

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MARCH 20, 1882.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 20th, A. D. 1882, at half-past seven o'clock, in regular session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio*, President of the Common Council, in the Chair, and 22 members, viz: Councilmen Bedford, Brundage, Bryce, Cowie, Coy, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

ABSENT—Councilmen Caylor, Cole, and Egger—3.

The Proceedings of the Common Council for the regular session, held March 6th, 1882, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

Sealed proposals for placing the below described stone crossings, for constructing the below described wooden bridge, and for re-propping the west bank of White River, were opened, read, and referred to the Committee on Contracts:

For placing a double row of stone crossings across Alabama street, north and south sides of New York street, according to specifications on file in the office of the City Civil Engineer.

For building a wooden bridge, with stone abutments, over Pogue's Run, on Willard street, according to plans and specifications on file in the office of the City Civil Engineer.

For re-propping the west bank of White River, in Indianola, according to specifications on file in the office of the City Civil Engineer.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Thalman, submitted the following report; which 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 March 6th, 1882, have examined the same, and find them to be as follows:

1st. For grading, paving with brick the sidewalks, curbing and bowldering the gutters of English avenue, from Dillon street to Linden street.

August Richter, 64 cents per lineal foot front on each side for paving; 58 cents per lineal foot front on each side for curbing, and 70 cents per lineal foot front on each side for bowldering.

C. S. Roney, 60 cents per lineal foot front on each side for paving; 48 cents per lineal foot front on each side for curbing, and 69 cents per lineal foot front on each side for bowldering.

D. A. Haywood, 58 cents per lineal foot front on each side for paving; 48 cents per lineal foot front on each side for curbing, and 70 cents per lineal foot front on each side for bowldering.

R. P. Dunning, 57 cents per lineal foot front on each side for paving; 47 cents per lineal foot front on each side for curbing, and 69 cents per lineal foot front on each side for bowldering.

Richard Carr, 58 cents per lineal foot front on each side for paving; 45 cents per lineal foot front on each side for curbing, and 68 cents per lineal foot front on each side for bowldering.

John A. Whitsit, 61 cents per lineal foot front on each side for paving; 45 cents per lineal foot front on each side for curbing, and 64 cents per lineal foot front on each side for bowldering.

James W. Hudson, 55 cents per lineal foot front on each side for paving; 47 cents per lineal foot front on each side for curbing, and 65 cents per lineal foot front on each side for bowldering.

Owing to irregularities in this ordinance, we recommend that all the bids be rejected, and a new ordinance introduced.

2d. For grading and paving with brick the south sidewalk of New York street, from West street to Mississippi street, where not already properly paved.

J. D. Hoss & Co., 73 cents per lineal foot front.

R. H. Patterson, 64 cents per lineal foot front.

J. L. Spaulding, 63 cents per lineal foot front.

John A. Whitsit, 60 cents per lineal foot front.

C. S. Roney, 59 cents per lineal foot front.

D. A. Haywood, 55 cents per lineal foot front.

Owing to irregularities in this ordinance, we recommend all the bids be rejected, and a new ordinance be introduced.

3d. For erecting two lamp-posts, lamp and fixtures, complete to burn gas, except service pipes, on Merrill street, between Delaware street and Pennsylvania street. The lamp-frames to be according to plans and specifications on file in the office of the City Civil Engineer of said city.

Anshaensel & Strong, \$21.25 per lamp-post.

We recommend the contract be awarded said firm.

4th. For constructing one 1,200-barrel cistern, at or near the intersection of Church and Morris streets, according to plans and specifications on file in the office of the City Civil Engineer of said city.

August Richter, 75 cents per barrel.

F. J. Blume, 63 cents per barrel.

C. S. Roney, 60 cents per barrel.

John A. Whitsit, 59 cents per barrel.

D. A. Haywood, 59 cents per barrel.

There being two bids for the same price, and believing them low and reasonable, we recommend the contract be awarded to D. A. Haywood.

Respectfully submitted,

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

REPORTS, ETC., FROM CITY OFFICERS.

The City Assessor submitted the following report; which was received, and the appointments confirmed:

Indianapolis, March 20th, 1881.

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

Gentlemen:—I herewith submit the following named persons to act as Deputy City Assessors, for your confirmation: G. R. Rhodes, C. D. Shilling, James H. Perry, A. B. Prather, W. T. Elliott, W. M. Adams, O. F. Bowman, Joseph E. Morrow, C. F. Duncan, L. J. Bradley, C. E. Clark, Samuel Magner, W. H. Phillips, Charles Stipp, Edwin Carpenter, Geo. H. Wallace, Sam. L. Null, John L. Evans, Denton Merwin, John W. Miller, Chas. E. Finney, John B. Poirier, Henry Schultz and H. M. Hadley.

Respectfully submitted,

M. F. CONNETT, City Assessor.

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

Indianapolis, March 20, 1882.

To the Mayor and Common Council:

Gentlemen:—I was directed by the Board of Aldermen, at its last meeting, to prepare and have introduced at this session of the Council, an ordinance repealing the ordinance of February 27, 1882, granting the Mutual Union Telegraph Company, of New York, the privilege of using certain streets and alleys of the city, in constructing its lines of telegraph. I have prepared such an ordinance, and hand it herewith to His Honor, the Mayor, for introduction.

Respectfully,

C. S. DENNY, City Attorney.

His Honor, Mayor Grubbs, presented the following entitled ordinance, as per the foregoing report; which was read the first time:

G. O. 28, 1882—An Ordinance repealing an ordinance entitled "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;" ordained February 27th, 1882.

The City Attorney submitted the following report; which was concurred in:

Indianapolis, March 20, 1882.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Since the last meeting of the Council, the case of The City vs. Henry Kollman, has been decided by the Supreme Court, affirming the judgment of the lower court, the same being in favor of Kollman against the city, for \$500.00 and costs. The case had been briefed, and the papers were in the hands of the court at the time my term of office commenced, so that I have never had an opportunity of examining the legal questions involved, but have been sufficiently advised of the same to convince me that a rehearing could not be obtained, and will not, therefore, file a petition therefor, unless so ordered by your honorable bodies.

The case of William H. Morrison, deceased, vs. The City, et al., has also been decided by the Supreme Court, affirming the judgment of the lower court, in favor of the city. This was an action to enjoin the collection of taxes on 160 shares of \$100 each of bank stock. The estate of said Morrison will now have to pay said taxes, with penalties and interest.

I have likewise the honor to report that, in pursuance to the instructions of your honorable bodies, a number of the members of the judiciary committees of the two bodies and myself, met with the Board of School Commissioners and the representatives of Wm. M. Wiles' estate, and settled the case of said School Commissioners vs. The City and said estate, by allowing judgment to be entered against the city and said estate for \$3,264.40, and costs; and by agreement entered of record, the estate of Wiles is to pay \$1,000.00 thereof, and the city the residue. The total amount due, including interest, at date of settlement, was about \$6,200.00; so that, considering the \$1,000.00 of said amount paid by the Wiles estate, the city gets off with about one-third of the amount she was legally liable for. The Supreme Court settled every question in the case against the city. See decision in 74 Ind., 133. As between the city and the estate of Wiles, there was no question but that the city was primarily liable for the whole amount. All the members of the two committees, who were present, agreed to the settlement, and think, as I do, that it was a good compromise. I respectfully ask that the action of your committees and myself, be approved.

Respectfully,

C. S. DENNY, City Attorney.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

To the Mayor, City Council and Board of Aldermen:

Gentlemen:—Your Fire Board, to whom was directed sundry papers, respectfully report on same as follows:

1st. Is a motion to locate fire-alarm box corner Arsenal avenue and Ohio street.

We recommend the motion be not adopted.

2d. Is a motion to change location of fire-alarm box No. 415.

We recommend that it be changed from its present location (the ruins of Ferguson Pork House,) to corner of Morris and Church streets.

We would also report that the Board has ordered the repair of the Skinner Truck. We consider this Truck, with Hook and Ladder attachment, too heavy for ordinary use, as a Hook and Ladder, and recommend that you authorize the Board to store the same (when repaired,) at No. 7 Engine House, to be run out only when occasion requires it, and to purchase a new Hook and Ladder Truck to take its place at No. 2 House, on South street.

Respectfully submitted,

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

The Board of Public Improvements, through Councilman Dean, submitted the following report; which was concurred in, and the prayer of the petitioner granted:

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

Gentlemen:—I hereby respectfully petition your honorable bodies to grant me ninety days additional time from February 1st, 1882, to complete my contract for bowldering the gutters of Morrison street, between Alabama street and Delaware street. I have not been able to complete said contract in the time given, for the reason that a satisfactory job of bowldering could not have been done this winter.

FRED. GANSBERG.

STATE OF INDIANA, *Marion County, ss:*

Fred. Gansberg, upon oath, says that the matters set forth in the above, are true.

FRED. GANSBERG.

Sworn to this 20th day of March, 1882.

[Seal.]

WM. C. PHIPPS, Notary Public.

The undersigned, members of the Board of Public Improvements, having examined and considered the above petition, recommend that the prayer thereof be granted.

Respectfully submitted,

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

The Board of Health submitted the following report; which was received:

Report of Deaths in the City of Indianapolis, from the 28th day of February, 1882, to the 15th day of March, 1882, inclusive.

Under 1 year	22
1 to 2 years.....	3
2 to 5 "	5
5 to 10 "	6
10 to 15 "	3
15 to 20 "	2
20 to 25 "	10
25 to 30 "	2
30 to 40 "	3
40 to 50 "	3
50 to 60 "	6
60 to 70 "	5
70 to 80 "	8
80 to 90 "	3
90 to 100 "	0
100 and upwards.....	0
Unknown.....	0
Total.....	81

J. A. SUTCLIFF, M. D., Pres't.,
E. S. ELDER, M. D., Sec'y.,
M. S. RUNNELS, M. D.,
Board of Health.

The Board of City Commissioners submitted the following report; which was concurred in:

REPORT OF THE BOARD OF CITY COMMISSIONERS,

In the Vacation of that part of Columbia street, and that part of a 15 foot alley which are platted through Stanley's subdivision of Lots 2, 3, 4 and 5, of Boatright's subdivision of Out-lot 8, west of White River.

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

Gentlemen:—The undersigned, James C. Yohn, George W. Hill, Newton Kellogg, Michael Steinhauer and William Hadley, Commissioners, report to your honorable body:

I.

1st. That they were duly appointed by the Circuit Court of Marion County, Indiana, in accordance with the provisions of an act of the General Assembly of the State of Indiana, entitled "An act in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways, and for straightening or altering of water courses by the cities of this State, and providing for the appointment of Commissioners to assess benefits and damages; prescribing the duties and the method of procedure, and providing for the collection of benefits and payment of damages; prescribing the duties of city officers in relation thereto, and providing remedies in such matters;" approved March 17th, 1875. And that under the provisions of said law, we were duly appointed to act as City Commissioners.

2d. That they did take and subscribe the oath and affirmation by law required.

II.

1st. We do further report that on the 13th day of January, 1882, the full Board of Commissioners, viz: James C. Yohn, George W. Hill, Newton Kellogg, Michael Steinhauer and William Hadley, met in pursuance to a notice of the City Clerk, hereto annexed, and marked "Exhibit A."

2d. That we did, at the time and place, enter upon the consideration of the petition of S. A. Fletcher, et al., for the vacation of Columbia street, and that part of a 15 foot alley which are platted through Stanley's subdivision of Lots 2, 3, 4 and 5, of Boatright's subdivision of Out-lot 8, west of White River, more particularly described in the petition, and the plat accompanying the same, marked "Exhibit B.," now on file in the City Clerk's office, and made a part of these proceedings.

3d. That we did, on the 13th day of January, view the street and alley, and surrounding property, and make our report to the City Clerk, which is marked "Exhibit C.," and is made a part of this report.

4th. That we did, on the 18th day of March, inquire into the matter of service upon the persons interested in said vacation, and do herewith report said notice, with return of service endorsed thereon. See "Exhibits D." and "E."

5th. That none of the parties notified and interested, made any appearance or objection thereto. Your committee do therefore recommend that the prayer of the petitioners be granted, and that Columbia street and the first alley south thereof be vacated through Stanley's subdivision, and attached to the adjoining property.

6th. We further report that the costs of said vacation, is \$51.00, and that we assess the same to S. A. Fletcher & Co., J. F. Holt and S. J. Fletcher, owners of the contiguous property.

James C. Yohn,
Geo. W. Hill,
William Hadley,
Michael Steinhauer,
N. Kellogg,
Commissioners.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Finance Committee, through Councilman Pearson, submitted the following report; which was concurred in:

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

Gentlemen:—Your Finance Committee has examined the books of the City Treasurer and City Clerk, for the months of January and February, and find them correct, according to their itemized reports presented to this body, and referred to our committee for examination, and would recommend the same be approved.

Respectfully submitted,

John R. Pearson,
E. H. Koller,
Isaac Thalman,
Frederick Hartmann,
B. Ward,
Committee on Finance.

The Judiciary Committee, through Councilman Pritchard, submitted the following report; which was concurred in, and G. O. 18, 1882, stricken from the files:

Indianapolis, March 20th, 1882.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, to whom was referred the communication from the Water Company, report:

That the contract, as passed by the Council and Board of Aldermen, has been accepted by the Water Company, and has been signed by the officers of the company and by Mayor Grubbs, on part of the city.

We recommend that the contract be printed in the Council proceedings, and G. O. 18, 1882, be stricken from the files.

Respectfully submitted,

Jas. A. Pritchard,
N. Yoke,
John W. Fultz,
Judiciary Committee.

The following is the contract with the Indianapolis Water Company, as ordered printed by the foregoing report:

G. O. 12, 1882—An Ordinance making, and providing for the execution, of a contract between the City of Indianapolis and The Indianapolis Water Company.

Whereas, The terms of a contract by and between the City of Indianapolis and The Indianapolis Water Company (successor to the "Water Works Company of Indianapolis,") have been substantially agreed upon and are embraced in a written agreement in the words and figures following, to-wit:

THIS AGREEMENT, Made this twentieth day of March, 1882, by and between the City of Indianapolis and the Indianapolis Water Company,

Witnesseth: That said Indianapolis Water Company, for and in consideration of the covenants and agreements herein stipulated to be kept and performed by said city of Indianapolis, hereby covenants and agrees to furnish and supply said city of Indianapolis, in her corporate capacity, with pure filtered and wholesome water, at all times furnishing said city water sufficient to supply five hundred and thirty-one (531) fire hydrants or plugs, for fire protection, as now located, and with sufficient power and pressure to throw eight (8) streams at once a distance of one hundred (100) feet vertically, through one (1) inch nozzles, said pressure and power to be furnished within six (6) minutes from the time an alarm of fire is sounded from any fire-alarm box located on the line of, or within one (1) square from the lines of water pipe.

And the said Water Company also agrees to supply and furnish water to said city according to the terms of said ordinance, for twenty-six (26) drinking fountains situated on the several streets of said city, as now located, and for the fountain in Military Park, in said city, and also for the several Engine, Reel and Station Houses in said city, and also all needed and necessary water for the purpose of flushing and cleaning sewers, and the filling of public cisterns within reach of the lines of water pipe.

And the said Water Company also agrees to take out and store away, at its own expense, the following hydrants now located, to-wit: Those numbered 19, 21, 23, 33, 73, 91, 149, 150, 179, 198, 227, 228, 231, 236, 237, 238, 243, 244, 283, 290, 296, 299, 301, 304, 305, 311, 315, 318, 319, 323, 325, 330, 331, 335, 341, 349, 365, 366, 367, 373, 375, 376, 380, 416, 420, 425, 435, 444, 461, 465, 493, 496, 501 and 504. Also, ten (10) alley plugs on Tennessee street, and also twelve (12) plugs on Washington street, on opposite corners, to be hereafter designated by the Chief Fire Engineer—thus making seventy-six (76) plugs in all.

And the City of Indianapolis, for and in consideration of the covenants and agreements herein contained, to be kept and performed by said Water Company, hereby promises and agrees to pay said Water Company for the water so furnished and supplied, at the following rate: Fifty dollars (\$50.00) per annum for each of said fire hydrants or plugs, which shall be in full payment for all water used from said hydrants or plugs, and for all water used at the several Engine and Reel houses, from regular house connections, for all uses connected with the Fire Department, and also for all water used at the several Station Houses of the city. And said city of Indianapolis also agrees to pay for each of the public drinking fountains situated in the streets of said city, now in use, at the rate of fifty dollars (\$50.00) per annum, and for the water furnished to the fountain in Military Park, at the rate of two hundred and fifty six dollars (\$256.00) per annum, said payments to be made quarterly; *Provided*, that the members of the Fire Department shall be authorized to use water from the fire plugs to sprinkle the streets immediately bordering on the several Engine and Hose Reel houses, using the ordinary sprinkling nozzle.

And said city of Indianapolis also agrees, that during the continuance of this contract, the water from fire hydrants or plugs, shall be used for fire protection, filling public cisterns, cleaning and flushing public sewers and street sprinkling, as aforesaid, only; *Provided*, that not more than two (2) streams shall be used from fire hydrants or plugs at the same time in cleaning or flushing sewers, and they shall not be so used to exceed six hours in any one day; and that during the time of fires, when fire streams are being used from any fire plugs, no water shall be used from any fire hydrant or plug for the purpose of filling any cistern or cleaning any sewer.

And the said city of Indianapolis also agrees, on account of the expense to be incurred by said Water Company in obtaining a new water supply, not to order said company to lay any new mains during the year 1882; and to order not to exceed six thousand five hundred (6,500) feet of new mains during the year 1883, and to order not to exceed ten thousand five hundred and sixty (10,560) feet of new mains during the year 1884, and to order not to exceed ten thousand five hundred and sixty (10,560) feet of new mains during the year 1885, and to order not to exceed ten thousand five hundred and sixty (10,560) feet of new mains during the year 1886; and all ordinances now requiring lines of pipe to be laid, are to be repealed, and not enforced against said company.

And it is also agreed by the city of Indianapolis, that the seventy-six (76) hydrants hereinbefore required and agreed to be taken out by said company, shall be re-located on extended mains laid along any streets, avenues or alleys of said city, ordered by the City Council and Board of Aldermen, at an average of at least one hydrant for every five hundred (500) feet of mains so extended, said plugs to be attached by the company, at its expense, and the use thereof to be paid for as hereinbefore provided, viz: at the rate of fifty dollars (\$50.00) per annum each, from the date of their location, respectively.

And it is hereby expressly understood and agreed between the said City and Company, that when the said seventy-six (76) hydrants shall have been re-located, at an average of not to exceed one hydrant for every five hundred (500) feet of new

mains, laid as aforesaid, then the said city may require hydrants to be located as provided in Section five (5) of the charter of said company, being "An ordinance authorizing the Water Works Company of Indianapolis, to construct, maintain and operate water works, and supply to the city and citizens of Indianapolis, defining their powers and privileges, and prescribing their duties;" ordained January 3d, 1870, which ordinance, it is hereby expressly understood and agreed, is, and shall continue to be, in full force in all its parts, as against the parties hereto, except in so far as its provisions may be modified or changed by this contract, and as to any such modifications or changes, they shall only be effectual during the continuance of this contract; and when the same expires by limitation, or shall be annulled by the parties hereto, then said ordinance shall revive as to any parts so modified or changed, and all its provisions shall then be and continue in full force, notwithstanding any change which may have been made in the name of said company since its first organization under said ordinance.

And said City of Indianapolis also agrees, that during the continuance of this contract, said Water Company shall be authorized and empowered to employ, at its own expense, a competent man to attend all fires, and see that all fire plugs are properly opened, and that no water is used from any fire plug for the purpose of filling cisterns or flushing or cleaning sewers, during the time of fire, when fire streams are being thrown from the plugs; *Provided*, that such man shall be subject to the authority of the Chief Fire Engineer, or his assistant, during times of fire; and it shall be his duty to report to said Chief Fire Engineer, or the Fire Board, any and all violations of the provisions of this contract, or omissions to properly open said fire plugs, or violations of the orders of the Chief Fire Engineer, or his assistant, or the Fire Board. And when said Water Company shall have employed such person, it shall report his name to the Common Council and Board of Aldermen; and the said city agrees that it will, by proper authority, enact an ordinance fully protecting him in the discharge of his duties. And it is expressly understood that said city of Indianapolis shall in no way be liable for the pay or compensation of said man, and shall not be liable for any damages sustained by him in the discharge of his duties, said company hereby agreeing to pay for his services, and to save the city harmless on account thereof, or on account of any damages sustained by him.

And it is further understood and agreed, by the parties hereto, that this contract shall take effect and be in force as of the first day of September, 1881, and that the city will pay said company at the rate as hereinbefore stipulated, for all water used by her from and after the first day of September, 1881, on five hundred and thirty-one (531) hydrants, and hereafter at the said rate of fifty dollars (\$50.00) per annum for the new hydrants to be located from the time the same are so located. (The rent on said 531 hydrants, drinking fountains, and fountain in Military Park, has already been appropriated by the city for one quarter, commencing on said first day of September, 1881.)

This contract shall be in force for five years from the first day of September, 1881, and thereafter until a new contract shall be made.

In the event the City of Indianapolis and the Water Company can not agree as to the rates or price to be paid by said city after this contract shall terminate, then the matter of rates shall be submitted to arbitration, in the manner and form as provided in the ordinance of Ju y 3, 1870, hereinbefore referred to.

It is hereby further expressly agreed, by the said Water Company, in consideration of the premises aforesaid, that no claim or charge shall hereafter ever be made or asserted by it against the city of Indianapolis on account of the hydrants used by the city since 1877, and not paid for, about which a controversy has been had between said company and the city from time to time.

It is further understood and agreed, in consideration of the premises aforesaid, that no charge shall be made by said company for the use by the city of the seventy-six (76) hydrants aforesaid, since the first day of September, 1881.

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 Company, shall be referred to a chemist to be selected by the Common Council, Board of Aldermen and Board of Health of said city of Indianapolis, and the result of such analyses shall be accepted as conclusive evidence of the degree of purity of said water.

In Witness Whereof, The said City of Indianapolis, by her Mayor, and said Indianapolis Water Company, by its President, upon the authority of its Board of Directors, have hereunto set their hands, the day and year first above written.

CITY OF INDIANAPOLIS,

By D. W. GRUBBS, Mayor.

[Seal] Attest: JOS. T. MAGNER, City Clerk.

THE INDIANAPOLIS WATER COMPANY,

By THOMAS A. MORRIS, President.

[Seal.] Attest: JOHN H. LANGDON, Secretary Indianapolis Water Co.

AND WHEREAS, It is deemed proper that the same should be made, and the execution of the same provided for, by ordinance; therefore,

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis*, That said contract be, and the same is hereby, approved, and the Mayor of said city is authorized to execute the same in the name of the city of Indianapolis, for and on behalf of said city.

SEC. 2. That when said contract shall have been executed by said city and said Water Company, the same shall take effect as a contract between the parties thereto, and this ordinance and contract shall take effect from said execution, the date of which shall be filled in at the commencement of said contract in the blank left for that purpose.

Passed by the Common Council, this 6th day of February, 1882.

D. W. GRUBBS, Mayor.

Attest: JOS. T. MAGNER, City Clerk.

Passed by the Board of Aldermen, this 13th day of February, 1882

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.

Ordained and established, this 13th day of February, 1882.

D. W. GRUBBS, Mayor.

JAMES T. LAYMAN, Pres't. B. of A.

Attest: JOS. T. MAGNER, City Clerk.

The Committee on Public Property, through Councilman Cowie, submitted the following report; which was concurred in:

Indianapolis, March 20th, 1882.

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

Gentlemen:—Your Committee on Public Property, met in the City Clerk's office on March 11th, 1882, for the purpose of opening and considering proposals for the lease or purchase of the property known as the "Sellers Farm." Only one bid was submitted, F. G. Wiselogel, Secretary of the Indianapolis Fertilizer Co., proposing to pay an annual rental of \$1,000 00 for two or five years for the lease of the said farm. No bid was submitted for the purchase of the farm.

Believing the above proposition a good one, and that the farm can not be sold to good advantage at the present time, we recommend that the farm be leased to the said Indianapolis Fertilizer Co. for the term of two years; and that the City Attorney be, and is hereby, instructed to prepare lease to be signed by said company and the Mayor.

Respectfully submitted,

Geo. P. Wood,
H. E. Drew,
Aldermanic Committee.

John R. Cowie,
John W. Fultz,
Win. H. Morrison,
Council Committee.

The Committee on Railroads, through Councilman Yoke, submitted the following report; which was concurred in:

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

Gentlemen:—Your committee to whom was referred the following motion:

“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.”

Respectfully report in favor of the motion:

Respectfully submitted,

N. Yoke,
John R. Pearson,
Committee on Rail Roads.

The Committee on Railroads, through Councilman Yoke, submitted the following report:

To the Mayor and Common Council:

Gentlemen:—The undersigned, your Committee on Railroads, to whom was referred G. O. No. 19, 1882, authorizing the I. B. & W. Railway Co. to construct certain tracks in the city, beg leave to report that they have carefully considered the same, and now report thereon as follows:

We recommend that the following words, at the end of Section one, be stricken out, to wit: “and also to construct, as a part of said Railroad, such suitable switches, side-tracks and turn-outs, as the necessities of said railway company, or public convenience, may require.”

We also recommend that the whole of Section three be stricken out, and the following inserted in lieu thereof, to-wit:

“SECTION 3. The right of said Indiana, Bloomington and Western Railway Company to construct, maintain and use such tracks within the said city as aforesaid, is subject to the conditions following, that is to say:

First. This grant shall not be construed so as to interfere with the private rights of the owners of real estate over which said road may be located, relative to damages for such occupancy and appropriation thereof, but it is made subject thereto.

Second. The said company shall be liable for all legal consequential damages, which may be sustained by any person, by reason of the carelessness, negligence, or misconduct, of any of the agents, servants, or employees, of said company, in the course of their employment in the construction or use of the railway aforesaid, any or either of them.

Third. When said tracks cross any street or alley, they shall be made to conform strictly to the grade of such street or alley, as heretofore or hereafter established by the city authorities, unless upon application of said company the said authorities shall consent to a variation from said grade.

Fourth. At the crossing of streets and alleys, said company shall lay said tracks in such manner as to cause as little obstruction as possible to the use of such streets and alleys for the passage of wagons and other vehicles; and shall plank such tracks between the rails at such crossings, and two feet on each side of said rails; and shall also plank or gravel the sidewalks, where they cross said railway, and shall also make said crossings safe and convenient for the passage of persons and vehicles; and said company shall keep said crossings, when so made, in good repair and condition so long as it shall use said streets and alleys for the purposes aforesaid.

Fifth. Said company shall construct and continually keep in repair, under and on the line of said tracks, at such points as may be deemed necessary now or at any future time by the City Civil Engineer or other officer of the city, under the orders of said city, sufficient culverts and drains to admit the free passage of water along and from the streets aforesaid.

Sixth. All acts and things above required to be done by said company, shall be done immediately after the laying of said tracks across said streets or sidewalks aforesaid; and in case said company shall fail to put such crossings in the order above required, or to keep the same in repair, or to construct and keep in repair such culverts and drains, the same shall be done by the Street Commissioner, by the direction of said city; and the said city may collect the cost of the same, with twenty per cent. damages in addition thereto, by suit against said company in any court of competent jurisdiction.

Seventh. Said company shall not permit any car or locomotive to stand at the crossing of any street or alley, so as to obstruct the free passage of teams, vehicles or persons, or cause damage or inconvenience contrary to ordinances now or hereafter to be in force on this subject.

And the said company, in all cases when the trains are going out or coming in, shall ring the engine bell, so as to give notice of their arrival or departure; nor shall said company run any locomotive or car on said tracks at a faster rate than that allowed by the general ordinances of the said city, under the penalties therein described.

And all suits for such violations, may be brought against the principal resident officer or agent of said company, who shall be held responsible for the acts of the employees of said company, in this particular.

Eighth. It shall be the duty of said company, when directed by said city, to provide at each street crossing so designated on the route of such tracks, flagmen to signal all trains that may cross such streets, between the hours of six o'clock, A. M., and six o'clock, P. M., of each day.

In case said company shall fail to comply with all the conditions of this ordinance herein set forth, the said right of way herein granted shall forfeit to the said city, and the railway tracks belonging to said company therein, may at any time thereafter be removed from the limits of said city, by order of the same; *And furthermore*, in case said right of way be transferred, said transfer shall be subject to all the conditions set forth in this ordinance.

No more tracks for said railway shall be laid across and on said streets and alleys, without the previous consent of the said city."

Said conditions are the same as those in the I, D. & S. ordinance, and are approved by the City Attorney, to whom we submitted the matter.

We have caused the ordinance to be re-written, embodying the changes herein recommended therein, and recommend the passage of said ordinance as now reported back.

Respectfully submitted,

N. Yoke,
John R. Pearson,
Committee on Rail Roads.

Councilman Thalman moved that the above report be concurred in.

Councilman Ward moved that action on the above report be postponed two weeks.

Councilman Pearson moved to lay Councilman Ward's motion on the table.

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

AYES, 10—viz. Councilmen Brundage, Cowie, Coy, Dean, Fultz, Hartmann, Morrison, Pearson, Thalman, and Yoke.

NAYS, 11—viz. Councilmen Bedford, Bryce, Dowling, Harrold, Koller, Mauer, Pritchard, Reichwein, Stout, Ward, and Weaver.

Councilman Ward's motion to postpone, then failed of adoption by the following vote:

AYES, 10—viz. Councilmen Bedford, Bryce, Dowling, Harrold, Hartmann, Knodel, Koller, Pritchard, Stout, and Ward.

NAYS, 12—viz. Councilmen Brundage, Cowie, Coy, Dean, Fultz, Mauer, Morrison, Pearson, Reichwein, Thalman, Weaver, and Yoke.

Councilman Pearson then moved that the report be concurred in.

Which motion was adopted by the following vote :

AYES, 13—viz. Councilmen Bedford, Brundage, Cowie, Coy, Dean, Fultz, Mauer, Morrison, Pearson, Reichwein, Thalman, Weaver, and Yoke.

NAYS, 9—viz. Councilmen Bryce, Dowling, Harrold, Hartmann, Knodel, Koller, Pritchard, Stout, and Ward.

On motion by Councilman Pearson, the Common Council then adjourned.

His Honor, the Mayor, then immediately called the Common Council to order, stating that the transaction of other business was necessary before final adjournment.

There being a quorum present, Councilman Pearson introduced the following entitled ordinance, which was read the first time :

Ap. O. 19, 1882—An Ordinance appropriating money for the payment of the salaries and compensation of the members of the Common Council and Board of Aldermen, of the city officers, and officers and members of the Fire and Police Departments of the city of Indianapolis. [Amount appropriated, \$82,572.25.]

Councilman Pearson moved a suspension of the rules for the purpose of placing the above ordinance on its final passage.

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

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Cowie, Coy, Dean, Dowling, Fultz, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS, 1—viz. Councilman Harrold.

Ap. O. 19, 1882, was then read the second time, ordered engrossed, read the third time, and passed by the following vote :

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Cowie, Coy, Dean, Dowling, Fultz, Hartmann, Knodel, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS, 1—viz. Councilman Harrold.

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

SPECIAL SESSION—MARCH 20, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, March 20th, A. D. 1882, at eight o'clock, in special session, pursuant to the following call:

Indianapolis, March 20th, 1882.

To the Members of the Board of Aldermen:

Gentlemen:—You are hereby requested to meet this evening, in the Aldermanic Chamber, at eight o'clock, for the transaction of such business as may be before the body.

Respectfully,

JAMES T. LAYMAN, President.

PRESENT—Hon. James T. Layman, President, in the Chair, and Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and Wood—9.

ABSENT—Alderman DeRuiter—1.

Alderman Tucker moved that all ordinances for the improvement of streets, now on the files, be referred back to the Council for correction.

Which motion was adopted, and ordinances S. O. 123, 132, 133, 134, 140, 164, 167, 169, 170, 174, 176, 178, 179, 181, 182, 1881, and S. O. 1, 7, 8, 9, 12 and 13, 1882, were referred back.

Alderman Seibert moved that all ordinances for the improvement of streets, now in the hands of committees, be recalled, and that said ordinances be referred to the Council for correction.

Which motion was adopted, and ordinances S. O. 124, 130, 137, 156, 157, 159, 180, 1881, and S. O. 10 and 11, 1882, were presented by the various committees and referred to the Council for correction.

PENDING ORDINANCES.

The following entitled ordinance was read the second time, and referred to the Committee on Markets and Public Property:

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

The following entitled ordinances were read the second time, and referred to the Committee on Railroads and Public Charities ;:

G. O. 5, 1879—An Ordinance amending Sections one (1) and two (2) of "An ordinance regulating the weighing and sale of coal and coke, in the city of Indianapolis."

G. O. 5, 1882—An Ordinance requiring flagmen to be stationed at the intersection of the Jeffersonville, Madison & Indianapolis Railroad Company's tracks with Madison avenue north, Ray street, and Morris street.

The following entitled ordinance was read the second time, and referred to the Committee on Railroads and Public Charities, to report next Monday night :

G. O. 30, 1879—An Ordinance to grant R. Frank Kennedy, J. Shellenberger and J. M. Situs, the right and privilege to build and construct a railroad switch on and across Dakota street, in the city of Indianapolis.

The following entitled ordinance was read the second time, and referred to the Committee on Public Light and Education :

S. O. 50, 1878—An Ordinance to provide for the erection of lamp-posts, lamps and fixtures, (complete to burn gas except the service pipes,) on Agnes street, between New York and North streets.

The following entitled ordinances were read the second time, and referred back to the Common Council, with the request that they be stricken from the files :

Ap. O 24, 1881—An Ordinance appropriating the sum of \$101.60, for the payment of judgment and interest in case of John F. Redmond vs. The City of Indianapolis.

G. O. 43, 1879—An Ordinance relative to the Erection and Maintenance of Privies, Water Closets, Urinals, Cess-pools, and other receptacles of Fluid or Semi-Fluid filth in the city of Indianapolis, and regulating the location, construction, cleansing and emptying of the same.

G. O. 1, 1880—An Ordinance respecting the erection of a Market Hall and City Offices, on the East Market Place; appointing Commissioners to advertise for, and select plans, defining their duties, and appropriating money to defray the necessary expenses thereof.

The following entitled ordinance was taken up, the amendment of the Common Council, fixing the penalty at "ten dollars," instead of "fifty dollars," was concurred in, and then read the third time :

G. O. 54, 1879—An Ordinance to prevent horses or other animals or vehicles, from standing within ten feet of any drinking fountain in the city of Indianapolis, except while such horse or animal is engaged in drinking.

And it was passed by the following vote:

AYES, 5—viz. Aldermen Drew, Newman, Rorison, Seibert, and Wood.

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

Alderman Drew gave notice that he would make a motion to reconsider the passage of the above ordinance at the next regular meeting.

Alderman Drew moved that the Board of Aldermen do now adjourn.

Which motion was adopted by the following vote :

AYES, 5—viz. Aldermen Drew, Mussmann, Newman, Seibert, and Wood.

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

The Chair then declared that the Board of Aldermen stands adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.