

# PROCEEDINGS OF BOARD OF ALDERMEN.

ADJOURNED SESSION—SEPTEMBER 13, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Wednesday evening, September 13th, A. D. 1882, at half-past seven o'clock, in adjourned session.

**PRESENT**—Hon. Francis W. Hamilton, President *pro tem.* of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Seibert, and Tucker—8.

**ABSENT**—Alderman Wood, and President Layman—2.

The Proceedings of the Board of Aldermen for the regular session, held August 28th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following special message was read, and the matter, as set forth therein, was referred to the Finance Committee:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The Common Council, in regular session, held in the Council Chamber, Monday evening, September 4th, 1882, adhered to their former action of August 21st, 1882, in adopting the following motion:

“That the City Marshal be, and is hereby, ordered to abandon the cow pound in rear of Ross Block, *at once.*”

For the Common Council:

JOS. T. MAGNER, City Clerk.

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, the following papers for your consideration, favorably passed upon by the Common Council, at its session held September 4th, A. D. 1882.

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 pages 379 and 380, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—I herewith report the following estimates of work done according to contract:

A first and final estimate in behalf of August Richter, for grading and paving with brick the west sidewalk of Mississippi street, from First street to Second street.

342.23 lineal feet, at 53 cents..... \$181 38

A first and final estimate in behalf of J. D. Hoss & Co., for grading and graveling the first alley south of Christian avenue, from Park avenue to Broadway street.

577 lineal feet, at 24 cents..... \$138 48

A first and final estimate in behalf of J. L. Spaulding, for grading and graveling the alley between Eddy and Tennessee streets, from Garden street to Merrill street.

712 lineal feet, at 19 cents..... \$135 28

A first and final estimate in behalf of R. P. Dunning, for grading, bowldering, and curbing the gutters, and widening the sidewalks of Fletcher avenue, from Noble street to Cedar street.

2,674.37 lineal feet of bowldering, at 59 cents..... \$1,577 86

2,728.63 lineal feet of curbing, at 42 cents..... 1,145 99

\$2,723 85

A first and final estimate in behalf of Henry C. Roney, for grading and paving with brick (where not already done), the sidewalks of Stevens street, from East street to Virginia avenue.

1,548 3-12 lineal feet, at 34 cents..... \$526 40

A first and final estimate in behalf of C. S. Roney, for grading, bowldering and curbing the gutters of New York street (where not already curbed), from East street to Noble street.

2,001.94 lineal feet bowldering, at 42 cents..... \$ 840 81

898.55 lineal feet curbing, at 42 cents..... 377 39

272.75 lineal feet of walk-stone, at 35 cents..... 95 46

88.6 lineal feet of curbing re-set, at 7 cents..... 6 10

5.83 square yards of brick pavement, at 65 cents..... 3 79

Total..... \$1,323 55

A first and final estimate in behalf of J. D. Hoss & Co., for grading and graveling the first alley south of Third street, from Illinois street to Tennessee street.

839.60 lineal feet, at 24 cents..... \$201 50

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 380, *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 August Richter, for grading and paving with brick, the west sidewalk of Mississippi street, from First street to Second 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,** 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

**NAYS**—None.

The following estimate resolution (adopted by the Common Council—see page 381, *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 J. D. Hoss & Co., for grading and graveling the first alley south of Christian avenue, from Park avenue to Broadway 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 381, *ante*), was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of J. L. Spaulding, for grading and graveling the alley between Eddy and Tennessee streets, from Garden street to Merrill 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 381, *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 R. P. Dunning, for grading, bowldering, and curbing the gutters, and widening the sidewalks of Fletcher avenue, from Noble street to Cedar 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 381, *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 Henry C. Roney, for grading and paving with brick (where not already done), the sidewalks of Stevens

street, from East street to Virginia avenue, 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 382, *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 C. S. Roney, for grading, bowldering and curbing the gutters of New York street, (where not already curbed), from East street to Noble street, be, and he 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 382, *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. D. Hoss & Co., for grading and graveling the first alley south of Third street, from Illinois street to Tennessee 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, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS—None.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see pages 382 and 383, *ante*), was concurred in:

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

*Gentlemen:*—I herewith report the following contracts and bonds:

Contract and bond of H. C. Roney for constructing a brick sewer three feet in diameter, at the expense of the city, from the intersection of English avenue and Reid street, in and along Reid street to Pleasant Run.

Bond, \$14,000; sureties, Richard Carr, Fred. Gansberg and John Schier.

Contract and bond of H. C. Roney for grading and paving with brick, where not already done, the north sidewalk of St. Clair street, from Park avenue to Massachusetts avenue.

Bond, \$500; surety, John Schier.

Contract and bond of James Mahoney for grading and graveling the east sidewalk of Shelby street, from a point 623 feet south of Willow street, to Pleasant Run.

Bond, \$200; surety, James Renihan.

Contract and bond of James Mahoney for grading and graveling the first alley south of English avenue, from Linden street to Laurel street.

Bond, \$340; surety, James Renihan.

Contract and bond of James Mahoney for grading and graveling the west sidewalk of Shelby street, from Prospect street to Pleasant Run, where not already done.

Bond, \$1,000; surety, James Renihan.

Contract and bond of H. C. Roney for grading, paving with brick, and curbing with stone the west sidewalk of Pine street, from St. Clair street to the first alley south of St. Clair street.

Bond, \$400; surety, J. D. Hoss.

Contract and bond of J. D. Hoss & Co. for grading and graveling the second alley north of Christian avenue, from Bellefontaine avenue to Peru street.

Bond, \$335; surety, H. C. Roney.

Contract and bond of Michael Flaherty for grading and graveling the first alley west of Illinois street, from Merrill street to Norwood street.

Bond, \$250; surety, W. G. Wasson.

Contract and bond of Michael Flaherty for grading and graveling the alley beginning at School street, on the south side of lot 13 in out-lot 94, and running around lots 13, 14, 15 and 16 in said out-lot, and terminating at School street.

Bond, \$300; surety, W. G. Wasson.

Contract and bond of Michael Flaherty for grading and graveling the first alley south of Fletcher avenue, from Linden street to Laurel street.

Bond, \$250; surety, W. G. Wasson.

Contract and bond of John Schier, for grading and paving with brick, where not already done, the north sidewalk of Arch street, from Park avenue to Plum street.

Bond, \$500; surety, H. C. Roney.

Contract and bond of August Richter for grading and bowldering the first alley south of Pogue's Run, from East street to New Jersey street.

Bond, \$900; surety, Richard Carr.

Contract and bond of H. C. Roney for grading and bowldering the first alley south of Michigan street, from Delaware street to the first alley west of Delaware street.

Bond, \$400; surety, J. L. Spaulding.

Contract and bond of Fred. Gansberg for grading and graveling the first alley west of Virginia avenue, from Bradshaw street to Buchanan street.

Bond, \$300; surety, James W. Hudson.

Contract and bond of James W. Hudson, for grading and graveling Hill avenue and sidewalks, from Baltimore avenue to Brinkman street.

Bond, \$3,000; surety, Fred. Gansberg.

Contract and bond of James W. Hudson, for grading, paving with brick, and curbing with stone the south sidewalk of North street, from Pennsylvania street to the first alley west of Pennsylvania street.

Bond, \$200; surety, Fred. Gansberg.

Contract and bond of James W. Hudson, for grading and bowldering first alley west of Meridian street, from South street to Garden street.  
Bond, \$1,000; surety, Fred. Gansberg.

Respectfully submitted,

H. S. SHEARER, City Civil Engineer.

The following report from the City Civil Engineer (see page 384, *ante*), was read; and, on motion by Alderman Mussmann, was referred to the Committee on Public Property, and City Attorney:

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

*Gentlemen:*—Some time ago, an ordinance was passed for the erection of lamp-posts on Meridian street, between Kansas and Arizona streets; the contract was let, and bond approved. On examination, I find that nearly all the territory on the west side, and part of that on the east, is not within the corporate limits. I therefore recommend that the contract be annulled.

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 report the following entitled affidavits, now on file in my office, for the collection of street assessments by precepts, to-wit :

John A. Whitsit vs. Frederick Goepper's heirs, viz: Susanna Goepper, Lena Goepper, Emma Goepper, Lilly Goepper, Oscar Goepper, Frederick Goepper, Albert Goepper, Anna M. Krauss and Callie Frenzel, for..... \$270.27

John A. Whitsit vs. Frederick Goepper's heirs, viz: Susanna Goepper, Lena Goepper, Emma Goepper, Lilly Goepper, Oscar Goepper, Frederick Goepper, Albert Goepper, Anna M. Krauss and Callie Frenzel, for..... \$105.16

And recommend 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 386, *ante*), was concurred in, and the precepts ordered to issue by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Mussmann, Newman, Rorison, and Seibert.

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

The following communication (see pages 386 and 387, *ante*), was read and referred to the Judiciary Committee and City Attorney:

*Indianapolis*, August 19th, 1882.

To JOS. T. MAGNER, Clerk of the City of Indianapolis, Ind.

We, the President and Secretary of the Board of School Commissioners of the city of Indianapolis, hereby certify, that at the regular session of said Board, held August 18th, A. D. 1882, the following resolution was adopted, to wit:

"Resolved, That the tax levy of this Board for the year 1882, be adopted and established as follows:

For Special Fund, twenty cents (20 cts.) on each one hundred dollars (\$100.00), and one dollar (\$1.00) on each poll.

For Library Fund, two cents (2 cts.) on each one hundred dollars (\$100.00 )

And the President and Secretary are directed to certify this action of the Board to the City Clerk, and cause the same to be placed on the tax duplicate of the city of Indianapolis, for the year 1882, against all property assessed for School purposes, all property transferred for School purposes, and against each poll."

Witness our hands, and the seal of said Board of School Commissioners, the day and year above written.

The Board of School Commissioners of the city of Indianapolis,

[Seal.]

By W. A. BELL, their President.

E. P. THOMPSON, their Secretary.

The following report from the City Attorney (see page 388, *ante*), was read and received:

Indianapolis, Sept. 4, 1882.

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

*Gentlemen:*—The Superior Court, in General Term, has affirmed the judgments of Special Term, in the cases of Charles Bauer vs. The City, and Rosina Kistner, Executrix, vs. The City, in favor of the city. Appeals will, most likely, be taken to the Supreme Court, in both cases.

Respectfully submitted,

C. S. DENNY, City Attorney.

The following report from the Street Commissioner (see page 389, *ante*), was read and received:

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

*Gentlemen:*—On July 17th and 24th, 1882, the following motion was adopted by your honorable bodies:

"That the City Marshal be, and is hereby, directed to notify the owners of property on East Washington street, on the south side of the second lot east of Pine street, to fill up the low sink-hole on said lot, where stagnant water stands, within five days from receipt of notice, and if not done within five days that the Street Commissioner fill the same, and collect from the property owners, and upon their refusal to pay, to bring suit for collection within thirty days; further, that the Street Commissioner report to this Council, at our next meeting, if the work has been done"

The City Marshall informs me that he served due notice upon the property holders, and at the expiration of the time given the work was not done. The City Attorney informs me that a lien can not be made against the property under the above motion, and I herewith submit a resolution, in due form, in lieu thereof, that the city may collect the cost, if necessary to do the work.

Respectfully submitted.

L. A. FULMER, Street Commissioner.

The following resolution, presented with the above report, (adopted by the Common Council—see page 389, *ante*), was read:

*Resolved*, That the owners of the following described real estate, to-wit, lots Nos. 2, 3 and 4 in Allen, Johnson and Wilson's subdivision of out lot No. 76, in the city of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and is hereby required to notify the owners thereof, as provided by ordinance passed April 28, 1866, entitled, "An Ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same;" and that

in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation, as provided in said ordinance; provided, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

And it was concurrently adopted by the following vote:

AYES, 5—viz. Aldermen DeRuitter, Hamilton, Mussmann, Newman, and Seibert.

NAYS, 1—viz. Alderman Tucker.

The following report from the Chief Fire Engineer (see page 389, *ante*), was read and approved:

*Indianapolis*, September 2d, 1882.

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

*Gentlemen*:—I have been officially notified of the placing in service of the fire hydrant ordered by your honorable bodies, at the northeast corner of New York and Agnes streets, and said hydrant is dated in service from August 28th, 1882.

Yours respectfully,

JOSEPH H. WEBSTER, Chief Fire Engineer.

The reports of the Chief Fire Engineer; Wm. Hadley, rental agent; Superintendent of the City Hospital and Branch, and Superintendent of the City Dispensary (see pages 390, 391 and 392, *ante*), were read and received.

The report of the Board of Public Improvements and Street Commissioner (see pages 392 and 393, *ante*), was read; and, on motion by Alderman Tucker, was ordered not received.

The mortality report of the Board of Health (see page 393, *ante*), was read and received.

The following clause from the report of the Judiciary Committee, was read, and the favorable action of the Common Council thereon (see page 394, *ante*), was not concurred in:

The third is a motion that the Street Railroad Company furnish the Council and Board of Aldermen with a time-table of each Street Railway line; also, the number of cars on each line.

We recommend the motion be passed.

The following report from the Judiciary Committee was read:

*Indianapolis*, Sept. 4th, 1882.

To the Mayor and Common Council:

*Gentlemen*:—Your Judiciary Committee, together with the City Attorney, to whom was referred petition of Wm. Rowe, showing that on the 10th day of February, 1880, he purchased from the City Treasurer, at public tax sale, Lot 12, Square 35, paying therefor the sum of \$143.33, and the treasurer issued to him his certificate of sale, No. 20,487. This lot was owned by St. Paul Church. This church bring a suit, No. 29,271, against City Treasurer to enjoin him from making deed upon said certificate of sale. The Superior Court grant a perpetual injunction, upon the ground that the assessment and sale of this church property was absolutely



void. This decision is correct, and supported by the Supreme Court of the State, in the case of The First Presbyterian Church of Fort Wayne vs. The City of Fort Wayne, and others, 36 Ind., 338. Property used for religious purposes "are not liable to assessment to contribute to the cost of the construction of sewers in a city. Such property not being valued and assessed upon the tax duplicate for State and County taxes, no method is provided by law for its assessment for the purpose of sewerage." This is the language of our Supreme Court.

When the city built the Illinois street sewer, it was her legal duty, therefore, to pay the sum taxed up to this church; but, in violation of law, or without any law, the city assessed the same against the church, and placed the same on the tax duplicate. On failure of the church to pay, our City Treasurer offers the same for sale, and sells the same for \$143.33, to one of our own citizens. Then the church acts, and secures a perpetual injunction against the city from making Mr. Rowe a deed, on the ground that all the city has done in the matter, is *null and void*.

Now, as we cannot make a deed, Mr. Rowe asks that the city give him back his money. It is *just, honest*, and lawful to do so; and therefore recommend that the sum of \$143.33, with interest from February 10th, 1880, be refunded to petitioner.

Respectfully submitted,

JAMES A. PRITCHARD.

We do not concur in the above.

N. YORKE,  
JOHN W. FULTZ.

Alderman Seibert moved that the favorable action of the Common Council on the above report (see page 395, *ante*), be not concurred in; which failed of adoption.

On motion by Alderman Drew, the report was referred to the Judiciary Committee and City Attorney.

The following motions (adopted by the Common Council—see pages 401, 403 and 404, *ante*), were read, and, on motion, not concurrently adopted:

That the City Marshal be, and is hereby, instructed to notify property owners to cut the weeds in and around their property.

That the City Marshal be, and is hereby, directed to notify all property owners having shade trees in front of their property where limbs obstruct the passage of wagons and other vehicles, to trim such trees and remove such obstructions, within five days from such notice.

That we ask the owners of vacant lots, in the interest of public health, to cut the weeds now growing upon their lots, and promise them that the city will do her part in this work, by cutting the weeds upon the public streets and alleys within the city limits.

The following motion (adopted by the Common Council—see page 402, *ante*), was read, and concurrently adopted:

That the Street Commissioner be instructed to place stone crossings at the alleys and Greer street crossing between Virginia avenue and East street, on Stevens street, as the sidewalks have been lately paved with brick.

The following resolution (adopted by the Common Council—see page 403, *ante*), was read:

*Resolved*, That the first street west of West street, from Washington to Maryland street, be, and the same is hereby, named California street; and that the name of Ellis street, from Maryland to Georgia street, be, and is hereby, changed to California street.

Alderman Tucker offered the following amendment to the above resolution, which was adopted:

Amend by changing the name of east South street to Fletcher avenue, from East street to Noble street; and that the proper city authorities make said change on the Plat Books of the city.

On motion, the resolution, as amended, was concurrently adopted by the following vote:

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

NAYS, 1—viz. Alderman Mussmann.

The following motion (adopted by the Common Council—see page 403, *ante*), was read, and referred to the Committee on Streets and Alleys, with power to act:

That the Board of Public Improvements and the City Civil Engineer be, and are hereby, directed to purchase the material for a new sewer pipe on the south side of Washington street, corner of Mississippi street; said pipe to be Akron Sewer Pipe, of not less than fifteen inches diameter. And the Street Commissioner be, and is hereby, directed to lay said sewer pipe under the direction of the Board of Public Improvements.

The following petition was read, and the favorable action of the Common Council thereon (see page 404, *ante*), was concurred in:

*Indianapolis*, Sept. 4th, 1882.

To the Common Council and Board of Aldermen :

*Gentlemen*:—The undersigned, James G. Douglass, asks permission to build a private sewer from the lot on the northeast corner of Meridian and Michigan streets, across Meridian street, and west in the first alley north of Michigan street, so as to connect with the sewer in the first alley west of Meridian street, running from Michigan street to North street. The work to be done at my expense, under the direction of the City Civil Engineer.

Respectfully submitted,

JAMES G. DOUGLASS.

The following motion (adopted by the Common Council—see page 404, *ante*), was read; and, on motion, was laid on the table:

That the Street Commissioner be, and is hereby, directed to drain the water from the gutter at the northwest corner of Washington and East streets.

## APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances (passed by the Common Council), were placed upon their final passage without a suspension of the rules.

The following entitled ordinance was read the first and second times, and read the third time:

Ap. O. 52, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$3,156.69.]

And it was passed by the following vote :

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

NAYS—None.

The following entitled ordinance was read the first and second times, and read the third time:

Ap. O. 53, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$990.13.]

And it was passed by the following vote:

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

NAYS—None.

The following entitled ordinance was read the first and second times:

Ap. O. 54, 1882—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis on account of Station Houses. [Amount appropriated, \$979.69.]

Alderman DeRuiter moved to refer all claims relating to the building of the house occupied by the patrol wagons, to the Committee on Police Department; which failed of adoption by the following vote:

AYES, 4—viz. Aldermen DeRuiter, Hamilton, Rorison, and Tucker.

NAYS, 4—viz. Aldermen Drew, Mussmann, Newman, and Seibert.

The ordinance was then read the third time, and passed by the following vote:

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

NAYS—None.

SIG. 33.

The following entitled ordinance was read the first and second times, and read the third time:

Ap. O. 55, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$79,894.28.]

And it was passed by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, and Rorison.

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

The following entitled ordinance was read the first and second times, and read the third time:

Ap. O. 56, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$263.88.]

And it was passed by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, and Seibert.

NAYS, 1—viz. Alderman Tucker.

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, September 11th, 1882, for your action upon the same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following motions (adopted by the Common Council—see pages 408 and 409, *ante*), were read and concurrently adopted:

That the Street Commissioner be, and is hereby, instructed to repair the gutter south of Shelby street bridge, east side, as it is now in a dangerous condition.

That the City Marshal notify the C., I., St. L. & C. Railroad Company to fill with gravel the mud hole along their right of way on both sides of their track, between Third and Fourth streets.

The following resolution (adopted by the Common Council—see page 409, *ante*), was read:

WHEREAS, The rank growth of weeds now growing upon the vacant lots and along the public streets and alleys in the northern and southern parts of the city, will, when they begin to decay, produce sickness, and greatly injure the public health of our city; therefore,

*Resolved*, That the Street Commissioner be, and is hereby, directed to *at once* employ an extra force of twenty-five men to cut the weeds now growing along the public streets and alleys in the northern and southern parts of the city; and furthermore, that the work be done during the month of September, before the frost.

And it failed of adoption by the following vote:

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

NAYS, 4—viz. Aldermen DeRuiter, Hamilton, Seibert, and Tucker.

#### REPORTS FROM STANDING COMMITTEES.

The Finance Committee, through Alderman Hamilton, submitted the following reports; which were severally concurred in:

To the President and Members of the Board of Aldermen :

*Gentlemen:*—Your Committee on Finance, and City Attorney, to whom was referred G. O. 52, 1882, An ordinance granting the right to maintain and exhibit a mechanical clock in the city of Indianapolis, would recommend that the ordinance do pass.

Respectfully submitted,

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Finance Committee, to whom was referred the report of the Judiciary Committee, recommending the refunding of taxes, \$13.37, erroneously paid by the Indianapolis Rolling Mill Co. on \$1,250, which had been previously paid; also, \$29.50, paid by Christopher Hilgenberg at tax sale, for Lot 10, Square 7, Cushing's subdivision of Hanway & Hanna's Oak Hill addition, including taxes of 1880 and 1881, would recommend that the action as to the Indianapolis Rolling Mill Co. be concurred in, but as to C. Hilgenberg, be not concurred in.

Respectfully submitted,

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

The Judiciary Committee, through Alderman Rorison, submitted the following reports; which were severally concurred in:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Committee on Judiciary, to whom, with the City Attorney, was referred G. O. No. 66, relative to the canceling of contracts in certain cases, respectfully recommend to amend said ordinance by striking out of the first section thereof the following words: "or shall fail to complete the same when so begun."

Also, by adding at the end of said section, the following words: "And any contractor or contractors who shall fail to complete any work according to contract, shall forfeit and pay to the city of Indianapolis, as liquidated damages, an amount of money equal to ten per cent. (10 per cent.) of the bid of such contractor or contractors, the same to be recovered from the said contractor or contractors and the sureties on the bonds of the same; *Provided*, that nothing herein contained shall be construed as in any manner releasing any such contractor or contractors or sureties, from any of the penalties thereof, said ten per cent. (10 per cent.) liquidated damages being expressly intended for the city of Indianapolis."

The above provision shall also be expressed in each and every bond and contract.

Respectfully submitted,

Brainard Rorison,  
W. H. Tucker,  
Committee on Judiciary.

To the President and Members of the Board of Aldermen :

*Gentlemen:*—Your Committee on Judiciary, and City Attorney, to whom was referred G. O. No. 36, relative to the removal of buildings along the streets and alleys of the city, do respectfully report in favor of the passage of the same, with the fol-

lowing amendment: Wherever the words "Board of Public Improvements and City Engineer" occur, the words "Common Council and Board of Aldermen" shall be substituted therefor.

Respectfully submitted,

Brainard Rorison,  
John Newman,  
W. H. Tucker,  
Judiciary Committee.

To the President and Members of the Board of Aldermen :

*Gentlemen:*—Your Committee on Judiciary, and City Attorney, to whom was referred the petition of the Indiana National Bank, relative to the payment of taxes on certain lots in Square 64, do respectfully report: That we have made a thorough investigation of the facts in the case, and recommend the adoption of the report as made by the Council Judiciary Committee.

Respectfully submitted,

Brainard Rorison,  
John Newman,  
W. H. Tucker,  
Judiciary Committee.

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

To the President and Board of Aldermen :

*Gentlemen:*—Your Committee on Streets and Alleys, to whom was referred Ordinances No. 57, 82, 96, 119 and 134, 1882, for the improvement of streets and alleys, as specified in ordinances, have given the same their consideration, and recommend the ordinances be passed.

Respectfully submitted,

Hiram Seibert,  
D. DeRuiter,  
H. E. Drew,  
Committee.

The Committee on Water, through Alderman DeRuiter, submitted the following report; which was concurred in:

To the President and Board of Aldermen :

*Gentlemen:*—The committee to whom was referred G. O. 47, 1882, "An ordinance authorizing the Water Works Co. to appoint a competent person to protect the rights of said company," recommend that said ordinance pass.

Respectfully submitted,

D. DeRuiter,  
Hiram Seibert,  
D. Mussmann,  
Committee on Water.

#### REPORTS FROM SELECT COMMITTEES.

Alderman Rorison, in behalf of a certain select committee, submitted the following report; which was concurred in:

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

*Gentlemen:*—Your Joint Committee, appointed to confer with the Board of Health, relative to future interments in Greenlawn Cemetery, and to procure grounds on which to locate a new cemetery, beg leave to report:

That the city has no grounds in Greenlawn Cemetery that have not been used for burials one or more times. During the past few months, the walks and carriage drives have been appropriated, and the city can no longer do without additional burial facilities.

Various propositions have been made by property owners for the sale of their lands to the city for such purpose. Propositions to trade grounds for a portion of

Sellers Farm, have also been made. This farm contains 223½ acres. The city needs only a small part, if any, of this land for the purposes for which it is used.

Your committee recommend that the Sellers Farm be advertised for trade, in whole or in part, for other lands suitable for a cemetery, or for sale for the purpose of procuring funds with which to buy sufficient grounds for cemetery purposes; the Council and Board reserving the right to reject any and all bids.

Grounds offered, should contain from 50 to 100 acres. They should be naturally adapted for the purpose, and should be near enough to the city to reduce the cost of funerals to the lowest figures possible. They should be far enough away to guard against encroachment by the city for many years. They should be sufficiently large to allow the sale of lots to private parties, and yet reserve for the city ground enough for her own use for a century to come.

Respectfully submitted,

Brainard Rorison,  
H. Seibert,  
D. Mussmann,  
F. W. Hamilton,  
Aldermanic Committee.

John R. Pearson,  
Ernst Knodel,  
Council Committee.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Drew presented the following petition; which was received, and the prayer of the petitioner granted:

To the Board of Aldermen and Common Council:

*Gentlemen.*—The undersigned hereby petitions your honorable bodies for the privilege to construct a coal vault to connect with her building, on the northwest corner of Meridian street and Georgia street, being on part of Lot 6, Square 75; the said vault to be of the usual dimensions, and constructed under existing ordinances.

THERESA C. VINTON.

Alderman Drew offered the following motion; which was adopted:

That the Committee on Public Light investigate and report if there cannot be a more satisfactory and less expensive arrangement made to erect lamp-posts ordered by the city, than by the present method.

Alderman Hamilton offered the following motion; which was referred to the Committee on Streets & Alleys and Sewers & Drainage:

The City Clerk is ordered to advertise for three weeks, that one thousand dollars will be paid for a *sure plan* by which the damage caused by the periodical overflow of "Pogue's Run," and its tributary drainage, will be prevented. Said plan is also to include complete protection to the city from damage by Fall Creek, or the drainage thereto on account of extra water-fall

No plan to be accepted or paid for until proven to be effectual in all respects, and the right is reserved to reject all plans and suggestions offered.

Alderman Hamilton offered the following motion; which was referred to the Committee on Railroads:

That the Committee on Railroads of this body, with the committee of the Common Council, negotiate with the Wabash Road for the removal of the switch or track of said company between North street and Peru street or avenue, and the transfer to the city of all right of way and privileges enjoyed by said company. Report to be made within thirty days.

Alderman Hamilton offered the following motions; which were read and concurrently adopted:

That the City Attorney prepare and have presented to Council, an ordinance to prevent persons from standing and riding on steps of street cars, and providing penalties.

That the City Clerk cause the proper street numbers to be placed upon the houses of Park avenue, as provided by ordinance, within thirty days from this date.

Alderman Hamilton offered the following motion; which was adopted; and, on motion, Alderman Hamilton was made a member of such committee, and the Chair appointed Aldermen Rorison and Seibert to act as members of such committee:

That a special committee, to be appointed, with the City Attorney, to report at the next regular meeting of this Board, whether or not General Ordinance No. 59, of year 1878, granting extraordinary rights and privileges to "The Indiana District Telephone Company," should not be repealed, as therein provided, and an ordinance substituted therefor that will more effectually protect the interests of the city and its citizens, and place said company under proper municipal restrictions.

Alderman Rorison offered the following motion; which was adopted:

That the City Clerk be, and is hereby, instructed to notify each and every property owner on the line of Meridian street, between St. Clair and New York streets, to make all gas and water connections before the improvement of said street; and warning them that after said improvement is completed, no permits for such connections will be granted.

Alderman Tucker offered the following motions; which were read and severally adopted:

That the Chief of Police be, and he is hereby, directed to notify, or cause to be notified by the patrolmen, all property holders having shade trees in front of their property where limbs or overhanging trees obstruct the passage of wagons and other vehicles, to trim such trees and remove such obstructions within five days from such notice.

That the Chief of Police be, and he is hereby, directed to notify, or cause the patrolmen under him to notify, all property owners to cut the weeds in and around their property.

That the Chief of Police at once issue an order to see that the Dog License Ordinance is enforced, and that all dogs not licensed by the first of October, to file against the owners.

On motion, the Board of Aldermen then adjourned.

FRANCIS W. HAMILTON, President *pro tem*.

Attest: GEO. T. BREUNIG, Clerk.