

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—FEBRUARY 19, 1883.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 19th, A. D. 1883, 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 22 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

ABSENT, 3—viz. Councilmen Cowie, Knodel, and Mauer.

The proceedings of the Common Council for the regular session, held February 5th, 1883, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor. Mayor Grubbs, presented the following communication; which was referred to the Fire Board, with power to act, and with instructions to send a fireman, if one can be spared:

Jeffersonville, Ind., Feb. 19, 1883.

TO MAYOR GRUBBS:

Have you one or more old fire engines that you can send here to help pump water out of cellars? They have but two, and Louisville and New Albany need all their own machines.

CHAS. W. BROUSE.

REPORTS, ETC., FROM CITY OFFICERS.

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

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

Gentlemen:—I herewith report a second, corrected and final estimate in behalf Fred. Gansberg, for grading and graveling Sullivan street and sidewalks, from the north line of Bismarck street to Buchanan street.

843 lineal feet, at 43 cents..... \$362 49

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 second, corrected and final estimate in behalf of Fred. Gansberg, for grading and graveling Sullivan street and sidewalks, from the north line of Bismarck street to Buchanan 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, Cole, Dean, Dowling, Egger, Fultz, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Yoke.

NAYS—None.

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

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

Gentlemen:—I herewith report a second, final and corrected estimate in behalf of Henry Clay, for grading and graveling Ohio street and sidewalks, and bowldering and curbing the gutters thereof, from 222 feet east of Harvey street, to the first alley west of Hanna street.

1,717.80 lineal feet graveling, at \$1.12.....	\$1,923 93
1,706 lineal feet bowldering, at 68 cents.....	1,160 08
1,669.95 lineal feet curbing, at 47 cents.....	784 89
	\$3,868 90

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 second, final and corrected estimate in behalf of Henry Clay, for grading and graveling Ohio street and sidewalks, and bowldering and curbing the gutters thereof, from 222 feet east of Harvey street to the first alley west of Hanna street, 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, Cole, Dean, Dowling, Egger, Fultz, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Yoke.

NAYS—None.

The City Civil Engineer submitted the following report; which was received, the contracts concurred in, and bonds approved :

To the Mayor, Common Council and Board of Aldermen:

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

Contract and bond of R. P. Dunning, for grading and graveling the first alley west of Maxwell street, from Elizabeth street to Coe street. Bond, \$300.00; surety, H. C. Roney.

Contract and bond of Richter & Twiname, for grading, bowldering and curbing the gutters of Liberty street, from New York street to Michigan street. Bond, \$3,500; surety, Peter Fritz.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Civil Engineer submitted the following report; which was received, and the contracts declared forfeited, except the contract of Houston Soloman, who was granted further time:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The following contracts have been awarded, for which no bonds have been filed:

To F. J. Blume, for grading and graveling the first alley north of Home avenue, from Broadway to College avenue.

To Michael Flaherty, for grading and graveling Vermont street and sidewalks, from Agnes street to the Mill Race.

To Houston Solomon, for grading and paving with brick the sidewalks of Blake street, from the National Road to Indiana avenue.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The wagon used in my department, is practically worn out. I ask that I may be authorized to procure a new one. By exchanging the old one, I can get a suitable wagon for about \$150.00.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

We, the undersigned, members of the Board of Public Improvements, recommend that the City Civil Engineer be authorized to make the best contract possible for the purchase of a new wagon, said wagon to cost not to exceed the sum of \$200.

Respectfully submitted,

Edward H. DEAN,
Wm. H. MORRISON,
Board of Public Improvements.

The City Clerk submitted the following report:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following affidavits, now on file in my office, for the collection of street improvement assessments by precepts, viz:

James W. Hudson vs. Caroline P. DeWolf, for.....	\$79 95
James W. Hudson vs. J. F. Klenk (christian name unknown), for..	32 50
James W. Hudson vs. J. F. Klenk (christian name unknown), for..	17 22
Fred. Gansberg vs. Annie E. Bills, for.....	17 92
Fred. Gansberg vs. Alfred Rossman, for	17 92

And recommend you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

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

AYES, 16—viz. Councilmen Brundage, Bryce, Cole, Dean, Dowling, Egger, Fultz, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Ward, and Yoke.

NAYS, 1—viz. Councilman Thalman.

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

Indianapolis, February 19th, 1883.

To the Mayor and Common Council:

Gentlemen:—At your last meeting I was instructed to report "what legal obstructions there are to building a viaduct over the railway tracks on Virginia avenue; and, if there are any, what action is necessary by the city to remove the same."

Before stating my opinion on this matter, I will briefly state the history of the attempt made in 1874 to build a viaduct at that point, as I find it in the records of the Council and the Courts:

It appears that, prior to March 2, 1874, John A. Whitsit had prepared certain plans and specifications for the construction of a viaduct, and on that day Councilman Shepherd, from a committee to whom the matter had previously been referred, reported in favor of building the viaduct according to said plans. Mr. Twine, from the same committee, recommended the plan of John J. Palmer, and Mr. Rush favored a postponement of the whole matter on account of the hard times then existing. On the 27th of April following, the Council adopted the report of Mr. Shepherd, and a contract was thereupon awarded to Mr. Whitsit to do the work. All these proceedings seem to have been had without any advertisement for bids to do the work, and without the matter of the assessment of damages and benefits having been referred to the City Commissioners, or in any way referred to, so far as I can find. Before the contractor commenced the work, Rachel K. Clark, and other property owners along the line of the improvement, instituted a proceeding in the Superior Court to enjoin the execution of the work, alleging, *first*, that the contract itself was void, because the statute had not been complied with in letting the same; and, *secondly*, that their damages had not been assessed and tendered. After a full hearing, Judge Blair, of said court, issued a temporary restraining order against the city and Mr. Whitsit, to remain in force until such time as the matter should be referred to the City Commissioners, and the damages to plaintiffs should be assessed and tendered, thus holding, as I suppose, that the contract itself was valid. Under the advice of the City Attorney, the Council then referred the matter to the City Commissioners to assess the damages. Immediately upon this action, the C., H. & I. R. R. Co. commenced a proceeding in the Marion Circuit Court to enjoin further proceedings on the ground that the attempted contract with Mr. Whitsit was void. Judge Howland held this position well taken, and issued a perpetual injunction against the building of *that* viaduct under *that* contract. No appeal was taken in either case, and, so far as I know, the whole matter was then dropped. I thought it proper to thus state these facts, knowing that a misunderstanding of the legal *status* of this question has recently grown up among your members on account of statements made in the public press as to the final determination of these cases.

It will be seen from the above that there are no "legal obstructions" in the way of the city building a viaduct at the point named: *Provided*, of course, that she must first comply with the statute in letting the contract; and, in case the plans contemplate a change of grade in the whole street (as Mr. Whitsit's did), have the damages assessed and tendered, as provided by Section 27 of the charter, neither of which were done in the former attempt to construct this viaduct.

Respectfully submitted,

C. S. DENNY, City Attorney.

Councilman Pritchard submitted the following report; which was received, and the case ordered appealed:

Indianapolis, Feb. 19th, 1883.

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

Gentlemen:—The case of Malinda Murphy vs. The City, has been tried before a jury in the Circuit Court, resulting in a verdict of two thousand dollars against the city. I have filed a motion for a new trial, with a view of appealing to the Supreme Court, if it is the desire of the Council and Board of Aldermen to have it so appealed.

Respectfully submitted,

JAMES A. PRITCHARD,
Special Attorney for city.

The Street Commissioner submitted the following report:

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

Gentlemen:—I make the following report for your consideration and action thereon:

The east stone abutment of Reid street bridge over Pleasant Run, was so badly damaged by the recent freshet, that it will have to be re built before the bridge will be safe for public use. Also, the east wing of the south side of Olive street bridge over Pleasant Run was damaged. The bridge on Davidson street over Pogue's Run is in such a condition, the timbers being rotten, that it should be re-built. Ray street bridge over Pogue's Run was damaged some, but can be repaired without any great expenditure.

Respectfully submitted,

L. A. FULMER, Street Commissioner.

Councilman Brundage offered the following motion; which was adopted after amending the same so as to include all as set forth in the above report:

That the City Civil Engineer be, and is hereby, instructed to advertise for bids for the building of abutments under the Reid street bridge; also, repairing abutments of the Olive street bridge over Pleasant Run.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Board of Public Improvements, to whom was referred the matter of making protection along the banks of Pogue's Run, between Catharine and Merrill streets, upon examination find that the Run in said locality is diverting from its proper channel, and encroaching on private property, thereby damaging property owners along its banks. Their lots were originally 110 feet in depth; some of the lots have only 40 feet left. Also, damaging the Catharine street bridge to such an extent as to make it dangerous for public use.

In the opinion of the board, if some action is not taken by the property owners, or city authorities, to keep the Run in its proper channel, such freshets as we have had in the past year, will certainly do great damage in that portion of the city. The resident property owners are really not in a condition, financially, to make the proper protection to their homes and property.

The above mentioned bridge on Catharine street, we believe should be repaired as soon as possible; and we recommend that the City Civil Engineer be instructed to have said bridge repaired and placed in a safe condition immediately.

Respectfully submitted,

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

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

To the Mayor and Common Council:

Gentlemen:—The Board of Public Improvements, to whom the following petition was referred:

"Gentlemen:—The undersigned respectfully represents that he is the owner of the houses numbered 117 and 119, on the east side of south Illinois street; that, in last September or October, in pursuance of an order of the city authorities, he had the pavement in front of said property re-laid, and put in complete and perfect order; that, in the very next month, the same was torn up by John Schier, who claims to have acted under an authority from the city, and is now asking pay from your petitioner for said work. Your petitioner respectfully represents that if anything is to be paid Mr. Schier, it should be paid by the city, as your petitioner had the work done as ordered by the city, and has fully paid for the same. The order above referred to is attached to this petition, and herewith submitted.

"Very respectfully,

WM. H. ENGLISH.

"January 15, 1883."

Have examined the same, and, under existing circumstances, recommend that the city pay one-half of said assessment, \$26.40, providing the petitioner pays one-half.

Respectfully submitted,

Edward 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 31st day of January, 1883, to the 15th day of February, 1883.

Under 1 year.....	11
1 to 2 years.....	3
2 to 5 ".....	4
5 to 10 ".....	1
10 to 15 ".....	5
15 to 20 ".....	0
20 to 25 ".....	0
25 to 30 ".....	5
30 to 40 ".....	8
40 to 50 ".....	6
50 to 60 ".....	6
60 to 70 ".....	2
70 to 80 years.....	2
80 to 90 ".....	1
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0
Total.....	54

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

REPORTS, ETC., FROM STANDING COMMITTEES.

The Judiciary Committee, through Councilman Pritchard, submitted the following report; which, on motion by Councilman Dean, was referred to the City Hall Commissioners; and, on further motion by Councilman Bryce, the Judiciary Committee was added, to act with said Commissioners:

Indianapolis, Feb. 19, 1883.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, together with the City Attorney, to whom was referred bill of J. H. & A. H. Stem, for architect fees on City Hall, 2 $\frac{1}{2}$ per cent. on \$149,640.40—\$3,132.44—report thereon as follows:

November 21st, 1881, the Council and Board of Aldermen created, by resolution, the City Hall Commissioners, and authorized them "to advertise for a *full and complete* set of plans, specifications and estimates for the erection of City Hall and Market House," and further authorized them, for such plans, to offer \$400.00 premium for best plan, \$250.00 for second best, and \$150.00 for third best plans, and the three plans receiving the premiums, to be the property of the city. (See proceedings 1881 and 1882, page 850.)

Under this resolution, the Commissioners, on January 2d, 1882, advertised for plans called for in above resolution. In these advertisements nothing seems to have been left out. They called for drawings showing

1. Plan of foundation.
2. Plan of each of the several stories.
3. Plan of roof.
4. Plan of all elevations, east, west and south sides.
5. Any and all drawings necessary to exhibit *detail* of constructions, and states the scale upon which the drawings, showing the detail of constructions, shall be made, to-wit: "upon a scale of not less than one-half inch to the foot."

These drawings have been made, as we are informed, by Mr. Stem upon a scale of three-quarters of an inch to the foot, and from which the contractors made their bids. This satisfies your committee that every drawing by an architect, necessary to build City Hall, was called for by the Commissioners in their advertisement of January 2d, 1882. This advertisement notified architects what would be paid by the city for such plans as were called for.

They were further notified, that should the "city, through its Common Council and Board of Aldermen, decide to build, and adopt any one of the plans selected by the Commissioners, *that then a contract* would be made with the architect whose plans is accepted." All these things were known to Mr. Stem before he drew a *mark* on his plans for City Hall.

June 5th, 1882, the City Hall Commissioners made their *first and only* report to the Council, reporting the plans received, awarding first premium to J. H. & A. H. Stem, second to G. W. Bunting. As to all other plans they say: "as to other plans, your Commissioners have decided are not as full as required by the advertisement, therefore we deem it advisable not to award the third premium at present." (See proceedings 1882, page 27.)

In this report the Council concurred, and paid the Messrs. Stem the four hundred dollars promised. We have now given the entire record upon this subject.

1st. "A full and complete set of plans, specifications and estimates" were ordered by the Council and Board of Aldermen.

2d. City Hall Commissioners advertised for the above, with "all any necessary drawings showing a detail of constructions, upon a scale of not less than one-half inch to the foot."

3d. City would only pay \$400.00 *now* for such plans.

5th. City would pay three per cent. on cost of building for all plans, specifications, details and supervising to the architects whose plans were accepted, and would make the *contract* to do so, *when* the "city, through its Common Council and Board of Aldermen, decide to build."

6th. No such contract has yet been made with the Stems; that is, "for the three per cent. on cost of buildings."

7th. The city, "through its Council and Board of Aldermen, has not decided to build," and has not even received bids for building.

It follows from these facts that this bill has been presented *before* any more is due.

We therefore recommend that the bill be not allowed at this time.

2d. The bill in favor of E. J. Hodgson, for \$300.00, for expert examination of the Stem plans, is a bill never ordered by the Council and Board of Aldermen. No mention of it can be found in the proceedings. If the Stem plans could not be accepted by the Commissioners without indorsement from Mr. Hodgson, that is a matter for Mr. Stem to settle out of three per cent., when paid.

We recommend this bill be not allowed at this time.

Respectfully submitted,

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

C. S. DENNY, City Attorney.

His Honor, the Mayor, in behalf of the City Hall Commissioners, submitted the following report; which was received:

To the Common Council of the City of Indianapolis:

Gentlemen:—Your Commissioners on City Hall and Market House submit this report in reply to the following Council motion, adopted on the 5th instant: "That the Commissioners be requested to present a complete report of their actions up to the present time, at the next meeting of this Council."

We refer you to our report on Journal pages 27 and 28, current year, for a full statement of our actions at meetings held between December 28th, 1881, and June 5th, 1882.

The next formal meeting of your Commissioners was held on October 24th, 1882, on which date J. H. & A. H. Stem, the architects concurrently selected by the Common Council and Board of Aldermen on June 5th and 12th, 1882, on our recommendation [see Journal pages 27, 28, 49 and 50], submitted their detailed plans and drawings, which were explained by Mr. John H. Stem. On motion, it was ordered that the President be directed to ascertain for what a competent architect can be employed to carefully examine and expert the plans and drawings.

At a meeting held on November 23d, 1882. Mr. Edgar J. Hodgson, the expert architect employed, submitted his report on the Stem plans and working drawings, and we approved said report and concurred in certain changes of details suggested therein. At the same meeting it was determined to forthwith advertise to receive proposals for the erection of the new City Hall and Market House, up to December 16th, 1882.

On December 16th, 1882 (all our members being in attendance), sealed proposals were opened and were found to be from the persons and in the amounts here shown: By J. A. Buchanan, for \$215,000; by Shover & Christian, for \$184,750; by Jungelaus & Schumacher, for \$178,480; by Peter Routier, for \$175,000; by J. L. Fatout, for \$165,500; and by M. K. Fatout, for \$149,460. The bid of M. K. Fatout being the only one within the estimated erection-cost fixed by General Ordinance 62, 1882, we decided to throw out the other five bids.

On January 9th, 1883, Edgar J. Hodgson's claim for expert services, amounting to \$300, was presented, and we decided to approve the same. President Grubbs

was instructed to procure from architects Stem their bill for the work by them performed to this date. It was also ordered that Messrs. Stem receive bids from all former bidders for the erection of a City Hall and Office Building exclusive of the Market House.

On the 12th of January, 1883, sealed proposals made in keeping with foregoing order were presented, opened, and found to be as follows:

By J. A. Buchanan, original bid.....	\$215,000
Reduction for Market House.....	25,000

Leaving erection cost of City Hall and Offices..... \$190,000

By Shover & Christian, original bid.....	\$184,750
Reduction for Market House.....	45,000

Leaving erection-cost of City Hall and Offices..... \$139,750

By Jungelaus & Schumacher, original bid.....	\$178,480
Reduction for Market House.....	39,000

Leaving erection-cost of City Hall and Offices..... \$139,480

By Peter Routier, original bid.....	\$175,000
Reduction for Market House.....	25,000

Leaving erection-cost of City Hall and Offices..... \$150,000

By J. L. Fatout, original bid.....	\$165,500
Reduction for Market House.....	17,000

Leaving erection-cost of City Hall and Offices..... \$148,500

By M. K. Fatout, original bid.....	\$149,460
Reduction for Market House.....	15,000

Leaving erection-cost of City Hall and Offices..... \$134,460

The above abstract exhibits all our transactions at formal meetings, but we beg leave to state many informal sessions for deliberation were held by us during the period covered by this report. Although we were not prevented by your instructions, or by any law by you enacted, from holding private sessions, we hereby declare that all our meetings have been free and open, not only to the members of the bodies with which we are connected, but also to the general public. In short, that we have invariably met with open doors, or "with the latch-string out."

We would also state that, in accordance with the requirements of Section 2 of General Ordinance 62. 1882, we have kept a full record of our proceedings, and have entered therein not only the minutes of our formal sessions, but, also, every ordinance, resolution, motion and report, directory as well as suggestive or otherwise applicable, which have come before and been acted upon by your Honorable Body or by the Board of Aldermen, or by said bodies conjointly.

In short, we have endeavored to discharge our full duty, and nothing but our duty, freely, fully and publicly.

Respectfully submitted,

D. W. GRUBBS, President.
 JAS. T. LAYMAN, Secretary.
 Edward H. Dean,
 E. H. Koller,
 Geo. Weaver.

By consent, Councilman Thalman offered the following motion:

That the matter of building City Hall and Market House, be postponed until the fund set apart for same, together with Tomlinson Estate, reaches \$150,000.

Councilman Pearson offered the following amendment; which was adopted:

That the entire matter be referred to the Market House Commissioners, and they make a report to this body at next meeting, whether they would advise to proceed to build the City Hall and Market House, or delay proceedings until the \$150,000 was in the hands of the City Treasurer.

The motion, as amended, was then adopted.

The Judiciary Committee, through Councilman Pritchard, submitted the following report; which was concurred in, except as to paying any interest:

Indianapolis, February 19th, 1883.

To the Mayor and Common Council:

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

The first is the petition of N. S. Byram, showing a double taxation on Lot No. 31, Greer & Waters' subdivision in Out-lot 101. The property sold in name of Nancy Nichols for taxes of 1876 to 1879 inclusive, and same taxes paid in name of Angelina C. Rogers. Petitioner holds tax certificate for \$55.57, with six per cent. interest from February 11th, 1868, which he asks be refunded. City Treasurer informs your committee that the facts stated are true.

We recommend that the prayer of petition be granted.

The second is the petition of S. A. Fletcher & Co., showing they purchased at tax sale "Lot 10 in Spann, Smith & Hammond's subdivision in West's Heir's Addition." Petitioners have paid, including interest to date, \$31.81, which they ask to have refunded for the reason that the sale was void, there being a misdescription of property. The City Treasurer informs your committee that the facts stated in petition are true.

We therefore recommend that \$31.81 be paid to petitioners.

The third is the petition of Christopher Hilgenberg, showing that he purchased Lot 10, Square 7, Cushing's subdivision of Hanway & Hanna's Oak Hill Addition for \$22.29, taxes for 1876 to 1879 inclusive, and has paid further taxes of \$1.07 upon said lot. He says the property was sold for a personal tax that was not a lien upon the real estate, and the sale was therefore void. City Treasurer informs your committee that the facts stated in petition are true.

We therefore recommend that the above sums be refunded, with interest from date of payment.

The fourth is a petition from same party, showing that he purchased Lot 8, in French's subdivision of Out-lot 4, west of White river, at tax sale on April 6th, 1880, paying the sum of \$31.74. The sale was void for the reason that there was no Lot 8 in said subdivision. City Treasurer informs your committee that the facts stated in petition are true.

We therefore recommend that the sum of \$31.74, with interest from April 6th, 1880, be refunded.

The fifth is the petition of Pliny W. Bartholomew, showing that, on June 8th, 1881, there was issued to him an order (No. 4,420) for \$3.50; that the same has not been paid, but has been mislaid or lost; and, after diligent search, he can not find the order. He asks that the City Clerk be ordered to issue a duplicate order for the amount.

We recommend the duplicate order be issued to Pliny W. Bartholomew, or order, for \$3.50.

The sixth is a motion directing us to report "whether or not the city can, by ordinance, compel property owners adjoining Pogue's Run to pay part for improving the same by straightening, widening and deepening the channel?" To this question we answer—no.

Further: "If the city has no power to assess property holders for such work, could the Legislature pass a bill to give us such right?" To this we answer—yes.

Respectfully submitted,

James A. Pritchard,
N. Yeke,
John W. Fultz,
Judiciary Committee.

C. S. DENNY, City Attorney.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Railroad Committee, to whom was referred an ordinance to amend Section 5 of an ordinance entitled "An ordinance for the protection of travelers, passengers and baggage, and for the preservation of order in and about the Union Depot, in the City of Indianapolis," report in favor of the passage of the amendatory ordinance.

Respectfully submitted,

N. Yoke,
John R. Pearson,
Allen Caylor,
Committee on Railroads.

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

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the petition of G. S. Bradley, J. M. McCullum, and others, praying for the extension of Woodlawn avenue from its terminus at Dillon street, west to Elk street, by condemning for highway purposes Lot 378, Out-lot 94, etc., have examined said locality, and recommend the prayers of the petitioners be granted, and the accompanying resolution, relative thereto, be adopted.

Respectfully submitted,

George Weaver,
Sim. Coy,
Committee on Streets and Alleys.

The following resolution, presented with the above report, was read:

Resolved, That the petition of G. S. Bradley, J. M. McCullum, and others, praying for the laying out, opening and extending Woodlawn avenue from its terminus at Dillon street, west to Elk street, by condemning Lot 378, Out-lot 94, etc., be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report; and that for the purpose of such opening and extension, the Common Council and Board of Aldermen do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve, the proper notices upon the Commissioners and property owners.

And it was adopted by the following vote:

AYES, 22—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

REPORTS FROM SELECT COMMITTEES.

Councilman Weaver, in behalf of the select committee on Insecure Buildings, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Insecure Buildings, together with the City Civil Engineer, to whom the following motion was referred:

“That the Committee on Insecure Buildings, with the City Civil Engineer, be instructed to make an examination of the buildings and platforms, and any other improvements on or near the banks of Pogue’s Run, and report what, in their judgment, would be advisable to do in the matter; or anything that will endanger the lives or property of citizens in times of floods or overflows.”

Would report, that we find a platform on the north side of the Run, about 100 feet west of Pennsylvania street, in a dangerous condition, and another on the north side of the Run, between Pennsylvania and Delaware streets, that is partly uncovered, and no guard around it, which is also dangerous.

We recommend they be removed.

On examination of the stone arch north of the Eagle Machine Works, we find it decaying, and being undermined and should be repaired and put in a safe condition as soon as possible. We further find that the Run north of Washington street, has been walled up on each side, leaving a space, in some places, of only 21 feet for the water to pass through, which, we believe, is not sufficient to carry the entire amount of water in such freshets as we have had in the past year.

Respectfully submitted,

George Weaver,
Frederick Hartmann,
H. B. Stout,
Committee on Insecure Buildings.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 12th, 1883, concurred in your action of February 5th, 1883, as to erecting additions to the City Hospital, with the following amendment:

“That all notices for all meetings and business connected with building of Hospital, be given by the Chairman of Committee on Hospital from this Board, and the Chairman of the Hospital Board from the Council.”

I submit the foregoing for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 12th, 1883, concurred in your action in adopting the following resolution, after amending the same so as to read as follows:

"Resolved, That the petition of John Wachter, Jr, E. C. Sewall, Ovid D. Butler, James Stevenson, I. H. Stevenson, W. C. Hobbs and J. S. Smith, praying for the laying out and opening of the alley on the north side of lot seven (7) of McQuat's addition to the City of Indianapolis, between Seventh street and Lincoln avenue, from Park avenue to first alley east, together with the plat, petition, etc, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report; and that for the purpose of such opening, the Common Council do propose to appropriate such real estate and property as may be necessary therefor.

The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and City Marshal to serve, the proper notices upon the City Commissioners; and the City Marshal is hereby required to serve the proper notices upon all interested parties as may be designated by the City Commissioners."

I submit the foregoing for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the bond approved:

To the Mayor and Common Council:

Gentlemen.—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 12th, 1883, approved the following bond:

KNOW ALL MEN BY THESE PRESENTS, That whereas, Martha E. Kingan, Mary Eliza Howson and W. H. Howson, have petitioned the Common Council and Board of Aldermen of the city of Indianapolis to vacate fifteen feet of the street running east and west on the south side of the lot belonging to W. H. Howson; *Now, therefore*, we undertake that the said petitioners shall pay all the costs of said proceedings; and to the performance of such undertaking, we hereby bind ourselves, our heirs and representatives.

Witness our hands and seals, this day of, 1883.

W. H. Howson, [Seal.]
 Mary Eliza Howson, [Seal.]
 Martha Ellen Kingan, [Seal.]
 per R. W. Reid.
 Geo. F. Pfingst, [Seal.]
 W. G. Wasson, [Seal.]

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and referred to the Police Board:

To the Mayor and Common Council:

Gentlemen.—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 12th, 1883, adopted the following motion:

"That the Board of Health is authorized and empowered to designate and reduce its force of Sanitary Policemen to one man, from this date to the first day of May, 1883, at the pay of two dollars per day; and if found necessary, such Board may employ a clerk for said time, at compensation not to exceed one dollar per day."

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Councilman Pritchard introduced the following entitled ordinance; which was read the first time, and referred to the Committees on Judiciary and Ordinances:

G. O. 6, 1883—An ordinance authorizing the construction, extension and operation of the Metropolitan Railway Line in and upon the streets of Indianapolis.

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

G. O. 4, 1883—An ordinance to repeal Section four of an ordinance entitled "An ordinance to erect a City Hall and Market House," being G. O. 62, 1882.

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

Councilman Pearson moved as a substitute, to refer the ordinance to the City Hall Commissioners; which was adopted by the following vote:

AYES, 12—viz. Councilmen Bedford, Brundage, Coy, Dean, Dowling, Hartmann, Koller, Pearson, Reichwein, Thalman, Weaver, and Yoke.

NAYS, 10—viz. Councilmen Bryce, Caylor, Cole, Egger, Fultz, Harrold, Morrison, Pritchard, Stout, and Ward.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Coy offered the following motion; which was adopted:

That the Committee on Printing report, at the next meeting of the Common Council, whether or not Harbison & Abrams' contract privilege for posting bills on the East Market House, is yet in force.

Councilman Egger presented the following petition; which was referred to the Judiciary Committee:

To the Honorable, the Common Council of the City of Indianapolis:

Gentlemen:—The undersigned, your petitioner, respectfully represents to this honorable body, that he was, on the first day of July, A. D. 1882, and now is, the owner in fee-simple of the following described real estate, situated in the City of Indianapolis, Center Township, Marion County, and State of Indiana, to-wit: Forty (40) acres lying in the northwest part of the northeast quarter ($\frac{1}{4}$) in Section 13, Township 15, Range 3 east. That said property was listed for taxation purposes for the year 1881, at the sum of \$36,000.00; that the tax levy for the year 1881, for city purposes, in the City of Indianapolis, was one dollar and seven cents (\$1 07) on every \$100.00 of valuation, and that the said above described property was charged on the tax duplicate in the hands of Isaac N. Pattison, Treasurer of said city, with the full amount of the tax levy, namely, \$1.07 on every \$100.00 valuation, together with penalty, interest and costs, as is shown and set out in the certificate of the said Pattison, which is filed herewith, and marked "Ex. A."

Your petitioner further submits that on the 1st day of July, 1882, he tendered to the said Pattison, treasurer, a sum of money equal to 33 cents on the \$100.00 valuation, together with penalties, interest and costs accrued, which the said Pattison then and there refused to receive. That thereupon petitioner paid to the said Pattison, treasurer, over his, petitioner's protest, the full amount of tax charged on said tax duplicates against said property, together with penalty, interest and costs thereon accrued, a receipt being given therefor, a copy of which is hereto attached, and filed herewith, marked "Ex. B."

Your petitioner further avers that the said Pattison, treasurer, demanded the sum of money so paid, and refused to accept any other sum in lieu of or payment for said tax. Wherefore your petitioner asks that he recover back from said city the excess of taxes, penalties, interests and costs so erroneously and wrongfully collected of him by said City Treasurer, and that the City Clerk be directed to prepare a warrant or voucher for the same.

WILLIAM F. STILZ, Petitioner.

STATEMENT.

Rate for year 1881, on five (5) acre tracts of land, and over, 33 per cent. on each \$100.00 of valuation:

\$36,000 at 33 per cent on \$100 of valuation.....	\$118 80
Penalty thereon, at 10 per cent.....	11 88
Interest.....	1 63
Costs.....	2 28
	<hr/>
Total amount due.....	\$134 59
Excess collected.....	289 59
	<hr/>
Total amount paid.....	\$424 18

"EX. A."

Indianapolis, Feb. 13, 1883.

I hereby certify, that W. F. Stilz paid the city taxes for the year 1881, in the name of the First National Bank of Indianapolis, on the following description: 40 acres N. W. part N. E. $\frac{1}{4}$ S. 13, T. 15, R. 3 E., value \$36,000.00.

Rate for 1881, \$1.07 on each \$100.00 on \$36,000.00.....	\$385 20
Penalty, 10 per cent.....	38 52
Interest.....	5 16
Costs.....	5 30
	<hr/>
Total amount paid.....	\$424 18

I. N. PATTISON, City Treasurer.

"EX. B."

CITY TREASURER'S OFFICE,
Indianapolis, Ind., July 1, 1882. }

[True Copy.]

R. No. 9,711.
D. No. 6,268.

Received of the First Nat. Bank of Ind'pls., by W. F. Stilz, Four hundred and Thirty-four $\frac{18}{100}$ Dollars, on 40 acres N. W. part N. E. $\frac{1}{4}$ S. 13, T. 15, R. 3 E., in full of Taxes assessed against same by the Common Council and Board of Aldermen of the City of Indianapolis, for the year 1881.

I. N. PATTISON, Treasurer,
By B., Deputy.

\$434 $\frac{18}{100}$

Councilman Fultz offered the following motion; which was referred to the Committee on Streets and Alleys:

That the City Civil Engineer be, and is hereby, instructed to advertise for bids for the erection of a stone wall for the protection of the west bank of Pogue's Run, between Catharine and Merrill streets.

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

That the Street Commissioner be, and is hereby, directed to fill up or otherwise repair the ditch washed in State street, near the corner of Ohio street.

That the Street Commissioner be, and is hereby, directed to fill all the streets and sidewalks that have been washed out by the overflow of Pogue's Run, between Washington and Michigan streets; and that he have power to act.

Councilman Koller offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby, directed to re-build the bridge over Pogue's Run on Davidson street, said bridge having been badly damaged by the recent freshet.

We, the Committee on Bridges, recommend the work be done.

Respectfully submitted,

B. W. Cole,
John W. Fultz,
Committee on Bridges.

Councilman Koller presented the following petition; which was referred to the Committee on Streets and Alleys:

Indianapolis, February 15, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on the north side of Market street, between Pine street and the first alley west, respectfully petition to change the established grade of the sidewalk between the points named, by raising the same from four (4) to twelve (12) inches, and re-paving it with brick, and curbing, all at our own expense, and under the direction of the City Civil Engineer.

We would further show that we are the owners of the property described in this petition. And your petitioners will ever pray, etc.

CABINET MAKERS' UNION.

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

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

Gentlemen:—Your petitioners respectfully represent that they bought at the tax sale, February 14th, 1881, Lots 13 and W. $\frac{1}{2}$ 12 of Lots 5 and 6, Square 12, H. McC. & M.'s subdivision southeast addition, and paid for the same the sum of \$6.05

Upon applying for deed upon the certificate, we find that the sale was illegal, for the reason that there is no such description of property, there being a mixture of two several descriptions in the southeast addition in this certificate. Also, that the tax had been paid in both descriptions in other names than that in which the property was sold. The error arose in the office of the County Auditor, perhaps, where the transfers were originally made, from which the city made a copy. We therefore ask you to refund with six per cent. interest.

In this connection permit us to say that much of your valuable time, and much space in the records of your proceedings, would be saved were you to authorize the City Treasurer to refund upon the certificate of the Assessor that sales are illegal on account of being double listed, etc.

Very respectfully,

S. A. FLETCHER & Co.

February 17th, 1883.

To the Board of Aldermen and Common Council, Indianapolis Ind.:

Gentlemen:—At the city tax sale, February 14th, 1881, we bought a lot in S., S. & H.'s subdivision West's Heir's Addition. Now, as there is no such subdivision in that addition, we respectfully request that the amount we paid be refunded with interest. The certificate number is 1,262; the sale was made in name of Thomas Brooker; amount paid was \$13.03.

Very respectfully,
 S. A. FLETCHER & Co.
 February 17th, 1883.

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

Gentlemen:—I respectfully represent to your honorable bodies that, on March 14th, 1882, I paid the city taxes, *under protest*, for 1881 assessed against 62^{1/10} acres in Section 34, Township 6, Range 3, being farm land situate within the city limits.

The ground was appraised at \$8,400, and charged with the full city and school rate, \$1.07, when it should have been charged with the township rate (according to late decisions of the courts), viz., 33 cents on the \$100.

The amount paid by me was.....	\$89 88
Amount that should have been paid is.....	27 72

Amount overpaid by me is.....	\$62 16
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Which last named sum I respectfully ask your honorable bodies to refund to me with six per cent interest from March 14th, 1882.

Respectfully,
 JOHN H. VAJEN.

Councilman Morrison offered the following resolution:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Citizens' Street Railway Company of Indianapolis, be, and are hereby, ordered and directed to construct a line of street railway along the following streets, upon which said company has not constructed any line of street railway, as follows:

Commencing at Twelfth street, on Mississippi street, running south on Mississippi street to Ohio street; east on Ohio street to Tennessee street; south on Tennessee street to Market street; east on Market street to Circle street; thence on Circle street to east Market street; thence east along east Market street to New Jersey street; thence north on New Jersey to Massachusetts avenue; thence northerly on Massachusetts avenue to north East street; thence north on East street to St. Clair street; thence east along east St. Clair street to Park avenue; thence north on Park avenue to Ninth street; thence east along Ninth street to the Atlas Machine Works.

* Also, from Circle and Meridian streets south to Madison avenue; thence south on Madison avenue to Morris street; thence east on Morris street to south East street.

Councilman Stout moved to refer the above resolution to the Committee on Streets and Alleys and City Attorney; which failed of adoption by the following vote:

AYES, 9—viz. Councilmen Bedford, Brundage, Dean, Egger, Fultz, Pearson, Reichwein, Stout, and Yoke.

NAYS, 13—Councilmen Bryce, Caylor, Cole, Coy, Dowling, Harrold, Hartmann, Koller, Morrison, Pritchard, Thalman, Ward, and Weaver.

It being now nearly eleven o'clock, on motion by Councilman Stout, an extension of time was granted by the following vote:

AYES, 17—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, and Weaver.

NAYS, 5—viz. Councilmen Dean, Fultz, Harrold, Ward, and Yoke.

The resolution then failed of adoption by the following vote:

AYES, 10—viz. Councilmen Bryce, Caylor, Cole, Coy, Dowling, Harrold, Hartmann, Koller, Morrison, and Pritchard.

NAYS, 12—viz. Councilmen Bedford, Brundage, Dean, Egger, Fultz, Pearson, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

Councilman Reichwein offered the following motions; which were severally adopted:

That General Ordinance No. 5, 1883, be referred to the Committee on Railroads.

That the City Civil Engineer proceed with the erection of the railing on north side of culvert on Washington street.

Councilman Stout presented the following petition; which was received and ordered filed with the ordinance:

Indianapolis, December, 1882.

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

Gentlemen:—The undersigned, owners of real estate fronting on Park avenue, between Seventh and Ninth streets, respectfully petition for the passage of an ordinance providing for the erection of lamp posts, lamps and fixtures complete to burn gas, and your petitioners will ever pray.

Alvin D. May, H. C. Roney, R. S. Hill, W. T. Hatch.

Councilman Yoke offered the following motion; which was adopted:

That the City Attorney and City Marshal be, and are hereby, instructed to notify all persons and corporations to remove, within 60 days from the 1st of March, 1883, from the bed of Pogue's Run, all supports of bridges, buildings, or covering of any kind, within the city limits.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.