

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—NOVEMBER 28, 1881.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, November 28th, A. D. 1881, at half-past seven o'clock, in regular session.

PRESENT—Hon. James T. Layman, President, in the Chair, and Aldermen De-Ruiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and Wood—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the special session, held November 7th, 1881; for the regular session, held November 14th, 1881, and for the Joint Convention, held November 14th, 1881, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following special message was read; and, on motion by Alderman Tucker, the Board of Aldermen adhered to their former action:

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council in regular session, held in the Council Chamber, Monday evening, November 21st, 1881, adhered to their former action in adopting the following motion:

"That the City Civil Engineer be and is hereby authorized to have printed blank forms of specifications for all kinds of street improvements done under contract." I submit the same for your consideration.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following special message was read:

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council in regular session, held in the Council Chamber, November 21st, 1881, adhered to their former action, in approving the

estimate for bowldering the wings of street and alley crossings for the improvement on north Meridian street, and in adopting the resolution.

I submit the same for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

On motion by Alderman Rorison, the Board of Aldermen receded from their former action, and the action of the Common Council, in approving the estimates and adopting the resolution, (see page 819, *ante*) was concurred in by the following vote :

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following special message was read :

To the President and Members of the Board of Aldermen:

Gentlemen.—The Common Council in regular session, held in the Council Chamber, Monday evening, November 21st, 1881, adhered to their former action in adopting the following resolution:

Resolved, That the above and foregoing petition, prepared by the City Attorney, for the annexation of certain territory therein described, be and the same is hereby adopted as the petition of the Common Council and Board of Aldermen of the city of Indianapolis to the Board of Commissioners of Marion county, Indiana, and the City Clerk is hereby directed to file the same with a certified copy of this resolution and the motion heretofore adopted on this subject, together with the vote of the Common Council and Board of Aldermen thereon, in the office of the Auditor of Marion county, Indiana.

Resolved, That the City Clerk be and he is hereby directed to cause the proper notice of the pendency of said petition to be at once published, as required by law.

I submit the foregoing for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

On motion by Alderman Hamilton, the Board of Aldermen receded from their former action, and the action of the Common Council, in adopting the resolution, was concurred in by the following vote :

AYES, 6—viz. Aldermen Hamilton, Mussmann, Newman, Seibert, Wood, and President Layman.

NAYS, 2—viz. Aldermen Rorison, and Tucker.

The following special message was read :

To the President and Members of the Board of Aldermen:

Gentlemen.—The Common Council in regular session, held in the Council Chamber, Monday evening, November 21st, 1881, in relation to the passage of Ap. O. 70, 1881, an ordinance appropriating \$5,000 on account of the Street Repair Department of the city of Indianapolis, adopted the following motion :

"Whereas, it is not probable that the appropriation ordinance can be passed by the Board of Aldermen and City Council so as to meet the views of both bodies; therefore moved, that a conference committee of three be appointed, and that the

Board of Aldermen be respectfully requested to appoint a like committee to meet with them, and they endeavor to manage the matter so that it will be acceptable to both bodies."

Councilmen Yoke, Cole and Thalman, were appointed to act as the Council members of such committee.

I submit the same for your consideration.

For the Common Council.

JOS. T. MAGNER, City Clerk.

On motion, the request of the Common Council, that a conference committee be appointed, was granted, and Aldermen Seibert, Hamilton, and Drew, were appointed by the Chair to act as the Aldermanic members of such committee.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held on Monday evening, November 21st, 1881, for your action upon the same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from the Committee on Contracts was read; and the favorable action of the Common Council thereon (see page 845, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Committee on Contracts, to whom was referred sundry proposals, presented to Council, Monday evening, November 7th, 1881, have examined the same and find them to be as follows, viz:

1st. For grading and graveling New Jersey street, bowldering the gutters, and curbing with stone the outer edges of the sidewalks thereof, from the south line of lot No. 5, in Yandes & Wilkins' subdivision of square No. 62, to the C., C., C. & I. R. R. Co.'s tracks.

James Mahoney, \$2.10 per lineal foot front on each side.

H. C. Roney, \$1.20 per lineal foot front on each side for graveling; 60 cents per lineal foot front on each side for bowldering; and 48 cents per lineal foot front on each side for curbing.

R. H. Patterson, \$1.00 per lineal foot front on each side for graveling; 79 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

Michael Faust, 85 cents per lineal foot front on each side for graveling; 63 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

Dunning & Hudson, 79 cents per lineal foot front on each side for graveling; 60 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

Dunning & Hudson being the lowest and best bidders, we recommend they be awarded the contract.

2d. For grading and paving with brick, the south sidewalk of Michigan street, from Liberty street to East street.

H. C. Roney, 50 cents per lineal foot front.

J. L. Spaulding, 48 cents per lineal foot front.

J. D. Hoss & Co., 44 cents per lineal foot front.

John Schier, 43 cents per lineal foot front.

John Schier being the lowest and best bidder, we recommend he be awarded the contract.

3d. For grading and paving with brick, where not already paved, the east sidewalk of Meridian street, from McCarty street to Morris street.

Henry C. Roney, 52 cents per lineal foot front.

John Schier, 49 cents per lineal foot front.

John L. Spaulding, 47 cents per lineal foot front.

John L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

4th. For grading and paving with brick, the north sidewalk of North street, from Tennessee street to Pennsylvania street, except where already paved.

R. H. Patterson, 69 cents per lineal foot front.

John Schier, 57 cents per lineal foot front.

J. D. Hoss & Co., 57 cents per lineal foot front.

H. C. Roney, 56 cents per lineal foot front.

John L. Spaulding, 51 cents per lineal foot front.

John L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

5th. For curbing with stone the sidewalks of Massachusetts avenue, where not already curbed, from Pennsylvania street to New Jersey street.

Michael Faust, 48 cents per lineal foot front on each side.

J. D. Hoss & Co., 48 cents per lineal foot front on each side.

H. C. Roney, 45 cents per lineal foot front on each side.

Dunning & Hudson, 45 cents per lineal foot front on each side.

John L. Spaulding, 42 cents per lineal foot front on each side.

John L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

6th. For grading and graveling the first alley north of Market street, from the first alley east of Arsenal avenue to the first alley west of State avenue.

John L. Spaulding, 34 cents per lineal foot front on each side.

James Mahoney, 28 cents per lineal foot front on each side.

James Mahoney being the lowest and best bidder, we recommend he be awarded the contract.

7th. For grading, bowldering and curbing the north gutter of Ohio street, from Meridian street to Illinois street.

Henry Clay, 80 cents per lineal foot front for bowldering, and 47 cents per lineal foot front for curbing.

J. L. Spaulding, 72 cents per lineal foot front for bowldering, and 43 cents per lineal foot front for curbing.

Henry C. Roney, 70 cents per lineal foot front for bowldering, and 45 cents per lineal foot front for curbing.

R. H. Patterson, 69 cents per lineal foot front for bowldering, and 45 cents per lineal foot front for curbing.

J. D. Hoss & Co., 65 cents per lineal foot front for bowldering, and 47 cents per lineal foot front for curbing.

Fred. Gansberg, 65 cents per lineal foot front for bowldering, and 45 cents per lineal foot front for curbing.

Dunning & Hudson, 65 cents per lineal foot front for bowldering, and 43 cents per lineal foot front for curbing.

Dunning & Hudson being the lowest and best bidders, we recommend they be awarded the contract.

8th. For grading and paving with brick, and curbing with stone, the east sidewalk of Pine street, from St. Clair street to the first alley south.

J. D. Hoss & Co., 47 cents per lineal foot front for curbing, and 50 cents per lineal foot front for paving.

We recommend that J. D. Hoss & Co. be awarded the contract.

9th. For paving with brick, where not already paved, the west sidewalk of Broadway street, between Christian avenue and St. Clair street.

John L. Spaulding, 65 cents per lineal foot front.

John Schier, 58 cents per lineal foot front.

J. D. Hoss & Co., 56 cents per lineal foot front.

Henry C. Roney, 55 cents per lineal foot front.

Henry C. Roney being the lowest and best bidder, we recommend he be awarded the contract.

10th. For grading and graveling the alley between Park and Central avenues, from Seventh street to Eighth street.

J. L. Spaulding, 33 cents per lineal foot front on each side.

Henry Clay, 27 cents per lineal foot front on each side.

James R. Shea, 25 cents per lineal foot front on each side.

Dunning & Hudson, 24 cents per lineal foot front on each side.

David A. Haywood, 22 cents per lineal foot front on each side.

David A. Haywood being the lowest and best bidder, we recommend he be awarded the contract.

11th. For grading and paving with brick, and curbing with stone, the south sidewalk of New York street, from Bright street west to Minerva street.

R. H. Patterson, 48 cents per lineal foot front for paving, and 45 cents per lineal foot front for curbing.

H. C. Roney, 44 cents per lineal foot front for paving, and 46 cents per lineal foot front for curbing.

John Schier, 44 cents per lineal foot front for paving, and 46 cents per lineal foot front for curbing.

John L. Spaulding, 41 cents per lineal foot front for paving, and 43 cents per lineal foot front for curbing.

John L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

12th. For grading and paving with brick, and curbing with stone, the north sidewalk of New York street, from Bright street to Agnes street.

R. H. Patterson, 49 cents per lineal foot front for paving, and 45 cents per lineal foot front for curbing.

H. C. Roney, 44 cents per lineal foot front for paving, and 46 cents per lineal foot front for curbing.

John Schier, 43 cents per lineal foot front for paving, and 46 cents per lineal foot front for curbing.

John L. Spaulding, 40 cents per lineal foot front for paving, and 43 cents per lineal foot front for curbing.

John L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

13th. For grading and bowldering the gutters of Morrison street, between Alabama and Delaware streets.

H. C. Roney, 45 cents per lineal foot front on each side.

J. L. Spaulding, 45 cents per lineal foot front on each side.

R. H. Patterson, 45 cents per lineal foot front on each side.

J. D. Hoss & Co., 43 cents per lineal foot front on each side.

Fred. Gansberg, 39 cents per lineal foot front on each side.

Fred. Gansberg being the lowest and best bidder, we recommend he be awarded the contract.

14th. For erecting two lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Merrill street, between Delaware street and Pennsylvania street.

No proposals were submitted for the above work. We recommend no further action be taken until next May.

15th. For grading and bowldering the first alley north of Ohio street, from Meridian street to Bird street.

J. L. Spaulding, 48 cents per lineal foot front on each side for bowldering, 43 cents per lineal foot front for curbing, and 35 cents per lineal foot for stone crossings.

James Mahoney, 65 cents per lineal foot front on each side.

R. H. Patterson, 45 cents per lineal foot front on each side.

H. C. Roney, 45 cents per lineal foot front on each side.

Michael Faust, 40 cents per lineal foot front on each side.

Dunning & Hudson, 37 cents per lineal foot front on each side.

Dunning & Hudson being the lowest and best bidders, we recommend they be awarded the contract.

16th. For grading and graveling Ohio street and sidewalks, and bowldering and curbing the gutters thereof, from 222 feet east of Harvey street to the first alley west of Hanna street.

R. H. Patterson, \$1.85 per lineal foot front on each side for graveling; 72 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

Dunning & Hudson, \$1.51 per lineal foot front on each side for graveling; 63 cents per lineal foot front on each side for bowldering, and 43 cents per lineal foot front on each side for curbing.

Michael Faust, \$1.45 per lineal foot front on each side for graveling; 63 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

H. C. Roney, \$1.18 per lineal foot front on each side for graveling; 70 cents per lineal foot front on each side for bowldering, and 45 cents per lineal foot front on each side for curbing.

Fred. Gansberg, \$1.23 per lineal foot front on each side for graveling; 65 cents per lineal foot front on each side for bowldering, and 44 cents per lineal foot front on each side for curbing.

Henry Clay, \$1.12 per lineal foot front on each side for graveling; 68 cents per lineal foot front on each side for bowldering, and 47 cents per lineal foot front on each side for curbing.

Henry Clay being the lowest and best bidder, we recommend he be awarded the contract.

17th. For grading and bowldering the south gutter, curbing with stone and paving with brick, the south sidewalk of Ohio street, from Harvey street to a point 222 feet east of Harvey street.

J. L. Spaulding, 56 cents per lineal foot front for paving; 69 cents per lineal foot front for bowldering, and 44 cents per lineal foot front for curbing.

R. H. Patterson, 56 cents per lineal foot front for paving; 59 cents per lineal foot front for bowldering, and 45 cents per lineal foot front for curbing.

H. C. Roney, 48 cents per lineal foot front for paving; 56 cents per lineal foot front for bowldering, and 46 cents per lineal foot front for curbing.

Dunning & Hudson, 43 cents per lineal foot front for paving; 49 cents per lineal foot front for bowldering, and 45 cents per lineal foot front for curbing.

Dunning & Hudson being the lowest and best bidders, we recommend they be awarded the contract.

Respectfully submitted,

Isaac Thalman,
E. H. Koller,
E. H. Dean,
Committee on Contracts.

The following message from His Honor, the Mayor, was read and received:

Indianapolis, November 20th, 1881.

To the Common Council and Board of Aldermen:

Gentlemen:—I desire to call your attention to the fact that the condition of the East Market square is discreditable to a city of eighty thousand inhabitants. There is certainly no good reason for permitting it to remain in its present unsightly condition, and steps should at once be taken for the erection of a city building on said square.

The last will and testament of Stephen D. Tomlinson, dated April 18, 1870, contains the following clause:

“Item Second. The residue of my estate, which may remain after her decease, whether the same be acquired by exchange or purchase, I bequeath to the city of Indianapolis, to be used in the erection of buildings for the use of citizens and city authorities—what are commonly called ‘public buildings’—on the west end of the East Market House, fronting on Delaware street, and next north of Market street. And I further direct that there be no unnecessary delay in converting the property hereby bequeathed to the uses designated, as I do not wish to endow the city with a property to be held indefinitely for rent.”

The Council accepted this bequest, and from the income of the property so devised there is now in the city treasury the sum of \$25,750, which can be used for no other purpose than that set forth in the will aforesaid. The real estate named in the will is now the absolute property of the city, and subject to its disposal. One parcel of this property, on East Washington street, is very valuable, and can be readily sold at any time. I am informed that not long since an offer of \$27,000 was made for it. Add this to the \$25,750 of the Tomlinson fund now in the treasury, and the city would have about \$54,000 as a fund with which to commence a building such as contemplated by the will of Mr. Tomlinson, and which said will directs shall be erected without unnecessary delay, the testator plainly declaring that it was not his intention to endow the city with a property to be held indefinitely for rent.

The addition of but five cents to the present rate of taxation—an increase which you have the right to make—and appropriating it to this building fund, would make a fund which could all be made available, within about one year, of over \$80,000. I do not think it necessary or prudent to expend over \$100,000 in this improvement, and that sum would now provide a building adequate for market purposes, city offices, and a public hall of sufficient capacity to accommodate any and all of the large conventions and other meetings which so often assemble in our city.

In the city of Detroit the market house, erected at a cost of \$50,000, pays, as I am informed, ten per cent. net on the amount expended. The market privileges afforded by the building herein proposed would bring a handsome revenue to the city, and this might be materially increased by rents received for the use of the hall.

Permit me also to call your attention to the necessity for improvement in our

public parks. Dilapidated fences should be taken down, rickety benches should be removed and comfortable seats provided; tangled grass and weeds should be replaced by a smooth and well-cared-for lawn, and mis-shapen trees should be pruned into proper form, so that healthy growth and beauty may result therefrom.

Money spent in beautifying and adorning our parks is money well invested. It serves to cultivate a taste for that which is beautiful and inviting, the results of which will at once be seen in the better care of the private grounds of all our citizens. There is no doubt that handsome public parks are an advantage to a city in a pecuniary point of view. But there should be a higher incentive for their creation and maintenance—that of providing the people with a place of recreation, where they can enjoy their hours of freedom from labor, where pleasant drives and walks, green lawns, and the attractions of nature and art invite mirth and gladness, and promote healthful amusements.

I call your attention to these points of public interest at this time in order that you may, if deemed advisable, place the matter in the hands of proper and competent committees, that some definite plan may be agreed upon before the season suitable for such work is upon us.

D. W. GRUBBS, Mayor.

The following resolution (adopted by the Common Council—see page 850, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That there shall be appointed two members of the Common Council and one member of the Board of Aldermen to act as City Commissioners on Market House and City Hall buildings, in conjunction with the Mayor and President of the Board of Aldermen. They shall be authorized to advertise for a full and complete set of plans, specifications and estimates for the erection of a City Hall and Market House on the site known as the "East Market Place." They shall call to their assistance the City Civil Engineer to prepare a topographical map of the site, for the guide and use of competing architects; he shall also act with them in any capacity they may think his services are required. They shall make a thorough and critical examination of all plans, specifications and estimates submitted, and if found suitable and correct, and the building contemplated in such plans can be constructed within the limit ofdollars, and suitable in every respect to light, ventilation, permanence and convenience, and adapted to all the purposes and requirements for such a building as contemplated, said commissioners may select the most meritorious plans for future consideration. The following terms may be offered to the architects submitting plans: That a premium of eight hundred dollars (\$800) be awarded to the three best plans offered, divided as follows: Four hundred dollars (\$400) for the first best plan, two hundred and fifty dollars (\$250) for the second, and one hundred and fifty dollars (\$150) for the third: and when built, should the city decide to build by such plan, the architect whose plans were accepted and received the first award, shall enter into a contract that his compensation shall not exceed three per cent. for all plans, details, specifications, and supervising of the erection of said building, and from this amount shall be deducted four hundred dollars (\$400) awarded as first premium when his plans were accepted. That three plans receiving the premiums shall be the property of the city and left in the care of the Market House and City Hall Commissioners.

Which was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 851, *ante*) was concurred in:

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

Gentlemen:—I herewith report a first and final estimate in behalf of J. L. Spaulding for grading and graveling the first alley west of Tennessee street, from the first alley north of Third street to Fourth street, 360 lineal feet, at 15 cents, \$54.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 851, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. L. Spaulding, for grading and graveling the first alley west of Tennessee street, from the first alley north of Third street to Fourth street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following report from the City Clerk (see page 851, *ante*) was read; and on motion by Alderman Tucker, was referred to the Committee on Contracts and Bridges:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following affidavit, now on file in my office, for the collection of street assessments, by precept, to-wit: H. C. Roney vs. Ephraim Swallow, for \$60. And recommend that you order the precept to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following report from the Police Board and the Board of Health, was read:

Indianapolis, Nov. 14th, 1881.

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

Gentlemen:—In regard to the resolution adopted by the Board of Aldermen and referred to the Board of Police and Board of Health, permit us to say that at present we can not see how the services of any of our sanitary policemen can be dispensed with, without seriously impairing the efficiency of the Board of Health. One of the officers is compelled to attend the daily markets and supervise the sale of meats offered our citizens, and another officer is required to be continually in the office; so that we really have but one officer for outside duties (all the time). The indications now are that we shall have a warm open winter, which always results in an increased amount of sickness and deaths, and is especially favorable to the propagation of epidemic and specific diseases. Several of these diseases are now existing in our city, and it will require careful, intelligent supervision to prevent their becoming more prevalent. Smallpox is now severely prevalent in surrounding cities and towns (172 having died from that disease, in October, in the city of Chicago), and the welfare of our citizens demands an increase rather than a decrease of the sanitary force. We most earnestly hope that no reduction will be

made in our sanitary force, and in the interest of the lives and health of our citizens, we protest against any abandonment of the efforts being made to place and keep our city in as good a hygienic condition as the limited means and force now available will place it.

Very respectfully,

John R. Pearson,
Edgar Brundage,
H. B. Stout,
police Board.

E. S. Elder, M. D., Pres't,
W. E. Jeffries, M. D., Sec'y,
Wm. J. Elstun, M. D.
Board of Health.

On motion, the Board of Aldermen adhered to their former action, and the favorable action of the Common Council thereon (see page 853, *ante*) was not concurred in.

The following petition and recommendation of the Board of Public Improvements was read; and the favorable action of the Common Council thereon (see page 853, *ante*) was concurred in:

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

Gentlemen:—We, the undersigned, owners of the real estate abutting on the first alley west of Carlos street, and between Morris and Wilkins streets, respectfully request your honorable body to grant us permission to grade and gravel the said alley with good river, and that the Engineer be directed to set the grade stakes thereon.

Nicholas McCarty, for himself and the other heirs of
N McCarty, deceased; Emrich, Paulius & Co, H.
Campbell.

We recommend that the prayer of the petitioners be granted, and that the City Civil Engineer be, and is hereby, directed to set the proper graded stakes for said work.

Edward H. Dean,
Wm. H. Morrison,
Board of Public Improvements.

The following petition and recommendation of the Board of Public Improvements was read:

Indianapolis, Nov. 10th, 1881.

To the Members of the Board of Public Improvements:

Gentlemen:—I would earnestly petition your honorable body to recommend to the Common Council and Board of Aldermen an extension of time for completing my contract for improving North Meridian street, between New York and Seventh streets. I have used all due diligence in the prosecution of said improvements, but owing to the difficulty of getting the blocks contracted for from Northern parties, on account of a strike among the lumbermen, I have been unable to complete the contract according to the terms of the contract.

S. W. PATTERSON, Contractor.

STATE OF INDIANA, *Marion County, ss:*

Before me, a Notary Public in and for said county, came S. W. Patterson, and being duly sworn, said this above matters as set forth in the above petition are true.

S. W. Patterson.

Subscribed and sworn to before me, this 11th day of November, 1881.

[Seal.]

WM. C. PHIPPS, Notary Public.

We the undersigned Board of Public Improvements, examined the petition as sworn to by S. W. Patterson. We recommend the time be extended till the first day of June, 1882.

E. H. Dean,
Wm. H. Morrison,
John R. Cowie,
Board of Public Improvements.

On motion by Alderman Rorison, the favorable action of the Common Council thereon (see page 854, *ante*) was not concurred in, and refused to further extend the contract by the following vote:

AYES, 8—viz. Aldermen DeRuitter, Drew, Hamilton, Newman, Rorison, Tucker Wood, and President Layman.

NAYS, 2—viz. Aldermen Mussmann, and Seibert.

The mortality report of the Board of Health for the first half of November, 1881, (see page 854, *ante*) was read and received.

The following clauses from the report of the Judiciary Committee (see page 855, *ante*) were read; and on motion by Alderman Hamilton, were referred to the Committee on Finance and Accounts & Claims:

The second is J. T. Lecklider, attorney for sundry persons, showing that no interest was allowed on following matters:

1st. That on petition of E. B. Hutchinson, on tax sale of Lot 3, Square 28, in L. D. Johnson's subdivision of Johnson's heirs addition, for \$27.58.

2d. M. L. McWhinney, on tax sale of 35 feet south of 68 feet north ends Lots 7 and 8, Harris' subdivision of Out-lot 157, for \$45.27.

3d. M. L. McWhinney, on tax sale of Lot 37, Kapp & Frank's south addition, for \$3.52.

4th. M. L. McWhinney, on tax sale of $20\frac{4}{12}$ feet on Louisiana street, west of $63\frac{8}{12}$ east end Lot 6, Square 87, for \$126.17.

5th. M. L. McWhinney, Lot 5, G. G. & H.'s sub. D. T.'s addition, for \$10.97.

6th. M. L. McWhinney, on tax sale of one-half acre east of 52 acres west side of Lot 21, Cress's addition, for \$15.32.

Upon all of these six items your committee, some time ago, recommended that money paid be refunded, with interest.

The Board of Aldermen non-concurred in the payment of interest, and the Council then concurred in the action of the Board of Aldermen.

Now petitioner is here again, asking the interest. The law is very plain that he should have the interest. Section 227, act of 1872, and Section 278, laws of 1881, provide that when tax sale is void, money paid, with interest, shall be refunded.

The Supreme Court also decides. 57 Ind. 189.

Your committee recommend that interest due on several sums mentioned in this report, be paid to petitioner, from date of sale.

The third is the petition of J. T. Lecklider, attorney, showing that on January 4th, 1881, F. McWhinney purchased at tax sale $20\frac{5}{12}$ feet on Louisiana street, west of $63\frac{8}{12}$ feet east end of Lot 87, for which he paid \$58.85.

Sale was void, for the reason that it was charged double on duplicate, and taxes were paid before sale by Bissell, the owner thereof.

Also, on 11th day of February, 1880, petitioner purchased (except 30 feet south of 156 feet north end), Lot 130 in McKernan & Pierce's subdivision of Out-lots 121 and 128, and paid the sum of \$14.70, and since paid taxes of 1880, \$6.42. Sale was void, on account of double taxation on duplicate, and taxes paid before sale.

Also, on 13th day of February, 1880, he purchased Lot 46, in W. H. Morrison's addition to city, paying the sum of \$42.78. Assessed double on duplicate, in name of M. A. Toohy and also in the name of Perkins & Douglass, and taxes paid by last named persons before the sale.

The City Treasurer says all the facts stated in foregoing petition are true.

Your committee recommend that the several sums paid at the void tax sale, with six per cent from day of sale, be refunded to petitioner.

The following motions (adopted by the Common Council—see pages 862, 863 and 864, *ante*), were read and concurrently adopted :

That the City Marshal be, and is hereby, directed to notify the Belt Railroad Company to make the culvert, at the intersection of Shelby street and Belt Railroad, six feet wide, the present culvert being too small to allow the large quantity of water that accumulates during heavy rains to escape, thereby damaging the property in that vicinity.

That the Committee on Supplies be instructed to secure a hat-rack, and have the same placed in the northeast corner of the Council Chamber.

Whereas, Several cellars have been filled with water by the overflow of Pogue's Run, moved that the Chief Fire Engineer be directed to pump out the same with the old Silsby engine, as soon as possible.

That the Street Commissioner be directed to at once fill a dangerous chuck-hole on the road extending from Ray street, in West Indianapolis, along the bank of White River.

The following motion (adopted by the Common Council—see page 864, *ante*) was read, and not concurrently adopted :

39 That Noel Bros have permission to bridge over the gutter in front of their property on Illinois street; said work to be done at their own expense, under the direction of the City Civil Engineer.

The following entitled ordinances (passed by the Common Council) were severally read the first time :

- G. O. 48, 1881—An ordinance to prohibit the running at large of cattle, horses swine, sheep, fowls, and other animals within the corporate limits of the City of Indianapolis; and to provide for the impounding, keeping, sale and redemption of the same, and providing penalties for the violation thereof.
- G. O. 59, 1881—An Ordinance to amend section two of an ordinance authorizing the Junction Railroad Company to occupy with their tracks Maryland street, from the east corporation line to Pogue's Run, and to cross other streets, passed October 28th, 1867.
- G. O. 60, 1881—An Ordinance creating Police Commissioners, prescribing their powers and duties, and regulating the organization of the Police Force of the city of Indianapolis.
- G. O. 61, 1881—An Ordinance providing for the management of the City Hospital, and providing for the selection of Supervisors of said Hospital.
- G. O. 62, 1881—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.
- G. O. 63, 1881—An Ordinance creating Commissioners of Public Works and Improvements, and prescribing their powers and duties, and the manner of their election and appointment.
- G. O. 64, 1881—An Ordinance creating Fire Commissioners, and providing for the organization of the Fire Department of the city of Indianapolis, and prescribing rules and regulations governing the same.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Contracts and Bridges, through Alderman Wood, submitted the following report :

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Contracts, to whom was referred the report of the City Clerk of affidavits on file for the collections of street assessments by precepts, adopted, and precepts ordered to issue, by the Common Council, November 7th, 1881 (see page 780), recommend that the action of the Common Council in ordering said precepts to issue be concurred in.

Respectfully submitted,

George P. Wood,
Brainard Rorison,
John Newman,
Committee on Contracts.

On motion, the above report was concurred in, and the precepts ordered to issue by the following vote :

AYES, 10—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The Committee on Finance and Accounts & Claims, through Alderman Hamilton, submitted the following report; which was received :

Indianapolis, November 28, 1881.

To the President and Members of the Board of Aldermen :

Gentlemen:—The undersigned Committee on Finance, to whom was referred a motion to report the total amount, of revenues and expenditures for years 1877, 1878, 1879 and 1880, also anticipated revenue for the present fiscal year, and expenditure for the same, respectfully report as follows :

RECEIPTS.

DISBURSEMENTS.

MAY, 1876, TO MAY, 1877.

Balance, May 12, 1876.....\$	40,431 57	Expenditures	\$ 777,439 92
From taxes.....	870,548 12	Balance, May 15, 1877.....	278,248 30
From loans.....	90,855 10		
From all other sources ...	53,853 43		
	<hr/>		<hr/>
	\$1,055,688 22		\$1,055,688 22

MAY 16, 1877, TO MAY 15, 1878.

Balance, May 16, 1877.....	278,248 30	Expenditures	982,564 75
From taxes.....	700,413 18	Balance, May 15, 1878.....	309,199 57
From loans.....	289,269 00		
From all other sources ...	23,833 84		
	<hr/>		<hr/>
	\$1,291,764 32		\$1,291,764 32

MAY 16, 1878, TO MAY 31, 1879.

Balance, May 6, 1878.....	309,199 57	Expenditures	701,714 19
From taxes.....	627,571 37	Balance, May 31, 1879.....	391,613 98
From loans.....	98,425 00		
From all other sources ..	58,132 23		
	<hr/>		<hr/>
	\$1,093,328 17		\$1,093,328 17

JUNE 1, 1879, TO MAY 31, 1880.

Balance, June 1, 1879.....	391,613 98	Expenditures	587,873 30
From taxes.....	524,426 62	Balance, May 31, 1880....	366,670 09
From all other sources....	38,502 79		
	<hr/>		<hr/>
	\$954,543 39		\$954,543 39

JUNE 1, 1880, TO MAY 31, 1881.

Balance, June 1, 1880.....	366,670 09	Expenditures	577,680 15
From taxes	552,894 53	Balance, May 31, 1881....	408,700 88
From all other sources ...	66,816 41		
	<hr/>		<hr/>
	\$986,381 03		\$986,381 03

JUNE 1, 1881, TO DECEMBER 1, 1881 (SIX MONTHS).

Estimated receipts for yr.	\$500,000 00	Expenditures	\$266,188 94
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Respectfully submitted,

F. W. Hamilton,
D. Mussmann,
H. Seibert,
Committee on Finance.

The Committee on Finance and Accounts & Claims, through Alderman Hamilton, submitted the following report; which was concurred in:

Indianapolis, Nov. 28, 1881.

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, to whom was referred certain claims, recommend that they be paid, as follows:

L. D. Railsback & Co., repairing well at Market.....	\$ 4 50
Bingham, Walk & Mavhew, repairing tape line for Engineer.....	5 00
Shover & Christian, work for Civil Engineer.....	4 50
Clemens Vonnegut, material for Southern Park	18 15
Water Works Company, changing hydrant on Dillon street.....	10 90
A. Naltner, garbage for October, 1881. (Contract).....	450 00
	<hr/>
Total	\$493 05

The foregoing accounts were filed without requisition in either case. No officer of the city has any right to purchase material or contract debt against the city, without a requisition from the proper committee, authorized by law, or consent of the Board and Council; and hereafter, in such cases, we recommend that, as it will be individual liability, the bills be not paid.

Respectfully submitted,

F. W. Hamilton,
D. Mussmann,
H. Seibert,
Committee on Finance.

The Committee on Finance and Accounts & Claims, through Alderman Hamilton, submitted the following report; which was concurred in:

Indianapolis, Nov. 28, 1881.

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned Committee of Finance respectfully report on matters referred, to-wit:

1st. In matter of F. A. McClung, for correction of estimate for the improvement of sidewalk on Plum street, report that said estimate, if made incorrectly, be corrected.

2d. In matter of Wm. H. Morrison, for refunding of city taxes paid by him on property purchased at county tax sale, and afterward refunded, the committee is of opinion, that, as this payment was volunteered by Mr. Morrison, and without the city asking or demanding it of him, and that Mr. M can recover in a civil action from such owner, that the action of Council be not concurred in.

3d. In a resolution in regard to garbage contract with A. Naltner, in words following, to-wit:

"Resolved, That the said contract of A. Naltner, for the removal of refuse matter, be and the same is hereby rescinded; and that no further payments be made to said contractor after the 30th day of November, 1881; and that the City Clerk prepare, and the City Marshal serve, said contractor with a certified copy of said preamble and resolution."

Report in favor of the foregoing, with the following amendment:

That, provided Naltner will offer to this Board and the Common Council, in writing properly worded, to surrender his contract and release the city from all claim or demands, then, that the time be changed from November 30, 1881, to December 31, 1881, so as to give said contractor time to wind up his affairs; but if said Naltner does not make said offer in writing, then we concur in the action of Council ending said contract at once.

Respectfully submitted,

F. W. Hamilton,
D. Mussmann,
H. Seibert,
Finance Committee.

Since signing the above report, we have learned the fact that said property mentioned above was charged to Mr. Morrison, and collected from him, with his other taxes. Concur in action of Council.

F. W. Hamilton,
D. Mussmann.

The resolution rescinding the Garbage contract, was amended as recommended by the foregoing report, and then adopted by the following vote:

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Morrison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The Committee on Fire Department, through Alderman Tucker, submitted the following report; which was received:

Indianapolis, Nov. 28, 1881.

To the President and Board of Aldermen of Indianapolis:

Gentlemen:—In compliance with your request, we have carefully examined the Skinner Truck, and find it as follows: It has been in service for about seven years, and has been broken and repaired at different times, and is, therefore, well worn, and is much in need of rebuilding, which can nearly all be done by men in the department, if they are provided with material and a place to work. To have it rebuilt by outside parties, it would cost from \$1,200 to \$1,500, but can be done by men in the department for about 20 per cent. of that amount.

Respectfully submitted,

J. G. PENDERGAST, Chief Fire Engineer.
HERMAN OEHLER, Captain Fourth District.

The Committee on Hospital and Dispensary, through Alderman Seibert, submitted the following report:

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Hospital and Dispensary, Water and Public Health, to whom was referred the following resolution, passed by the Common Council, November 7, 1881 :

Resolved, That the physicians and surgeons appointed on the consulting and clinical staff of the City Hospital of Indianapolis, July 5th, 1881, by the Hospital Board, are hereby relieved from further duties on said staff; and said board is hereby instructed to appoint on said consulting and clinical staff six physicians from the allopathic or 'regular' school of physicians, two physicians from the homeopathic school of medicine, two physicians from the physio-medical school of medicine, and two physicians from the eclectic school of medicine.

Resolved, That we pledge ourselves to vote for and support the above resolution when brought before the Council and the Board of Aldermen."

We recommend said resolution be amended, to read as follows, viz.:

Resolved, That the physicians and surgeons appointed on the consulting and clinical staff of the City Hospital of Indianapolis, July 5th, 1881, by the Hospital Board, be continued; and that the board is hereby instructed to appoint, in addition to the present staff, two physicians from the homeopathic school of medicine, two physicians from the physio-medical school of medicine, and two physicians from the eclectic school of medicine.

And the same be adopted by the Board of Aldermen, and reported back to the Common Council for their consideration and action thereon.

Respectfully submitted,

Hiram Seibert,
George P. Wood,
D. Musmann,
D. DeRuiter.

Committee..

Alderman Hamilton raised the point of order, that an amendment to a resolution, any part of which is included in, or the subject matter of the resolution, being laid on the table, carries with it the original resolution.

The Chair ruled the point of order as not well taken, at the present time, the resolution having been referred to a committee, and the report, with the resolution now submitted, cannot be carried with an amendment, which amendment was laid on the table at a previous meeting.

Alderman Hamilton moved that the report be received.

Alderman Rorison moved to amend Alderman Hamilton's motion so that the report be concurred in.

Alderman Hamilton moved to lay Alderman Rorison's motion on the table.

Alderman Seibert raised the point of order, that a report from a committee cannot be *merely received*.

The Chair ruled the point of order as not well taken, for the reason that a report can be recommitted, received, concurred in or non-concurred in, at the pleasure of the body.

Alderman Hamilton's motion to lay on the table, then failed of adoption by the following vote :

AYES, 4—viz. Aldermen Drew, Hamilton, Tucker, and President Layman.

NAYS, 6—viz. Aldermen DeRuiter, Mussmann, Newman, Rorison, Seibert, and Wood.

The amendment to the resolution as recommended by the foregoing report, was then adopted by the following vote :

AYES, 6—viz. Aldermen DeRuiter, Mussmann, Newman, Rorison, Seibert, and Wood.

NAYS, 4—viz. Aldermen Drew, Hamilton, Tucker, and President Layman.

The resolution as amended, was then adopted by the following vote :

AYES, 6—viz. Aldermen DeRuiter, Mussmann, Newman, Rorison, Seibert, and Wood.

NAYS, 4—viz. Aldermen Drew, Hamilton, Tucker, and President Layman.

Alderman Rorison, in behalf of the Judiciary and Finance Committees, submitted the following report; which, on motion by Alderman Drew, was referred back to the committees :

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Joint Committee on Judiciary, Finance and Water, to whom was referred the action of Council in regard to a proposed contract with the Water Works Company, as herewith appended, do respectfully report that we concur in all the propositions therein contained, except the following changes and modifications, which we recommend, viz :

That all of the third paragraph of said report after the word "supply" be stricken out; and that in the fourth paragraph the words "five" and "per year" be stricken out, and the word "years" be changed to "year."

In view of the fact that the "National Board of Health of the United States" was established in part for just such purposes as indicated below, we recommend the insertion of the following clause in the proposed contract:

It is hereby expressly agreed by the Water Works Company, that after the first day of January, 1883, the water furnished by the Water Works Company to the city and citizens of Indianapolis shall be of a degree of purity not lower than the minimum standard of purity of good "potable water," as established by the National Board of Health. All questions in regard to the purity of water as furnished by the said Water Works Company, shall be referred to the chemist of the National Board of Health, under whose direction and supervision analyses of specimens of said water shall be made; and the result of such analyses shall be accepted as conclusive evidence of the degree of purity of said water.

Brainard Rorison,	F. W. Hamilton,	H. Seibert,
W. H. Tucker,	H. Seibert,	D. DeRuiter,
John Newman,	D. Mussmann,	D. Mussmann,
Judiciary Committee.	Finance Committee.	Water Committee.

The Committee on Printing and Office Fixtures & Supplies, through Alderman Hamilton, submitted the following report

Indianapolis, Nov. 28, 1881.

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Printing, to which was referred an account of O. H. Hasselman, respectfully report that an allowance of two hundred and six dollars and fifty-seven cents (\$206.57) be made, according to requisition.

Respectfully submitted,

F. W. Hamilton,
John Newman,
Committee on Printing.

On motion, the above report was concurred in by the following vote:

AYES, 6—viz. Aldermen Hamilton, Mussmann, Newman, Seibert, Tucker, and President Layman.

NAYS, 4—viz. Aldermen DeRuiter, Drew, Rorison, and Wood,

The Committee on Public Light and Education, through Alderman Tucker, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Public Light, to whom was referred the Council's action ordering four gas lights to be relighted around the Circle, respectfully make the following report:

The city, at considerable expense, purchased lights for the Circle and University parks, and during the years 1878 and 1879 and part of 1880 were properly attended to and lighted, by the park policemen, at a cost to the city of a trifling amount for oil. These lights answered all purposes, and the labor of keeping in order and attending to the same, was part of the park policeman's duty, and he was required to attend to the work. If our present park policeman has any extra duties imposed upon him, preventing his doing the work, your committee are not aware of the fact, and recommend that his honor the park policeman be and is hereby directed to see that the lamps are put in good order, and to light Circle Park each night when the gas lights of the city are lighted, and that the City Clerk so notify the park policeman of Circle Park; further, that the Committee on Public Light from the Council be authorized to furnish coal oil for said lighting, at the city's expense, and the amount be included in the general appropriation ordinance.

Respectfully submitted,

W. H. Tucker,
D. Mussmann,
F. W. Hamilton,
Committee on Public Light.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following motion; which was adopted:

That the City Attorney prepare an ordinance, and present it to His Honor the Mayor for presentation to the City Council, repealing the present ordinance granting the free use of the streets and alleys to the Telephone Company, approved and providing in such ordinance that such company shall be subjected to the same restrictions that are now imposed on the Brush Electric Light Company; and that said company be compelled to comply with all the existing ordinances of the city, and to pay ten per cent. of its gross receipts into the city treasury.

Alderman Rorison moved to reconsider the action of Board of Aldermen in passing Ap. O. 70, 1881, at the last regular meeting.

Which motion was adopted, and the action of the Board of Aldermen reconsidered by the following vote :

AYES, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and Wood.

NAYS, 1—viz. President Layman.

The amendments to Ap. O. 70, 1881, adopted at the last regular meeting, were then withdrawn by unanimous consent.

Alderman Rorison offered the following amendment to Ap. O. 70, 1881:

Resolved, That the Street Commissioner be and is hereby authorized to employ such men and teams as, in his opinion, are to the best interests of the Street Department. Also, to purchase all material used in said department, and to repair and clean the streets and alleys, when ordered by the Council and Board of Aldermen; also, to fill chuck-holes whenever notified by the several Councilmen or Aldermen of the city, when such work is a necessity. And that all pay-rolls and bills from the Street Department be approved by the Board of Public Improvements,

Alderman Drew's motion to lay the above amendment on the table, failed of adoption.

Alderman Tucker offered as an amendment to Alderman Rorison's amendment, a repealing clause.

On motion, the ordinance (Ap. O. 70, 1881), with the various amendments, was then referred to a certain Committee of Conference, appointed for its consideration.

Alderman Tucker moved a suspension of the rules, for the purpose of placing G. O. 60, 61, 62, 63 and 64, 1881, on their final passage.

Which motion to suspend the rules failed of adoption by the following vote :

AYES, 3—viz. Aldermen Hamilton, Seibert, and Tucker.

NAYS 7—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Wood, and President Layman.

Alderman Rorison moved a suspension of the rules, for the purpose of placing G. O. 48, 1881, on its final passage.

Which motion was adopted, and the rules suspended by the following vote :

AYES, 7—viz. Aldermen DeRuiter, Drew, Hamilton, Rorison, Seibert, Tucker, and Wood.

NAYS, 3—viz. Aldermen Mussmann, Newman, and President Layman.

The following entitled ordinance was read the second time:

G. O. 48, 1881—An Ordinance to prohibit the running at large of cattle, horses, swine, sheep, fowls, and other animals within the corporate limits of the city of Indianapolis; and to provide for the impounding, keeping, sale and redemption of the same, and providing penalties for the violation thereof.

Alderman Mussmann moved to refer the above ordinance to a special committee, consisting of three members of the Board of Aldermen.

Which motion to refer, was adopted by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Mussmann, Newman, Tucker, Wood, and President Layman.

NAYS, 4—viz. Aldermen Drew, Hamilton, Rorison, and Seibert.

Alderman Tucker moved that the action of the Board of Aldermen to refer, be reconsidered.

Which motion to reconsider failed of adoption by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Drew, Hamilton, Rorison, and Tucker.

NAYS, 5—viz. Aldermen Mussmann, Newman, Seibert, Wood, and President Layman.

The ordinance was then referred to a special committee, consisting of Aldermen Tucker, Rorison and Mussmann.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President

Attest: GEO. T. BREUNIG, Clerk.