

# PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 18, 1882.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 18th, A. D. 1882, at seven o'clock, in regular session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio* President of the Common Council, in the Chair, and 21 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

ABSENT 4—viz. Councilmen Cowie, Fultz, Hartmann, and Yoke.

The proceedings of the Common Council for the regular session, held December 4th, 1882, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

## REPORTS FROM COMMITTEE ON CONTRACTS.

Councilman Thalman, in behalf of the Committee on Contracts, submitted the following report; which was concurred in:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—Your Committee on Contracts, to whom was referred sundry proposals, presented to Council, December 4th, 1882, have examined the same, and find them as follows, to-wit:

For grading and paving with brick and curbing with stone the north sidewalk of Maryland street, from the alley on the west line of out-lot No. 143, to a point 105 feet east of said alley.

J. L. Spaulding, 65 cents per lineal foot for paving, and 55 cents per lineal foot for curbing.

Richter & Twiname, 54 cents per lineal foot for paving, and 44 cents per lineal foot for curbing.

C. S. Koney, 49 cents per lineal foot for paving, and 48 cents per lineal foot for curbing.

James Mahoney, 88 cents per lineal foot for paving and curbing.

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

Respectfully submitted,

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

## COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Grubbs, presented the following communication; which was received, and leave of absence granted:

*Indianapolis, Ind., Dec. 16th, 1882.*

To the Mayor and Common Council:

*Gentlemen:*—I shall be absent from the city on a visit to Scotland, and respectfully ask leave of absence for about three months.

Very respectfully,

JOHN R. COWIE.

His Honor, Mayor Grubbs, submitted the following report; which was received:

*Indianapolis, Ind., Dec. 18, 1882.*

To the Common Council and Board of Aldermen:

*Gentlemen:*—I report collections for the month of November, as follows:

Policemen's witness fees.....	\$120 42
Mayor's fees .....	121 55
Fines .....	15 80
Total .....	\$257 77

Which amount I have this day paid to the City Treasurer, and deposited his receipt therefor with the City Clerk.

Respectfully,

D. W. GRUBBS, Mayor.

## REPORTS, ETC., FROM CITY OFFICERS.

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

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 Wm. J. Freaney for erecting eight lamp-posts, lamps and fixtures (complete to burn gas except service pipes) on Broadway street, between Seventh and Ninth streets.

2,400 lineal feet at 6½ cents per foot, (and \$18.50 per post).....\$148 00

A first and final estimate in behalf of Henry Clay, for grading and paving with brick the west sidewalk of College avenue from Twelfth street to Clyde street.

590.20 lineal feet at 38 cents.....\$224 28

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 Wm. J. Freaney, for erecting lamp-posts, lamps and fixtures (complete to burn gas except service

pipes), on Broadway street, between Seventh and Ninth streets, 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**, 17—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Knodel, Koller, Mauer, Morrison, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

**NAYS**—None.

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 Henry Clay, for grading and paving with brick the west sidewalk of College avenue, from Twelfth street to Clyde 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**, 17—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Knodel, Koller, Mauer, Morrison, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

**NAYS**—None.

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 collection of street assessments, by precepts, to-wit:

James Mahoney vs. John V. Martin, for .....	\$ 9 50
James W. Hudson vs. Phillip Dohn, for .....	42 50
James W. Hudson vs. Phillip Dohn, for .....	42 50
James W. Hudson vs. Phillip Dohn, for .....	42 50
James W. Hudson vs. Phillip Dohn, for .....	42 50
James W. Hudson vs. William F. Clem, for .....	37 46
Fred. Gansberg vs. A. J. and J. C. Walker, for .....	34 00
Fred. Gansberg vs. A. J. and J. C. Walker, for .....	34 00
Fred. Gansberg vs. Creighton Dandy, for .....	34 00

And recommend that you order the precepts to issue.

JOS. T. MAGNER, City Clerk.

And it was adopted by the following vote:

**AYES**, 11—viz. Councilmen Brundage, Coy, Dowling, Harrold, Knodel, Koller, Mauer, Pritchard, Reichwein, Stout, and Weaver.

**NAYS**, 6—viz. Councilmen Bryce, Caylor, Cole, Egger, Thalman, and Ward.

The City Attorney submitted the following report:

Indianapolis, Dec. 18, 1882.

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—In obedience to the resolution of your honorable bodies, I prepared a deed to Francis M. Churchman and Stoughton J. Fletcher for the Tomlinson property, heretofore purchased by them from the city, which has been executed and delivered. They will file a complaint against the city to quiet title thereto, to guard against any questions that might hereafter be attempted to be raised by the city as to the legality of the sale, and, unless otherwise instructed by you, I will file a disclaimer on behalf of the city, thus saving her from costs, and allow a decree to go in any form the plaintiffs may desire.

2. A deed has also been prepared, executed and delivered to James M. Tomlinson for the seventeen feet on Ohio street, purchased by him, and the purchase money paid to the City Treasurer.

3. The Mutual Union Telegraph Company, after, as I understood, having agreed to pay the special tax on its poles, under the ordinance of May 23, 1882, in case the action on its petition to be relieved therefrom should be adverse, filed a protest with the City Treasurer against the power of the city to impose the tax, and did not pay any part of the amount due. I immediately brought suit in the Superior Court against the company for \$356.00, there being 178 poles, as shown by the sworn statement of the agent, and also filed a complaint against the agent, before the Mayor, for failing to make the showing required by said ordinance at the time therein specified. A settlement at once followed by the company paying the tax without protest as to the present year, and the costs in both cases, which were thereupon dismissed. The company declares an intention to resist payment for future years, however.

4. On the 16th day of April, 1881, the General Assembly passed an act providing that parcels of land containing five acres or more, situate in the limits of any city, which are used solely for agricultural purposes, "shall not be taxed in such city for *all purposes* at a higher aggregate percentage upon the appraised value thereof than the aggregate percentage of the tax levy in the civil township wherein such property is situated." Under the previous statute, the school levies were collectible against such lands, in addition to the amount of the township levy. The levies were carried on to the duplicates by the city authorities for the year 1881, under the provisions of that former law, believing that the act of 1881 could not operate for that year, the taxes for that year having accrued before the passage of said law. Some parties paid the taxes as levied, others paid under protest, and still others, viz., Caroline Leonard, Annie Jeck, and Henry Weghorst, each tendered to the City Treasurer the amount due on their respective tracts under the provisions of the act of 1881, including nothing on account of the 22-cent school levy. The Treasurer refused to accept the tender, and suits immediately followed by each of said parties to enjoin the city from collecting any more than the tenders, and to have the levies set aside. After a full hearing on the legal question involved, Judge Howe has decided that the law of 1881 applies. It would require too much space for me to here state the reasoning by which he arrived at his conclusions, and why I believe there is a fair chance, at least, for the city to secure a reversal, if you desire an appeal prosecuted. One case can be appealed, and the others await its determination. It is apparent that, if Judge Howe is correct in his ruling, the city and School Board are at sea as to how to divide the money paid by these parties. This will also be true, now in any event, as to present and future years, unless legislation to remedy the difficulty is procured. I will attempt to get such legislation through this winter. I ask for instructions as to whether I shall appeal one of the cases or not.

5. I was instructed by your honorable bodies to make a contract with the firm of Hawkins & Norton to defend the city in the Malinda L. Murphy case, conditional upon the approval by your said bodies of the fees to be charged. Mr. Norton had gone upon the bench of the Criminal Court before your action was certified to by the Clerk. I therefore sent the same to Mr. Hawkins alone, with the request that he indicate his fees in writing. Taking sick shortly after, he did not

do so until the 13th inst. His proposition is to charge \$125.00 for services in the Circuit Court, and \$50.00 additional should the case go to the Supreme Court. I have not seen Mr. Hawkins personally about this matter, and have made no definite contract with him. The case is set specifically for trial on the 26th inst., and, therefore, some definite action ought to be taken at once, so that whoever is employed may properly prepare for trial.

Respectfully submitted,

C. S. DENNY, City Attorney.

As to the fourth clause of the above report, Councilman Morrison offered the following motion, which was adopted, and Councilmen Morrison, Ward and Coy appointed to act as members of such Committee.

That the City Attorney be, and he is hereby, instructed to appeal to the General Term of the Superior Court, the case of Henry Weghorst asking the city to withhold or refund certain taxes, and that the Mayor appoint a special committee of three to confer with the School Board looking to an adjustment of the taxes paid to said Board, in which the city has, or will be, (in consequence of the lands being used for agricultural purposes and in five-acre tracts), called upon to refund said taxes.

On motion the fifth clause was referred to the Committee on Finance, with power to act.

Balance of the report was approved.

The City Civil Engineer submitted the following report; which was received, and contract and bond approved:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—I herewith report the contract and bond of John Keenan for grading and graveling the first alley east of Olive street, from the first alley south of Prospect street to the first alley north of Pleasant Run. Bond, \$500.00; surety, George Wm. Seibert.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Marshal submitted the following report; which was referred to the Board of Public Improvements with power to act, and instructions to fill the chuck-holes:

To the Mayor and Common Council:

*Gentlemen:*—As per request of your honorable body, of December 4th, 1882, I would state that I have interviewed the contractor for bowldering south Illin ois street, and states that he has not filled the chuck-holes on said street, as it is not specified in the contract; and he further says that the said street will be improved according to the contract, said contract expiring May 1st, 1883.

Very respectfully,

R. S. COLTER, City Marshal.

By Jos. R. Forbes, Deputy.

Councilman Dean presented the following petition; which was received, and the prayer of the petition granted:

Indianapolis, December 18th, 1882.

To the Honorable Common Council and Board of Aldermen :

*Gentlemen:*—The undersigned respectfully petition your honorable bodies to extend our time for the grading and graveling of Dillon street and sidewalks, from Harrison street to Meek street, until the first of June next, and say to your honorable bodies that, owing first to the sickness of Mr. Carr, we have been unable to prosecute the work to completion this fall as we expected and intended to do, and would have done had he been able to attend to business. And again, the street is not, and has not been, opened so that we could proceed with the grading. A part of Mrs. Bobbs' fence was removed after we were compelled to quit the work on that street, but there is a part of it at the intersection of Dillon and Meek streets, where we have a fill of six feet to make, which remains closed up to the present time. So we could not proceed with the work for that is the first thing we want to do to make that fill with the surplus earth on the balance of the street. Again, there is a railroad track on the south end of the street, near Harrison street, which prevents us from working at that point, but if our time is extended, we have the assurance of the parties concerned that the obstructions will be removed the coming spring, and we will then complete the street at the earliest possible period. And your petitioners will ever pray.

CARR & BUCHANAN.

By Geo. W. Buchanan.

I hereby give my consent to extending the time of Carr & Buchanan's contract for the improvement of Dillon street.

JAMES M. BUCHANAN.

STATE OF INDIANA, *Marion County*, ss:

Personally appeared before me, a notary public in and for said county and State, George W. Buchanan, who, being duly sworn on oath, says the matters set forth above are true.

GEO. W. BUCHANAN.

[SEAL.] Subscribed and sworn to, this 18th day of December, 1882.

WM. C. PHIPPS, Notary Public.

Recommend the above petition be granted.

Edward H. Dean,

Wm. H. Morrison,

Board of Public Improvements.

Councilman Dean presented the following petition; which was received, and the prayer of the petition granted:

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—The undersigned petitions your honorable body for an extension of time for improving the first alley south of Fletcher avenue, between Linden and Laurel streets, until the 1st of May, or as soon before that time as the weather will permit. The reason for the above request is unfavorable weather.

Yours respectfully,

M. FLAHERTY.

December 18th, 1882.

STATE OF INDIANA, }  
Marion County. } ss.

Personally appeared before me, a notary public, in and for said county and State, Michael Flaherty, who, being duly sworn, on oath says the matters set forth above are true.

M. FLAHERTY.

Subscribed and sworn to this 18th day of December, 1882.

WM. C. PHIPPS, Notary Public.

Recommend the above petition be granted.

E. H. Dean,

W. H. Morrison,

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 30th day of November, 1882,  
to the 15th day of December, 1882.

Under 1 year.....	17
1 to 2 years.....	7
2 to 5 ".....	4
5 to 10 ".....	6
10 to 15 ".....	2
15 to 20 ".....	4
20 to 25 ".....	2
25 to 30 ".....	4
30 to 40 ".....	3
40 to 50 ".....	3
50 to 60 ".....	2
60 to 70 ".....	1
70 to 80 ".....	1
80 to 90 ".....	1
90 to 100 ".....	1
100 and upwards.....	0
Unknown.....	0
Total.....	58

Twelve of these are still births and accidents, leaving a net list of 46.

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

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read and, on motion by Councilman Pearson, the matter, as set forth therein, was referred to the special committee on boundaries of the Council, together with the City Civil Engineer, to prepare a proper map, showing the boundary lines.

Councilmen Weaver, Dean and Hartmann were appointed as such committee at the meeting of February 20th, 1882.

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session held in the Aldermanic Chamber, Monday evening, December 11th, 1882, concurred in the following report of a certain special committee on boundaries:

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

*Gentlemen:*—The undersigned, a special committee to whom was referred a petition of Ingram Fletcher and others, that certain territory in Oak Hill be afforded light, fire protection, and other city luxuries, or that said territory "be no longer compelled to contribute for such purposes, but be relieved from further city taxes;" also, that said committee consider and report a plan defining lines for the reduction of the city boundaries, respectfully report and recommend that all the territory embraced within the following described boundary lines, only, shall constitute the city of Indianapolis, in the State of Indiana, for municipal purposes:

Commencing at the northwest corner of Schurman's First Addition on Twelfth street, in section number thirty-five (35), township sixteen (16) north, of range three (3), east of the Second Principal Meridian, according to government survey;

thence east on said Twelfth street to Central avenue; thence north on said Central avenue to Bruce street; thence east to Martindale avenue; thence south on said Martindale avenue to Bolton, or Ninth street; thence east on said last-named street to Hill avenue; thence in a straight line south to the northeast corner of the United States Arsenal grounds, being the east half of the northwest quarter of section six, township fifteen north, of range four, east; thence south on the east line of said United States Arsenal grounds, State avenue and Reid street, to the south line of what is known as the Belt Railway; thence westwardly, along the south line of the right of way of said railway to the east bank of White River, in section number fourteen (14), township fifteen (15) north, of range three (3) east of the Second Principal Meridian; thence with the east bank of said river and the meanders thereof to the south line of Maryland street; thence west along Maryland street, and the south line of the "Donation," to the west line of Out-lot sixteen (16), of said Donation west of White River; thence north and east on said Donation line to the east bank of said White River; thence southeasterly along said east bank of said river to the mill-race, near the intersection of said river and the old National Road crossing; thence northeast along the west bank of said mill-race to Fall Creek; thence north and east along the east bank of said creek to the north line of Drake & Mayhew's Second Addition to said city; thence east and north along the present corporation line to Seventh street; thence east on said Seventh street to west line of Henderson's addition; thence north to the place of beginning, including in such territory the whole of all boundary line streets and alleys.

We recommend that all of the territory embraced within said described boundary lines, including lands, lots, streets, alleys, gravel roads, canals, railroads, rights and appurtenances of every kind and description, subject by law to municipal control, and not heretofore annexed to said city, and not embraced by the aforesaid described lines, be declared as disannexed, and forming no part of the city of Indianapolis, from and after the 31st day of March, 1883.

Respectfully submitted,

F. W. Hamilton,  
George Weaver,  
D. Mussmann,  
Special Committee.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and, on motion, the Common Council adhered to their former action:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session held in the Aldermanic Chamber Monday evening, December 11th, 1882, passed the following entitled ordinance, with the following amendments:

"Amend and putting in stone crossing on McCarty and Dillon streets."

"That no money appropriated by this ordinance be used to repair Indiana avenue between Illinois and Missouri streets."

Ap. O. 76, 1882—An ordinance appropriating the sum of fifteen hundred dollars on account of the Street Department of the city of Indianapolis for repairing streets, alleys, sidewalks, etc.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the resolution referred to the Finance Committee:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen in regular session, held in the Aldermanic Chamber Monday evening, December 11th, 1882, adopted the following resolution:

"Resolved, That the City Treasurer be, and is hereby, directed to loan to the city the Tomlinson Estate Fund, as a time loan, at four per cent. interest, said interest to be paid or added to said fund when paid."

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

#### APPROPRIATION ORDINANCES.

Councilman Pearson introduced the following entitled ordinance, which was read the first time:

Ap. O. 77, 1882.—An ordinance appropriating money for the payment of the salaries and compensations of the members of the Common Council and Board of Aldermen, of the city officers, and officers and members of Fire and Police departments of the city of Indianapolis. [Amount appropriated, \$36,021.25.]

On motion by Councilman Pearson, the rules were suspended for the purpose of placing the foregoing ordinance on its final passage by the following vote:

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman and Ward.

NAYS—None.

Ap. O. 77, 1882, was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 22—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Harrold, Knodel, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman and Ward.

NAYS—None.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Councilman Coy introduced the following entitled ordinance; which was read the first time:

G. O. 84, 1882.—An ordinance to prohibit the sounding of gongs on the streets of the city.

On motion by Councilman Coy, the rules were suspended for the purpose of placing the foregoing ordinance on the final passage by the following vote:

AYES, 22—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dowling, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman and Ward.

NAYS, 2—viz. Councilmen Dean, and Egger.

G. O. 84, 1882, was then read the second time and, on motion by Councilman Morrison, was referred to the Judiciary Committee, to report at the next regular meeting.

Councilman Morrison introduced the following entitled ordinance, which was read the first time:

G. O. 85, 1882—An ordinance to repeal an ordinance entitled "An ordinance to provide for the erection of City Buildings, ordained July 19, 1882."

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Bryce offered the following motion; which was adopted:

That William Powell be granted permission to lay down a double stone crossing from his place of business, No. 28 Louisiana street, across to the Union Depot, under the direction of the City Civil Engineer, and at his own expense.

Councilman Caylor offered the following motion; which was adopted:

That the City Marshal notify the proper officers of the C., I., St. L. and C. Railroad Company to put some competent person to operate the safety gates at the crossing of Indiana avenue, and that unless this is immediately done, steps will be taken to require them to do so.

Councilman Cole offered the following resolution:

*Resolved*, That the action of this Council, in ordering stone crossings on Dillon and McCarty streets, be, and is hereby, revoked.

Councilman Dean moved to so amend the above resolution as to include stone crossings that have heretofore been ordered by the Common Council and Board of Aldermen, but have not been put down.

Councilman Pearson moved to lay the above amendment on the table, which failed of adoption by the following vote:

**AYES**, 7—viz. Councilmen Bedford, Caylor, Cole, Pearson, Pritchard, Reichwein and Thalman.

**NAYS**, 13—viz. Councilmen Brundage, Bryce, Coy, Dean, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Stout and Ward.

Councilman Egger moved to lay the whole matter on the table; which failed of adoption by the following vote:

**AYES**, 7—viz. Councilmen Brundage, Coy, Dean, Egger, Harrold, Knodel and Ward.

**NAYS**, 13—viz. Councilmen Bedford, Bryce, Caylor, Cole, Dowling, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout and Thalman.

On motion by Councilman Pritchard, the whole matter was referred to a special committee of three. The Chair appointed Councilmen Pritchard, Egger and Fultz to act as the members of such committee.

Councilman Dean offered the following motion, which was referred to to a special committee of five. Councilmen Pearson, Dean, Ward, Koller and Coy were appointed by the Chair to act as members of such committee:

WHEREAS, The City Council and Board of Aldermen, acting as agents for the people of Indianapolis, have granted a valuable franchise to the Telephone Company; and whereas, it is the duty of such agents to protect the interests of those for whom they are acting; and inasmuch as the Telephone Company are unreasonably extorting unjust demands from the people of Indianapolis, in requiring three months rent for each instrument, to be paid in advance; therefore,

*Moved*, That the City Attorney be, and is hereby, directed to prepare a repealing ordinance, and have the same presented to the Council for their action, repealing all rights and privileges granted to said Telephone Company, after the 9th day of January, 1883, unless the demands from the said company shall be reduced to one month, instead of three.

*Further*, That the City Attorney notify the managers of this action, and if they refuse to comply with the above request, to have the ordinance presented to the next meeting of Council for their action.

Councilman Morrison offered the following resolution; which, on motion by Councilman Thalman, was referred to the City Hall Commissioners, with instructions to make report:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis*, That His Honor, the Mayor, appoint three members of the Council, and the President of the Board of Aldermen two members of said board, who, together with said Mayor and President, and four resident tax payers of Indianapolis, to be named by the Common Council and Board of Aldermen, shall constitute a committee to be known as the "Board of Market House Commissioners," whose duty it shall be to advertise, without unnecessary delay, for plans and specifications for the erection, by the city, of a market house on the east end of the east market square, the same to cover not less than 300 by 195 feet thereof, and to cost not more than seventy-five thousand dollars. Said board may call to its assistance the City Civil Engineer, for the purpose of preparing maps, etc, for the use of competing architects. The members of said board shall make a critical examination of all plans, specifications and estimates submitted, and report to the Council and Board of Aldermen the two plans which, in their judgment, (or the judgment of a majority of them), are the best and next best plans submitted, that can be built within said sum of \$75,000. A reward of \$500 may be offered by said board to the competing architects, \$350 to be paid to the architect whose plan is recommended as the best, and the balance of \$150 to the next best; and said sums the Council and Board of Aldermen hereby agree to appropriate and pay, after said report is made.

*Resolved, further*, That if the Common Council and Board of Aldermen shall then decide to build a market house, by either of said plans, the architect whose plan shall be adopted, shall enter into a contract with the city, that his compensation shall not exceed three (3) per cent. on the contract price for his services in supervising the erection of said house, including his plans, specifications and details, in case the city shall accept any bid made to build the same; and from the three per cent. aforesaid, shall be deducted the \$350 awarded and paid him as a premium for his said plans and specifications. The plans recommended by the Commissioners, shall be and remain the property of the city.

And, resolved further, That if the Council and Board of Aldermen shall accept and adopt either of the plans recommended by said Commissioners, they, said Commissioners, shall then immediately advertise for sealed proposals to erect said building, in accordance with such plan and specifications, in such papers, and for such time as they may think proper; and after the bids shall have been received and opened, they shall report the same to the Council and Board of Aldermen, when the duties of said Commissioners shall cease, and thereafter all further steps looking to the letting of said contract, building of said market house, etc., shall be taken in accordance with the provisions of an ordinance to be first passed.

Councilman Pearson presented the following petitions, which were referred to the Judiciary Committee:

To the Honorable Boards Councilmen and Aldermen of Indianapolis:

*Gentlemen:*—Your petitioner says that, on the 9th day of February, 1880, at the city tax sale, he bought the following described property, to-wit:

Certificate No. 856 A, lot 21, square 26, Bell's subdivision Johnson's addition, and paid therefor.....	\$12 25
Certificate No. 856 B, lot 26, square 26, Bell's subdivision Johnson's addition, and paid therefor.....	12 25
Certificate No. 856 C, lot 27, square 26, Bell's subdivision Johnson's addition, and paid therefor.....	12 25
Certificate No. 856 D, lot 28, square 28, Bell's subdivision Johnson's addition, and paid therefor.....	13 54
Total purchase, February 9th, 1880.....	\$50 29

Paid subsequent taxes on same as follows, to-wit:

Certificate No. 856 A, lot 21, square 26, Bell's subdivision Johnson's addition, paid taxes.....	\$ 3 21
Certificate No. 856 C, lot 21, square 26, Bell's subdivision Johnson's addition, paid taxes.....	2 68
Certificate No. 856 B, lot 21, square 26, Bell's subdivision Johnson's addition, paid taxes.....	3 21
Certificate No. 856 D, lot 21, square 26, Bell's subdivision Johnson's addition, paid taxes.....	2 68
Total subsequent taxes paid, January 4th, 1881.....	\$11 78

And says that said sale is void because said property is taxed double (in name M. A. Brown, also in name of E. B. Benedict, and the taxes paid in said names), wherefore plaintiff is entitled to have his money refunded as follows, the sale being void, to-wit:

Plaintiff is entitled to refunding of purchase price of.....	\$50 29
With 6 per cent. interest thereon from 9th of February, 1880.....	9 15
Also to subsequent taxes paid on same property.....	11 78
With 6 per cent. interest thereon from January 4th, 1881.....	1 40
Total refunding due petitioner, and prayed for.....	\$72 62

Wherefore petitioner prays your honors to allow the same, and authorize the Clerk to draw a warrant in his favor therefor.

F. McWHINNEY.

By J. T. LECKLIDER, Att'y for petitioner.

I hereby certify that the above facts are true, as shown by tax duplicates in my hands.

I. N. PATTISON, City Treasurer.

Indianapolis, Dec. 16, 1882.

To the Honorable Boards of Councilmen and Aldermen of Indianapolis:

*Gentlemen:*—Your petitioners say that, on the 9th day of February, 1880, they purchased, at city tax sale, lot No. 7, in Wooten's subdivision in A. E. Fletcher's second addition to Indianapolis, for the sum of \$21.67, and that, on the 9th day of May, 1882, the city, by the Treasurer and Mayor, made a deed to them, S. A. F. & Co., their "heirs and assigns forever," for said lot No. 7. Said deed and recording cost the additional sum of \$2.35.

Your petitioner further says that on the 21st day of February, 1881, your honorable boards did condemn and appropriate said lot No. 7 (together with lot No. 4), and dedicated it as a public highway, under the designation of *Newman street*.

Under this statement of facts, your petitioner prays that, inasmuch as it was impossible for the city to make the deed which it pretended to make for said lot No. 7 on the 9th day of May, 1882, your boards direct the proper officers to refund to us the several sums of money we have paid the city on account of this tax sale, together with 6 per cent. interest on the same, to-wit:

February 9th, 1880, amount paid.....	\$21 67
January 9th, 1883, interest to date, three years.....	3 90
May 9th, 1882, deed and recording.....	2 35
January 9th, 1883, interest, 8 months.....	10

Total..... \$28 02

S. J. FLETCHER & Co.

Indianapolis, Dec. 9, 1882.

To the Honorable Aldermen and Councilmen of Indianapolis:

*Gentlemen:*—Your petitioner says that on the 9th day of February, 1878, at city tax sale, he bought Lots 19 and 21, Kappe's subdivision of Morris' addition to city, and has paid thereon the following sums of money, to-wit:

Feb. 12, 1878, paid price of Lot 19.....	\$15 50
" 1880, paid subsequent tax on Lot 19.....	5 84
" 1881, paid subsequent tax on Lot 19.....	2 68
" 1882, paid subsequent tax on Lot 19.....	2 68
" 1882, paid for deed and recording.....	2 35

Total paid out on Lot 19..... \$29 05  
Six per cent. to date.. ,5 90

Total due to be refunded..... \$34 95

Also, on Lot 21, paid February 12, 1878, purchase price.....	\$ 8 83
" 1880, paid subsequent tax on Lot 21.....	5 11
" 1881, paid subsequent tax on Lot 21.....	2 68
" 1882, paid subsequent tax on Lot 21.....	2 68
" 1882, paid for deed and recording.....	2 35

Total paid out..... \$21 65  
Interest thereon to date..... 3 89

Total to be refunded on Lot 21..... \$25 54—\$25 54

Total asked to be refunded on both lots..... \$60 49

The above property was bought in by the State on foreclosure of School Fund mortgage, March 24th, 1879, in name of James Frank, and was not, on that account, taxable, or liable to sale for those years. Please refund the same, and oblige,

S. A. FLETCHER & Co.,  
By J. T. Lecklider, their Att'y.

Councilman Pritchard offered the following resolution, which was referred to the City Hall Commissioners:

WHEREAS, It is claimed by many of our citizens, that the City Hall and Market House, as per plans and specifications prepared by the Messrs. Stem, architects, will cost from two hundred to two hundred and fifty thousand dollars to *fully*, complete said proposed building, therefore,

*Resolved*, That, before any contract is awarded to any person to build the City Hall and Market House according to the Stem plans, the said Stem, architects of said building, shall file their bond in the sum of one hundred thousand dollars, with good security, to be approved by the Common Council and Board of Aldermen, conditional, that the said City Hall and Market House, fully completed inside and out, according to their proposed plans and specifications heretofore submitted to and approved by the City Hall Commissioners, will not cost any sum of money in excess of one hundred and fifty thousand dollars.

*Further*, Said bond shall be made payable to the City of Indianapolis, and shall contain the following provision, to-wit: That, in consideration of the city government awarding the contract to build said proposed building, according to the John H. and A. H. Stem plan, the said Stems, and their security upon said bond, shall promise to pay any sum of money in excess one hundred and fifty thousand dollars that may be necessary to *fully* complete said buildings, ready for use by the city.

Councilman Pritchard offered the following resolution:

*Resolved*, That the Chief of Police call the special attention of the police force to gambling houses permitting young and inexperienced men to gamble therein, and that he take immediate steps to abate all such places.

Councilmon Coy moved to refer the resolution to the Police Board.

On motion the resolution was referred to the Chief of Police.

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

That the Street Commissioner be, and he is hereby, directed to place stone crossings on east and west side of Delaware street crossing Wabash street, next to Market House.

Councilman Ward offered the following motions; which were referred to the Board of Public Improvements.

That a single stone walk be placed across Pennsylvania street, opposite the north side of Second street, as it comes from Meridian street.

Councilman Drew presented the following remonstrance, which was ordered filed with the ordinance G. O. 81, 1882:

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

*Gentlemen*:— We, the undersigned, citizens and taxpayers of the city of Indianapolis, owning property abutting on Chestnut street, in the city of Indianapolis, respectfully remonstrate against the proposed extension of the railroad tracks of the

Jeffersonville, Madison and Indianapolis Railroad Company along said Chestnut street for the following reasons, to-wit:

1st. Because the tracks of said company already laid (without right) along said street seriously impedes travel, and any extension of the same will be a further source of annoyance and nuisance.

2d. Because said tracks will greatly injure the value of our property.

3d. Because we believe that the passage of such ordinance would be illegal and void.

W. G. Wasson, Wm. Hand, S. A. Lewis by Wm. Hand, Joseph F. Fuerst, John Thom, Elizabeth Michael per Wm. Thom, Joshua Webb, Jas. Kernel, Thomas Fesler, Thomas Chill, R. Wirker, Frank Rugenstein, Henry Becker, Charly Schmidt, Christ. Rougenstein, Thornton Westfahl, Henry L. Rugenstein, Theodore Rugenstein, Charles Mall, H. Keuper, William Hillman, Thaddeus M. Stevens per Wm. Thom.

Councilman Bedford was excused for the remainder of this session.

#### PENDING ORDINANCES.

Councilman Harrold presented the following petition, which was ordered filed with the ordinance S. O. 173, 1882:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—We, the undersigned, property owners on Helen street, do petition your honorable bodies for the passage of an ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete except the service pipes for the burning of gas), on Helen street, between Georgia and Maryland streets.

Kingan & Co., H. R. S. Sinclair, Thos. D. Kingan per R. W. Reid, J. S. Carey.

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

S. O. 173, 1882—An ordinance to provide for the erection of lamp posts, lamps and fixtures (complete to burn gas, except the service pipes), on Helen street, between Georgia and Maryland streets.

And it was passed by the following vote:

**AYES**, 20—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward and Weaver.

**NAYS**—None.

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

S. O. 176, 1882—An ordinance to provide for grading and graveling the first alley west of Maxwell street, from Elizabeth street to Coe street.

And it was passed by the following vote:

AYES, 20—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward and Weaver.

NAYS—None.

On motion by Councilman Pearson the following entitled ordinance was called up:

G. O. 76, 1882.—An Ordinance repealing all ordinances authorizing and creating the Fire Board, the Police Board, the Hospital Board, and the Board of Public Improvements, and transferring the duties of said Boards, as now constituted, to the Chief Fire Engineer, Chief of Police, Superintendent of the City Hospital, and Street Commissioner, respectively, and making proper provisions as to the responsibility and qualifications of said officers.

And it was ordered stricken from the files by the following vote:

AYES, 16—viz. Councilmen Brundage, Bryce, Caylor, Cole, Dean, Egger, Knodel, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward and Weaver.

NAYS, 4—viz. Councilmen Coy, Dowling, Harrold and Koller.

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

G. O. 71, 1882 —An ordinance prohibiting the use of toy pistols and other fire toy arms, and making it unlawful to sell said articles by retail in the city of Indianapolis.

And it was passed by the following vote :

AYES, 17—viz. Councilmen Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Pearson, Reichwein, Stout, Ward and Weaver.

NAYS 2—viz. Councilmen Pritchard and Thalman.

On motion, the Board of Aldermen then adjourned.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.