

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL }
OF THE CITY OF INDIANAPOLIS, }
Monday, Feb. 6, 1871, 7 o'clock P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the Chair, and the following members :

Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Pyle.

The proceedings of the regular session held January 30, 1871 were read and approved.

ORDINANCES ON FIRST READING.

Mr. Marsee introduced special appropriation ordinance No. 7, 1871, entitled:

An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first time.

His Honor, the Mayor, introduced general ordinance No. 3, 1871, entitled:

An Ordinance concerning the further prevention of fires and the storage of oils.

Which was read the first and second times and referred to a special committee composed of Messrs. Brown, Wiles, Kahn, and His Honor, the Mayor.

Dr. Woodburn introduced special appropriation ordinance No. 8, 1871, entitled:

An Ordinance appropriating money for the payment of sundry claims on account of the City Hospital. for the month of January, 1871.

Which was read the first time.

REPORTS FROM OFFICERS.

The Chief Fire Engineer made the following report:

INDIANAPOLIS, Feb. 6, 1871.

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

GENTLEMEN—The Chief Fire Engineer would respectfully report the following cistern as finished according to contract:

Preston Litton, one cistern, located at the corner of Tennessee and First streets. Respectfully submitted,

DAN. GLAZIER,
Chief Fire Engineer.

Which was received.

The Civil Engineer made the following report :

INDIANAPOLIS, Feb. 6, 1871.

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

GENTLEMEN—I hereby report an estimate on the following cisterns as per the report of the Chief Fire Engineer :

Dewey & Twinaine—

One on the corner of Jackson and Butler streets, 613.52 barrels, at 58 cents per barrel.....	\$355 84
One on the corner of Christian and College ave- nues, 473.87 barrels, at 58 cents per barrel.....	274 84
One on the corner of East and Dougherty, 868.84 barrels, at 58 cents per barrel.....	503 92
One on the corner of West and McCarthy streets, 611.55 barrels, at 58 cents per barrel.....	354 69
One on the corner of Merrill and Eckart streets, 688.16 barrels, at 58 cents per barrel.....	399 13
One on the corner of Massachusetts avenue and Ash street, 614.07 barrels at 58 cets per barrel....	356 16
	<hr/>
Total estimate.....	\$2244 58
Deduct 15 per cent.....	336 58
	<hr/>
Total payment.....	\$1908 00
Deduct former payment.....	630 67
	<hr/>
Present Payment.....	\$1277 33

Also Preston Litton—

For one cistern at corner of Tennessee and Fifth streets, 718.41 barrels, at 55 cents per barrel....	\$395 12
One on the corner of Meridian and Second streets, 604.68 barrels, at 55 cents per barrel.....	332 57

One at the corner of Pine street and Forest av., 871.96 barrels, at 55 cents per barrel.....	479 57
Total estimate.....	\$1207 26
Deduct 15 per cent.....	181 00
Total payment.....	\$1026 26
Deduct former payment.....	336 00
Present payment.....	\$690 26

Respectfully,

R. M. PATTERSON,
Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, Feb. 6, 1871.

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

GENTLEMEN—The City Clerk would respectfully report to Council the following affidavits for the collection of street assessments by precepts, as follows:

Louis Renard vs. E. G. Webster, for \$26.55.

Louis Renard vs. John H. Pierce, for \$130.99.

Louis Renard vs. Winslow S. Pierce, for \$288.88.

Louis Renard vs. John and Robert Lonry, for \$96.40.

John Richardson vs. John Young, for \$8.45.

And respectfully recommend that you order the precepts to issue.

D. M. RANSDELL,
City Clerk.

Which was concurred in.

The City Sexton made the following report :

INDIANAPOLIS, Feb. 3, 1871.

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

GENTLEMEN—The following interments have been made by me in the City Cemeteries during the month of January :

Under five years.....	21
From ten to twenty years.....	1
From twenty to thirty years.....	1
From thirty to forty years.....	4
From ninety to one hundred years.....	1
Total.....	28

All of which is respectfully submitted.

J. H. HEDGES,
City Secy.

Which was received.

The Street Commissioner made the following report :

INDIANAPOLIS, Feb. 1, 1871.

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

GENTLEMEN—I have the honor to submit the following report of work done in the street repairing department since January 1, 1871 :

FIRST WARD.

Repaired the culvert on Noble and Michigan streets.....\$14 00

SECOND WARD.

Made a cinder crossing on Massachusetts av. and Noble st..... 5 00

Made a cinder crossing on Massachusetts av. and Chatham st.. 4 00

Repaired the culvert on North st. and Massachusetts avenue... 7 00

Total.....\$16 00

FIFTH WARD.

Repaired the culvert on Illinois and Merrill streets..... 5 00

Repaired the culvert on Illinois and Georgia streets..... 10 00

Repaired the culvert on Illinois and Maryland streets..... 7 00

Total.....\$22 00

SIXTH WARD.

Repairing the crossing on South and Pennsylvania streets..... 3 00

EIGHTH WARD.

Filed with cinder around the cistern on Forest avenue and
Pine street... 17 00

RECAPITULATION BY WARDS.

Showing the amount on hand January 1, 1870, the amount expended since January 1, 1870, and the amount on hand at the present date.

WARDS.	Deficit Jan. 1st, 1871.	Bal. on hand Jan. 1, '71.	Approp'n	Total with Appropri- ation.	Am't exp. since Jan. 1, '71.	Bal. on hand.	Deficit.
First.....	\$16 00				\$14 00		\$30 00
Second		\$294 00			16 00	278 00	
Third	278 00						278 00
Fourth.....	41 16						41 16
Fifth		80 00			22 00	58 00	
Sixth	332 00				3 00		335 00
Seventh		177 00				177 00	
Eighth.....		45 35			17 00	28 35	
Ninth.....	211 00						211 00
Brg. fd....	816 00						816 00
Misc. fd ...	368 00						368 00
Total ...	\$2,062 81	\$596 36			\$72 00	541 35	2079 81

Respectfully,

A. BRUNER,
Street Commissioner.

Which was received.

ROLL CALL.

Mr. Brown presented the following communication :

INDIANAPOLIS, Feb 6, 1871.

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

GENTLEMEN—We propose to dispose of to the city of Indianapolis the lower arm of the canal from Market street to the south line of the corporation, for the sum of twenty thousand dollars (\$20,000) in the bonds of said city.

JAMES O. WOODRUFF,
President Water Works Co.

Which was laid on the table by the following vote :

Affirmative—Councilmen Brown, Heckman, Kahn, Marsee, Newman, Thalman, Thoms, Weaver and Wiles—9

Negative—Councilmen Cottrell, Harrison, Kennington, Locke, Reagan, Shepherd, Whitsit and Woodburn—8.

Mr. Cottrell offered the following resolutions :

WHEREAS, It is thought some of the owners of property abutting upon South East Street have encroached upon said street with their fences and buildings. For the purpose of learning whether it is so, be it

Resolved, That the Civil Engineer be and he is hereby instructed to cause an accurate survey to be made of South East street, between South and Coburn streets ; and report to this Council the distance any building or fence occupies of said street, giving the number of the lot and out-lot, and name of the owner, if known.

Resolved, That the Civil Engineer report to this Council his opinion as to the practicability of lowering the grade of said East street, between Merrill and Coburn streets.

Which were adopted by the following vote :

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn.

Negative—none.

Mr. Harrison presented the following petition :

INDIANAPOLIS, Feb. 6, 1871.

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

The undersigned citizens and property holders of said city, respectfully represent that the grade of South New Jersey street at the intersection with Merrill street, and for about one-half square north is at least two feet too high, thereby obstructing the view north on New Jersey street. That Merrill street, at said point of intersection,

and for about one hundred feet east and west, is too low, causing the water to flow and settle on that part of said street, to the great injury and inconvenience of the citizens residing in that section.

The undersigned further represent that the grades of said streets at said points were caused to be made contrary to the established profile of the streets of said city.

The undersigned, your petitioners, therefore pray your honorable body (at the proper expense of the city) to alter the grade of said streets to conform to the profile of said city, and your petitioners, as in duty bound, will ever pray, &c.

F. A. W. DAVIS.

A. CURTISS.

Which was referred to the Committee on Streets and Alleys, and Civil Engineer.

Mr. Newman offered the following resolution :

Resolved, That the Committee on Printing be instructed to give the publication of the city delinquent list, to be published in German, to the *Sunday Post*, provided that they will publish it on the same terms it was published last year, that is, thirty-five cents per line.

Mr. Whitsit moved to strike out "*Post*," and insert "*Telegraph*." Dr. Woodburn moved to lay Mr. Whitsit's motion on the table.

On motion by Mr. Kahn the whole subject was indefinitely postponed, by the following vote :

Affirmative—Councilman Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Marsee, Reagan, Shepherd, Thalman, Thoms and Whitsit—12.

Negative—Councilmen Locke, Newman, Wiles and Woodburn—4.

Mr. Thalman presented the following petition :

INDIANAPOLIS, Feb. 6, 1871.

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

Your petitioners would respectfully represent that heretofore, to-wit: on the 14th day of May, 1866, they entered into a contract with

the Common Council of the city of Indianapolis for grading and graveling North street, between Blackford and Minerva streets, in said city, and were to receive as compensation therefor, for grading, 35 cents per cubic yard, and for graveling, 99 cents per cubic yard; that they proceeded to, and did perform the grading and graveling, under and by virtue of their said contract, in all respects in accordance with the same, and to the satisfaction of the City Engineer; that having completed their work, on the third day of September, 1866, the City Auditor reported a first and final estimate allowed your petitioners for the work done as above set forth, which estimate was in all respects in conformity with their contract; and that on that same day the estimate referred to by the City Auditor was adopted by the City Council, twelve Councilmen voting in the affirmative, and none in the negative; that, acting upon this estimate, they proceeded to collect, and did collect divers amounts from parties residing along the line of said North street, until about the 19th day of November, 1866, when one William Johnson, Sr., one of the property owners on said North street, declined and refused to pay his assessment; and thereupon, on the 19th of November, 1866, they filed in the office of the City Clerk the affidavit of Robert H. Patterson, in accordance with the statute governing such cases, setting forth the facts that William Johnson, Sr., had refused, for more than twenty days, to pay the amount assessed against him, viz: \$156.34, and the other facts necessary to be set forth in such affidavit; whereby it became the duty of the Council to cause a precept to issue for the collection of such assessment; yet they say that the Council, wholly disregarding their duty, refused to cause such precept to issue, but, by a vote, laid the affidavit on the table, where, your petitioners aver, that it is still patiently lying awaiting the action of the Council. They further show that thereafter, to-wit: on the 26th day of November, 1866, said William Johnson, together with six other property holders on said North street, petitioned the members of the Council to change the estimate theretofore made, alleging that a mistake was made in approving said estimate, for the reason that the Engineer, in making the estimate for grading, had allowed for both cut and fill, when it was the custom to allow for only the one; that said report was referred to the Judiciary Committee of said Council, who, on the 7th day of January, 1867, reported in favor of rescinding the original estimate, and approving a new estimate made by the City Engineer, whereby your petitioners were to receive pay for only a portion of

the work done, and by which report their estimate was reduced from \$3,504.14 to \$2,733.21. They say that the report of the Judiciary Committee recommending such change was not upon the theory that such change was legal or just, but solely for the purpose of preventing a large number of costs from being made against the city. They also show that thereafter, to-wit: on the 25th day of January, 1867, they caused a complaint to be filed in the Marion Court of Common Pleas, praying that a writ of *mandamus* issue ordering the Common Council to restore the original estimate and issue precepts against the parties refusing to pay the amounts assessed against them on the original estimate; and that the case came on for trial on the — day of —, 1868, and was decided in favor of your petitioners; from which decision the city appealed to the Supreme Court, where the cause was reversed, solely on the ground that the complaint did not allege that an affidavit had not been filed in the Clerk's office, as required by law. Judge Frazer, in delivering the opinion of the court, says:

“If it be a sound proposition that the power of the Council over the estimate was exhausted when it had first approved it and directed its payment, then its subsequent action in rescinding that approval was void and of no effect whatever in law, being an act which the Council had no jurisdiction to perform. This is the ground maintained in argument by the appellee, and to two members of the court, as at present advised, it seems to be correct. But in that view the approval of the first estimate still stands, and the only relief which the plaintiff can obtain by mandate is to compel the Council to issue a precept upon that estimate. Such precept, however, can not issue until the affidavit required by statute shall have been filed. The complaint, however, does not allege that such affidavit has been filed, and consequently it makes no case for a mandate.”

Your petitioners allege that such affidavit was duly filed as hereinbefore set forth, but by action of the Council was laid on the table. They say that in accordance with said decision of the Supreme Court the cause was remanded to the Marion Court of Common Pleas for a new trial, with leave given to your petitioners to amend their said complaint, and that their cause will have to await the lingering process of a trial which, in the present condition of the docket of the Common Pleas Court, will not be reached for a long time, unless your honorable body will grant them the relief they ask. They respect-

fully represent that they are entitled to that relief for the following reasons, to-wit:

The Common Council having adopted the first estimate, had no right to rescind it or adopt a new one, because—

1. The Council is a creature of the statute, and as such its powers are limited exclusively to the powers granted by the statute. It has no *implied* powers. The statute says it shall make the estimate, and nowhere gives it the right or the power to *rescind* or *make* another or different estimate. Any attempt to do this is beyond its jurisdiction and void. The Council have no power to make this or any estimate except as given by the statute, and they can only do what the statute authorizes, and the statute only mentions one estimate.

2. The approval of the first estimate, in and of itself, vested a right in your petitioners which it was incompetent for the Council or any other body to divert except by due process of law. The statute provides that after work is done an estimate shall be made, "which estimate shall be a lien upon the ground upon which they are assessed to the same extent that taxes are a lien, and shall have the same preference over other demands." This lien is in favor of your petitioners in this instance, and vests immediately upon the approval of the estimate, and the statute creating the Council and defining its powers nowhere gives it the right to pass judgment upon the vested rights of any citizen.

3. And as to the last the approval of the estimate must be looked upon as in the nature of a contract entered into and acted upon by the Council, acting for the property holder, and the contractor—in this case your petitioner. The contract was made by the approval of the first estimate, and the Council has no more power than any other party to rescind or impair the obligation of a contract: it requires as many parties to dissolve a contract once entered into as it does to enter into it, and your petitioners were all the while vehemently protesting against the right or the justice of rescinding the original estimate.

Your petitioners further represent that the only reason why the first contract should be rescinded was that there was a pretended mistake in the first estimate. The alleged mistake consisted in this: that, while the contract made says that the contractors shall receive pay for grading, which includes both cut and fill, there was a controlling custom among contractors in the city of Indianapolis, whereby

they were only entitled to receive pay for one—whichever was the larger. On the trial of the cause in court, out of five witnesses who had been City Engineers, only two affirmed the existence of any such custom. The other three denied its existence. The jury, after finding for the plaintiffs, found specially that there was no such custom as was set up and relied upon by defendants as their defense.

Your petitioners also show that when they made their bids they knew of no such custom, and did not contract with reference to it, but expected to get pay for what their contract called for, viz: the grading—the whole amount of work done under the contract—and that they would not have taken the contract at that price if they had thought they were to receive pay for only one-half of the work to be done.

They further represent that the work was done during the summer of 1866, and that they have not received their pay, and will be kept out of it for a long time yet if they shall receive no relief at your hands.

They also show that as the matter now stands, whatever costs may be adjudged in favor of the plaintiff will be against the city, and that the City Attorney is attending to the case against them, and must be paid therefor out of the city treasury.

They further show that the city has no interest in the matter whatever except to pay said costs and attorney's fees.

Your petitioners therefore ask that your honorable body will make inquiry touching the matters alleged in this petition, and if they be true, as your petitioners allege they are, that a precept shall issue according to law on the first estimate, as asked in the affidavit heretofore filed by Robert H. Patterson, and for such other relief as may seem proper to your honorable body.

And your petitioners will ever pray, &c.

SAM'L J. & ROBT H. PATTERSON.

Which was referred to the Judiciary Committee and City Attorney.

Mr. Newman offered the following resolution :

Resolved, That all city printing to be done in German hereafter, excepting the city delinquent list, for this year be done by the publishers of the Republican Post, a German paper published in this

city, until the further orders of the Council. This resolution to be binding until the second Monday in May next, and the Committee on Printing are required to conform to this resolution.

Mr. Whitsit moved to strike out the words "*Sunday Post*," and insert the words "*Daily Telegraph*."

Mr. Marsee moved to postpone the whole subject one week.

Which motion was adopted by the following vote:

Affirmative—Councilmen Brown, Harrison, Kahn, Locke, Marsee, Reagan, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

Negative—Councilmen Cottrell, Heckmen, Kennington, Newman, Shepherd and Whitsit—6.

Mr. Thoms offered the following motion:

Moved, That the Committee on Printing and Stationery be and are hereby empowered and instructed to purchase some soap and a brush for the purpose of cleaning the city offices, and also some kindlings to be used in kindling fires, &c.

Which was adopted.

Mr. Thoms presented the following remonstrance:

INDIANAPOLIS, Feb. 6, 1871.

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

The undersigned respectfully petition your honorable body to prohibit the erection of a varnish factory on the south-east corner of Ohio and Winston streets, as the same is considered highly dangerous and liable to destruction by fire, and will, in a considerable degree, endanger the adjoining and neighboring property.

HENRY BAUER,
JOHN HERRMAN.
CH. ZABEL,
HENRY AEBKER,

And 12 others.

Which was referred to the Committee on Fire Department and Chief Fire Engineer.

Mr. Whitsit presented the following remonstrance:

INDIANAPOLIS, Feb. 6, 1871.

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

The undersigned, a property holder on the proposed line of the extension of Greer street, in said city, protests against Samuel Seibert acting as one of the appraisers, on the grounds that said Seibert is an interested party, being the owner of lands on said street.

FRED. WUNSCH.

Which was received.

Dr. Woodburn offered the following motions:

Moved, That F. Shortridge be and is hereby granted permission to plant and box shade trees in front of his property, on Vermont street—the same to be done within forty days, and to the satisfaction of the Civil Engineer.

Moved, That Franklin Hall be and is hereby granted permission to plant and box shade trees in front of his property, on Mississippi street—*provided*, the same be done within forty days, and under the direction and supervision of the Civil Engineer.

Moved, That George Carter be and is hereby granted permission to plant and box shade trees in front of his property, on Tennessee street—the same to be done within forty days, and under the direction of the City Civil Engineer.

Moved, That the Street Commissioner be and hereby is instructed to notify all property holders on streets on which trees are to be planted, to remove all dead and dying trees before the first of March, 1871. If not done within the time specified, the Street Commissioner is hereby instructed to remove the same.

Which was adopted.

Dr. Woodburn presented the following:

Monthly report of contents of register of patients of City Hospital, ending January 31, 1871:

Number of patients in Hospital at last report.....	45
Number of patients received in Hospital since last report.....	42
Number of patients born in Hospital since last report.....	01
Number of patients discharged from Hospital since last report.....	32
Number of patients died in Hospital since last report.....	02
Number of patients remaining in Hospital at present report.....	54

E. HADLEY,
Superintendent.

Monthly report of expenditures of the City Hospital ending January 31, 1871.

Total expenditures for the Month.....	\$723 02
Aggregate number of days for which subsistence, etc., was furnished.....	1,467
Average expense per capita per diem.....	47.2 cts

E. HADLEY,
Superintendent.

Weekly report of contents of register of patients in City Hospital, ending February 4, 1871:

Number of patients in Hospital at last report.....	51
Number of patients received in Hospital since last report.....	4
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	6
Number of patients died in Hospital since last report.....	1
Number of patients remaining in Hospital at present report.....	48

E. HADLEY,
Superintendent.

Which were received.

On motion, by Mr. Harrison, the motion offered by him January 23, 1871, ordering the withdrawal of precepts against Hutchins, *et al.*, was adopted.

Mr. Newman obtained leave of absence for two weeks.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, Feb. 6, 1871.

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

WHEREAS, The means of easy and convenient communication between the city and the surrounding country is of interest to all kinds of business and necessary to our general prosperity ; and

WHEREAS, The present bridge across White River, on the National Road, is entirely inadequate to accommodate the business and travel which naturally seeks it as a thoroughfare to and from the city ; therefore,

Resolved, That the Board of Trade respectfully and earnestly recommend the Commissioners of this county, and the Council of this city, to take such action and make such appropriations, as may be necessary to construct an open iron bridge across White river at the west end of Washington street.

On motion, a committee was appointed to wait on the City Council and County Commissioners, and lay before them the action of the Board of Trade.

The chair appointed Messrs. J. C. Ferguson, Thomas D. Kingan, and David Gibson said committee.

JOHN C. WRIGHT,
President.

J. BARNARD,
Secretary.

Which was received.

Mr. Shepherd presented the following :

WHEREAS, The bridge across White River, on the National Road, is not large enough to accommodate the travel and traffic that naturally seeks to enter Indianapolis from the west ; and,

WHEREAS, Said bridge has been and is a resort for thieves and other bad characters, because it is a covered bridge, and its peculiar construction affords so many hiding places for evil-disposed persons ; therefore,

Resolved. That this meeting, composed of citizens and taxpayers of Marion county, is of the opinion that the interests of the county and the city of Indianapolis demand a new iron bridge across White river, at the west end of Washington street, and that it is the duty of the County Commissioners to co-operate with the citizens of said city and county in building said bridge on the same terms that they have built bridges in other parts of the county.

AND, WHEREAS, There has been raised by subscription over *thirteen thousand dollars*, which is secured by good notes payable in bank, for the purpose of assisting in building said bridge; therefore,

Resolved, That the County Commissioners be requested to take such prompt action in the matter as will secure to the county the benefit of this large subscription.

AND, WHEREAS, Said bridge will make available for manufacturing purposes a large body of cheap land within a reasonable distance of the Union Depot, therefore

Resolved, That, in the opinion of this meeting, the increase of the tax duplicate which will result from the building of this bridge will repay the county all that it will expend on said bridge, within five years of its completion. And, further,

Resolved, That we respectfully petition the Honorable Mayor and Common Council of the city of Indianapolis to make an appropriation to aid in the building of said bridge, because we believe it will largely benefit the city, and do away with the nuisance now existing west of the city.

Resolved, That a committee of nine be appointed to present the proceedings and resolutions of this meeting to the County Commissioners, and urge them to take prompt action as suggested.

Which was received.

Mr. Thalman presented the following :

INDIANAPOLIS, Feb. 3, 1871.

To the Honorable Board of Commissioners of Marion County, and City Council :

GENTLEMEN—We, the undersigned, property holders and tax payers of Marion county, respectfully pray your honorable body not to make any appropriation for the new bridge, proposed to be erected across White River, at the foot of Washington street. We consider

it wholly unnecessary, besides the heavy expenditures that will be made this season for public improvements will make our taxes heavy and be of sufficient reason for your honorable body to use due economy in all public expenditures, besides there is now a good, substantial bridge in that immediate vicinity, sufficient for all public use for years to come.

W. W. WOOLLEN,
S. B. CORBALEY,
CORBALEY & COSSELL.
S. A. FLETCHER & CO.,
F. M. CHURCHMAN.
E. C. HAGN.

And 85 others.

Which was received.

On motion, by Mr. Wiles, the whole subject, with all the papers, was referred to a special committee—composed of Messrs. Harrison, Reagan, Shepherd, Weaver and Pyle.

By unanimous vote, the rules were suspended, and special appropriation ordinance No. 7, 1871, appropriating money for cisterns, was read the second and third time, and passed by the following vote:

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Negative—none.

On motion, the Council adjourned.

DANIEL MACAULEY,
Mayor.

ATTEST:

D. M. RANSELL,
City Clerk.