner be instructed to make a crosswalk over the first alley north of McCarty street, on a line with east sidewalk of New Jersey street.

That the Street Commissioner be instructed to construct a crosswalk over Sinker street, at intersection of New Jersey street, using rolling-mill cinders or other like cheap and proper material for such crosswalk.

That the Street Commissioner be instructed to clean the gutters of New Jersey street, from Merrill street to McCarty street, and to fill the chuck-holes in said New Jersey street, between the points named.

Councilman Bieler offered the following resolution; which was adopted by a rising vote:

WHEREAS, John Stuckmeyer, a member of the Common Council of the City of Indianapolis, from May 1874 to May 1876, has been removed from our midst by the hand of death; Therefore,

Resolved by the Common Council and Board of Aldermen, That we fully recognize the good qualities and merits of our deceased friend, and deplore his untimely death, that in his death, his family have lost a kind and affectionate husband and father, and we tender them our warmest sympathy in this their affliction.

Councilman Bieler offered the following motion:

That the Board of Public Improvements be, and are hereby, directed to increase the pay of the employes of the Street Department 25 cents per day, on all employes in said Department, except such as have already been recently advanced.

On motion by Councilman VanVorhis, the above motion was referred to the Board of Public Improvements, by the following vote:

AYES, 14—viz. Councilmen Bermann, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, McKay, O'Connor, Pearson, Prier, and VanVorhis.

NAYS, 9—viz. Councilmen Bieler, Morrison, McGinty, Rooker, Sheppard, Shilling, Tucker, Wiese, and Wood.

Councilman Carey presented the following petition; which was referred to the Board of Public Improvements:

Indianapolis, October 31, 1879.

Members of the City Council and Aldermen of the City:

The undersigned, residents and property holders in the neighborhood of Vermont and Delaware streets, respectfully ask that a stone walk be made on Vermont

street, between Pennsylvania and Delaware streets, across the alley crossings of the southside (one 30 foot alley and one 10 foot alley), immediately. They have for two years past endeavored to get this done, but have failed heretofore by reason of alleged economical reasons on the part of the city authorities. The undersigned respectfully represent that this work should have been done without solicitation, as a work of convenience, necessity, and public pride, being in the heart of the city, and of general public benefit.

L. D. Waterman, W. H. Kindleberger, W. Nichols, Jos. R. Perry, J. L. Thompson, S. McMillin, J. T. Lecklider, H. D. Hamilton, S. A. Bryan, J. E. Shover, S. M. Goode, James C. Yohn, Joseph A. Eastman.

Councilman Carey offered the following resolution :

Resolved That the lands and town blocks selected for the City of Indianapolis, in the partition and settlement of the Dallas County, Iowa, branch of the Thomas D. Gregg bequest to said city, and the deed describing and conveying said lands and town blocks to said city, of the aggregate value of \$8,724.58 cents, duly executed by D. H. Gregg, Trustee, on the 30th of September, 1879, and recorded in the Recorder's office of said Dallas County on the same day, in Record No. 33, page 467; and all the acts mentioned and contained in the Report of William Sullivan, this day made relative to his selection of said lands for our city, the division of said lands, and his agreements with the other parties holding interest in said lands, be, and the same are hereby, accepted and approved by this Board of School Commissioners: and said Board now recommend that the Common Council and Board of Aldermen of the City of Indianapolis do adopt and approve the same; and that they do cause two certified copies of this resolution to be made, the one to be forwarded to Dallas County, Iowa, for her use, and the other to be forwarded to Daniel H. Gregg, for the use of the heirs at law of said Thomas D. Gregg, deceased. And this Board of School Commissioners do further recommend, that said city authorize and direct the City Treasurer to receipt to D. H. Gregg, Administrator, for the sum of eight thousand seven hundred and twenty-four dollars and fifty-eight cents, the same being the amount named in said deed, as the purchase consideration of the lands and town blocks therein described; said receipt to the said Administrator's voucher in settlement of said estate.

A true copy of resolution adopted at a regular session of the Board of School Commissioners of the City of Indianapolis, October 17, 1879. JNO. R. GIBSON, Clerk.

Which was adopted by the following vote :

AYES, 23—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

Councilman Carey offered the following resolutions :

WHEREAS, Byron Rice, of the County of Polk, in the State of Iowa, has made an offer, through William Sullivan, Esq., for the purchase of the following tract of land in Dallas County, Iowa, viz : the southwest quarter of the southwest quarter of section number twenty (20) in township number seventy-nine (79) in range number twenty-seven (27), containing forty (40) acres; the same being one of the parcels of land procured under the Thomas D. Gregg bequest, and conveyed by deed dated September 30th, 1879, by D. H. Gregg, Trustee, to George Merritt, Trustee, as authorized by the bodies hereinafter mentioned, and has offered therefor the sum of six hundred dollars cash, subject to all taxes for the year 1879, which is in excess of the sum at which said tract was taken, and considered to be the fair cash value thereof;

Resolved by the Board of School Commissioners of the City of Indianapolis (the Common Council and Board of Aldermen of said City concurring), That George Merritt, Trustee as aforesaid, be, and he is hereby, authorized and instructed to accept the said offer of said Byron Rice, and to execute and deliver to him a deed of conveyance for said tract of land, subject to all taxes for the year 1879, upon payment and receipt of the said sum of money; and in the said deed of conveyance he shall refer to this resolution, and attach a certified copy thereof, and of the order of adoption and concurrence therein, to said deed; which copy shall be furnished by the City Clerk to said Trustee free of charge. And the said Trustee, upon receipt of said money, shall loan or re-invest the same, taking good and sufficient first-mortgage security on real estate, at legal rate of interest, to the end that the interest may be made available for the purpose of the said bequest,

Resolved further, That the Clerk of this Board do prepare and present to the said Common Council and Board of Aldermen of said city a certified copy of this resolve, and of the order of adoption, that the same may be concurred in by said bodies.

A true copy of resolution adopted at a regular session of the Board of School Commissioners of the City of Indianapolis, November 7th, 1879. JNO. R. GIBSON, Clerk.

Which was adopted by the following vote :

AYES, 22—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

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

That permission be granted J. Miller, druggist, Spencer House Block, South Illinois street, to erect in front of his premises a business sign, nine feet high.

That the Street Commissioner be, and is hereby, directed to bowlder and raise the grade of the mouth of the first alley south of Maryland street, on the west side of Illinois street.

Councilman Pearson, by consent, offered the following motion :

That the vote by which the Police and Fire Boards were instructed to file special pay-rolls with the City Clerk, that certain withheld payments may be made to certain policemen and firemen, be reconsidered.

Councilman VanVorhis moved to lay the motion on the table.

Which motion to lay on the table failed of adoption by the following vote :

AYES, 10—viz. Councilmen Bermann, Brown, Dowling, Harmening, McGinty, O'Connor, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS, 13—viz. Councilmen Bieler, Carey, Downey, Hamilton, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Tucker, and Wood.

The original motion was then adopted by the following vote :

AYES, 13—viz. Councilmen Bieler, Carey, Downey, Hamilton, Kahn, Lamb, Morrison, McKay, Pearson, Prier, Rooker, Tucker, and Wood.

NAYS, 10—viz. Councilmen Bermann, Brown, Dowling, Harmening, McGinty, O'Connor, Sheppard, Shilling, VanVorhis, and Wiese.

Councilman Pearson, by consent, offered the following motion; which was adopted:

WHEREAS, The Superior Court in General Term has recently decided, in the case of *Boehl vs The City*, that the policemen and firemen on duty at the time of the reduction of their per diem from \$2.00 to \$1.75, are entitled to payment at former rate until such time as the new salary ordinance became operative by its concurrent passage by the Board of Aldermen; Therefore,

Moved, That the Police Board and Fire Board, severally, make out a schedule of such unpaid amounts, with the names of the persons to whom due, and file such schedule with the City Clerk, for reference to and consideration by the Committees on Accounts and Claims, with instructions to incorporate the same in the next appropriation ordinance by said committees introduced.

Councilman Downey offered the following resolution; which was referred to the Committee on Public Light:

Resolved by the Common Council and Board of Aldermen, That the City Civil Engineer be directed to erect a lamp post, lamp and fixtures complete to burn gas, at the northeast corner of Wabash and Alabama streets.

Councilman Hamilton offered the following motions; which were adopted:

That the City Attorney report, at this session of Council, whether or not dealers in charcoal, millwood, shavings, and like forms of fuel, are required to pay license tax under any city ordinance now in force.

That the Joint Committees on Public Property are hereby instructed to inquire into the expediency and feasibility of an immediate conversion of all, or a portion, of the Tomlinson Estate property into cash, with a view to the speedy erection of "buildings for the use of citizens and city authorities (what are commonly termed 'public buildings'), on the west end of the East Market Space," as stipulated in the will of Stephen D. Tomlinson, deceased. Said report to be submitted at the next regular meeting of this Council.

That the Street Commissioner be, and he is hereby, directed to notify the person or persons who removed the brick from the east sidewalk of East street, in front of the first alley north of Massachusetts avenue, to lay a bowldered driveway in place of such removed pavement, within ten days from this date. If the work is not done in compliance with such notice given, the said Street Commissioner is hereby instructed to do the same, and collect the cost thereof from owners of abutting property.

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

That the Street Commissioner make a crossing over gutter at southeast corner of Massachusetts avenue and St. Clair street.

Councilman Hamilton offered the following motion:

That the Committee on Public Property be authorized to purchase, in connection with the School Board, 200 or 300 trees (as may be necessary), for Military Park, the cost not to exceed twenty (20) cents each.

Which, on motion by Councilman VanVorhis, was laid on the table by the following vote :

AYES, 15—viz. Councilmen Bermann, Brown, Dowling, Downey, Harmening, Kahn, Lamb, McGinty, McKay, O'Connor, Prier, Rooker, Sheppard, VanVorhis, and Wiese.

NAYS, 8—viz. Councilmen Bieler, Carey, Hamilton, Morrison, Pearson, Shilling, Tucker, and Wood.

Councilman Hamilton offered the following resolution :

That hereafter, when any brick pavement is to be laid for sidewalk on any street of this city, the contractor or contractors shall be required to make a good, substantial curb therefor, by placing bricks *on end*, and sinking them sufficiently to make them on a level with the surface of such pavement, and well banked with dirt, on the *inner* and *outer* edges of such walk, also at the ends where intersected by streets or alleys; and where unprotected, to protect the corners by strong wooden posts, placed firmly in the ground.

Which was adopted by the following vote :

AYES, 21—viz. Councilmen Bermann, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

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

That the Street Commissioner, at once, repair the south side of the bridge over Pogue's Run, on Michigan street.

Councilman Lamb offered the following motion :

That a committee of three be appointed to enquire into, and if expedient, report back a plan to letter the streets of the City of Indianapolis.

Councilman Rooker, by consent, submitted the following propositions :

Indianapolis, November 1st, 1879.

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

I hereby offer to furnish, and put up in a substantial form, my Street-Guide, as per sample shown, at twenty (20) cents each.

Yours respectfully,

H. A. MOORE.

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

Gentlemen :—We, the undersigned, are owners of Greene's Patent Street-Guide, patented November 25th, 1878, and most respectfully submit to your honorable bodies the following proposition, without any consideration whatever :

We will give to the City of Indianapolis the right to use said patent throughout the city, provided the city will adopt and put into use the same throughout the city on the lamp-posts at all cross streets, within twelve (12) months from date of acceptance.

The Guides can be made, put up, and lettered with name of street, at not to exceed twenty (20) or twenty-five (25) cents each.

TUCKER & DORSEY.

Indianapolis, Ind., October 27, 1879.

The foregoing motion and propositions were then referred to the Committee on Streets and Alleys.

Councilman Lamb offered the following motion; which was referred to the Council and Aldermanic Committees on Bridges:

That a committee of three be appointed to enquire into: 1st. The cost and kind of Pine lumber used in the city's bridges. 2d. The cost and kind of Oak lumber that might be used therein. 3d. Whether Oak is not the cheapest and best, and report the same back to this Council at its next meeting.

Councilman Lamb offered the following motion; which was adopted:

That the Committee on Markets enquire into the manner in which wood is measured by the City Wood Measurers; whether the same is correct; what legislation, if any, is required, and report the same back to this Council at its next meeting.

Councilman Morrison offered the following resolution:

Resolved, That the Board of Public Improvements be, and are hereby, directed by the Common Council to pay the street laborers the sum of one twenty-five (\$1.25) per day.

Councilman VanVorhis moved to refer to the Board of Public Improvements.

Councilman Prier moved to lay the motion to refer on the table.

Which motion to lay on the table was adopted by the following vote:

AYES, 16—viz. Councilmen Bieler, Brown, Dowling, Downey, Harmening, Lamb, Morrison, McGinty, O'Connor, Prier, Rooker, Sheppard, Shilling, Tucker, Wiese, and Wood.

NAYS, 7—viz. Councilmen Bermann, Carey, Hamilton, Kahn, McKay, Pearson, and Van-Vorhis.

The resolution was then adopted by the following vote:

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, Wiese, and Wood.

NAYS, 3—viz. Councilmen Carey, McKay, and VanVorhis.

Councilman Morrison offered the following motion; which was referred to the Committee on Printing:

That the Committee on Printing, together with the City Attorney, be ordered to have printed, in pamphlet form, 200 copies of all Ordinances and Resolutions now in force pertaining to the Fire, Police, Hospital Boards, and Board of Public

Improvements, together with all Boards under the control of the Common Council and Board of Aldermen, in order that each member may be better informed concerning the law governing said Boards.

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

That the Street Commissioner be directed to clean the gutters on Maple street, between Ray and McCarty streets.

That the Street Commissioner be directed to clean the west gutter on West street, from Morris street to McCarty street.

That the Street Commissioner be, and is hereby, directed to clean the gutters on Morris street, between Illinois and Dakota streets.

Councilman McKay offered the following motion; which was adopted:

That the City Civil Engineer and City Clerk be, and are hereby, instructed to give the property holders on Bellefontaine avenue, from Massachusetts avenue to the north corporation line, their proper numbers.

Councilman McKay offered the following motion; which was referred to the Committee on Streets and Alleys:

That Wm. Conover be, and is hereby, granted permission to place a coal scale on West street, immediately north of Kingan's side track.

Councilman McKay offered the following motion; which was referred to the Board of Public Improvements, City Attorney, and Chief Fire Engineer:

That I. P. Evans & Co. be, and are hereby, granted permission to construct iron tanks on their property near the Union Railroad tracks on Delaware street, sufficient to contain fifty barrels of naphtha, to be used for manufacturing purposes.

Councilman McKay presented the following petition; which was referred to the Committee on Finance:

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

Gentlemen:—Your petitioner would respectfully represent, that on the 14th day of February, 1878, at the public tax-sale held on that day, he purchased from the City Treasurer a tax-sale certificate on 26½ feet, the south ends of lots Nos. 54 and 55 in the I. & C. R. R. Co.'s Sub. of out-lot No. 91, in the City of Indianapolis, Marion County, Indiana, for which he paid to the City Treasurer the sum of \$22.76. Failing to mark the property sold on the duplicate, it was carried forward on the books and sold again in February, 1879, for the amount covered by above certificate and the tax of 1878. Your petitioner paid the tax of 1876 and 1877, in certificate purchased February 14th, 1878, and in the certificate purchased February 13th, 1879, he paid the tax of 1876, 1877, and 1878, and would therefore ask your honorable body to refund him the sum of \$22 76, with interest from February 14th, 1878.

And as in duty bound, your petitioner will ever pray.

HENRY G. HANNAMAN.

Indianapolis, November 17, 1879.

Councilman McKay presented the following petition; which was referred to the Board of Public Improvements:

Indianapolis, November 14, 1879.

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

Your honors are hereby respectfully petitioned to order the regulation of the gutters of Mulberry street, and all that is connected with them. The water from McCarty street and above it runs into said gutters, but these are not deep enough to carry it further, so that it runs into the alleys and lots, and makes that part of the city unhealthy.

Hoping for an immediate action, your petitioners will ever pray.

Clemens Vonnegut,
Henry Baumhoefer, by C. V.

Councilman Rooker presented the following petition; which was referred to the Committee on Finance:

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

Gentlemen.—Your petitioner would respectfully represent that on the 28th day of September, 1872, he paid to Jno. W. Coons, who at that time was Treasurer of the City of Indianapolis, the sum of twenty-eight dollars and twenty-five cents (\$28.25), being the amount of city taxes then due on lot No. one (1) in Wright's Subdivision in square No. twenty-four (24) in Drake's Addition to the City of Indianapolis, Marion County, Indiana, and on \$475.00 personal property for the year 1871; and that on the 4th day of March, 1873, he then paid to Jno. W. Coons, who was then Treasurer of the City of Indianapolis, the sum of forty-four dollars and forty-five cents (\$44.45), being the amount then due on lot No. one (1) in square No. twenty-four (24) in Wright's Subdivision in Drake's Addition to the City of Indianapolis, Marion County, Indiana, and on \$390.00 personal property for the years 1871 and 1872—copies of receipts are herewith attached. The Treasurer failed to give credit for the tax of 1871, paid September 28th, 1872, and was carried forward and paid the second time on March 4th, 1873.

Your petitioner would therefore respectfully ask and demand that the sum of twenty-eight dollars and twenty-five cents (\$28.25), less one dollar and twenty-five cents collector's costs, leaving \$27.00 net to be refunded, be refunded him, with interest at 6 per cent. from September 28th, 1872.

And as in duty bound, your petitioner will ever pray.

HALDEN DAVIS, Petitioner.

Councilman Rooker presented the following petition; which was referred to the Committee on Public Light:

Indianapolis, July 30, 1879.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen.—We, the owners and occupants of the property abutting on Chesapeake alley, between Illinois and Meridian streets, and in the vicinity thereof, would most respectfully call your attention to the necessity of lighting said alley with gas.

The place referred to is used to a great extent by business men, and being in a thickly settled part of the city, we deem it important as a matter of safety that said alley should be properly lighted by night.

We would, therefore, request that a post or bracket lamp be placed at the intersection of Chesapeake alley and the first alley east of Illinois street.

Hanson, Van Camp & Co.; Woodford, Dean & Co.;
H & S. R. Kahn; Daggett & Co.; L. M. Fitzhugh
& Co.; Henry Schnull; J. W. Sawyer & Co.; Geo.
F. Pfingst; E. H. Stark & Co.; Dwinnell Bros.;
A. Kiefer; Robertson & Perry.

Councilman Rooker offered the following motion; which was referred to the Committee on Streets and Alleys:

That Henry B. Sherman, lessee of the Denison House, be permitted to put in a street-scale in Wabash street, east of said hotel.

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

That the Street Commissioner clean out the gutter on the east side of West street, from First to Second street.

Councilman Rooker offered the following motions; which were adopted:

That the Joint Committees on Bridges enquire into the expediency of erecting a bridge over the canal at Seventh street crossing, and to obtain and report, at the next regular session of the Common Council, the City Civil Engineer's estimate for the cheapest and best bridge at that point.

That the City Marshal be, and is hereby, directed to notify the owner or agent of lots 3 and 4, in square 27, Drake's Addition to the City of Indianapolis, to immediately remove the fences and other obstructions from off the first alley south of Seventh street, running east and west between said lots 3 and 4, from Mississippi street to the Lafayette Railroad, so that said alley may be opened and used its full length; and in case said owner or agent refuses or fails to open said alley within 30 days from date of notice, then the City Marshal is hereby ordered to remove the obstructions, and collect the cost of such work from the said owner or agent.

Councilman Sheppard presented the following petition; which was referred to the Committee on Railroads:

Indianapolis, October 23, 1879.

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

Gentlemen.—The undersigned, owners of property and residents on Blake street and immediate vicinity, respectfully petition your honorable bodies to take the necessary steps to have the street car line extended from its present terminus on West Washington street, along Blake street to Indiana avenue.

This improvement is greatly needed, and would be a great convenience to the residents of that part of the city, and would be liberally patronized.

And your petitioners will ever pray.

Moses Broyles, J. R. Lambert, jr., Thomas Heston,
John P. Mauer, and 110 others.

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

That the Street Commissioner be instructed to clean the gutter on the south side of North street, from West street to California street; the water can not now flow.

Councilman Tucker offered the following motion; which was adopted:

That the matter of awarding the collecting of secreted taxes for the city be referred to the Committee on Contracts.

Councilman VanVorhis offered the following motion; which was referred to the Committee on Streets and Alleys:

That Wm. Bushman be allowed to put a sink, for waste water, under the sidewalk on St. Mary street, adjoining his property, under the direction of the City Civil Engineer.

Councilman Wiese offered the following motion; which was referred to the Committee on Accounts and Claims:

That Wm. Robertson be allowed and paid the sum of \$3.25, for curbing 9 feet and 3 inches at 35 cents, on the north side of the first alley north of McCarty street, on west side of Meridian street.

Councilman Wiese offered the following motion; which was referred to the Committee on Public Light:

That the first lamp east of Meridian street, on the north side of McCarty street, be re-lighted.

Councilman Wood offered the following motion; which was adopted:

That Peter Rooker be granted permission to lay a brick sidewalk in front of his property on Maryland street, between West and California streets, under the direction of the Civil Engineer, at his own expense.

Councilman Wood offered the following motion; which was referred to the Committee on Finance and City Assessor:

That the City Treasurer be, and is hereby, instructed to refund to Michael Gillivan certain taxes paid by him erroneously.

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

That the Street Commissioner be, and is hereby, instructed to immediately fill with broken stone, the chuck-hole at the corner of South and West streets.

The City Attorney, by consent, submitted the following report; which was received:

Indianapolis, November 17, 1879.

To the Mayor and Common Council:

Gentlemen:—In answer to the enquiry embodied in the motion of Councilman Hamilton in reference to dealers in charcoal, etc., I beg leave to report that I find no ordinance now in force requiring dealers in charcoal, mill-wood, shavings, and like forms of fuel, to pay license.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

Councilman VanVorhis, by consent, submitted the following report; which was concurred in:

Indianapolis, November 17, 1879.

The Mayor, Common Council, and Board of Aldermen of City of Indianapolis:

Gentlemen:—The Committees on Accounts and Claims and City Attorney, to whom was referred the allowances made to persons in the City Civil Engineer's office and for the Clerk of the Board of Public Improvements, respectfully report that they have had the same under consideration, and find that said claims are legal.

General Ordinance 44, 1879, amending the ordinance creating the Board of Public Improvements, contains the following clause, to-wit:

"The said Board of Public Improvements shall have general supervision and control of the City Civil Engineer and his Department, and shall appoint, on his recommendation—subject, however, to the order and direction of the Common Council and Board of Aldermen—such number of competent assistants as shall be necessary to enable said Engineer to properly discharge the duties of his office."

This ordinance took effect August 20th, 1879, and was, therefore, in force at the time when the services of said employes in the Engineer's Department purport to have been rendered, and are therefore covered by the provisions of said ordinance. It appearing that the services have been rendered with the approval of the Board of Public Improvements and City Civil Engineer, we are of the opinion that said services were authorized by the ordinance above referred to, passed August 20th, 1879. We therefore recommend that said claims be paid.

Respectfully submitted,

F. J. VanVorhis,
Geo. P. Wood,
Martin McGinty,
James T. Layman,
Committees on Accounts and Claims.
John A. Henry, City Attorney.

Councilman VanVorhis introduced the following entitled ordinance; which was read the first time, viz.:

Ap. O. 74, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

On motion by Councilman VanVorhis, the rules were suspended by the following vote, for the purpose of placing the above entitled ordinance on its second and third reading and final passage, viz.:

AYES, 23—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

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

Ap. O. 74, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$2,314.92.]

And it was passed by the following vote:

AYES, 23—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, Lamb, Morrison, McGinty, McKay, O'Connor, Pearson, Prier, Rooker, Sheppard, Shilling, Tucker, VanVorhis, Wiese, and Wood.

NAYS—None.

Councilman Brown moved that this Council now adjourn; which motion failed of adoption.

PENDING ORDINANCES.

On motion, the following entitled ordinance was taken up, and read the second time :

G. O. 61, 1879—An Ordinance to provide the Boards and Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk.

Councilman Brown moved to strike the ordinance from the files; which motion failed of adoption by the following vote :

AYES, 8—viz. Councilmen Bieler, Brown, Carey, Kahn, McKay, Prier, Tucker, and VanVorhis.

NAYS, 15—viz. Councilmen Bermann, Dowling, Downey, Hamilton, Harmening, Lamb, Morrison, McGinty, O'Connor, Pearson, Rooker, Sheppard, Shilling, Wiese, and Wood.

Councilman VanVorhis moved to refer to the Committee on Finance and City Attorney; which motion was not adopted.

Councilman Tucker introduced the following entitled ordinance as a substitute for G. O. 61, 1879, viz. :

G. O. 65, 1879—An Ordinance to repeal an ordinance entitled "An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk and prescribing the Duties of such Clerk," ordained and established October 8th, 1879.

On motion by Councilman Dowling, said ordinance was laid on the table by the following vote :

AYES, 15—viz. Councilmen Bermann, Dowling, Downey, Hamilton, Harmening, Lamb, Morrison, McGinty, O'Connor, Pearson, Rooker, Sheppard, VanVorhis, Wiese, and Wood.

NAYS, 8—viz. Councilmen Bieler, Brown, Carey, Kahn, McKay, Prier, Shilling, and Tucker.

Councilman Tucker moved that this Council now adjourn; which motion failed of adoption by the following vote :

AYES, 8—viz. Councilmen Bieler, Brown, Carey, Harmening, Kahn, McKay, Prier, and Tucker.

NAYS, 15—viz. Councilmen Bermann, Dowling, Downey, Hamilton, Lamb, Morrison, McGinty, O'Connor, Pearson, Rooker, Sheppard, Shilling, VanVorhis, Wiese, and Wood.

Councilman VanVorhis introduced the following entitled ordinance as a substitute for G. O. 61, 1879, viz. :

G. O. 66, 1879—An Ordinance to amend an ordinance entitled “An Ordinance to provide the Committees of the Common Council and Board of Aldermen with a Clerk, and prescribing the Duties of such Clerk.”

Councilman Lamb moved to lay the ordinance on the table; which motion failed of adoption by the following vote :

AYES, 11—viz. Councilmen Bermann, Dowling, Downey, Lamb, Morrison, McGinty, O'Connor, Rooker, Sheppard, Shilling, and Wiese.

NAYS, 12—viz. Councilmen Brown, Carey, Hamilton, Harmening, Kahn, McKay, Pearson, Prier, Tucker, VanVorhis, and Wood.

On motion by Councilman VanVorhis, section 2 was amended by inserting after the words “By-Laws and Ordinances” the words “Proceedings of Common Council and Board of Aldermen,” and after the word “city” the words “and make up a year-book at such times as required.”

Councilman Brown moved to amend section 1, by providing for the selection of the Committee Clerk by the City Clerk; which amendment was not adopted.

Councilman Morrison moved to refer above ordinance to the City Attorney; which motion was not adopted.

G. O. 66 was then adopted as a substitute for G. O. 61.

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

G. O. 66, 1879—An Ordinance to amend an ordinance entitled “An Ordinance to provide the Committees of the Common Council and Board of Aldermen with a Clerk, and prescribing the Duties of such Clerk.”

And it was passed by the following vote :

AYES, 12—viz. Councilmen Bermann, Dowling, Hamilton, Harmening, McGinty, O'Connor, Pearson, Rooker, Sheppard, VanVorhis, Wiese, and Wood.

NAYS, 11—viz. Councilmen Bieler, Brown, Carey, Downey, Kahn, Lamb, Morrison, McKay, Prier, and Tucker.

Councilman Brown moved that this Council now adjourn; which motion was adopted by the following vote :

AYES, 16—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Harmening, Kahn, McGinty, McKay, O'Connor, Pearson, Reoker, Sheppard, Tucker, Wiese, and Wood.

NAYS, 7—viz. Councilmen Downey, Hamilton, Lamb, Morrison, Prier, Shilling, and VanVorhis.

JOHN CAVEN, Mayor,
President of Common Council.

Attest: JOS. T. MAGNER, City Clerk.