

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MARCH 5, 1883.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 5th, A. D. 1883, at half past seven o'clock, in regular session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio* President of the Common Council in the Chair, and 23 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

ABSENT, 2—viz. Councilmen Cowie, and Knodel.

The proceedings of the Common Council for the regular session, held February 19th, 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, submitted the following report; which was received:

Indianapolis, March 5, 1883.

To the Common Council and Board of Aldermen:

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

Policemen's witness fees	\$69 30
Mayor's fees.....	52 70
Total.....	\$122 00

Which amount I have this day paid to the City Treasurer, and filed 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:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—On December 4th, 1882, I submitted the contract and bond of J. H. Forrest, for grading and graveling the roadway of Delaware street, and bowldering the gutters thereof, from the north line of Massachusetts avenue to the north

SIG. 78.

[915]

line of St. Clair street. At that time (as I have since learned), the awarding of said contract had not been concurred in by the Board of Aldermen. The Board have since concurred in said award, and I herewith submit a new contract and bond. Bond, \$1,100.00; sureties, Samuel H. Cobb and George F. Branham.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Councilman Morrison offered the following resolution:

WHEREAS, The contract and bond of J. H. Forrest, approved December 4th and 11th, 1882, for improving Delaware street, between Massachusetts avenue and St. Clair street, was approved before the awarding of the contract was concurred in by the Board of Aldermen; therefore,

Resolved, That said contract and bond of J. H. Forrest be annulled and declared void.

And it was adopted by the following vote:

AYES, 14—viz. Councilmen Brundage, Bryce, Caylor, Cole, Dean, Dowling, Egger, Harrold, Koller, Mauer, Morrison, Pritchard, Stout, and Thalman.

NAYS—None.

The contract as reported by the City Civil Engineer, was then concurred in and bond approved.

The City Civil Engineer submitted the following report; which was referred to the Board of Public Improvements:

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

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

On February 19th, Huston Solomon was granted further time to file his bond for paving Blake street. He has not filed his bond as yet.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

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

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

Gentlemen:—I herewith report that I have collected the sum of ten dollars (\$10.00) from the Citizens' Street Railway Co., for platting new lines, which amount I have paid into the city treasury, and filed the Treasurer's receipt therefor with the City Clerk.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Clerk submitted the following report; which was referred to the Finance Committee:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith submit an itemized statement, showing the amount of orders drawn on the city treasury during the month of February, 1883, viz:

Board of Health.....	\$ 286 00	
Bridges.....	196 54	
City Assessor's Department.....	145 25	
City Civil Engineer's Department.....	83 10	
City Dispensary.....	273 62	
City Hall.....	53 35	
City Hospital and Branch.....	1,195 98	
Fire Department.....	5,353 70	
Fountains and driven wells.....	150 00	
Gas.....	5,435 81	
Incidentals.....	184 40	
Interest on bonds.....	61,730 25	
Judgments and costs.....	20 90	
Market-Masters' Fees.....	126 57	
Parks.....	149 27	
Police.....	4,312 33	
Printing.....	307 80	
Salary.....	144 75	
Sewers.....	462 20	
Station House.....	209 24	
Street Improvements.....	418 40	
Street cleaning.....	39 00	
Street repairs.....	137 22	
Street Department, bridge repairs, etc.....	150 40	
Street Department, sewer cleaning, etc.....	205 00	
Taxes refunded.....	25 50	
		\$81,796 58
Sinking fund.....	\$ 227 52	
School fund.....	2,170 07	
Tomlinson Estate, repairs, etc.....	73 08	
		2,470 67
Total.....		<u>\$ 84,267 25</u>

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The City Treasurer submitted the following report; which was referred to the Finance Committee:

Report of I. N. PATTISON, City Treasurer, for the Month of February, 1883.

RECEIPTS.

Balance on hand as per last report, February 1st, 1883.....	\$ 86,360 91
From auction licenses.....	10 00
From benefits.....	20 00
From cluic tickets.....	39 00
From coal licenses.....	6 00
From express licenses.....	1 75
From fines and fees.....	106 95
From hack licenses.....	5 00
From hucksters' licenses.....	15 00
From liquor licenses.....	260 00
From market-masters' fees.....	162 80
From peddlers' licenses.....	6 00
From promiscuous (Civil Engineer's plats for Street R. R.).....	10 00
From sale of old material, Fire Department.....	11 20

From tapping sewers.....	\$	1 00
From vault cleaners' license.....		25 00
From taxes current.....		24,368 58
From taxes delinquent.....		1,677 90
		<hr/>
		\$ 113,087 09

DISBURSEMENTS.

For Board of Health.....	\$	286 00
For bridge repairs.....		170 61
For bridges.....		210 94
For City Assessor's Department.....		145 25
For City Civil Engineer's Department.....		83 10
For City Dispensary.....		273 62
For City Hall.....		51 35
For City Hospital and Branch.....		1,142 65
For Fire Department.....		5,400 24
For fountains and driven wells.....		150 00
For gas.....		5,435 81
For incidentals.....		244 40
For interest on bonds.....		61,730 25
For Market-masters' fees.....		126 57
For parks.....		140 72
For police.....		4,312 33
For printing.....		308 80
For salary.....		332 25
For sewers.....		487 45
For sewer cleaning.....		182 21
For Station Houses.....		198 78
For street improvements.....		418 88
For street opening and vacation.....		20 50
For street repairs.....		302 75
For street cleaning.....		81 75
For taxes refunded.....		25 50
Balance on hand March 1, 1883.....		30,824 38
		<hr/>
		\$113,087 09

TOMLINSON ESTATE.

Receipts.

Balance on hand, as per last report, February 1st, 1883.....	\$56,944 01
From rents.....	72 37
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	\$ 57,016 38

Disbursements.

For repairs.....	\$ 91 08
Balance on hand, March 1st, 1883.....	56,925 30
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	\$ 57,016 38

ADDITIONAL CITY HALL FUND.

Balance on hand, as per last report, February 1st, 1883.....	\$ 11,621 92
Balance on hand, March 1st, 1883.....	\$ 11,621 92
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SINKING FUND.

Balance on hand as per last report, February 1st, 1883.....	\$ 227 52
Balance on hand March 1st, 1883.....	\$ 227 52
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Respectfully submitted,

I. N. PATTISON, City Treasurer.

To JOSEPH T. MAGNER, City Clerk.

The City Clerk submitted the following report; which was received, and action thereon postponed until the next meeting:

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

Gentlemen:—I herewith report the following entitled affidavit, for the collection of street improvement assessment, by precept, viz:

James W. Hudson vs. John B. Ruger, for. \$346 00

And recommend you order the precept to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The City Attorney submitted the following report; which was concurred in, and action approved:

Indianapolis, March 5, 1883.

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Since the last meeting of the Council, the case of Thomas Wren vs. The City, et al., has been decided by the Supreme Court, affirming the judgment of the lower court, in favor of the city. The character of this suit is well known to you all, and need not be repeated here.

The case of David Duncan against the city, has been tried before Judge Howe and a jury, and resulted in a verdict for the plaintiff for \$250.00. It was an action for damages on account of injuries received in falling into a ditch in an alley on Ohio street, between Noble and Liberty, in the night, in the winter of 1881. The verdict was evidently a compromise one, as the loss of time alone amounted to considerably more than the sum awarded, as shown by the evidence. I have filed a motion for a new trial, with a view of urging it, unless otherwise instructed, for I believe a verdict for the city can be procured on another trial. I served the owner of the abutting property with notice to defend, and in any event, expect to make him pay any loss the city may sustain in the first instance. He is now considering the question as to whether he had not better pay the present verdict and end the case.

The cases of Weghorst, Leonard and Jeck, which I was instructed to no longer defend, have been finally disposed of, more than two-thirds of all the costs in the cases having been paid by the plaintiffs themselves, under an arrangement I succeeded in making with them, thus giving the city within a few dollars of the amount due under the law.

Respectfully submitted,

C. S. DENNY, City Attorney.

The following report of William Hadley, rental agent, was read, and referred to the Committee on Public Property:

Indianapolis, March 5th, 1883.

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

Gentlemen:—I herewith submit my report of rents collected for the month of February, 1883:

Mary Dwyer, No. 113 north Illinois street.....	\$ 25 00
Hannah Overman, No. 115 north Illinois street.....	25 00
Mrs. Mahon, No. 117 north Illinois street.....	25 00
Sarah Pichard, No. 23, west Ohio street.....	35 00
Paul Sherman, No. 21, Indiana avenue.....	15 00
L. S. Campbell, No. 17, Indiana avenue.	12 50

\$137 50

Less 3½ per cent..... 4 81

\$132 69

Repairing pump and well. 2 50

\$130 19

Respectfully submitted,

W. HADLEY, Agent.

The Superintendent of the City Dispensary submitted the following report; which was received:

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

Gentlemen:—The following reports of the City Dispensary for the month of February, 1883, are respectfully submitted:

Number of Patients treated at Dispensary.....	246
Number of Medical cases at Dispensary	203
Number of Surgical cases at Dispensary.....	4
Number of Disease of Nervous System.....	3
Number of Disease of Eye and Ear.....	6
Number of Diseases of the Throat.....	8
Number of Out-door Patients treated	136
Number at Station House.....	3
Number at News Boys' Home	0
Number of Patients sent to Hospital.....	3
Total number of Patients treated during month.....	612
Total number of Visits made during month.....	334
Total number of Prescriptions filled during month.....	1,040
Number of Births during month.....	3
Number of Deaths during month.....	3

EXPENDITURES FOR MONTH.

J. J. Garver, Superintendent.....	\$70 00
C. Button, Assistant	41 66
G. A. Coble, Assistant	41 66
C. H. Bacon, Druggist.....	30 00
L. A. Gable, drugs, etc., furnished	79 63
A. B. Mayer & Co., coal furnished.....	13 90
Total expenditures for month.....	<u>\$276 85</u>

J. J. GARVER, M. D., Superintendent.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements and Street Commissioner, through Councilman Dean, submitted the following report; which was received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:— We herewith report expenditures of the Street Department for the month of February, 1883, together with the total amount of expenditures to February 28th, 1883:

STREET REPAIRS DEPARTMENT.

Pay-rolls.....	\$ 92 75
Rent for city yard.....	18 00
Total expenditures for February.....	\$ 110 75
Total expenditures per last report.....	14,346 09
Total expenditures to February 28th, 1883.....	<u>\$14,456 84</u>

STREET CLEANING DEPARTMENT.

Pay-rolls	\$ 39 00
Lumber.....	26 47
Total expenditures for February.....	\$ 65 47

Total expenditures per last report.....	\$	9,002 77
Total expenditures to February 28th, 1883.....		9,068 24
BRIDGE DEPARTMENT.		
Pay-rolls	\$138 00	
Blacksmithing.....	12 40	
Total expenditures for February.....	\$	150 40
Total expenditures per last report.....		4,428 25
Total expenditures to February 28th, 1883.....	\$	4,578 65
SEWER DEPARTMENT.		
Pay-rolls.....	\$205 00	
Total expenditures for February.....	\$	205 00
Total expenditures per last report.....		2,251 39
Total expenditures to February 28th, 1883	\$	2,456 39
Total expenditures in department to February 28th, 1883..		\$30,560 12
Respectfully submitted,		
L. A. FULMER, Street Commissioner	E. H. Dean, W. H. Morrison,	Board of Public Improvements.

The Board of Public Improvements, through Councilman Dean, submitted the following report; which was concurred in, and Councilmen Thalman, Cole and Fultz, appointed by the Chair to act as the members of such committee:

To the Mayor and Common Council:

Gentlemen:—The Board of Public Improvements herewith submit an ordinance for the appropriation of money on account of the Street Department, for sewer repairs. At the last session of this Council, an appropriation ordinance for \$1,000.00, street repairs, was passed, but the Board of Aldermen, at their last meeting, failed to pass said ordinance. The appropriation for street repairs has been exhausted, and the Department is without means to do even such work as we believe to be absolutely necessary. There has been work ordered done by the Council and Board of Aldermen in different parts of the city, that should be done; also, some streets have been improved under ordinance, gutters bowldered and curbed leaving in many places a shoulder at the outer edge of the gutter, not only leaving the street in a bad condition, but in many places dangerous to travel. Streets so improved heretofore, have been completed by the city, and the property owners making and paying for such improvement, have understood that their streets would be finished likewise.

There seems to exist some difference of opinion between the Council and Board of Aldermen as to where and how said appropriation should be expended. We would recommend that His Honor, the Mayor, appoint a committee of three members of the Common Council, and that the President of the Board of Aldermen be requested to appoint a like committee from the Board of Aldermen, together with the City Attorney, that they may agree and come to some understanding relative to the expenditure of said appropriation, and report to this body.

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 15th day of February, 1883, to the 28th day of February, 1883.

Under 1 year.....	15
1 to 2 years.....	3
2 to 5 ".....	2
5 to 10 ".....	3
10 to 15 ".....	2
15 to 20 ".....	3
20 to 25 ".....	2
25 to 30 ".....	6
30 to 40 ".....	9
40 to 50 ".....	5
50 to 60 ".....	3
60 to 70 ".....	4
70 to 80 years.....	1
80 to 90 ".....	2
90 to 100 ".....	2
100 and upwards.....	0
Unknown.....	0
 Total.....	 62

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.

Councilman Pritchard, in behalf of the Committee on Judiciary and City Hall Commissioners, submitted the following *minority* report:

Indianapolis, March 5th, 1883.

To the Mayor and Common Council:

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

First, is the claim of Messrs. Stem, architects. With Section 4 repealed, as recommended in item one of this report, we recommend that it would be just and proper to pay *not more* than one per cent. of the total cost of building now, thereby retaining two per cent. of architect's fees to be paid as the work progresses. We recommend that they be paid \$1,100.00; received, \$400.00—making \$1,500.00 to date.

Second. As the Council and Board agreed to pay three (3) per cent. *only* as architect fees on City Hall and Market House, we insist that the claim of \$300.00 for Mr. Hodgson, be not allowed, as a claim in excess of three per cent. proposed to be paid as architect fees.

Respectfully submitted, James A. Pritchard,
 John W. Fultz,
 Committee.

I concur in the above report, except Section two. I am in favor of paying Messrs. Stem \$1,500.00, as provided for in the majority report.

Respectfully, N. Yoke.

On motion by Councilman Pearson, it was ordered that the report of City Hall Commissioners be received.

Councilman Weaver, in behalf of the City Hall Commissioners and Judiciary Committee, submitted the following *majority* report:

To the Common Council of the City of Indianapolis :

Gentlemen:—Your Commissioners on City Hall and Market House, together with your Judiciary Committee, to whom was jointly referred the report of the Judiciary Committee and City Attorney (to be found on pages 891-2 of the current Journals), would respectfully report our action thereon:

At a joint meeting of said Commissioners and Committee, held on Saturday evening, March 3d, the following motions were adopted:

1. "That Messrs. Stem be allowed \$1,500 on account of services as architects on City Hall and Market House, as provided for by the Weaver resolution of November 21st, 1881."

2. "That Edgar J. Hodgson be allowed the sum of \$300, as payment in full for 'experting' the Stem plans."

We respectfully request your concurrent approval and adoption of foregoing motions.

Respectfully submitted,

D. W. Grubbs,
James T. Layman,
D. Mussmann,
W. H. Tucker,
E. H. Koller,
E. H. Dean.

Councilman Weaver, in behalf of the City Hall Commissioners, submitted the following report:

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

Gentlemen:—Your Commissioners on City Hall and Market House, submit the following findings and recommendations:

1. Your honorable bodies can not, in honor, use one cent of the "Tomlinson Estate Fund," now in the city treasury or hereafter realized, in the erection of a *Market House* on said East Market Space. The intention and desire of the testator, Stephen D. Tomlinson, in our judgment, is plainly expressed in the second item of his will of April 18th, 1870. Said will (by copy) is on deposit in the office of the City Clerk, and has been spread, at large, on pages 827 and 828 of the Journals of the Common Council for years 1870-71. Item second of the will will also be found on page 144 of Indexical Digest of Journal of Common Council and Board of Aldermen for 1877-8. To substantiate the finding of your Commissioners, we will here quote the language of Stephen D. Tomlinson:

"Item second. The residue of my estate which may remain after her [his then wife, Mary T. Tomlinson] decease, whether the same be acquired by exchange or purchase, I bequeath to the City of Indianapolis, to be used in the erection of buildings for the use of citizens and city authorities (what are commonly termed 'Public Buildings'), on the west end of the East Market *House*, fronting on Delaware street, and next north of Market street. And I further direct that there be no unnecessary delay in converting the property hereby bequeathed, to the uses designated, as I do not wish to *endow the city* with a property to be held indefinitely for rent."

2. We introduce and recommend the immediate passage of "An ordinance to repeal Sections four (4) and ten (10) of an ordinance entitled 'An ordinance to provide for the erection of City Buildings,'" (ordained July 19th, 1882).

3. We recommend the prompt sale of the residue of the Tomlinson Estate (appraised at \$25,000).

4. We call your attention to that portion of our report on 19th ultimo, to be found on page 893 of current Journals. There we state the bid of M. K. Fatout (the lowest and best), at \$134,460. The bids exhibited on said page are in keeping with the Tomlinson bequest. We recommend that a contract be awarded M. K. Fatout for the erection of a City Hall and Assembly Hall on the East Market

Space, "at the west end of the East Market House," at above figures, when the Tomlinson Estate Fund and the Additional City Hall Fund shall aggregate \$105,000.

Respectfully submitted,

D. W. Grubbs, Pres't.
James T. Layman, Sec'y.,
George Weaver,
D. Mussmann,
W. H. Tucker,
E. H. Koller,
E. H. Dean.

The following entitled ordinance, introduced with the above report, was read the first time:

G. O. 8, 1883—An Ordinance to repeal sections four (4) and ten (10) of an ordinance entitled "An Ordinance to provide for the erection of City Buildings," ordained July 19th, 1882.

Councilman Bryce moved to concur in foregoing *majority* report.

Councilman Pritchard moved to consider the reports by sections; which was laid on the table.

Councilman Dowling moved to lay the *first section* of the foregoing *minority* report on the table; which was adopted by the following vote:

AYES, 13—viz. Councilmen Brundage, Bryce, Coy, Dean, Dowling, Harrold, Koller, Mauer, Pearson, Reichwein, Stout, Weaver, and Yoke.

NAYS, 9—viz. Councilmen Caylor, Cole, Egger, Fultz, Hartmann, Morrison, Pritchard, Thalman, and Ward.

On motion by Councilman Pearson, the second section of said report, was laid on the table by the following vote:

AYES, 12—viz. Councilmen Brundage, Cole, Coy, Dean, Dowling, Koller, Mauer, Pearson, Reichwein, Thalman, Ward, and Weaver.

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

On motion, the first clause of the *majority* report was concurred in by the following vote:

AYES, 18—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Fultz, Harrold, Hartmann, Koller, Mauer, Pearson, Reichwein, Stout, Thalman, Weaver, and Yoke.

NAYS, 5—viz. Councilmen Caylor, Egger, Morrison, Pritchard, and Ward.

On motion, the second clause of the *majority* report was concurred in by the following vote:

AYES, 15—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Harrold, Koller, Mauer, Pearson, Reichwein, Thalman, Ward, and Weaver.

NAYS, 8—viz. Councilmen Caylor, Egger, Fultz, Hartmann, Morrison, Pritchard, Stout, and Yoke.

The report of the City Hall Commissioners being next in order, was taken up for consideration.

Councilman Thalman presented the following petition:

Indianapolis, March 5, 1883.

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

Gentlemen:—The undersigned, resident tax payers, would hereby respectfully and urgently request your honorable bodies to speedily commence the erection of the City Office Building and Public Assembly Hall, on the west end of the East Market Space, in accordance with the plan by you heretofore adopted, at a cost not exceeding \$135,000.

Your memorialists understand the following schedule shows the present condition of the erection fund:

Tomlinson Estate Fund, cash.....	\$ 56,999 87
Additional City Hall Fund, cash.....	18,604 17
Total cash now in city treasury.....	\$ 75,604 04
Add City Dispensary property, sold to the city.....	4,800 00
	\$ 80,404 04
Unsold Tomlinson Estate property.....	25,000 00
	\$105,404 04

We are informed that it will require about two and one-half years to complete the building. The increase from liquor and other licenses which are to be applied to the erection of this building, will be about \$17,000 per annum, which, at the end of 2½ years, will swell the building fund to, say \$148,000. We believe it to the interests of the city to commence the building without further delay.

William Mansur, A. & J. C. S. Harrison, Hervey Bates, J. H. Vajen, N. McCarty, John C. Wright, (as the facts are above stated, I favor the improvement, and say, push the work); J. M. Kitchen, (but opposed to any special tax); Jas. H. Baldwin, S. B. Carey, Geo. B. Yandes, Wm. S. Hubbard, (opposed to any special tax); A. M. Fletcher, H. Coburn, W. H. Jones, Henry Schnull, August Schnull, by H. Schnull, att'y.; Wiles, Coffin & Co., A. L. Wright, Hildebrand & Fugate, Wm. Wallace, J. A. Moore, agent for sundry parties; Charles E. Coffin, Charles Mayer, S. Yandes, (but opposed to any special tax); J. E. Robertson, W. H. Talbott, (but opposed to any special tax); Franklin Landers, E. B. Martindale, V. T. Malott, J. W. Murphy, J. E. Pratt, (provided the building completed shall not cost more than amount named above, and no special tax shall be levied—opposed to any special tax); E. C. Atkins, C. E. Geisendorff & Co.

Councilman Morrison offered the following motion:

That the report of the City Hall and Market House Commission be referred to the City Attorney, with a request that he report at the next meeting of this Council if, under the laws of the State, under Sections No 220, 3,121 and 3,124 of the Statutes, the Council can now award the contract for the building of said City Hall under the laws of the State and the ordinances of the city now in force.

Councilman Thalman, as a substitute for above, offered the following motion:

That the report be concurred in, and that the matter be fully considered by the City Attorney, before any contract is signed, and should there be any doubt as to the legality of any point in the matter, that the same be reported back to this Council for consideration.

Councilman Dowling moved the previous question; which was admitted by the following vote:

AYES, 18—viz. Councilmen Bedford, Brundage, Caylor, Coy, Dean, Dowling, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS, 5—viz. Councilmen Bryce, Cole, Egger, Pritchard, and Yoke.

The motion offered as a substitute by Councilman Thalman, was adopted by the following vote.

AYES, 17—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Coy, Dean, Dowling, Fultz, Harrold, Hartmann, Koller, Mauer, Pearson, Reichwein, Thalman, Ward, and Weaver.

NAYS, 6—viz. Councilmen Cole, Egger, Morrison, Pritchard, Stout, and Yoke.

Councilman Caylor was excused for the remainder of this session.

It being now nearly eleven o'clock, the rules were suspended, and the time extended by the following vote:

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS, 1—Councilman Yoke.

By consent, Councilman Pearson offered the following motion; which was adopted:

That when this body adjourns, they adjourn to meet in special session next Thursday evening.

By consent, Councilman Pritchard offered the following resolution:

WHEREAS, We are of the opinion that the so-called "Metropolitan Police Bill," passed by the General Assembly at the session just closed, is not only unjust and vicious, but is also unconstitutional in its provisions; therefore,

Resolved, That it is the sense of the members of this Council, that no money shall be appropriated to pay any member of the Board of Metropolitan Police Commissioners, officers, or persons which may be hereafter elected or appointed under its provisions, out of the City Treasury of the city of Indianapolis.

Resolved, further, That the Police Board, Chief of Police, City Marshal, and Turnkeys of said city be, and they are each hereby, instructed to continue in the discharge of their several duties as heretofore, and not to turn over or deliver possession of any of the Station Houses or city property to any other person, until so ordered by the Common Council and Board of Aldermen, or some court of competent jurisdiction. And the City Attorney is hereby instructed to take the necessary legal steps to carry out the provisions of this resolution.

Councilman Dowling offered the following amendment:

Moved in amendment, that any or all demands coming from the duly commissioned agents of the State of Indiana, acting by authority of the State Legislature, shall be most respectfully considered and complied with.

Which was laid on the table, on motion by Councilman Egger, by the following vote:

AYES, 14—viz. Councilmen Bedford, Brundage, Bryce, Cole, Dean, Egger, Mauer, Pearson, Pritchard, Reichwein, Stout, Thalman, Weaver, and Yoke.

NAYS, 8—viz. Councilmen Coy, Dowling, Fultz, Harrold, Hartmann, Koller, Morrison, and Ward.

The resolution was then adopted by the following vote:

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

NAYS, 6—viz. Councilmen Coy, Dowling, Fultz, Harrold, Hartmann, and Koller,

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

To His Honor, the Mayor, and the Honorable Aldermen and

Common Council of the City of Indianapolis:

Gentlemen:—Your petitioners respectfully represent that on the 16th day of November, 1882, John J. Cooper and wife made their warranty deed to Simon Yandes, for lots numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38, in Wm. H. Morrison and Richard L. Talbott's subdivision of the following described tract of land: Beginning at a point 5 chains and 38 links west from the southeast corner of the east half of the northeast quarter of Section 7, Township 15 north of Range 4 east, and running thence north 10.30 chains to the centre of the Michigan Road; thence in a northwesterly direction along the centre line of said road 6.54 chains; thence south 12.52 chains to the south line of said quarter Section; thence east to the place of beginning.

That said lots are assessed upon the city tax duplicate, for city taxes for the year 1882, \$38,64, and the city officers are about to enter the same upon the duplicate for the year 1883.

The lots named in said subdivision of Morrison & Talbott, are not, in point of law and fact, any part of said city of Indianapolis, and do not adjoin any part of said city. They do adjoin Blocks C. and D., of the Cincinnati Railroad Company's subdivision of a part of the southeast quarter of Section 7, Township 15, Range 4 east; but by decision of the Supreme Court of this State, the said subdivision by the railroad company is no part of the said city, and not subject to city taxes, and therefore the lots above named in Morrison & Talbott's subdivision, do not adjoin any part of the city, and are also not by law taxable by the city. The other eight lots in the Morrison & Talbott subdivision, belong to the estate of the late Wm. H. Morrison, deceased, and said estate desires that the same should also be freed from city taxes for the same reasons above named.

Your petitioners pray that the assessment of said lots for city taxes, be stricken from the duplicates, and said lots be declared to be free and clear from city taxes, and from all claim thereto, and for all other proper relief, etc.

John J. Cooper, Simon Yandes, Geo. C. Duy,
Att'y. for Morrison heirs.

March 3d, 1883.

Councilman Stout presented the following petition; which was referred to the Committees on Judiciary and Railroads:

Indianapolis, February 20th, 1883.

To the Honorable Council and Board of Aldermen of the City of Indianapolis:

Gentlemen:—We, the property owners on Park avenue, in the City of Indianapolis, from St. Clair to Ninth street, do hereby petition your honorable body to restrain and deny all rights and privileges for the use of said street for the purpose of constructing a street car line on Park avenue, for the following reasons, to-wit:

1st. The street is narrower than will admit of the use of said street for a car line and for the ordinary purposes of a street.

2d. The greatest distance from any one point of the proposed line to a point of the present line is two squares, while the average distance from the proposed line to the present line, from the point of beginning on Park avenue to Ninth street, is less than one and a half squares.

3d. The present line is all that is necessary for the convenience of the residents on said street.

4th. If the proposed line should be built, it would be necessary to construct two turns, one at East and St Clair, one at Park and St. Clair—within sixty yards—seriously effecting the entrance to Park avenue.

We consider that our property will be damaged by the construction of a car line on said street. We therefore petition that the line on Park avenue be abandoned.

J. W. Hadley, Nettie Hadley, 152½ ft.; C. A. Howland, 96 ft.; Mrs. Mary Ward, 49 ft.; Lucretia C. Sexton, 134 ft.; S. A. Lee, 64 ft.; Noble C. Butler, 192½ ft.; Anne E. Butler, 163½ ft.; H. C. G. Bals, 50 ft.; Jane Hamilton, 46 ft.; Mrs. E. G. Sanders, 50 ft.; Otto N. Frenzel, 42 ft.; W. D. Seaton, 50 ft.; Martha W. Bond, Pleasant Bond, 80 ft.; John Walker, Jr., 520 ft.; E. S. Folsom, 110 ft.; A. C. Goodman, 50 ft.; Wm. A. Patton, 60 ft.; Jungclaus & Schumacher, 40 ft.; Wm. Jungclaus, 40 ft.; J. D. Condit, 64 ft.; W. H. H. Hamilton, 30 ft.; S. A. Fletcher & Co., 40 ft.; J. H. Vajen, 150 ft.; Mrs. Hornberger, 113 ft.; Noble R. Streeter, 164 ft.; A. J. Gerstner, 140 ft.; James A. Hamilton, 40 ft.; F. W. Hamilton, 90 ft.; Emma V. Darnell, 61 ft.; Egan & Treat, 417 ft.; Eva S. Foster, 80 ft.; H. N. Goe, 120 ft.; C. W. Fairbanks, 150 6-12 ft.; D. M. Ransdell, 95 ft.; R. S. Hill, 91 ft.; Mary H. Hatch, 46 ft.; W. C. Hobbs, 69 ft.; Wm. G. Rubush, 40 ft.; Fannie A. May, 56 ft.; Alvin D. May, 57 ft.; H. C. Roney, 51 3-12 ft.; James W. Elder, 39 ft.; E. C. Sewall, 50 ft.; Mrs. R. S. Ewing, 165 ft.; D. M. Bradbury, 170 ft.; G. T. Porter, 42 10-12 ft.; M. L. Ruddisill, 46 ft.; Daniel Stewart, 40 ft.; J. S. Smith, 60 ft.; James R. Ross, 40 ft. (now in name of S. A. Fletcher & Co., holding bond for deed); John A. Schumacher, 38 ft.; Elizabeth Canbey, 38-4 ft.; Nancy S. DePew, 38-4 ft.; H. C. Long, 38-4 ft.; L. H. Guffin, 28 9-12 ft.; W. H. English (by Walter Rivers), 146 ft.; R. L. McOuat, 162-6 ft.; H. Schwinge, 65 ft.; Allen Simmons, 45 ft.; Anne W. Hughes, 46-3 ft.; Robert Lang, 38 ft.; Bridget Drury (witness J. W. Hadley), 40 ft.; Berkshire Life Ins. Co., (by Wm. Henderson), 50 ft.; John A. Shirly (by wife), 164 ft.

In the above is not included thirteen parties who are non-residents, and who have not been consulted. Taking these names into consideration, it would make the remonstrance almost unanimous

The total number of feet remonstrating is 5,375 10-12.

Councilman Yoke was excused for the remainder of this session.

APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances were placed on their final passage without a suspension of the rules;

By the Fire Board, through Councilman Thalman, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 15, 1883—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$724.98.]

And it was passed by the following vote:

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

By the Hospital Board, through Councilman Bryce, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 16, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,143.64.]

And it was passed by the following vote:

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

By the Police Board, through Councilman Pearson, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 17, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Station House. [Amount appropriated, \$209.01.]

And it was passed by the following vote:

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

By the Committee on Accounts and Claims, through Councilman Brundage, the following entitled ordinance was introduced and read the first and second times:

Ap. O. 18, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

On motion by Councilman Dean, the above ordinance was amended by inserting the claims of J. H. & A. H. Stem, \$1,500.00, and Edgar J. Hodgson, \$300.00.

The ordinance was then ordered engrossed, read the third time (amount appropriated \$21,293.71), and passed by the following vote:

AYES, 19—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS, 2—viz. Councilmen Fultz, and Pritchard.

By the Committee on Printing, through Councilman Bedford, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 19, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$273.45.]

And it was passed by the following vote:

AYES, 21—viz. Councilmen Bedford Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

By the Board of Public Improvements, through Councilman Dean, the following entitled ordinance was introduced, and read the first and second times:

Ap. O. 20, 1883—An Ordinance appropriating the sum of Two Thousand Dollars on account of Street Department of the City of Indianapolis, for the repairing streets, etc.

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

To so amend the above ordinance that no money be used of the amount appropriated until a sufficient sum is set apart for the laying of stone crossings on Mississippi street, between Washington and Tinker streets, at all of the street and alley intersections, and that no stone crossings on said street be laid except where the sidewalks are paved and curbed and gutters bowldered.

Councilman Cole offered the following amendment, which was adopted:

Amend by providing that none of such money be used in paying for stone crossings where the sidewalks have not been curbed or gutters bowldered.

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

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

By the Board of Public Improvements, through Councilman Dean, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 21, 1883—An Ordinance appropriating the sum of One Thousand Dollars, on account of the Street Department of the City of Indianapolis, for sewer repairs.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward and Weaver.

NAYS—None.

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

Indianapolis, January 10, 1883.

To the Mayor and Common Council of the City of Indianapolis:

Gentlemen:—The undersigned, owners of the real estate fronting on Union street, between Palmer street and Grand street, respectfully petition for the passage of an ordinance providing for the opening of Union street, from Palmer street to Grand street, through a piece of unplatted ground belonging to the Wagoner heirs, Mrs. S. Voight and Mrs. Magdalena Halzer.

And your petitioners will ever pray, etc.

John J. Cooper, John Karcher, J. A. Rubush, Sophia Voight, Magdalena Halzer (her mark), Peter Zimmer.

Councilman Dowling presented the following petition and resolution; which were referred to the Committee on Streets and Alleys:

To the Honorable Common Council and the Board of Aldermen of Indianapolis:

Gentlemen:—The undersigned respectfully show, that on or about the 5th day of September, 1881, they entered into a contract with the City of Indianapolis to build a cistern of 2,000 barrels, on Eddy street, between Merrill street and Pogue's Run; that subsequently, for the convenience of the City of Indianapolis, the location of said cistern was changed to Merrill street, between Illinois street and Eddy street; that partly in consequence of the delay resulting from said change and partly in consequence of said change itself, your petitioners were compelled to incur a large amount of extra expense; that among other things, they were compelled to build an entire double bottom of said cistern of brick and cement, to make said cistern water-tight and safe; that their expenses were largely increased thereby, while the contract price was diminished.

SIG. 79.

And your petitioners further show, that when said cistern was finally accepted and an estimate allowed, they turned over the entire amount allowed them to their creditors, who had filed liens or claims against them with the City Clerk, but that the amount so received was insufficient to pay said liens or claims; that they paid the entire amount, to-wit: \$1,044.99 to their creditors, but there are still \$538.23 due to their creditors on liens and claims filed against them.

And your petitioners believing that the city would finally be liable to their creditors for such claims, for the reasons above stated and otherwise, asking nothing for themselves, or money expended, petition that this matter be referred to the Committee on Claims, or some other committee, and that the same and the claims and liens against them be investigated, and that the amount still due by them to their creditors on said cistern be allowed to them, or rather their creditors.

And your petitioners will ever pray.

JOHN STUMPH & SON.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Citizens' Street Railway Company of Indianapolis be, and it is hereby, ordered and directed to construct a line of street railway along the following route in said city, to-wit: Commencing at the terminus of said company's track at or near the end of Virginia avenue, and running thence south in the center of Shelby street to or within fifty feet of the track of the Belt Railroad Company; said company to have the privilege of constructing a turn-table at said point.

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

G. O. 9. 1883—An ordinance granting Charles S. Roney, contractor for the construction of a vitrified stoneware pipe sewer in and along New York street, from the east line of Mississippi street to and connecting with the Indiana avenue sewer at the intersection of New York street and Indiana avenue, further time in which to complete his contract.

Councilman Morrison presented the following; which was received:

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

Gentlemen:—I hereby consent to the time being extended Charles S. Roney for the construction of the vitrified stone pipe sewer in New York street, and ask no relief as his bondsman on account of said extension. A. HAYWOOD.

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

AYES, 21—viz. Councilmen Bedford, Brundage, Bryce, Cole, Coy, Dean, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS—None.

G. O. 9, 1883, was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

Councilman Ward introduced the following entitled ordinance (accompanied with the following petition), which was read the first time:

S. O. 4, 1883—An ordinance to provide for grading and graveling the alley between Pennsylvania and Delaware streets, from Second street to the first alley South of Second street.

Indianapolis, February 19th, 1883.

To His Honor the Mayor and Common Council:

Gentlemen:—The undersigned property owners along the line of the petitioned for improvement, would respectfully petition your Honorable Body to pass an ordinance to grade and gravel the alley between Delaware and Pennsylvania streets, from Second street one square south.

Respectfully,

Alice Pierson; J. A. Hanson; J. P. Shipp, 70 ft.

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

S. O. 5, 1883—An Ordinance to provide for grading and paving with brick the north sidewalk of South street, from Virginia avenue to Delaware street.

Councilman Dean presented the following petition, which was referred to the Committee on Streets and Alleys:

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

Gentlemen:—We, the undersigned, would most respectfully petition your honorable bodies to cause the first alley north of McCarty street, from the first alley east of Alabama street to the first alley west of New Jersey street, to be properly opened to a regular width of fifteen (15) feet, the property on each side of said alley having been sold by metes and bounds, thereby causing the alley to be of irregular width.

A. J. Stewart, 41 Sinker street,
Thomas Darmody.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.