

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—FEBRUARY 27, 1882.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 27th, A. D. 1882, at half-past seven o'clock, in adjourned session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio*, President of the Common Council, in the Chair, and 20 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

ABSENT—Councilman Cole, Cowie, Egger, Fultz, and Morrison—5.

The Proceedings of the Common Council for the regular session, held February 20th, 1882, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

The City Civil Engineer submitted the following report; which was received, and the estimate (presented therewith) approved:

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

1,143.65 lineal feet curb, at 43 cents.....	\$492 03
998.50 lineal feet paving, at 40 cents.....	399 40
Total.....	\$891 43

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution 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, paving with brick, and curbing with stone, the north sidewalk of New York street, from Bright street to Agnes 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 adopted by the following vote:

AYES, 14—viz. Councilmen Brundage, Bryce, Caylor, Dean, Dowling, Harrold, Koller, Pearson, Pritchard, Reichwein, Stout, Thalman, Weaver, and Yoka.

NAYS—None.

The City Civil Engineer submitted the following report:

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

Gentlemen:—In accordance with your directions, I herewith submit an estimate of the cost per lineal front foot (on each side) of the following kinds of pavement, for north Meridian street, all of which are supposed to be laid on the foundation as already prepared.

Kind of Pavement.	South of St. Clair.	North of St. Clair.
Raked gravel.....	\$1 10.....	\$ 80
Pine blocks.....	3 60.....	2 60
White cedar.....	3 87.....	2 80
Pelletier block.....	4 43.....	3 20
Squared red cedar.....	6 92.....	5 00
Medina stone.....	9 69.....	7 00
Asphalt block.....	9 69.....	7 00
Granite.....	12 46.....	9 00

All of the above pavements are too well known to require special mention from me, except the "Pelletier block," which is a new paving material that I have been investigating, but owing to the recent high waters, have been unable to complete my investigation. My object is to have some of the blocks manufactured out of our own material, and then subject it to the tests.

I would suggest that before any pavement is laid on that portion of the street between New York and St. Clair, that the lawns be increased in width the distance of seven feet on each side, making the roadway thirty-six feet wide, the same as that north of St. Clair. The change would not only improve the appearance of the street, but would greatly reduce the cost of the improvement, as the property holders would only have to pay for two square yards of pavement per front foot as against 2.77 yards now.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Councilman Pearson moved that the above report be referred to the Committee on Contracts, City Civil Engineer and City Attorney.

Councilman Pritchard moved as a substitute, that the report be received.

Which failed of adoption.

The motion as offered by Councilman Pearson, was then adopted.

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

Indianapolis, Feb. 27, 1882.

To the Mayor and Common Council:

Gentlemen:—At your last session, you instructed me to prepare the necessary ordinance licensing telegraph and telephone companies occupying the streets and alleys of the city.

I have complied with your order, and herewith hand to His Honor, the Mayor, for introduction, three ordinances, viz: One imposing an annual license fee or charge on the instruments used by the telephone company, and one for each of the

telegraph companies, taxing them so much per annum on the number of poles erected in the city. I have left the amounts to be charged blank in each case, not knowing what amount was desired to be charged.

I could think of no better way of imposing an equitable charge against said companies, than the plans laid down in the ordinances reported.

At the request of a member of the Council, I have also prepared another ordinance, embodying the substance of the three ordinances above referred to, and adding a license fee of \$52.00 per annum on saloons.

Respectfully submitted,

C. S. DENNY, City Attorney.

His Honor, the Mayor, introduced the following entitled ordinances, as per foregoing report; which were read the first time:

G. O. 23, 1882—An Ordinance requiring the Western Union Telegraph Company to pay an annual license fee to the city of Indianapolis, for the use of the public streets and alleys thereof by it.

G. O. 24, 1882—An Ordinance requiring the Mutual Union Telegraph Company of New York, to pay an annual license fee to the city of Indianapolis, for the use of the public streets and alleys thereof by it.

G. O. 25, 1882—An Ordinance requiring the Indiana District Telephone Company to pay an annual license fee to the city of Indianapolis, for the use of the public streets and alleys thereof by it.

On motion, the above ordinances were referred to the Judiciary Committee and City Attorney, with instructions to fill out the blanks.

On motion, G. O. 4, 1882, was referred to the same committee.

The City Marshal submitted the following report; which was referred to the Committee on Public Property; and on further motion, it was ordered that the City Marshal and said committee be authorized to receive sealed proposals for the erection of pounds:

Indianapolis, Feb. 27, 1882.

To the Common Council and Board of Aldermen:

Gentlemen:—I respectfully report that I have made frequent efforts to obtain suitable locations for Pounds for impounding animals, and so far have not succeeded in securing the two locations as required and provided for by the recent ordinance for impounding animals. When the owners of suitable grounds learn for what purpose the grounds are to be used, they decline to lease them for any price. I ask that a committee of your honorable bodies be appointed, with power to select suitable locations.

Respectfully submitted,

R. S. COLTER, City Marshal.

The Fire Board, through Councilman Thalman, submitted the following report; which was concurred in:

To the Common Council and Board of Aldermen:

Gentlemen:—A motion was referred to us, requesting us to examine and report if further fire protection was necessary at or near Reid street and English avenue. We have examined the locality, and would recommend that a 2,000-barrel cistern, near the corner of Deloss and Reid streets, be built; and that the City Engineer be directed to advertise for proposals for same.

Respectfully submitted,

Isaac Thalman,
Phil Reichwein,
N. Yoke,
Fire Board.

The Board of Health presented the following resolution; which was referred to the Committee on Public Health:

Indianapolis, Feb 27, 1882.

Resolved, That the communication to His Honor, Daniel W. Grubbs, Mayor of Indianapolis, and the Common Council and Board of Aldermen, dated Feb 17th, 1882, and signed by W. H. Fulton, Jno. Furnas, B. A. Richardson, M. V. B. McGilliard, Jas. W. Elder, Theo. G. Light, Jno. Mescall, Melichi Mescall, Martin Ryan, Mercantile Trust Co., and 73 others, is hereby respectfully referred to the Council and Board of Aldermen.

Having issued already an order to restrain Mr. H. B. Sherman from establishing and maintaining said hog pens on Pogue's Run, we are of the opinion that the Board of Health has discharged its present duty; and until the said hog pens are made a nuisance, the Board of Health has no further power to act.

Respectfully submitted,

J. A. Sutcliffe,
E. S. Elder,
Moses T. Runnels,
Board of Health.

Councilman Pearson, Chairman of the Finance Committee, submitted the following report; which was received:

Statement of Expenditures from June 1st, 1881, to March 1st, 1881.

	Estimated expenses.	Amt. expended for 9 months.
Board of Health.....	\$2,500	\$2,016 33
Bridges	2,500	246 64
City Assessor's Department.....	3,000	2,932 00
City Civil Engineer's Department.....	2,500	1,632 81
City Dispensary.....	3,000	2,345 43
City Hall.....	2,500	2,465 35
City Hospital and Branch.....	10,500	9,310 73
City Treasurer's percentage.....	5,000	4,288 64
Cisterns.....	3,000	1,613 59
Elections	700	691 75
Fountains	300	261 35
Fire Department.....	70,000	58,176 91
Garfield Park.....	1,500	1,380 15
Garbage.....	5,400	3,150 00
Gas.....	62,500	47,087 19
Incidentals	2,000	1,706 61
Insurance.....		62 50
Interest on Bonds	139,670	72,747 50
Judgments and costs.....	12,000	9,610 34
Markets	300	133 80
Market-master's fees.....	2,000	1,987 52
Parks.....	1,300	1,124 13
Police.....	50,000	35,730 00
Printing.....	5,800	5,873 16
Salary.....	21,805	13,212 50
Sewers	15,000	14,291 16
Station Houses.....	3,000	1,831 01
Street Improvements.....	15,000	14,445 82
Street Openings and Vacations.....	200	406 25
Street Repairs.....	30,000	21,674 77
Street Signs.....	300	695 40
Taxes refunded	500	1,141 46

Tomlinson annuity	7,000	7,000 00
Water rent	27,000	27,754 75
Total	\$507,775	\$357,977 54
Average estimated monthly expense.....		42,314 58½
Average expense.....		39,775 28¾
Average monthly saving		\$2,539 30

The rate of taxation of the nineteen larger cities is in the following order, and also the per cent of the debt to property and population :

Population.	Cities.	Tax Rate.	Per cent of debt.	Debt to populat'n.
537,624.....	Chicago.....	\$3 20.....	11.05.....	24.26
120,000 ..	Jersey City.....	2 80.....	22.00.....	110.00
498,586.....	Brooklyn.....	2 70.....	16.06.....	75.56
1,100,000.....	New York.....	2 58.....	9.46.....	99.46
275,000.....	Cincinnati.....	2 34.....	13.14.....	82.88
160,000 ..	Louisville.....	2 17.....	15.11.....	55.87
817,448.....	Philadelphia	2 05.....	10.00.....	68.31
540,000.....	St. Louis.....	1 75.....	13.62.....	41.89
125,000.....	Milwaukie.....	1 70.....	4.13.....	18.21
250,000.....	New Orleans.....	1 50.....	4.42.....	33.00
160,051.....	Washington.....	1 50.....	17.37.....	77.30
175,000 ..	Cleveland.....	1 50.....	24.67.....	135.56
90,000.....	Albany, N. Y.....	1 50.....	13.52.....	54.34
102,000.....	Providence, R. I.....	1 40.....	7.82.....	88.56
300,000 ..	San Francisco.....	1 37.....	1.12.....	10.13
130,000.....	Newark, N. J.....	1 23.....	10.58.....	61.97
360,000.....	Boston.....	1 18.....	4.28.....	72.84
160,000.....	Buffalo.....	1 12.....	7.07.....	38.00
135,000.....	Detroit.....	1 06.....	.92.....	5.71
75,000.....	Indianapolis.....	93.....	2.94.....	14.14

Of the above, Indianapolis has the lowest tax rate. The average rate of the ten highest taxed is \$2.28, and of the nineteen is \$1.83.

Our tax rate is only 29.06 per cent of the highest taxed city—40.78 per cent the average of the ten highest; 70 per cent of the nine lowest—14 per cent less than the lowest, and 50.82 per cent the average of the nineteen. Their average debt to the property, is \$9.33; ours, \$2.94, or 31.51 per cent of their average.

By consent, Councilman Pritchard presented the following petition ; which was referred to the Committee on Streets and Alleys, to report to-night :

February 14th, 1882.

To the Common Council and Board of Aldermen :

Gentlemen:—We, the undersigned, property holders and owners of real estate on the first alley running from Twelfth street south to first alley south of Twelfth street—being the first alley east of Mississippi street—petition your honorable bodies to vacate the same, as it is of no use to any of the adjacent property holders.

We file a plat of said alley with this our petition. The short alley in plat with a marked at each end, is the alley we desire vacated. It has never been improved.

Respectfully submitted,

Warren Reed, Martha A. Reed, Edw. Schurmann,
Emma S. Schurmann, by Alex. Metzger, agent.

The Judiciary Committee, through Councilman Pritchard, submitted the following report ; which was concurred in :

Indianapolis, February 27th, 1882.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, together with the City Attorney, to whom was referred sundry papers, report thereon as follows, to-wit:

The first is the petition of William H. Kilvert, showing that at tax sale on 14th day of February, 1876, he purchased Lot 33, in McKernan & Pierce's subdivision of Out-lot 27, sold for taxes of years 1873, 1874 and 1875, paying for the same the sum of \$20.41. Petitioner says sale was void, for the reason that the same was a double charge on duplicate, and taxes paid. City Treasurer informs your committee that the facts are true.

Your committee recommend that the sum of \$21.41, with its interest from day of sale, be refunded to petitioner.

The second is the petition of F. McWhinney, showing that he bought 37 feet north of 196 feet south end of Lot 13, Out-lot 182, at tax sale of August 8th, 1879, paying for same the sum of \$60.25, and paid the further sum of \$12.46 as taxes on said lot.

He says sale was void for the reason that the same was charged double on duplicate, the taxes being paid. City Treasurer informs your committee the facts are true.

We recommend the sum of \$72.71, with its interest from the several dates at which it was paid, be refunded to petitioner.

The third is the petition of Charles E. Coffin, assignee, showing that at tax sale on February 14th, 1877, one C. Sydney Converse purchased north half of Lot 9, in Out-lot 27, paying the sum of \$5.41. He says the sale was void, for the reason the city owned the lot at time of sale.

We find that Michael Molony and wife conveyed said real estate to the city of Indianapolis, the 28th day of March, 1870, and the deed is recorded in Record of Mortgages, book 42, page 260. The sale occurred seven years after this date.

Your committee recommend the prayer of petition be granted, and the sum of \$5.61, and interest from day of sale, be refunded to petitioner, now owner of certificate by assignment.

The fourth is a paper: That J. S. Neal be allowed the power to transfer the pedler's license issued to Fletcher Ingram, on January 30th, 1882, to some other person who wishes to succeed him.

The ordinance is silent on the subject of the assignment of license. It is not the intention that they should be assigned. We recommend the motion be stricken from the files.

The fifth is a motion that Dr. Wishard be allowed \$200.00 extra pay for attending small-pox cases at Hospital Branch.

Dr. Wishard is one of the city officers. The office is created by ordinance, and he is duly elected to fill the same by the Common Council and Board of Aldermen. The motion, in effect, is a motion to increase his salary.

Section 51 of our Charter, provides that the salaries of all officers of the city be fixed within one month after the annual election in each year, and shall not be increased during the year. We have no doubt the doctor performed excellent service in the treatment of the cases referred to, and perhaps imposed upon him more work than anybody anticipated at the time of his election; yet we cannot see, how his salary can be increased, without a violation of law. We therefore recommend the motion be stricken from the files.

Respectfully submitted,

Jas. A. Pritchard,
N. Yoke,
Judiciary Committee.

C. S. DENNY, City Attorney.

The Committee on Streets and Alleys, through Councilman Weaver, submitted the following report; which was concurred in:

Indianapolis, Ind., February 27th, 1882.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred petition of Warren Reed, Martha A. Reed, Edward Schurmann and Emma S. Schürmann, by Alex. Metzger, her agent, asking the vacation of short alley running from Twelfth street south to first alley south of Twelfth street—being the first alley east of Mississippi street—report in favor of granting the prayer of said petition, all the owners of the property immediately on the line of said alley petitioning for the same. We recommend the prayer of petition be granted, and that the accompanying resolution be passed.

Respectfully submitted,

George Weaver,
Simeon Coy,
Committee.

Councilman Weaver, with the foregoing report, presented the following resolution :

Resolved, That the matter of vacating of alley running from Twelfth street south to first alley south of Twelfth street—being the first alley east of Mississippi street—together with the petition and plat presented in such case, be referred to the City Commissioners, with instructions to assess benefits and damages to any person or persons thereby benefited or damaged; the said Commissioners are hereby instructed to return as a part of their report all petitions and notices; and if any property owner immediately on the line of said alley, who is directly interested therein, shall object to such vacation of said alley, to make such fact a part of their report; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

And it was adopted by the following vote :

AYES, 19—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Councilman Bedford :

S. O. 27, 1882—An Ordinance to provide for grading and graveling the alley between Christian avenue and Cherry street, from Central avenue to Broadway street.

By Councilman Brundage:

S. O. 28, 1882—An Ordinance to provide for grading and graveling the first alley east of Evison street, from the first alley south of Prospect street to Orange street.

S. O. 29, 1882—An Ordinance to provide for grading and graveling the first alley south of Fletcher avenue, from Linden street to Laurel street.

The above ordinance was accompanied by the following petition :

Indianapolis, Feb. 24, 1882.

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

Gentlemen:—The undersigned, owners of real estate fronting on the first alley south of Fletcher avenue, between Linden and Laurel streets, respectfully petition for the passage of an ordinance providing for grading the said alley.

T. C. FARIES, 140 feet.

By Councilman Pearson:

S. O. 30, 1882—An Ordinance to provide for grading and paving with brick, the west sidewalk of Mississippi street, from First street to Second street.

By Councilman Stout:

S. O. 31, 1882—An Ordinance to provide for grading and graveling the alley between Meridian and Pennsylvania streets, from Seventh street to Eighth, or Williams street.

The above ordinance was accompanied by the following petition:

Indianapolis, February 13th, 1882.

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

Gentlemen:—The undersigned, owners of real estate fronting on Meridian and Pennsylvania streets, between Seventh and William, or Eighth streets, respectfully petition for the passage of an ordinance providing for the grading and graveling of the fifteen (15) foot alley running north and south between said streets.

Charles E. Coffin, 62 ft; Charles E. Holloway, 60 ft;
Byron K. Elliott, 80 ft; Chas. B. Coe, 60 ft; A. D.
Lynch, 40 ft; M. A. Bullock, 107 ft; E. M. Johnson,
60 ft; W. T. Fenton, 40 ft; Geo. K. Trask, 40 ft.

By Councilman Yoke:

S. O. 32, 1882—An Ordinance to provide for improving Fletcher avenue, from Cedar street to Noble street, by grading and bowldering the gutters, widening the sidewalks to the width of twenty feet, including the brick pavement, and curbing with stone the outer edges of the sidewalks.

The above ordinance was accompanied by the following petition:

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

Gentlemen:—The undersigned, owners of real estate fronting on Fletcher avenue, between Cedar and Noble streets, respectfully petition for the passage of an ordinance providing for curbing with stone, and bowldering the gutters to a width of (9) nine feet, and widening the lawns to a width of 20 feet, including the brick walk already laid; said improvement to be same class of work as the improvement made on Fletcher avenue, between Cedar and Dillon.

J. M. Buchanan, 30 feet; D. DeRuiter, 30 feet; Jno.
L. McFarland, 30 feet.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic

Chamber, Monday evening, February 27th, 1882, amended the following motion, by adding the Committee on Finance and Secretary of Board of Health.

The motion as amended was then adopted.

"That the matter (water contract) be referred to the Committee on Judiciary, and that the Board of Aldermen be requested to add their Committee on Judiciary, so that a joint report can be made with as little delay as possible."

The motion, as amended, was then adopted.

I submit the same for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen in regular session, held in the Aldermanic Chamber, Monday evening, February 27th, 1882, amended the following motion by adding after the word contract, the words "also, for bids for the purchase of said farm."

"That the City Clerk be, and he is hereby, instructed to advertise for bids for the lease of the Sellers Farm for a term of two or five years from the date of contract, said bids to be received up to March 10th, 1882, by the Committee on Public Property."

I submit the same for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

Councilman Bedford was excused for the remainder of this session.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 27th, 1882, adopted the following amendment to G. O. 21, 1882. The ordinance, as amended, was then passed.

Amend (G. O. 21, 1882,) by adding in section one, after the word "east," and immediately before the word "Provided," the following: "No pole to be erected west of the intersection of the Michigan Road and Washington street."

Also, by adding the following at the end of section three: "Provided, That nothing in this ordinance contained, shall be construed as in any way modifying or changing, or conflicting with any provision of the original ordinance passed in the interest of said company, or as coming in conflict therewith, and anything herein so conflicting with said ordinance, shall be void, and of no effect."

Also, amended by inserting 30 feet for 10 feet, in section one.

I submit an engrossed copy of the ordinance as amended, for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

And the action of the Board of Aldermen, in amending G. O. 21, 1882, was concurred in by the following vote:

AYES, 19—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dean, Dowling, Harold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

Councilman Bryce presented the following petition :

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

Gentlemen:—The attention of your honorable bodies is most respectfully invited to the petition of Mr. Peter Schmidt, introduced at the meeting of the Board of Aldermen, held December 12th, 1881, and referred, together with a resolution relating thereto, to the Committee on Streets and Alleys and Sewers and Drainage, Judiciary, Ordinances and Rules, and City Attorney, as published in the proceedings of said Board at pages 936, 7 and 8; said petition being for, and said resolution in relation to, the removal of obstructions from Pogue's Run, within said city; and also, your attention is further invited to another petition, signed by said Peter Schmidt and 70 others, and introduced at the meeting of the Common Council held December 19th, 1881, and referred to the Board of Public Improvements, City Civil Engineer and City Attorney, as appears on page 966 of the published proceedings of said Council; said last mentioned petition also praying such action as might be necessary to secure the prompt removal of all obstructions to the free and natural flow of the waters of the said Pogue's Run. Your said petitioners would most earnestly beg that such action may be taken by your honorable bodies, as soon as possible, to the end that the danger of overflows from said stream, and great damage to property, and much sickness in a large district of said city, may be avoided.

On behalf of your aforesaid petitioners,

Very respectfully, your obedient servant,

Indianapolis, February 27th, 1882.

ROBERT DENNY.

Councilman Bryce offered the following motion in relation to the above petition; which was adopted:

That the committees to which this matter has been referred, be instructed to report at our next meeting of Council.

Councilman Caylor offered the following motion:

That the Street Commissioner immediately repair the roadway of Indiana avenue, from Fall Creek bridge to corporation line, at a cost not to exceed five hundred dollars, as the avenue is washed out and in a dangerous condition.

Councilman Caylor moved that the above motion be adopted.

Councilman Thalman offered the following motion as a substitute to Councilman Caylor's motion:

That the matter be referred to Finance Committee, with instructions to report amount of taxes realized from that section and probable annual expenditures, and if the expenditures exceed the receipts they report proper papers for disannexation.

Councilman Mauer moved to lay Councilman Thalman's substitute on the table.

Councilman Mauer's motion to lay the substitute on the table, failed of adoption by the following vote:

AYES, 9—viz. Councilmen Bryce, Caylor, Dean, Knodel, Mauer, Reichwein, Stout, Ward, and Yoke.

NAYS, 10—viz. Councilmen Brundage, Coy, Dowling, Harrold, Hartmann, Koller, Pearson, Pritchard, Thalman, and Weaver.

The motion as offered by Councilman Thalman was then adopted.

Councilman Dowling offered the following motion; which was adopted:

That the City Civil Engineer be directed to immediately advertise for proposals to erect the bridge across Pogue's Run at Willard street, said bridge having been ordered erected by the Common Council and Board of Aldermen at a late meeting of each body.

Councilman Dowling offered the following motion; which, on motion by Councilman Pearson, was referred to the Committee on Railroads, to prepare proper ordinances:

That the Union Railway Company, and the Frank Bird's Transfer Company, be permitted to make arrangements, under the existing ordinance, so as to allow a man to be stationed in the Union Depot, who will be placed there to attend to the baggage consigned to the Frank Bird's Transfer Company.

Councilman Dowling offered the following motion; which was adopted:

That this Council deem it expedient to increase the membership of the City Hall Commissioners, by giving the political party in the minority one representative on the Board of City Hall Commissioners from among the members of this Council who represent the minority.

On motion by Councilman Coy, the Chair appointed Councilman Koller as a member of the City Market Commissioners.

Councilman Harrold offered the following motion; which was adopted:

That J. L. Spaulding be allowed \$37 for loss sustained in the improvement of west Maryland street sidewalk, beyond the point designated in the ordinance ordering the such improvement—the same having been declared illegal by the City Attorney.

Councilman Koller offered the following motion; which was adopted:

That the City Marshal be, and is hereby, directed to notify the property owners on the line of Hanna street, between Ohio and Washington streets, to remove their fences and buildings out of said street.

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

That the Street Commissioner be directed to fill up chuck-holes, with broken stone, on Market street, between Alabama and Noble streets.

Councilman Reichwein offered the following motion; which was adopted:

That the Judiciary Committee be requested to report in regard to the settlement of A. Naltner, the garbage man, for the month of December; the Judiciary Committee to report next meeting.

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

That the Street Commissioner be instructed to fill the chuck-holes on New York street, west of Blake street.

That the Street Commissioner be instructed to repair the east bank of White River with rolling-mill cinders, so as to protect the piers of Washington street bridge.

Councilman Thalman offered the following motion; which was adopted:

That all improvement ordinances, after first reading, be referred to the City Attorney and City Civil Engineer for examination and endorsement as to their being correctly and legally drawn.

Councilman Stout offered the following motion; which was referred to the Fire Board:

That a fire cistern be located at or near the corner of College avenue and Twelfth street.

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

That a lamp-post be located on Home avenue, between Delaware and Pennsylvania streets.

Councilman Coy offered the following motion; which was adopted:

That the Board of Aldermen be requested to appoint a member in the minority to the Market House or City Hall Commissioners.

PENDING ORDINANCES.

On motion, Special Ordinances 151, 152, 153, and 175, 1881, ordinances for the construction of the Reformatory sewer, were stricken from the files.

Councilman Pearson moved that all gas ordinances now on the files, be referred to the Committee on Public Light.

Which motion was adopted.

On motion, S. O. 171, 1881, was stricken from the files.

Councilman Pearson offered the following motion; which was adopted:

That S. O. 3 and S. O. 4, 1882, be referred to the City Civil Engineer and City Attorney, to see if correct and properly drawn.

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

S. O. 123, 1881—An Ordinance to provide for grading and graveling the first alley south of Henry street, from Mississippi street to Missouri street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 140, 1881—An Ordinance to provide for grading and graveling New York street and sidewalks, from Pine street to Harvey street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 164, 1881—An Ordinance to provide for grading, bowldering and curbing the gutters of Noble street, from Washington street to New York street, except where already bowldered or curbed.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 167, 1881—An Ordinance to provide for grading and graveling the east sidewalk of Shelby street, from Pleasant Run to a point where already graded and graveled, north of said Pleasant street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 169, 1881—An Ordinance to provide for grading and paving with brick, (where not already properly paved), the sidewalks of Broadway street, from Home avenue to Lincoln avenue.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 170, 1881—An Ordinance to provide for grading and graveling the second alley north of Christian avenue, between Peru street and Bellefontaine avenue.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 174, 1881—An Ordinance to provide for grading and graveling the first alley south of Seventh street, from Mill street to Howard street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 176, 1881—An Ordinance to provide for grading and graveling the first alley west of Meridian street, from South street to Garden street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 178, 1881—An Ordinance to provide for grading and graveling Pratt street, between Tennessee and Mississippi streets.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 179, 1881—An Ordinance to provide for grading and graveling the first alley west of Illinois street, (where not already graded and graveled), from Eighth street to the first street north of Eighth street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 180, 1881—An Ordinance to provide for grading, and paving with brick, the sidewalks, and curbing and bowldering the gutters of Court street, between Alabama and New Jersey streets, (where not already paved, curbed or bowldered.)

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 181, 1881—An Ordinance to provide for grading, and paving with brick, the north sidewalk of Home avenue, (where not already paved), between Pennsylvania and Delaware streets.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 182, 1881—An Ordinance to provide for grading and bowldering the first alley west of Delaware street, between Market and Ohio streets.

And it was passed by the following vote :

AYE, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 1, 1882—An Ordinance to provide for grading and graveling the first alley south of English avenue, from Linden street to Laurel street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 7, 1882—An Ordinance to provide for grading and paving with brick, the east sidewalk of Dillon street, from English avenue to Prospect street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 8, 1882—An Ordinance to provide for grading and graveling Linden street and sidewalks, from Orange street to Pleasant Run.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 9, 1882—An Ordinance to provide for grading and graveling Minnesota street and sidewalks, from Madison avenue to East street.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 10, 1882—An Ordinance to provide for grading and graveling Highland street, between Washington and Ohio streets.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 11, 1882—An Ordinance to provide for paving with brick, and curbing with stone, the sidewalks of Highland street, between Washington and Ohio streets.

And it was passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

S. O. 12, 1882—An Ordinance to provide for grading and paving with brick, the west sidewalk of College avenue, from Twelfth street to Clyde street.

And it was passed by the following vote :

NAYS, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

The following entitled ordinance was read the second time :

S. O. 13, 1882—An Ordinance to provide for grading and graveling the first alley south of Fletcher avenue, between Pine and Grove streets.

Councilman Yoke moved to so amend the above ordinance so as to read between "Grove and Cedar" streets.

Which motion to amend was adopted.

The ordinance was then ordered engrossed as amended, read the third time, and passed by the following vote :

AYES, 18—viz. Councilmen Bryce, Caylor, Coy, Dean, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

SIG. 106.

The following entitled ordinance was read the second time, and stricken from the files:

G. O. 17, 1882—An Ordinance authorizing Schrader Brothers to construct and maintain a wooden awning in front of their place of business, at the southwest corner of Virginia avenue and McCarty street.

The following entitled ordinance was read the second time, amended as per report of the Committee on Markets (see page 1194, *ante*) ordered engrossed, and read the third time:

G. O. 72, 1881—An Ordinance to amend Section thirteen (13) of the Market ordinance; ordained July 2d, 1878.

And it was passed by the following vote:

AYES, 16—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dean, Harrold, Hartmann, Knodel, Koller, Mauer, Pearson, Pritchard, Reichwein, Thalman, Ward, and Weaver.

NAYS—None.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,
President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—FEBRUARY 27, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, February 27th, A. D. 1882, at seven o'clock, in regular session.

PRESENT—HON. James T. Layman, President of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Drew, Hamilton, Newman, Rorison, Seibert, and Tucker—8.

ABSENT—Aldermen Mussmann, and Wood—2.

The Proceedings of the Board of Aldermen for the regular session, held February 13th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

By consent, Alderman Tucker offered the following resolution; which, on motion by Alderman Drew, was referred to the Committee on Judiciary, Ordinances and Rules:

Resolved, That the rule of this body be, hereafter, that we reserve the right to *reconsider* any of the actions of this Board of Aldermen, at the next ensuing meeting.

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, February 20th, 1882, adhered to their former action in concurring in the recommendation of the Board of Public Improvements on the following motion:

11th. Is a motion that the Street Commissioner be, and he is hereby, directed to take up and re-lay the northeast corner gutter of Virginia avenue, from Elk street to Prospect street, and that the City Civil Engineer is hereby directed to set the necessary grade stakes.

Recommended by the Board of Public Improvements to be done under contract by the City Civil Engineer.

We recommend the work be done by the Street Commissioner, as contemplated in said motion.

I submit the same for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

On motion by Alderman Seibert, the Board of Aldermen adhered to their former action by the following vote:

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

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

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, favorably passed upon by the Common Council, at its regular session, held on Monday evening, February 20th, 1882, for your action upon the same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read, and the action of the Common Council thereon (see page 1187, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Owing to the negligence of the contractors, John Stump & Son, the cistern at corner of Merrill and Eddy streets has not yet been completed.

The work cannot be completed now until spring. The street has been left in an almost impassable condition, and, notwithstanding I have repeatedly notified the contractor to repair the same, he refuses to comply with my orders. The street, owing to its location, is an important one, being in the vicinity of the rolling mill and engine house, and should the engine company on Illinois street have occasion to pass through to Merrill street it would be impossible to get through, owing to the mud, besides being a great inconvenience to property-holders on said street, some of whom are already talking of suing for damages. I sincerely hope your honorable bodies will take such steps as will compel the contractor to comply with my orders.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from the City Clerk was read:

To the Mayor and Common Council:

Gentlemen:—I herewith submit the following affidavits now on file in my office, for the collection of street assessments, by precepts, to-wit:

Henry C. Roney vs. Sophia Kreglo, for.....	\$8 40
Henry C. Roney vs. George O. Griffin, for.....	11 70

And recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

On motion, the favorable action of the Common Council on the above report, (see page 1188, *ante*), was concurred in, and the precepts ordered to issue by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

The reports of the City Attorney, in relation to the election of the city directors of the Belt Railroad, and the blockades of street crossings by railroad trains, (see pages 1189, 1190 and 1191, *ante*), were read and received.

The following report from the City Attorney was read, and the action of the Common Council thereon (see page 1191, *ante*), was concurred in:

Indianapolis, Feb. 20, 1882.

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

Gentlemen:—Since the last session of the Council, judgment has been rendered in favor of the city against the plaintiff in the case of Rosina Kistner, Executrix, *vs.* The City et al., the demurrer of the city to the complaint having been sustained and the plaintiff declining to amend. The action was for the killing of John Kistner, some time ago, at the west end of the Union Depot, by an engine on the Union tracks. The plaintiff contends that the death was caused by the carelessness of the city in not requiring safety-gates maintained at that point. She has prayed an appeal to the General Term.

The Court in Special Term has also overruled the motion of plaintiff for a new trial in the case of Charles Bauer against the City et al., and rendered judgment in her favor for costs. This was an action for personal injuries alleged to have been received on South street, on account of defects in the sidewalk. An appeal will be taken to the General Term.

The case of John Fletcher *vs.* The City, seeking damages for personal injuries received by a fall on a defective sidewalk on south Noble street, has been tried before Judge Walker and a jury, resulting in a verdict in favor of the city.

The case of Athalena A. Purcell *vs.* The City, has also been tried before the same Judge and a jury, and resulted in a like verdict. The plaintiff was seriously hurt by falling in the excavation between the curbstones left exposed over night by failure of the city to place a footbridge over the same. This happened at the corner of Mississippi and Michigan streets, about a year and a half ago.

The case of Pamela Tercy *vs.* The City was also tried during the past week before the same Judge and a jury, and resulted in a like verdict for the city. It will be remembered that this was an action for damages to plaintiff's property, situate in Indianola, on White River. Formerly, and until after the change in the course of Fall Creek, plaintiff's lot was sixty feet from the river bank, there being a sixty foot street in front of her property. That is now all gone, and likewise fifteen feet of her lot, the front end of her house now projecting over the river bank. Unless it is removed, the next high water will take it into the river, and may do serious damage to the bridges below. This washout extends for several squares up and down the river at this point. With these facts existing, and the property owners there begging for protection, I feel it my duty as a citizen, as well as your legal adviser, to say that I think the Council and Board of Aldermen ought to at once give the matter of strengthening the banks of the river, immediate and careful consideration. A flood like that of 1875 would almost certainly take into the river several buildings, and in that event would almost as certainly take with them the bridges at Washington street, and the others south. With all these facts staring us in the face, I am not prepared to say that the city can always escape liability, as she succeeded in doing in the case just tried, for damages done.

Seven out of eight of the cases against A. Naltner and the City have been disposed of at the plaintiffs' costs, and the four judgments rendered against the city by default in December last, before Esquire Schmitts, have been entered satisfied.

I was instructed by the Board of Aldermen, at its last session, to report to the Council at this session, my opinion as to the advisability of compronising the case of The Board of School Commissioners *vs.* The City and the Estate of William M. Wiles, and also the case of the J., M. & I. R. R. Co. *vs.* The City et al. It would occupy too much space for this communication, to state all my reasons why I deem it

advisable to settle these cases, but will be glad to do so verbally to the Council, or to a committee, if you see fit to appoint one, to act with me in negotiating with the plaintiffs in these cases. I will state that propositions have already been made, which I think ought to be at once considered, as trials of said cases will be insisted on very soon, if not settled out of court. I ask that some action be taken or instructions given me as to these cases.

Respectfully submitted,

C. S. DENNY, City Attorney.

The following report from the Fire Board (see pages 1192 and 1193, *ante*), was read, and referred to the Committee on Fire Department:

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

Gentlemen.—As required by ordinance, we have inspected the following public buildings, and respectfully report as follows:

The Grand Opera and English Opera Houses—We find that all necessary provisions have been made for exit in case of panic or fire, also for extinguishing fire. Either of these houses could be emptied (with safety) of the largest gathering of people in a very few minutes.

Park Theatre we find dangerous in case of panic or fire. We recommend that the owners thereof be notified to place an inclosed stairway on outside of building, leading from both first and second floors to Tennessee street; also a stairway leading to rear of Washington Hall, from stage and gallery.

Washington Hall has bad exit. Good exits can be made from north side of hall, by cutting down the windows to the floor, making doors of them to swing outwards when opened, and placing steps (or stairways) the full width of hall to first roof below, and from there to the ground. We recommend they be notified to make the change as stated.

Zoo—The exits are not good. We recommend the owner be directed to make the following improvements: Make two exits from gallery, by boarding up gangways on each side of stage to the alley in the rear, and have the door from stage to alley made to swing outward when opened. We also recommend that they be directed to at once strengthen the gallery supports, and make the changes as recommended by the Committee on Insecure Buildings.

Capital Theatre—Small concern, all on lower floor. We recommend the gate leading to back yard be made to swing outwards, and kept unlocked during performance.

Mozart Hall—We recommend two stairways be put in, leading from closet gangway, on east side of hall, to the yard or alley below.

The Y. M. C. A. building we found in bad condition. We recommend the owners be notified to clean out the rubbish in upper rooms and put the same in better condition, as a preventative against fire.

Respectfully submitted,

Isaac Thalman,
Phil. Reichwein,
N. Yoke,

Fire Board.

J. H. WEBSTER, Chief Fire Engineer.

The mortality report of the Board of Health (see page 1193, *ante*) was read and received.

The following report from the Committee on Accounts and Claims was read, and the favorable action of the Common Council thereon (see page 1194, *ante*), was concurred in:

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

Gentlemen:—Your committee to whom was referred the accounts of Charles G. Haag, Henry Edward, and Dr. Elder, for the removal and destruction of smallpox clothing, furniture, etc., would report that, after examination, we find the accounts just and reasonable, and recommend their payment.

Yours respectfully,

Edgar Brundage,
John Egger,
Frederick Hartmann,
Committee on Claims.

The following report from the Judiciary Committee was read, and the favorable action of the Common Council thereon (see page 1194, *ante*), was concurred in:

Indianapolis, Feb. 20th, 1882.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, together with the City Attorney, to whom was referred the petition of John H. Caffee, report as follows:

The petition shows that petitioner was over-assessed, by mistake, on his real estate for the year 1880; that the over charge amounts to \$4.81. He asks that the amount be refunded.

M. F. Connett, City Assessor, states on petition that the over-assessment on valuation of lot 431, out-lot 98, amounts to \$4.81.

Your committee recommend that the sum of \$4.81 be refunded to petitioner.

Respectfully submitted,

James A. Pritchard,
John W. Fultz,
N. Yoke,
Committee on Judiciary.

C. S. DENNY, City Attorney.

The following clause of the report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon, (see page 1206, *ante*), was concurred in:

1st. Is a motion that Charles Jones be notified by the City Marshal to cease standing his sprinkling wagon on southwest corner of Illinois and Fifth streets, etc. Recommend said motion be adopted.

The following motions (adopted by the Common Council—see pages 1207, 1208, 1211 and 1213, *ante*), were read and concurrently adopted:

That the Street Commissioner be, and is hereby, directed to place cinders for the protection of the abutment of the bridge on Ohio street, over Pleasant Run. This work should be done at once, and no delay made, as the same is in a dangerous condition

That C. H. Shellhouse & Co. be, and are hereby, granted permission to put down a boulder crossing over sidewalk at Nos. 269 and 271 east Washington street, at their own expense, under the provisions of existing ordinance on that subject, and to the satisfaction of the City Civil Engineer.

That the rule now in force compelling all bids for public improvements to be handed to the City Clerk by four (4) o'clock, p. m., of the day of the meetings of this Common Council, is hereby rescinded; and it shall, after the passage of this motion, be lawful and proper for any or all bids to be received up to the hour of meeting of the Common Council, when the said bids shall be opened under the supervision of the Committee on Contracts.

That the Street Commissioner be, and is hereby, directed to place Merrill street in a passable condition, and properly drain the same, between Tennessee and Missouri streets, and that he have power to act.

That the City Marshal be, and he is hereby, instructed to at once notify the tenants of the Sellers Farm that, from and after March 1, 1882, they will be required to pay rent to the city instead of the Indiana Fertilizer Company, the lease to said Fertilizer Company expiring at that time.

That Frank Hall be given permission to lay brick sidewalk in front of his property on east side of north Mississippi street, between Fourth and Fifth streets; the work to be done at his own expense, under the direction of the City Civil Engineer.

That the City Clerk be authorized to procure from the County Auditor a transcript of the record of the County Commissioners, in the matter of the annexation to the city of Indianapolis of a strip of ground bounded on the west by Michigan Road, on the south by Fourth street, and on the east by Central Canal, and that he have such transcript recorded in the Recorder's office of Marion County, Indiana.

That the City Clerk be directed to advertise in the Daily Journal, twice each week, for four successive weeks for proposals for removal of slops and offal, in accordance with the ordinance.

The following motions (adopted by the Common Council—see pages 1207 and 1209, *ante*) were read and referred to the Committee on Streets & Alleys and Sewers & Drainage:

That the City Marshal be, and is hereby, directed to notify the person or persons causing the obstruction of Draper and St. Elmo streets, in Wright and Bowers' subdivision of Hubbard and Martindale's southeast addition, to remove the said obstructions, and, if not done within ten days, that the City Marshal be authorized to remove the said obstructions, at the expense of the person or persons causing the same. The said obstruction is a nuisance, preventing the free flow of travel along said streets.

That the property-owners be instructed by the City Marshal to raise the grade of the first alley south of South street, running east from Illinois street, under the direction of the City Civil Engineer.

That the Street Commissioner be, and is hereby, ordered to make repairs and make connection with water-pipe, so that water will escape at the first alley east of Oriental street, at the north side of the Panhandle tracks.

The following motion (adopted by the Common Council—see page 1208, *ante*), was read, and referred to the Chief of Police:

That the City Marshal shall be instructed to notify property owners on Massachusetts avenue between New Jersey and Pennsylvania streets, to repair the sidewalks where needed

The following motion (adopted by the Common Council—see page 1216, *ante*), was read and concurrently adopted:

That the City Clerk be, and he is hereby, instructed to advertise for bids for the lease of the Sellers Farm for a term of two or five years from the date of contract, said bids to be received up to March 10th, 1882, by the Committee on Public Property.

On Alderman Hamilton's motion, the above action was reconsidered.

Alderman Hamilton offered the following as an amendment to the motion :

After the word contract, add "also for bids for the purchase of said farm."

Which amendment was adopted, and the motion, as amended, was then adopted.

The following motion (adopted by the Common Council—see page 1212, *ante*), was read :

60That the matter be referred to the Committee on Judiciary, and that the Board of Aldermen be requested to add their Committee on Judiciary, so that a joint report can be made with as little delay as possible.

Alderman Drew moved that the above motion be adopted, and request granted.

Alderman Hamilton moved to amend by rejecting the request.

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

AYES, 2—viz. Aldermen Hamilton, and Seibert.

NAYS, 6—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Tucker, and President Layman.

Alderman Hamilton moved to amend the above motion by adding the Secretary of the Board of Health.

Which motion was adopted by the following vote :

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

NAYS, 2—viz. Aldermen DeRuiter, and Drew.

Alderman Hamilton moved to further amend the motion by adding the Committee on Finance and Accounts & Claims.

Which motion was adopted by the following vote :

AYES, 5—viz. Aldermen Hamilton, Newman, Rorison, Seibert, and Tucker.

NAYS, 3—viz. Aldermen DeRuiter, Drew, and President Layman.

The motion, as amended, was then adopted.

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

Ap. O. 12, 1882—An Ordinance appropriating the sum of Five Thousand Dollars, on account of the Street Repairs Department of the city of Indianapolis.

Ap. O. 13, 1882—An Ordinance appropriating the sum of Five Hundred Dollars, for the payment of labor in repairing the bridges in the city of Indianapolis.

G. O. 21, 1882—An Ordinance granting the Mutual Union Telegraph Company, of New York, the privilege of using certain streets and alleys of the city of Indianapolis, in constructing lines of telegraph in said city.

Alderman Rorison moved a suspension of the rules for the purpose of placing G. O. 21, 1882, on its final passage.

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

AYES, 7—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

G. O. 21, 1882, was then read the second time.

Alderman Hamilton moved to refer the ordinance to a special committee of three, and the City Attorney.

Alderman Rorison moved to amend by referring the ordinance to the City Attorney, to report at this session.

Which motion, as an amendment, failed of adoption by the following vote:

AYES, 4—viz. Aldermen DeRuiter, Drew, Newman, and Rorison.

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

Alderman Hamilton's motion was then adopted by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Hamilton, Seibert, Tucker, and President Layman.

NAYS, 3—viz. Aldermen Drew, Newman, and Rorison.

Aldermen Hamilton, Rorison and DeRuiter, were appointed by the Chair to act as the members of such committee.

Alderman Rorison moved a suspension of the rules for the purpose of placing Ap. O. 12, 1882, and Ap. O. 13, 1882, on their final passage.

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

AYES, 7—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

Ap. O. O. 12, 1882, was then read the second time.

Alderman Tucker offered the following motion; which was adopted :

That the clerk of the Board of Public Improvements be, and is hereby, directed to report, at the next meeting of this body, giving a detailed statement of the expenditures in the Street Department, covering the full amount of the last appropriation ordinance, and where said amounts were used or expended.

Ap. O. 12, 1882, was then read the third time, and passed by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

Ap. O. 13, 1882, was then read the second and third times, and passed by the following vote :

AYES, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

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 adjourned session, held this, Monday evening, February 27th, 1882, for your action upon the same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 1219, *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 paving with brick, and curbing with stone, the north sidewalk of New York street, from Bright street to Agnes street.

1,143.65 lineal feet curb, at 43 cents.....	\$492 03
998.50 lineal feet paving, at 40 cents.....	399 40
Total.....	\$891 43

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 1219, *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, paving with brick, and curbing with stone, the north sidewalk of New York street, from Bright street to Agnes 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following motion (adopted by the Common Council—see page 1229, *ante*), was read and concurrently adopted :

That the City Civil Engineer be directed to immediately advertise for proposals to erect the bridge across Pogue's Run at Willard street, said bridge having been ordered erected by the Common Council and Board of Aldermen at a late meeting of each body.

The following motion (adopted by the Common Council—see page 1230, *ante*), was read, and the request granted; and Alderman Mussmann appointed to act as a member of the City Market Commissioners.

That the Board of Aldermen be requested to appoint a member in the minority to the Market House or City Hall Commissioners.

Alderman Hamilton, in behalf of a certain special committee, submitted the following report; which was concurred in, and the ordinance so amended :

Amend (G. O. 21, 1882,) by adding in section one, after the word "east," and immediately before the word "Provided," the following: "no pole to be erected west of the intersection of the Michigan Road and Washington street."

Also, by adding the following at the end of section three: "Provided, That nothing in this ordinance contained, shall be construed as in any way modifying or changing, or conflicting with any provision of the original ordinance passed in the interest of said company, or as coming in conflict therewith, and anything herein so conflicting with said ordinance, shall be void and of no effect."

Respectfully,

F. W. Hamilton,
Brainard Rorison,
D. De Ruiter,
Special Committee.

C. S. DENNY, City Attorney.

Alderman Tucker offered the following amendment to G. O. 21, 1882; which, on motion by Alderman Rorison, was laid on the table :

Amend: No pole to be erected, without permission of the property owner, in front of whose property the same may be placed.

Alderman Seibert moved to amend Section one of the ordinance, by striking out ten (10) feet, and inserting in lieu thereof thirty (30) feet.

Alderman Rorison moved to lay the above amendment on the table.

Which motion to lay on the table failed of adoption.

The amendment as offered by Alderman Seibert, was then adopted.

G. O. 21, 1882, was then ordered engrossed as amended, read the third time, and passed by the following vote :

AYES, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

Alderman Tucker moved to reconsider the passage of the above ordinance.

Which motion to reconsider, on motion by Alderman DeRuiter, was laid on the table.

REPORTS FROM CITY OFFICERS.

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

Indianapolis, February 27, 1882.

To the President and Members of the Board of Aldermen:

Gentlemen.—You ask me to report whether or not the city has a right to work state prisoners on a stone pile.

My answer is, that the city has no inherent *power* to do so, but that she has a *right* to do so, if the Board of Commissioners of Marion county will so consent and order. A statute was passed at the last session of the General Assembly on this subject, which I think has not yet become generally known by the people. I refer to section 288 of the criminal code. It reads as follows: "All able-bodied male prisoners, sentenced to the county jail, while he d for punishment, or the non-payment of fines or costs, whether the judgment also embraces imprisonment or is for a fine and costs only, may be put at hard labor upon the public wharves, streets, alleys, or other thoroughfares in any city or town, in the county where convicted, or upon any public road or highway therein, or upon any other work or improvement for the public good or benefit, under such rules and regulations as the Board of County Commissioners shall prescribe; and the sheriff or custodian of such prisoners shall obey all such rules and regulations."

It will be seen by the foregoing that the city may work state prisoners by arranging terms with the Board of Commissioners and procuring an order to that effect. Said labor may be on the stone pile, the streets, or other public works.

Section 289 of said statute provides that the expense incurred in guarding the prisoners while at work shall be paid out of the county treasury, and makes the Street Commissioner the custodian of said prisoners when laboring for the city. This being so, it would cost the county nothing for the guards, of course, in the event the Commissioners should make the necessary order, if called on to do so by the city. The Commissioners would, therefore, I presume, be glad to turn over such of the able-bodied male prisoners to the city as called on for, without cost to the city, unless such labor can be utilized on the public roads outside of the city limits. And in view of the fact that the city pays seven-tenths of all the taxes of the county, I presume the Commissioners would feel it to be their duty to at least share the prisoners under their control, with the city, if called on to do so.

C. S. DENNY, City Attorney.

REPORTS FROM STANDING COMMITTEES.

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

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Finance, to whom sundry papers were referred, would report thereon as follows:

1st. Is a bill of the Indianapolis Water Company for \$40.09, date December 27, 1881, for removing certain fire hydrants.

Recommend the account be referred to City Civil Engineer for his approval.

2d. Is a bill of \$10 from E. H. Pritchard, for medicine and attendance on city horse in City Civil Engineer's Department.

Recommend that an itemized statement be furnished, with this bill, to the City Clerk.

3d. Is the report of Council Judiciary Committee February 13, 1882, (see page 1148), recommending the satisfying of the lien against the property of Catharine Ruschaupt and Chauncy L. Turner, as benefits assessed for the opening of Second street. Also refunding of taxes to Henry Emerich and F. A. Mitchell, trustee.

Recommend the action of the Common Council in adopting said report be concurred in.

Respectfully submitted,

F. W. Hamilton,
Hiram Seibert,
Finance Committee.

The Committee on Hospital and Dispensary, through Alderman Seibert, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Hospital and Dispensary, to whom was referred the report of Secretary of Board of Health, Feb. 13, 1882, together with a motion adopted by the Common Council, instructing the Hospital Board to contract for conveying small-pox patients to the Pest House, we believe that there is no necessity of any such contract being made at present, and probably not likely to be soon. Recommend that the action of the Common Council, in adopting said motion, be not concurred in

Respectfully submitted,

Hiram Seibert,
H. E. Drew,
Committee.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following motions; which were adopted:

That the City Attorney report, at the next meeting, whether or not the property bequeathed to the city by Stephen D. Tomlinson, deceased, in 1870, on condition that there be "no unnecessary delay in converting to the use designated," and "that it shall not be held indefinitely for rent," has reverted to the heirs of said Tomlinson on account of the failure by the city to comply with the conditions specified; and if the city has lost title to said property, whether she is bound to pay the annuity of \$7,000 to the widow of said Tomlinson.

That the City Attorney prepare and present to the Mayor for introduction to Common Council, an ordinance providing that from the first day of June, 1882, "The Electric Light Company," "The Mutual Union Telegraph Company," "The Western Union Telegraph Company," and the "Telephone Company," shall pay into the city treasury, monthly, ten (10) per cent of their gross receipts, respectively, on account of the franchise enjoyed by them; also, providing that the "Citizens' Street Railway Company" shall pay a license of fifty dollars per year from said date, for each car used and operated on any of its lines.

Alderman Hamilton offered the following resolution; which, on motion by Alderman Tucker, was referred to the Committee on Railroads and Public Charities:

Resolved, That the city of Indianapolis does not at present, or in the immediate future, need a \$150,000 central "Market House and City Hall," or any other expensive improvement; but that said city *does require* for its permanent prosperity, an economical administration of its affairs, within its income; a system of substantial and durable streets, a low rate of taxation, a reduction of its bonded debt, and the formation of a "sinking fund" for the entire payment of such debt.

Alderman Hamilton offered the following resolution:

Resolved, That the City Clerk advertise in the leading daily newspapers, twice a week for four consecutive weeks, for proposals for furnishing the citizens with pure water from such source and in such manner to be approved by the Board of Health, the Common Council, and this Board.

Alderman Drew moved to lay the above resolution on the table.

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

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

NAYS, 3—viz. Aldermen Hamilton, Seibert, and President Layman.

Alderman Rorison offered the following motion; which was adopted:

That the City Marshal be instructed, without further delay, to prepare pounds, as he was ordered to do, in Section 6 of the ordinance "to prohibit the running at large of cattle," etc., and that he report at the next meeting of this board, whether he has complied with this motion.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.