

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, APRIL 27TH, 1868, 7½ 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, Coburn, Cottrell, Davis, Foster, Geisel, God-
dard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt,
Seidensticker, Stanton and Woodburn—16.

Absent—Councilmen Burgess and Colley—2.

The proceedings of the regular session held April 20th, 1868, were
read and approved.

REGULAR ORDER OF BUSINESS.

Mr. Brown presented the following remonstrance :

INDIANAPOLIS, April 27, 1868.

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

The undersigned, owners of the real estate fronting on Maryland street,
between Meridian and Delaware streets, would respectfully remonstrate
against the passage of the ordinance now pending before your body, setting

forth as the reason the general scarcity of money and the already high taxes which they have to sustain. And furthermore they have never petitioned or even been called upon to petition for the proposed improvement, and believe that their interest and right calls for the withdrawal of the ordinance.

Murphy, Kennedy & Co.,
Hugh Delzell & Fatterson,
W. H. Morrison,

A. F. Noble,
Charles Bals,
And 10 others.

Which was laid over temporarily.

Mr. Cottrell offered the following motion :

That the Committee on Streets and Alleys, with the Civil Engineer, be instructed to report what streets or alleys would, in their opinion, afford the best drainage from the east end of Sinker street through out-lots Nos. 103 and 104.

Which was adopted.

Mr. Cottrell, also, offered the following motion :

That the Street Commissioner be instructed to re-build the wooden sewer across New Jersey and South streets.

Which was adopted.

Mr. Foster offered the following motion :

That the Street Commissioner be directed to place a foot bridge over the gutter at the south-east corner of South and West streets.

Which was adopted.

Mr. Foster, also, offered the following motion :

That the Street Commissioner be directed to place a wooden culvert at the west crossing of South Meridian and Ray streets, and do the necessary filling.

Which was adopted.

Mr. Geisel offered the following motion :

That the Street Commissioner be directed to build a culvert across the big ditch on the north side of Michigan and Railroad streets.

Which was adopted.

Mr. Geisel, also, offered the following motion :

That the Street Commissioner be directed to repair the sidewalk on Market street near the Corporation line east, on the south side.

Which was adopted.

Mr. Geisel introduced special ordinance No. 23—1868, entitled :

AN ORDINANCE to provide for grading and paving with brick the north sidewalk on Market street, between New Jersey and Noble streets.

Which was read the first time.

Mr. Kappes introduced special ordinance No. 24—1868, entitled :

AN ORDINANCE to provide for paving with brick the sidewalk on the north side of North street, between Alabama and Delaware streets.

Which was read the first time.

Mr. Loomis presented the following petition :

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—The undersigned, contractor, respectfully petitions your honorable body for sufficient room on Washington street to drop the necessary material for the erection of Mr. Vonneguts building, between New Jersey street and Alabama street, there not being space sufficient in front of Mr. Vonnegut's lot to render it possible to get room enough to drop my brick and other materials, being but 23 feet front.

Respectfully yours,

PETER ROUTIER.

Mr. Geisel moved to refer it to the Committee on Streets and Alleys—when Mr. Loomis called for the ayes and noes.

The question being to refer to the Committee, those who voted in the affirmative were Councilmen Brown, Davis, Geisel, Jameson and Woodburn—5.

Those who voted in the negative were Councilmen Coburn, Cottrell, Foster, Henschen, Kappes, Loomis, MacArthur, Schmidt and Seidensticker—9.

So the motion to refer was lost.

The question then being on granting the prayer of the petition, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Coburn, Cottrell, Foster, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Seidensticker—10.

Those who voted in the negative were Councilmen Brown, Davis, Geisel and Woodburn—4.

So the prayer of the petition was granted.

Dr. Jameson introduced general ordinance No. 133—1868, entitled :

AN ORDINANCE regulating the erection of lamp-posts and lighting the streets and alleys of the City of Indianapolis with gas.

Which was read the first time, and referred to the Committee on Revision of Ordinances.

Mr. MacArthur offered the following motion :

That the Market Master be authorized to remove the fence around the west Market House from the north-east corner to the north-west corner of said house, and from the north-east corner of the Market to the south line of the Market grounds on Tennessee street, and have the same replaced on a line north and south the full width of the grounds 10 feet west of the west end of the Market House.

Which was referred to the Committee on Markets.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, April 27, 1868.

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

The undersigned respectfully petitions your honorable body for the opening of a street through Rosett's subdivision of out-lot 107, from McCarty st. to Wyoming street, by appropriating lots number fifty-three (53) and thirty-eight (38) in Rosett's subdivision of the north-west quarter of out-lot 107, in the City of Indianapolis, which added to the alley now west of said lots would give a street 52 feet in width, which street would be near the center between High and Delaware streets, and would divide said block in two nearly equal halves.

Your petitioner further represents that he is the owner of said lot 53, that in case of the opening of said street he would dedicate said lot free of charge for the purposes of said street, and that he would also contribute liberally to the payment of any other damages which may be awarded by the City Commissioners for the other property necessary to be appropriated for said street. He refers to the plat filed herewith for the names of the owners of the property and other information in connection therewith.

C. F. SCHMIDT.

Also, the following petition :

INDIANAPOLIS, April 27, 1868.

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

The undersigned respectfully petitions your honorable body for the vacation of the two alleys running north and south from McCarty street to Wyoming street, the first bounded by lots 41 and 42, and 49 and 50, the second by 51 and 52, and 40 and 39 of Rosett's subdivision of the north-west quarter of out-lot 107, in the City of Indianapolis; also to vacate so much of the alley running east and west through said lot as lies between the west line of lots 52 and 39, and the west line of lots 49 and 42 in said subdivision of out-lot 107. He represents that the alleys to be vacated according to this petition are 12 feet in width, and that your petitioner is the sole owner of all the lots adjoining to or abutting on said alleys petitioned to be vacated; that he has purchased said different lots at heavy expense for the purpose of getting the necessary facilities for his business and gaining the necessary room, and that he can only effect said purpose by the vacation proposed. He further states that he has petitioned simultaneous herewith for the opening of a street immediately west of the said lots 39 and 52, and that he proposes to dedicate the lot owned by him in the proposed line of said street free of charge, and to contribute otherwise for the opening of said street. He refers to the plat herewith for all other particulars.

C. F. SCHMIDT.

Which were referred to the Committee on Streets and Alleys.

Mr. Stanton offered the following motion :

That John Roberts be permitted to put down plank crossings over the sidewalks bordering his lumber yard, as follows : two on sidewalk on Michigan street, and three on sidewalk on North street.

Which was adopted.

Mr. Stanton, also, offered the following motion :

That John Roberts be permitted to grade and gravel the alley in rear of his property on Mississippi street, to-wit, lots numbered 4 and 5, in Square 9, the same to be done under the direction of the City Civil Engineer, and that the Civil Engineer is hereby directed to set the grade stakes for the same.

Which was adopted.

Mr. Stanton introduced special appropriation ordinance No. 22—1868, entitled :

AN ORDINANCE appropriating the sum of one thousand dollars to be expended on what is known as the old Military Ground in the City of Indianapolis.

Which was read the first time.

Sealed proposals for public improvements were opened and read by the City Clerk, and referred to the Board of Public Improvements.

REPORTS FROM BOARDS.

Mr. MacArthur, from the Board of Public Improvements, made the following report :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, April 27, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom was referred the petition of J. A. Bradshaw, asking that the north sidewalk of Vermont street, between Meridian and Pennsylvania streets, be paved, respectfully recommend that the same be granted.

Also, the remonstrance of David Macy and James A. Lunt, in reference to the improvement of Noble street between Washington street and the Indiana Central Railroad crossing. In our opinion the said improvement is necessary, but owing to the fact that the remonstrants own all the property on each side of the street, we would respectfully refer back the papers to your honorable body for final action.

Also, we find that James Mahoney is the lowest bidder to grade and gravel Broadway street, between St. Clair and Cherry streets, his bid being 79½ cts. per lineal foot on each side of the street.

Also, that James Mahoney is the lowest bidder to grade and gravel Merrill street and sidewalks, between Missouri and West streets, his bid being 29 cts. per lineal foot on each side of the street.

Respectfully submitted,

JNO. B. MACARTHUR, }
W. H. LOOMIS, } Board.

On motion, the report was considered by paragraphs—the first paragraph was concurred in; the second was received, and the third and fourth were concurred in.

REPORTS FROM COMMITTEES.

Dr. Jameson, from the Finance Committee, made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—The Finance Committee, to whom was referred the petition of Joseph Marsee, in regard to estimate made for lighting South street with gas, have examined the estimate made for the lighting of said street with gas, and find that the petitioner is charged for 375 feet only at 13 cents per lineal foot front, amounting to \$48.80; E. M. Brown owns 45 feet on same side, making 420 feet for south side at 13 cents, \$54.60. The opposite side of the street only measures 356 04-100 feet at 13 cents, making \$46.35. The property holders on each side of the street, as stated are charged in proportion to number of feet, as the estimate will show in possession of the Auditor. Some years ago the petitioner placed a post at the corner of his property; in making the estimate this was not taken into the account. Whether he can claim exemption of a part of his assessment on this account is a question of law. We therefore recommend that the petition be referred to the City Attorney and City Clerk.

Respectfully,

P. H. JAMESON,
C. F. SCHMIDT,
THOMAS COTTRELL, } Committee.

Which was concurred in.

Mr. Brown, from the Committee on Streets and Alleys, made the following report:

INDIANAPOLIS, April 27, 1868.

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

The Committee on Streets and Alleys, to whom was referred the petition of E. B. Dill and others, to narrow Broadway street to sixty (60) feet, report against granting the prayer of the petition, on the ground that it is not good policy to lessen the width of any public street.

AUSTIN H. BROWN,
HENRY COBURN,
J. W. DAVIS, } Committee.

Which was concurred in.

Mr. Brown, from the Committee on Streets and Alleys, made the following report:

INDIANAPOLIS, April 27, 1868.

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

The Committee on streets and Alleys, to whom was referred a motion allowing James Skillen to erect a set of scales in the alley west of his Mill on West Washington street; recommend that the motion be adopted.

AUSTIN H. BROWN,
HENRY COBURN,
J. W. DAVIS, } Committee.

Which was concurred in.

Mr. Coburn, from the Fire Committee, made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—The Committee on Fire Department would report that the contractors for the Fire Alarm Telegraph have the same about complete, and will be ready to put it in operation to-morrow. We would therefore recommend that a public trial take place on Wednesday afternoon at two o'clock, and we would be pleased to meet all the Councilmen at No. 2 Engine House at the time above named to witness the trial.

HERNY COBURN,	} Committee.
J. H. KAPPES,	
J. W. DAVIS,	

Which was received.

Mr. Loomis, from the Committee on Public Schools, made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—The undersigned, your Committee on Public Schools, to whom was referred a motion directing your committee "to confer with the School Trustees and ascertain what steps are necessary to be taken to provide a fund for the building of such additional school building, or buildings, as may be necessary for the accommodation of the school children of the city," have had the same under consideration, and have met the Board of School Trustees, who, through their Superintendent, Prof. Shortridge, have presented the accompanying interesting reports from the Treasurer and Board of Trustees, showing statistics of our present condition so far as our public schools are concerned, which your committee ask to be published not only in the proceedings of Council but also in the several daily newspapers of the city.

Your committee further ask to report in favor of the passage of the herewith ordinance from the hands of the City Attorney, providing for the issuing of city bonds to the amount of \$30,000, bearing 10 per cent. interest, the principal payable at such time as the Common Council may direct, with the request that the ordinance pass.

All of which is respectfully submitted.

W. H. LOOMIS, *Chairman Committee.*

Which was received.

Also, the following affidavit:

INDIANAPOLIS, April 20, 1868.

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

The undersigned, Trustees of the Common Schools of Indianapolis, on their several oaths say that, as such Trustees, they have contracted for the building of a public school house on Union street, in the Sixth Ward of said city. That the estimated cost of said building is forty thousand dollars (\$40,000); that the said trustees have incurred an indebtedness, for the construction of said building, of thirty-five thousand dollars (\$35,000), and have not the necessary means with which to pay said debt, or complete said school house, and they hereby respectfully petition your honorable body to pass an ordinance authorizing the issue and sale of the bonds of Indianapolis for the sum of thirty thousand dollars (\$30,000) for the payment of a portion of the above indebtedness thus incurred by the said Trustees, in accordance with an act

of the General Assembly authorizing the issue, sale and negotiation of such bonds, approved March 11, 1868.

THOMAS B. ELLIOTT, }
W. H. L. NOBLE, } *Trustees.*
CLEMENS VONNEGUT, }

Subscribed and sworn to before me, this 20th day of April, 1868.

Jno. N. Scott, City Judge.

Also, general ordinance No. 134, entitled :

AN ORDINANCE to provide for the issue of bonds for the purpose of procuring means to complete unfinished school buildings, and to pay debts contracted for the erection of such buildings.

Which was read the first time.

Dr. Jameson moved to indefinitely postpone the whole matter.

Mr. Loomis called for the ayes and noes.

The question being on postponement, those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Jameson, Schmidt, Seidensticker and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Coburn, Geisel, Goddard, Hensehen, Kappes, Loomis, MacArthur and Stanton—9.

So the motion to postpone was lost.

On motion by Mr. Brown, the whole matter was postponed until the next regular meeting.

Mr. Kappes, from the Committee on Printing and Stationery introduced special appropriation ordinance No. 23—1868, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first time.

Mr. Kappes, from the Committee on Benevolence and Hospitals, made the following report :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING APRIL 18, 1868.

Number of patients in Hospital at last report.....	29
Number of patients received in Hospital since last report.....	1
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	4
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	26

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING APRIL 25, 1868.

Number of patients in the Hospital at last report.....	26
Number of patients received in the Hospital since last report.....	3
Number of patients born in Hospital since last report	2
Number of patients discharged from Hospital since last report.....	6
Number of patients died in the Hospital since last report.....	1
Number of patients remaining in the Hospital at present.....	24

Which were received.

SELECT COMMITTEES.

Mr. Seidensticker, from Select Committee, made the following report :

INDIANAPOLIS, April 27, 1868.

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

Your committee, to whom was referred a petition in favor and an ordinance granting the right of way to the Junction Railroad Company on and over certain streets and alleys have given to the subject their careful consideration, and have elaborated the following ordinance, which they present for the consideration and action of the Council.

Respectfully,

AD. SEIDENSTICKER,	} Committee.
W. H. LOOMIS,	
THOMAS COTTRELL,	
J. H. WOODBURN,	
J. H. KAPPES,	
SAMUEL GODDARD,	}

Which was received.

Also, general ordinance No. 134, entitled :

AN ORDINANCE authorizing the Junction Railroad Company to cross certain streets and alleys, and to lay a single track in Louisiana street on the north side of the Union Depot.

Which was read the first time.

Mr. Brown, from same committee, made the following minority report :

INDIANAPOLIS, April 27, 1868.

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

The undersigned, a minority of the Select Committee, to whom was referred sundry papers and an ordinance granting certain rights to the use of public streets and alleys, dissents from the majority report on the ground that the ordinance does not describe the points of crossing of Virginia Avenue, Delaware, Pennsylvania or Meridian streets, and because it is unnecessary that the Junction Road should have extraordinary privileges over other Railroads, which this ordinance gives.

AUSTIN H. BROWN.

Mr. Loomis moved to lay the minority report on the table.

Mr. Brown called for the ayes and noes.

The question being to lay the report on the table, Councilman Loomis voted in the affirmative.

Those who voted in the negative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

So the motion to lay on the table was lost.

On motion the minority report was received.

Dr. Jameson, from the Special Committee, made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—The Special Committee appointed to confer with the Gas Company in reference to lighting the city lamps at a stipulate rate per post per annum, beg leave to report a proposition from said Company, and request that they be authorized to contract with said Company in accordance with the said proposals. Respectfully,

P. H. JAMESON,
A. SEIDENSTICKER, } Committee.
J. H. WOODBURN.

Also the following proposition:

INDIANAPOLIS, April 24, 1868.

P. H. Jameson, J. H. Woodburn, Ad. Seidensticker, Special Committee:

GENTLEMEN:—Your communication of the 20th inst., submitting a proposition as a basis of contract for furnishing gas, lighting, extinguishing and repairing the public lamps of the city, at a stipulated price per post per annum, is received, and the several paragraphs therein have been duly considered.

The Gas Company, in reply, submit the following proposition as a basis upon which a contract, as contemplated, can probably be made, the Council concurring:

The time table adopted not to be for a less time than 2,000 hours per lamp per annum. The Council reserving the right to arrange the time table.

In case the lamps at any time are lighted by order of the city, increasing the hours of burning over 2,000 hours per post per annum, any excess of gas consumed by reason of such order, the city to pay for the same pro rata, and to be received in bills, for the month in which it is consumed.

The number of lamps to be supplied with gas, lighted and extinguished regularly, not to be less than four on a space equal to an original square of the city, including squares on the seven avenues, and provided, that on mains hereafter to be laid the city may diminish the number of posts on the squares.

The average capacity of the burners used to be such as to permit of the consumption of four cubic feet per hour.

The Company will furnish, at its own expense, all the necessary burners for lamps and the matches for lighting.

The Company will furnish the gas on contract, each lamp to burn not less than two thousand hours per post per annum, pay the Government tax, light, extinguish and perform the labor of keeping the lamps in good working order, at the rate of thirty dollars per post per annum.

All bills duly certified, due for a given month, to be paid during the following month; provided further, that for lighting, extinguishing, repairing, Government tax, and for materials furnished, to be paid for as per monthly bills rendered, currency.

The Company to purchase all necessary materials for keeping the lamps in good order, at the expense of the city, to be stored as the city shall direct. Monthly bills to be rendered for the cost of materials, duly certified and sworn to as correct by the President or Secretary of the Company.

The Company will accept a contract on the terms and stipulations of the above as a basis, for a term of time, say from three to five years, as may be determined upon by the Council.

Nothing in this proposition, if accepted by the Council, shall be so construed as to interfere with the rights of the Company under their contract to supply the city and citizens with gas for a term of twenty years, bearing date March 4th, 1866, except as contemplated in this proposition.

Respectfully submitted by order of the Board,

L. VAN LANINGHAM, Secretary.

Mr. Brown moved that the report be concurred in, and the Committee be instructed to contract with the Company in accordance with the proposition, inserting three years as the time.

Mr. Kappes moved to amend by giving to the city the privilege of furnishing the burners.

Which was lost.

The ayes and noes were called for on the adoption of Mr. Brown's motion.

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

Councilman Kappes voting in the negative.

So Mr. Brown's motion was adopted.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, April 25, 1868.

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

GENTLEMEN:—I have examined papers in the case of Patterson v. City, and I am of opinion that the case should be appealed, as I think the verdict in the Court of Common Pleas clearly erroneous.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in, and the City Attorney instructed to take the necessary steps to appeal the case.

The City Attorney made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—I have examined the communication of Hon. T. A. Hendricks, and respectfully report that the case therein stated comes within the rule to which I referred in the opinion given upon the petition of W. R. Nofsinger. The amount of tax paid under protest should be refunded.

Respectfully, B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

The Chief Fire Engineer made the following report:

INDIANAPOLIS, April 27, 1868.

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

GENTLEMEN:—Feary & Dillon have re-plastered the cistern on the corner of Alabama and Cumberland streets, and the same has been filled and found to hold water and gives satisfaction. I would therefore recommend that the same be accepted.

Respectfully,
GEO. W. BUCHANAN, Chief Fire Engineer.

Which was concurred in.

The City Clerk introduced special appropriation ordinance No. 24—1868, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time, and referred to the Committee on Accounts and Claims.

ORDINANCES ON SECOND READING.

Mr. Seidensticker called up general ordinance No. 134, authorizing the Junction Railroad Company to cross certain streets and alleys and to lay down a single track on Louisiana street on the north side of the Union Depot.

The ordinance was taken up and acted upon section by section.

Mr. Cottrell offered the following amendment to section 2.

That the abutments over Pogue's Run shall have as wide a span as the abutments for the bridge across Pogue's Run on Virginia Avenue.

Which was adopted.

Mr. Brown offered the following proviso at the end of section 2:

Provided, That such tracks shall not be laid at any point south of Pogue's Run west of Delaware street, nor at any point north of a line parallel with the north line of Louisiana street west of Virginia Avenue.

Which was adopted.

Mr. Seidensticker moved that the 2d paragraph be amended by granting said road the privilege of laying down a track on Louisiana street to Illinois street, instead of Mississippi as the ordinance indicated.

Dr. Woodburn moved to lay the amendment on the table.

Mr. Seidensticker called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Goddard, Jameson, Kappes, Loomis, Stanton and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen, MacArthur, Schmidt and Seidensticker—9.

So the motion to lay on the table was lost.

The question being on the adoption of Mr. Seidensticker's amendment, Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Foster, Henschen, MacArthur, Schmidt and Seidensticker—6.

Those who voted in the negative were Councilmen Coburn, Cottrell, Davis, Geisel, Goddard, Jameson, Kappes, Loomis, Stanton and Woodburn—10.

So the amendment was lost.

Dr. Woodburn offered the following amendment to section 4:

And provided, That if at any time hereafter the Junction Railroad Company shall be admitted into the Union Depot, and on the Union tracks, then the right of way west of the east side of Virginia Avenue, granted herein, shall revert to the city.

The question being on the adoption of Dr. Woodburn's amendment, Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen, MacArthur, Schmidt, Seidensticker and Woodburn—10.

Those who voted in the negative were Councilmen Coburn, Goddard, Jameson, Kappes, Loomis and Stanton—6.

So the amendment was adopted.

Mr. Brown offered the following amendment to the last section :

Provided, That this ordinance shall have no force and effect until the officers of the Junction Railroad Company shall have first filed with the City Clerk the written refusal of the officers of the Union Railway Company to the use and occupancy of the Union tracks and Union Depot on equal terms with other Railroad Corporations, which refusal shall be of date subsequent to the passage of this ordinance: *Provided, further*, That failure to take action within ten days after the passage of this ordinance by the Union Railway officers, shall be deemed a refusal.

Which was adopted.

On motion by Mr. MacArthur, the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANDELL, *City Clerk*.