

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MARCH 19, 1883.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 19th, 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 21 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

ABSENT, 4—viz. Councilmen Cowie, Coy, Egger, and Mauer.

The Proceedings of the Common Council for the regular session, held March 5th, 1883, and for the adjourned session, held March 8th, 1883, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

Sealed proposals for making the below described street improvements, were opened, read, and referred to the Committee on Finance, with instructions to report at this session, if possible:

For re-building the stone abutment under the Reid street bridge over Pleasant Run

For repairing wing of abutment of Olive street bridge over Pleasant Run.

For repairing the stone culvert on Catharine street, over Pogue's Run.

For erecting an iron railing on the north end of Washington street culvert over Pogue's Run.

The above work to be done according to plans and specifications on file in the office of the City Civil Engineer.

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 first and final estimate in behalf of Charles S. Roney, for constructing a vitrified stone-ware 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—

· 945 lineal feet at 47½ cents	\$448 87
One man-hole at \$38.00.....	38 00
Total	\$486 87

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Charles S. Roney, for constructing a vitrified stone-ware 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; 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, Fultz, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

The City Civil Engineer submitted the following report; which was referred to the Committee on Contracts:

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

Gentlemen:—February 19th and 26th, you declared forfeited the following contracts:

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

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

I ask that you may give me definite instructions as to whether or not I shall re-advertise for proposals to do the above work.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

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

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

Gentlemen:—I herewith report the contract and bond of Huston Solomon, for grading and paving with brick (where not already done), the sidewalks of Blake street, from the National Road to Indiana avenue, except the west sidewalk from said National Road to the first alley south of New York street. Bond 2,000.00; surety, G. W. Moore.

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:—Per your instructions of February 5th, I herewith submit a plat of New York street, between Blake and Minerva streets, showing some small houses on the north side to be on the street, forty-seven hundredths of a foot to one foot and seventeen hundredths.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Civil Engineer submitted the following report; which was received, and the assessment ordered paid by the city:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—In making the estimate of the Delaware street sewer, I assessed the sum of \$303.75 against the Trustees of Roberts Park Church, the same being the amount due for constructing sewer in front of 202 $\frac{5}{10}$ feet of ground owned by said Trustees. At the time of making said estimate, I was fully aware that, *legally*, the said Trustees were not bound to pay said assessment, but I thought they should pay it, and therefore assessed it against them.

I submit, herewith, a letter from Robert N. Lamb, attorney for said Trustees, stating it to be the intention of them not to pay said assessment.

Clause 43, of section 53 of the Charter, as construed by the Supreme Court in the case of The First Presbyterian Church of Ft. Wayne vs. The City of Ft. Wayne, 36 Ind. 338, covers the case exactly.

If it is the city's intention to pay said amount, I ask to be instructed to include the same in the bill for the city's portion.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Indianapolis, Ind., March 17, 1883.

JOHN H. FORREST :

Dear Sir:—In regard to sewerage on North Delaware street in front of Roberts Park Church, I understand the Trustees decline to pay, for two reasons: First, during the summer of 1882 the Trustees constructed a private sewer from the church, connecting with Massachusetts avenue sewer, which furnishes all necessary sewerage for the church property, so that the Delaware street sewer is of no benefit to the church property. Second, church property is not liable, under the law, to assessments for sewerage in front of church property.

Respectfully,

ROBERT N. LAMB.

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

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

Gentlemen:—I hereby recommend that Rue Shawver, Rodman in my department, be promoted to Transitman, and that he receive for such services a compensation of \$2.75 per day. And that Wm. H. Fink, Axman, be promoted to Rodman.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

After due consideration of the above recommendation, we recommend it be concurred in.

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

Fred. Gansberg vs. Charles Bard, Trustee, for.....	\$13 55
Fred. Gansberg vs. Margaret C. Lingenfelter, for.....	12 65
Samuel W. Patterson vs. Martha J. Taylor, for.....	16 24
Samuel W. Patterson vs. Catherine Landis, for.....	17 99

And recommend you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

Which was concurred in, and the precepts ordered to issue by the following vote:

AYES, 19—viz. Councilmen Brundage, Bryce, Caylor, Cole, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Ward, Weaver, and Yoke.

NAYS, 1—viz. Councilman Thalman.

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

Indianapolis, March 19, 1883.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I have the honor to report the following recent disposition of cases:

1. The judgment of the Superior Court in the *McAvoy* case, has been affirmed by the Supreme Court. The Council will remember that this was the case ordered to be taken up to test the liability of the city to the owners of lots in the Stanton and Francis sub-division, on their claims to have the taxes paid by them refunded, said sub-division never having been legally annexed. The Court holds that the attempted annexation was a nullity and that the taxes paid must be refunded, the mistake in payment being one of *fact* and not of *law*.

2. The suit brought by Martin Burton to test the validity of the cow pound ordinance, was, after the case was called for trial, dismissed by him at his own costs.

3. The case of *The City vs. Sarah Kersey*, which was an aggravated case of disturbing the peace, having been appealed from the Mayor's Court, was tried before Judge Howe and a jury, and resulted in a verdict against the defendant, awarding the city \$5.00 and costs.

4. In the case of the *Citizens National Bank* to enjoin the city from selling its real estate for delinquent taxes, the Bank having for years declined to pay any taxes on its real estate, claiming exemption as to it, the Court after more than a year's consideration, has decided the case in favor of the city, and has dissolved the injunction originally issued.

5. The same result was reached in the case of the *Indiana National Bank vs. the City*, the questions involved being the same. The amount of taxes which will now be paid by these particular banks, as the result of these decisions, is more than \$2,000.

6. The general term of the Superior Court has affirmed the judgment of the special term in the case of *The City vs. Gottfried Monninger*, being the test case under the Liquor License ordinance. Defendant's counsel say they will appeal to the Supreme Court.

Respectfully submitted,

C. S. DENNY, City Attorney.

The City Clerk presented the following communication; which was referred to the Committee on Railroads:

Indianapolis, March 12, 1883.

To City Council:

Gentlemen:—The Manufacturers and Shippers Association, at their meeting March 9, 1883, passed the following resolution, which I hereby submit to your honorable body:

“Believing that the locating of a new Street Railway would be of great benefit to our city, and would add to the welfare and convenience of our citizens; be it

Resolved, That the Manufacturers and Shippers' Association respectfully request the City Council and Board of Aldermen to grant the Metropolitan Street Railway Company right of way through the streets of our city, providing same can be done without legal complications.”

Very respectfully,

OTTO STECHHAN, Secretary.

Councilman Ward presented the following communication; which was referred to the Committee on Railroads:

At a special meeting of “Indianapolis Board of Trade,” held March 13, 1883, the following resolutions were unanimously adopted:

WHEREAS, An ordinance is now pending before the Common Council of this city, granting the Metropolitan Street Railway Company the right to construct certain lines of street railroad in this city; and

Whereas, We believe that all persons or companies who desire to invest capital in this city in any business enterprise should be encouraged and welcomed; and believing that the proposed new lines offer many advantages not now enjoyed by the public, and that the granting of rights to a new company will not only afford the public better facilities, but will compel existing lines to improve their accommodations, and thus benefit the city and its citizens; therefore

Resolved, That it is the sense of this Board that said ordinance should be passed; and we therefore request the Common Council and Board of Aldermen to pass said ordinance, and grant said company rights to do business in the city.

JOHN G. BLAKE, Secretary.

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

Indianapolis, March 19th, 1883.

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

Gentlemen:—I herewith submit the names of the following persons to act as Deputy City Assessors, for your confirmation: Samuel M. Patton, L. J. Bradley, W. H. Phillips, W. O. Brouse, Wm. N. Springer, Samuel Magner, W. S. Elliott, Charles Stipp, James H. Perry, J. H. Lehr, Alex. Harder, J. C. Stokes, Henry Schultz, Wm. S. Monroe, Deloss G. Peck, Wm. S. Lockman, W. H. Mahan, H. M. Hadley, H. J. Pettijohn, W. H. McKahn.

Respectfully,

M. F. CONNETT, City Assessor.

The Superintendent of the City Hospital and Branch 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 Hospital and Branch, for the month of February, 1883, are respectfully submitted:

	First Week.	Second Week.	Third Week.	Fourth Week.	..... Days.	Monthly Total.
Number of paid Officers and Employes in Hospital	15					
Number of paid Officers and Employes in Branch.....	1					
Number of beds in Hospital	100					
Number of beds in Branch.....	10					
No. of adult patients in Hospital at beginning of week.....	71	72	64	65	.....	71
No. of infant patients in Hospital at beginning of week.....	8	8	7	7	.....	8
No. of adult patients received during week.....	14	4	12	13	.....	43
No. of infant patients received or born during week.....	2	1	1	1	.....	5
No. of adult patients discharged during week	13	10	11	12	.....	46
No. of infant patients discharged during week.....	2	2	1	3	.....	8
No. of adult patients who died during week.....		2		3	.....	5
No. of infant patients who died during week.....					.....
Number of patients in Branch at beginning of week.....					.....
Number of patients in Hospital during entire month.....	122				.....
No. of adult patients in Hospital and Branch at end of week	72	64	65	63	.....	63
No. of infant patients in Hospital and Branch at end of week	8	7	7	5	.....	5
Number of pay patients at beginning of week.....					.....
Number of pay patients at end of week .....					.....
Aggregate number of days of patients in Hospital.....	575	553	521	502	.....	2151
Aggregate No. of days of employes in Hospital.....					.....	476
Aggregate number prescriptions filled .....					.....	920
Total expenditures for month.....					.....	\$1,144 64
Aggregate number of days subsistence furnished			2,627		.....
Average daily cost of each patient .....					.....	.53+cts.
Average daily cost for patients, officers, and employes.....					.....	.43 cts.

WILLIAM N. WISHARD, M. D., Superintendent.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Morrison, offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby, directed to repair, and turn on water in all the street-fountains in the city.

The Board of Public Improvements, through Councilman Morrison, submitted the following report:

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

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

The Board of Aldermen, at their last meeting, adopted the following motion: "That the Street Commissioner be directed to clean Meridian street, between New York and Seventh streets, within twenty days." We offer the following resolution, and recommend its adoption:

Resolved, That the Street Commissioner be, and is hereby, directed to purchase a street-sweeping machine, (cost not to exceed \$400.00), for the purpose of sweeping block and bowlderred streets. The cost of such machine and cost of its maintenance to be taken from Street Department fund.

Further report: We are of the opinion that some action should be taken for the protection of said street from being used for heavy traffic. This is due the property owners on said street, who have been called on the second time to pay for improving said street, at great expense, and if some action of this kind is not taken soon, the city will be called upon, from time to time, to make necessary repairs at a considerable expense. We have consulted the City Attorney in this matter, and asked him to prepare an ordinance relative thereto, which we herewith submit, and recommend its passage.

Respectfully submitted,

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

On motion, the above report was concurred in, and the resolution adopted by the following vote:

AYES, 17—viz. Councilmen Brundage, Bryce, Caylor, Cole, Dean, Dowling, Harold, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

NAYS, 3—viz. Councilmen Fultz, Hartmann, and Yoke.

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

G. O. 12, 1883—An ordinance making it unlawful for any one to haul heavy loads of freight on north Meridian street, between New York and Seventh streets.

Councilman Morrison, in behalf of the same Board, submitted the following report; which was concurred in:

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

Gentlemen:—The Board of Public Improvements, together with Councilman Harold, to whom was referred the following report of the City Civil Engineer, to-wit:

Gentlemen:—I wish to call your attention to the fact that, under your instructions, I was only ordered to rip-rap one thousand feet of the west bank of White River, and therefore could not protect it as far as needed. The work has been done by sinking the foundation, most of the distance, to two feet below low water mark, and it is therefore safe against cutting out. The ends have been also well protected. As at the time I first estimated the work there were 2,600 feet needing protection, will say that the sooner the work is done the cheaper the protection can be made.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Recommend the balance of the work, necessary to be done, be let to same contractor that did the first thousand feet, at the same price, providing said contractor repair his first work (that has been damaged by the late high water) in good manner and to satisfaction of City Civil Engineer, without any additional allowance

Respectfully submitted,

Pat Harold,
Councilman 15th Ward.

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

The Hospital Board, through Councilman Bryce, submitted the following report and estimate, accompanied with motion:

Estimate No. 1.

Indianapolis, March 19th, 1883.

CITY OF INDIANAPOLIS, Indiana.

17This is to certify, that Peter Routier is entitled for pay on account of his contract for building east wing addition to the City Hospital building:

For excavation.....	\$ 120 00
For rubble masonry.....	1,080 00
	<hr/>
	\$1,200 00
Less 15 per cent. as per contract.....	180 00
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Amount due him.....	<u>1,020 00</u>

(Total contract amount \$12,000.00.)

Received payment,

CHAS. MUELLER,
firm Huebner & Mueller, Architects.

Peter F. Bryce,
H. J. Mauer,
(per P. F. Bryce),
C. T. Bedford.

That the City Treasurer be, and he is hereby, requested and instructed to pay to Peter Routier the above sum of ten hundred and twenty dollars out of the city treasury, and place the same in the next appropriation ordinance.

On motion by Councilman Morrison, the above matter was referred to the City Attorney, with instructions to prepare proper Appropriation Ordinance for this session, by the following vote:

AYES, 18—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS, 2—viz. Councilmen Dowling, and Harrold.

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

Report of Deaths in the City of Indianapolis, from the 28th day of February, 1883, to the 15th day of March, 1883.

Under 1 year.....	15
1 to 2 years.....	2
2 to 5 ".....	5
5 to 10 ".....	3
10 to 15 ".....	3
15 to 20 ".....	1
20 to 25 ".....	3
25 to 30 ".....	5
30 to 40 ".....	7
40 to 50 ".....	6
50 to 60 ".....	4
60 to 70 ".....	5
70 to 80 years.....	2
80 to 90 ".....	2
90 to 100 ".....	0
100 and upwards.....	1
Unknown.....	0
	<hr/>
Total.....	64

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

The City Commissioners submitted the following report:

Report of the City Commissioners on the Vacation of the first alley north of Lincoln Avenue, running east and west from College Avenue to Ash Street.

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

Gentlemen:—The undersigned members of the Board of City Commissioners of said city, duly appointed, qualified, and acting under the provisions of the statutes of the State of Indiana, in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways, beg leave to submit the following report on the matter of the vacation of the first alley north of Lincoln avenue, running east and west from College avenue to Ash street in the City of Indianapolis, heretofore referred to them by your honorable bodies:

1. We met at the office of the City Clerk in Room 6, on Thursday, the 14th day of September, 1882, at 10 o'clock A. M., to examine into the matter of the proposed vacation of the first alley north of Lincoln avenue, running east and west from College avenue to Ash street in accordance with a notice of the City Clerk, which notice and the return of the Marshal endorsed thereon, is filed herewith as a part hereof marked Exhibit "A."

2. We immediately proceeded to view the alley proposed to be vacated, and the property contiguous thereto, and the surrounding property along the line of said alley, and find that the following corporation and persons, owning the property herein described, are interested in said vacation, viz: Maria Jameson, P. H. Jameson, Ovid D. Butler, Scott Butler, Chauncey Butler, Ester Duncan, John S. Duncan, Zerelda W. Haughey, Anna Butler, Anna W. Hughes, Will A. Hughes, Lew Wallace, and Ovid B. Wallace, the joint owners of lots 33 to 36 inclusive and 45 to 48 inclusive of Butler's north addition; Butler University (Brazilian Blount, President Board of Trustees) the owners of lots 37 to 44 inclusive, of Butler's north addition; John H. Murry, Butler's north addition, lot 29; First National Bank of Danville, Ind., Butler's north addition, lots 30 and 32; Eliza Thornton, Butler's north addition, lot 31; Sarah J. Smith, Butler's north addition, lot 55; Wm. A. Bell, Butler's north addition, lot 56; Catherine Merrill, Butler's north addition, lots 54 and 75; Emily W. Merrill; Butler's north addition, lot 53; Samuel Merrill, Butler's north addition, lot 76; Julia M. Moores, Butler's north addition, lots 44 and 73. That we made due report of said facts to the City Clerk and required said Clerk to have the petitioners notify said interested parties to meet us on Monday, the 13th day of November, 1882, at 10 o'clock A. M., when evidence would be heard as to said matters. Said report is filed herewith, as a part hereof, marked Exhibit "B."

3. We further report, that we met at the time and place named; but all of the parties interested not having been notified, adjourned to give time for such legal notice, and having met as per adjournment, and due service having been made by publication and personal service, as attested by affidavit herewith filed and marked Exhibit "C," and none of the parties made any opposition to said proposed vacation.

4. We now further report that the length of said alley is 369 feet, running from College avenue east to Ash street, being 15 feet wide and is the first alley north of Lincoln avenue, running east and west and parallel therewith.

5. The value of the land on which said alley is situate is \$1,000.

6. The benefits to the persons desiring the vacation is \$66.

7. There are no persons objecting to said vacation. The expenses attending this vacation to be paid by the petitioners, amounts to the sum of \$66. We therefore recommend the prayer of the petition be granted and that said vacation be made as prayed for.

Respectfully submitted,

Wm. Hadley,
George W. Hill,
Michael Steinhauer,
Board of City Commissioners

March 10, 1883.

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

Resolved, That the report of the City Commissioners in the matter of the petition for the vacation of the first alley north of Lincoln avenue, running east and west from College avenue to Ash street, in the City of Indianapolis, be, and the same is hereby, in all things accepted, adopted and approved; and that in accordance with said report, the first alley north of Lincoln avenue, running east and west from College avenue to Ash street, in said city, be, and the same is hereby vacated.

Resolved, further, That the petitioners be, and they are hereby, required to pay to the City Treasurer within twenty days from the adoption of this resolution, the sum of sixty-six dollars, the amount of expenses reported by the Commissioners as taxed in this matter; and that said petitioners also be, and are hereby, required to procure and have recorded in the office of the Recorder of Marion County, the proper certified copies of proceedings and maps as required by law, at their own expense, and that until such expenses are paid and proceedings and maps recorded, as aforesaid, said alley shall not be closed or used otherwise than as now.

And it was adopted by the following vote:

AYES, 19—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Thalman, Weaver, and Yoke.

NAYS, 2—viz. Councilmen Stout, and Ward.

The City Commissioners submitted the following report:

Report of the Board of City Commissioners in the matter of opening Greenwood street.
To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis, Ind.:

Gentlemen:—The undersigned, members of the Board of City Commissioners of said city, duly appointed, sworn, qualified, and acting under and in pursuance with the provisions of the act of the General Assembly of the State of Indiana, in relation to the laying out, opening, widening, altering, and vacation of streets, etc., approved March 17th, 1875, and the acts amendatory thereof, do report:

1. That in pursuance to a notice of the City Clerk, herewith filed as a part hereof, marked Exhibit "A," they met in room 6 of the City Clerk's office, on the 30th of October, 1882.

2. That they did, at that time and place, enter upon the consideration of opening and extending Greenwood street, from Ninth street to the first alley south of Ninth street, to a width of 50 feet, in accordance with the petition herewith filed and marked Exhibit "B." That they did on said 30th day of October, 1882, proceed to view the ground and examine the property proposed to be taken for such street; also the contiguous property and property in the neighborhood, with a view of ascertaining what property would be benefited, and what property damaged, and did then file with the City Clerk their report, giving a description of the property, with the name of the owner of each particular lot, which report also instructed the City Clerk to require the City Marshal to notify each property owner to meet the City Commissioners on the 27th day of December, 1882. Said report is filed and made a part hereof, and marked Exhibit "C."

3. That they did meet on the 27th day of December, 1882, and having examined the papers found that the Clerk had entered the following notice: "This notice returned by the City Marshal this 29th day of November, 1882, too late to give the proper notice to non-residents within the time required by law." Whereupon the Board adjourned to meet on the 17th day February, 1883, giving sufficient time for publication to be made to non-resident property holders interested in said street opening, and a second report was made to the City Clerk asking him to have the Marshal notify the property holders therein named to meet the City Commis-

sioners on the said 17th day of February, 1883, to further consider the matter of said street opening. Which report is filed herewith and made a part hereof, and marked Exhibit "D."

4. That they did meet on the 17th day of February, 1883, and on ascertaining the fact that a part of the ground proposed to be dedicated for said street was owned by a party not yet notified. Whereupon the City Clerk was directed to have the Marshal notify the said interested party on the 10th day of March, 1883. Said report to the Clerk is herewith filed and made a part hereof, and marked Exhibit "E."

5. They did meet on said 10th day of March, 1883, with a number of the interested parties, and J. P. Elliott being sworn, testified that he was the owner of at least part of the ground proposed to be condemned for said street extension, and a legal question arising as to the dedication of said ground for street by the deeds conveying the adjoining ground, the question was referred to the City Attorney and an adjournment was made to meet on the 14th day of March, 1883, to give sufficient time for the attorney to look into the question and report.

6. That they did meet on the 14th day of March, 1883, and the City Attorney presented the following report, viz.:

To the City Commissioners:

Gentlemen:—It is my opinion that the acts of Mr. Elliott in this matter amount to a dedication, and that this 50 feet in question is already a public street, without further action on your part. See Deed Record No. 48, page 100. Also, Mortgage Record No. 70, page 156.

March 14, 1883.

C. S. DENNY, City Attorney.

7. We now, on the 14th day of March, 1883, report that there is no damage to any property on account of said proposed opening and extension of Greenwood street, except where a portion of said property is taken therefor.

Said extensions commence at the north side of Ninth street and run south through the north half of the north half of Block 27, Johnson's Heirs' Addition City of Indianapolis, being fifty feet wide, thus connecting with the street already dedicated by deed through the south half of the north half of Block 27, Johnson's Heirs' Addition, thus opening the street from Ninth street to the first alley south of Ninth street, on a line with Peru street, as it runs through said block. No part of the damages are to be paid by the city.

The names of the owners, and description of the property and the value thereof to be appropriated are as follows:

State Board of Agriculture, 50 ft. w of 176 ft. e. end n. 1/2 n. 1/2 Lot 27..... \$300

Total damages..... \$300

The names of the owners, the description of the property, and benefits by said proposed opening and extension are as follows:

State Board of Agriculture, w. 2/3 n. 1/2 n 1/2 bl'k 27, Johnson's Heirs' Add..... \$ 75

State Board of Agriculture, e. 1/3 n. 1/2 n. 1/2 bl'k 27, Johnson's Heirs' Add. 75

Atkinson & McGrath, G. W. Hoss Sub. Johnson's Add., lot 10, bl'k 27..... 10

Atkinson & McGrath, G. W. Hoss Sub. Johnson's Add., lot 9, bl'k 27..... 8

Israel Finch, Fitzgerald Sub. Johnson's Add., lot 5, bl'k 27..... 5

Jesse Drapir, Fitzgerald Sub. Johnson's Add., lot 4, bl k 27..... 3

Winfield T. Durben, Shortridge Sub. Johnson's Add., lot 6, bl'k 27..... 4

Mary A. Robertson, Shortridge Sub. Johnson's Add., lot 7, bl'k 27..... 5

Winfield T. Durben, Shortridge Sub. Johnson's Add., lot 8, bl'k 27..... 5

Wm. Roberts, Shortridge Sub. Johnson's Add., lot 9, bl'k 27..... 5

Wm. Roberts, Shortridge Sub. Johnson's Add., lot 10, bl'k 27..... 5

A. G. & M. E. Fosdyke, 151x188 ft. Johnson's Add. w. 226 ft. e. end s. 1/2 n

1/2 bl'k 27..... 50

Indianapolis & Peru R. R. Co., 176 ft. e. end of s. 1/2 n. 1/2 bl'k 27, Johns's Add. 50

Total benefits..... \$300

TABLE "A."

Damages to be paid as follows:

State Board of Agriculture.....	\$300 00
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TABLE "B."

Benefits to be collected from

State Board of Agriculture.....	\$150 00
Atkinson & McGrath.....	18 00
Israel Finch.....	5 00
Jesse Drapier.....	3 00
W. T. Durban.....	9 00
Mary A. Robertson.....	5 00
Wm. Roberts.....	10 00
A. G. & M. E. Fosdyke.....	50 00
Indianapolis, Peru & Chicago R. R. Co.....	50 00
Total.....	\$300 00

TABLE "C."

Damages above benefits to be paid:

State Board of Agriculture.....	\$150 00
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We therefore recommend that the prayer of the petition be granted, and said street opened accordingly.

Respectfully submitted,

William Hadley,
Geo. W. Hill,
Michael Steinhaur,
City Commissioners.

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

Resolved, That the report of the City Commissioners in the matter of the petition for the opening and extension of Greenwood street, from the north side of Ninth street, south through the north half of the north half of block 27 in Johnson's Heirs addition to the City of Indianapolis, a width of fifty feet, connecting with the street already dedicated and running through the south half of the north half of block 27 in said addition, thus opening the said street from Ninth street to the first alley south of Ninth street on a line with Peru street as it runs through said block, be, and the same is hereby, in all things accepted and approved; that the benefits assessed and damages awarded by said Commissioners be, and the same is hereby, approved; that the real estate therein described for the opening and extension of said Greenwood street be, and the same is hereby, appropriated; that the City Clerk be, and he is hereby, directed to certify to the City Treasurer, so much of said report as assesses, benefits and awards, damages upon real estate, giving the description thereof; and that the City Treasurer be, and he is hereby, directed to make tender of such damages to the parties entitled thereto, and proceed to collect said benefits according to law.

And it was adopted by the following vote:

AYES, 20--viz. Councilmen Bedford Brundage, Bryce, Caylor, Cole, Dean, Dowl-
ing, Fultz, Harrold, Hartmann, Knodel, Koller, Pearson, Pritchard, Reichwein,
Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

INTRODUCTION OF ORDINANCES.

Under this order of business, the following entitled ordinances were introduced and severally read the first time:

By Councilman Dean:

G. O. 13, 1883—An ordinance providing for the assessment of real and personal property in the City of Indianapolis, for the purpose of taxation for the year 1883.

G. O. 14, 1883—An ordinance providing for the erection of Public Buildings for the use of the citizens and city authorities of Indianapolis, creating a committee to take charge of and direct said work, and repealing all ordinances, resolutions and motions coming in conflict with the provisions of this ordinance.

By Councilman Pearson:

Ap. O. 22, 1883.—An ordinance appropriating money for the payment of the salaries and compensations of the members of the Common Council and Board of Aldermen, and of the City Officers of the City of Indianapolis.

By Caleb S. Denny, City Attorney:

Ap. O. 23, 1883—An ordinance appropriating one thousand and twenty dollars to Peter Routier, on account of work done by him as contractor for the erection of the East Wing of the City Hospital Building.

By Councilman Stout:

G. O. 15, 1883—An ordinance to repeal an ordinance entitled "An ordinance granting the Mutual Union Telegraph Company, of New York, the privilege of using certain streets and alleys of the City of Indianapolis, in constructing lines of telegraph in said city," ordained February 27th, 1882, and declaring all rights thereunder forfeited.

G. O. 16, 1883—An ordinance to repeal an ordinance entitled "An ordinance granting the Mutual Union Telegraph Company, of New York, the privilege of using the streets and alleys of the City of Indianapolis, in constructing lines of telegraph in said city," ordained January 16th, 1882, and declaring all rights thereunder forfeited.

Councilman Dean moved a suspension of the rules for the purpose of placing the foregoing ordinances on their final passage.

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

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Downing, Fultz, Harrold, Hartmann, Knodel, Koller, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS, 1—viz. Councilman Morrison.

G. O. 13, 1883, was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

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

NAYS—None.

The following ordinance was read the second time:

G. O. 14, 1883—An ordinance providing for the erection of Public Buildings for the use of the citizens and city authorities of Indianapolis, creating a committee to take charge of and direct said work, and repealing all ordinances, resolutions and motions coming in conflict with the provisions of this ordinance.

Councilman Bryce offered the following amendment, which was adopted:

Add to the end of Section 8, the following words:

"And provided further, That fifteen per cent. of each estimate shall be withheld by said committee until the final completion of said building."

Councilman Yoke moved that the ordinance be printed, and that action thereon be postponed until the next regular meeting; which failed of adoption by the following vote:

AYES, 10—viz. Councilmen Bedford, Bryce, Caylor, Cole, Knodel, Morrison, Pritchard, Stout, Ward, and Yoke.

NAYS, 11—viz. Councilmen Brundage, Dean, Dowling, Fultz, Harrold, Hartmann, Koller, Pearson, Reichwein, Thalman, and Weaver.

Councilman Pritchard moved to amend the ordinance by striking out Section eight.

Councilman Dowling moved to lay the above motion on the table; which failed of adoption by the following vote:

AYES, 10—viz. Councilmen Brundage, Dean, Dowling, Harrold, Hartmann, Koller, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 11—viz. Councilmen Bedford, Bryce, Caylor, Cole, Fultz, Knodel, Morrison, Pritchard, Stout, Ward, and Yoke.

The motion to strike out Section eight then failed of adoption by the following vote:

AYES, 8—viz. Councilmen Bedford, Bryce, Caylor, Cole, Knodel, Morrison Pritchard, and Stout.

NAYS, 13—Councilmen Brundage, Dean, Dowling, Fultz, Harrold, Hartmann, Koller, Pearson, Reichwein, Thalman, Ward, Weaver, and Yoke.

Councilman Morrison offered the following amendment to the ordinance:

That the names of the Citizens Committee include the names of Wm. H. English, Gen. Thomas A. Morris and Calvin F. Darnell.

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

AYES, 14—viz. Councilmen Brundage, Caylor, Cole, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 7—viz. Councilmen Bedford, Bryce, Morrison, Pritchard, Stout, Ward, and Yoke.

Councilman Dean moved the previous question; which was admitted by a majority of the members present.

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

AYES, 14—viz. Councilmen Brundage, Dean, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Pearson, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS, 7—viz. Councilmen Bedford, Bryce, Caylor, Cole, Morrison, Pritchard, and Stout.

G. O. 15, 1883, was read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 19—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

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

G. O. 16, 1883, was read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 19—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dowling, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

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

Ap. O. 22, 1883, was read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

Ap. O. 23, 1883, was read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

To the Mayor and Common Council:

Gentlemen.—Your Committee to whom was referred the communication of James M. Tomlinson, proposing to pay the City \$150 for one and one half feet of the dispensary lot adjoining the 17 feet heretofore sold to him by the city, beg leave to report, that they have examined into said matter; and believing that the offer is a good one for the city, and that the ground can be parted with by the city without injury to the balance of her property, we recommend that the proposition be accepted. We submit herewith, a resolution on the subject.

Respectfully,

C. S. DENNY, City Attorney.

John R. Pearson,

Isaac Thalman,

B. Ward,

F. Hartmann.

Committee on Finance

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

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the proposition of James M. Tomlinson, heretofore made, to pay the City of Indianapolis the sum of one hundred and fifty dollars (\$150), for one and one-half feet of the city's ground, adjoining the seventeen feet heretofore purchased by him from said city in lot 6, square 36, in said city, be, and the same is hereby, accepted.

Resolved, further, That upon the payment by said Tomlinson to the City Treasurer of said sum of \$150, the Mayor be authorized, and he is hereby instructed, to execute a good and sufficient deed to said Tomlinson for said realty, which is more particularly described as follows, to-wit: Beginning at a point thirty-three, (33), feet east of the southwest corner of lot number six, (6), in square thirty-six, (36), in the City of Indianapolis, Marion County, Indiana; running thence east along Ohio street, one foot and a half, (1 ft. 6 in.); thence north across said lot, sixty-seven and one half feet, (67 ft. 6 in.); thence west along the north line of said lot, one foot and a half, (1 ft. 6 in.); and thence south to the place of beginning.

And it was adopted by the following vote:

AYES, 20—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

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

Indianapolis, March. 19, 1883.

To the Mayor and Common Council:

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

The first is G. O. 84, 1882, "An ordinance to prevent ringing of gongs, etc. Recommend it be passed.

Second is G. O. 1, 1883, "To amend Sec. 5 of the Union Depot ordinance. Recommend it be passed.

Third is petition of James Mahoney, showing an assessment by city for street improvement, against lot 7, sq. 3, in name of Thomas C. Reading for \$32.65. The lot was forfeited to the State of Indiana, hence the city's assessment was void. Recommend that \$32.65 in favor of petitioner be placed in next appropriation ordinance.

Fourth is the petition of Wm. F. Stilz, showing that he is owner of forty acres lying in the northwest part of the N. E. $\frac{1}{4}$, section 13, township 15, range 3, and liable only for taxation at township rate.

Total taxation justly due,.....	\$134.59.
Excess Collection,.....	280.59.

Total amount paid,.....\$424.18.

Petitioner asks to have the excess of \$289.59 refunded. We recommend the excess so erroneously paid be refunded, to-wit, \$289.59.

Fifth, is petition of John J. Cooper, Simon Yandes, and George C. Duy, attorney for Morrison heirs, showing lots 1 to 19 inclusive, and 28 to 38 inclusive, in Wm. H. Morrison's and Richard L. Talbott's sub. in sec. 7, town. 15, range 4 E., are upon the duplicate for taxation for the year 1882, and taxed at \$38.64. Petitioners asks to have the same certified off the duplicate for the reason that said lots are not within the city limits. This fact we find to be true. We therefore recommend the City Treasurer certify the same off the duplicate.

Sixth, is petition of S. A. Fletcher & Co., showing that at tax sale February 14, 1881, they bought lot "S, S. & H's. subdivision, West heirs add." There is no such subdivision. City Treasurer informs your committee the facts are true. We therefore recommend that the sum of \$13.03 with interest be refunded.

Seventh, is petition of John H. Vajen, showing that $6\frac{41}{100}$ acres, in sec. 34, town. 6, range 3, was taxed at full city rates, and should have been taxed at township rate.

Amount paid,.....	\$89.88.
Amount that should be paid.....	27.72.

Amount paid under protest, excess.....\$62.16.

City Treasurer informs your committee the facts stated are true, and that \$62.16 should be refunded. We recommend that \$62.16 with interest be refunded.

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

C. S. DENNY, City Attorney.

The Committees on Judiciary and Railroads, through Councilman Pritchard, submitted the following *majority* report:

To the Mayor and Common Council :

Gentlemen.—Your Committee on Judiciary and Railroads, together with the City Attorney, to whom was referred the Metropolitan Street Railroad ordinance, report the same back with amendments, for consideration.

We further report that the Council of 1864 gave the Citizens' Company the right to lay their lines upon the same streets named in the new ordinance; and by Section 15, the city reserved the right to say when the company should build new lines on streets named in the new ordinance. Furthermore, the city agreed in that ordinance in 1864, not to give any other company a right to lay lines on these streets until after the city had given the Citizens' Company notice to build the lines, and they had failed to commence the work in good faith, within thirty days after notice.

Upon the faith of that ordinance the Citizens' Company have invested several hundred thousand dollars in Street Railroad property in our city. It is plain it would be an act of bad faith on the part of the city to violate that contract. *This* the Metropolitan Company ask the city to do. The obligation to give the old com-

pany notice to build these new lines before passing the Metropolitan ordinance, is a moral, if not a legal, obligation. Perhaps the city can violate this provision of the ordinance without being liable to an action for damages. If she is not under any legal obligation to give the notice to the old company, it would be at least morally dishonest not to do so.

But your committee report that there are moral obligations on the part of the Citizens' Company to the city and her citizens, that should be discharged now, while we are attending to moral obligations. When the ordinance of 1864 was passed, it was agreed and understood:

That the city should have the right to determine what should constitute a route, whereby a transfer system could be introduced, giving our citizens the accommodation of going from one point to any other point in city for one fare of five cents.

The city cannot compel or determine and order a transfer of passengers. The obligation to do this thing, is purely a moral one on the part of the company. The people ask this additional accommodations. The Metropolitan Company offer to give them. If the Citizens' Company will give the city the accommodations above referred to and now offered by the new company, the city should keep her contract with said company, and give the old company notice to build the new lines needed. The moral obligation is upon them to do so; and if they will not, the city can afford to engage in the folly of permitting two rival roads from south to north across the city to run parallel on parallel streets, one square removed, as proposed in the Metropolitan ordinance.

Your committee report in favor of giving notice provided by ordinance of 1864 (Sec. 15), on conditions hereinbefore set out. In so doing, we follow the precedent established October 14, 1878. Then a company called the "Indianapolis Street Railroad Company," asked an ordinance to lay track on south Meridian and other streets. The ordinance was referred to a committee consisting of A. L. Wright, C. F. Wiese, S. Morris, J. M. Ridenour and W. F. Piel. The committee reported unanimously in favor of serving notice on Citizens' Street Railroad to build certain lines, with a view of preparing the way for new company. (See Proceedings 1878 and 1879, page 498). One of the resolutions notifying the old company to build Noble street line, was referred to the Judiciary Committee and City Attorney. They reported back a resolution amending the one referred, ordering the old company to build the Indiana avenue line, and recommending its passage.

(Signed)

D. W. Grubbs,
J. M. Ridenour,
I. W. Stratford.

R. O. HAWKINS, City Att'y.

Proceedings 1878 and 1879, page 659.

This resolution passed the Board of Aldermen by the following vote: "Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles. Nays, none." (See Proceedings 1878 and 1879, page 660.) The same resolution had passed the Council October 14, 1878, every member voting for it. (See Proceedings 1878 and 1879, page 501.)

It seems, therefore, that the city government—at that time composed of good men—recognized the obligation upon the city to serve notice upon the Citizens' Street Railroad Company to build new lines, before they passed the ordinance granting right of way to the "Indianapolis Street Railroad Company." The obligation is as binding now as then. The committees then reporting, had the advantage of the advice of R. O. Hawkins, City Attorney. Your committee had his advice, and therefore make the recommendations hereinbefore set out.

Respectfully submitted,

Allen Caylor,
Y. Yoke,
Committee on Railroads.

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

My individual opinion is, that the old company should offer same accommodations offered by new company, before they have notice. JAS. A. PRITCHARD.

Councilman Pearson, in behalf of the same committees, submitted the following *minority* report:

To the Mayor and Common Council :

Gentlemen:—The undersigned, members of your committee, to whom was referred the ordinance providing for the construction of the Metropolitan Street Railway Line, have carefully considered the same in all its bearings, together with the petitions for and remonstrances against the passage thereof. We were willing to join the other members of the committee in a unanimous report, referring the ordinance back without any specific recommendation as to its passage or rejection, thus allowing each member of the Council to freely discuss the merits of the same, and vote without reference to the wishes of the individual members of your committee, knowing that this subject has been as thoroughly considered by the other members of the Council as by us. Being unable to agree on such an one, however, we beg leave to submit the following brief report of our own views:

There are two legal questions involved, viz: *First*, Do the ordinances of the Citizens' Street Railway Company heretofore passed, give it the *exclusive* privilege until the year 1901, to occupy all of the streets named in its original ordinance, as therein attempted? and, *Second*, Is the provision of said ordinance that the city shall not grant any other person or corporation, the right to establish lines upon any of said streets therein named, until the option is first given to said company, as therein provided, binding in law and on this Council?

We answer both of these questions in the negative.

As to whether there is a *moral* obligation on the members to first give this notice and option to the old company, before granting to any one else any rights upon said streets, we deem it the duty of each to settle for himself. It may not be improper for us to remind the Council of the fact, however, that if the Citizens' Company had heretofore honored any of the requests of the Council and public in furnishing conductors, in replacing the "T" rail, where used, with the "most approved" one, by turning the flange in instead of out, by running a sufficient number of cars on their lines to accommodate their weary patrons at the noon and evening hours, and by dispensing with the "bob-tail" nuisances, the reasons for giving them the benefit of this option, would be much weightier than now, in our opinion.

We submit certain amendments herewith, which we recommend shall be considered with the ordinance. And believing that it is unfair to all parties concerned, that this matter should be longer delayed, we recommend that the ordinance be fully considered and acted upon at the present session.

Respectfully submitted,

JOHN R. PEARSON, of the Committee.

C. S. DENNY, City Attorney.

Councilman Pearson, with the above report, presented the following amendments:

I propose the following amendments to G. O. 6, of 1883:

Add to the end of section one, the following words: "For the term of thirty years."

Also, strike out of section eleven the following words: "That said company shall have one route of railway built and equipped, and cars running upon the same by the first day of October, 1883. One other route to be completed within one year from completion of the first route, the last route to be completed within one year from the completion of the second route," and insert in lieu thereof the following:

"That said company shall begin active operation in the erection of its buildings and laying of its tracks, within thirty days from the date of the passage of this ordinance by the Board of Alderman, and shall lay at least five miles of track (counting single track) and have the same fully equipped by the first day of November, 1883, and in default thereof, it shall forfeit all its rights under this ordinance, and the same may be repealed at any time thereafter."

It being now nearly eleven o'clock, on motion by Councilman Stout, the rule was suspended and the time extended, by the following vote:

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

NAYS—None.

Councilman Brundage presented a remonstrance containing thirty-eight names, against the Metropolitan Street Railway Company; which was received, and ordered not printed in the Proceedings.

Councilman Stout presented an additional remonstrance of property owners on Park avenue; which was received, and ordered not printed in the Proceedings.

Councilman Pritchard moved that when this Council adjourns, it adjourn to meet again Thursday evening, March 22d, 1883, and that the consideration of the Metropolitan Street Railway ordinance be made the special order.

Which motion was adopted.

The question now before the Council, was as to the concurrence in the *minority* report.

Councilman Dowling moved to lay the minority report on the table; which was adopted by the following vote:

AYES, 14—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dowling, Fultz, Harrold, Hartmann, Koller, Morrison, Pritchard, Ward, and Yoke.

NAYS, 7—viz. Councilmen Dean, Knodel, Pearson, Reichwein, Stout, Thalman, and Weaver.

Councilman Stout moved that the Common Council do now adjourn; which failed of adoption by the following vote:

AYES, 7—viz. Councilmen Dean, Knodel, Pearson, Reichwein, Stout, Thalman, and Ward.

NAYS, 14—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dowling, Fultz, Harrold, Hartmann, Koller, Morrison, Pritchard, Weaver, and Yoke.

Councilman Dowling moved to concur in the majority report, and moved the previous question.

The Chair then put the question, "Shall the main question be now put?"

Which failed of being admitted by the following vote:

AYES, 4—viz. Councilmen Fultz, Harrold, Koller, and Yoke.

NAYS, 16—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Dowling, Knodel, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

Councilman Morrison offered the following resolution:

Resolved, That the Citizens' Street Railway Company be, and are hereby, ordered and directed by the Common Council of the City of Indianapolis, to at once provide for a system of transfers in the following manner:

That when any person pays one fare on any of the several lines of said Citizens' Street Railway Company, that said passenger shall be entitled to one transfer to any route of said company within the corporate limits of the City of Indianapolis, without the payment of an additional fare.

Councilman Cole offered the following motion.

Refer to special committee of five, with instructions to confer with the Citizen's Street Railway, and ascertain what arrangements they will make for a better management of their cars, and further extension of lines.

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

AYES, 11—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Dowling, Fultz, Harrold, Hartmann, Koller, Morrison, and Yoke.

NAYS, 10—viz. Councilmen Cole, Dean, Knodel, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Weaver.

On motion by Councilman Dowling, the majority report was referred back to the Committees on Judiciary and Railroads, and the above resolution referred to the same committees, with instructions to report next Thursday night, March 22d, 1883.

By consent, Councilman Pritchard presented the following petition; which was referred to the Judiciary Committee:

To the City Council and Board of Aldermen of the City of Indianapolis, Ind:

Gentlemen:—The subscriber, Mary A. Huddart, did, on the 23d day of June, 1879, purchase at private sale from William M. Wiles, then treasurer of said city, a certificate of purchase of the following tract or parcel of land, for the sum of \$46.74, being the amount due on Lot number twenty-two (22), in Davidson's second addition to the City of Indianapolis, which amount included tax on improvements, amounting to \$23.37. It was subsequently ascertained that there never was any improvements on said real estate, and consequently the subscriber petitions your honorable bodies that the amount of \$23.37, with interest at the rate of 6 per cent. per annum, from June 23d, 1879 to present date, be allowed me.

MARY A. HUDDART.

A motion that the Common Council do now adjourn, failed of adoption by the following vote:

AYES, 9—viz. Councilmen Bedford, Cole, Dean, Harrold, Knodel, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 11—viz. Councilmen Brundage, Bryce, Dowling, Fultz, Hartmann, Koller, Morrison, Pritchard, Stout, Ward, and Yoke.

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

To His Honor the Mayor and Common Council :

Gentlemen:—Your Committee on Water, to whom was referred a resolution offered by Councilman Stout, directing the Water Works Company to extend the line of mains now ordered to be laid on Tinker street, to Delaware street, and thence south on Delaware street to connect with mains at the intersection of Home avenue. Would respectfully report in favor of the adoption of said resolution, as water is very much needed for fire protection in that locality.

B. Ward,
E. H. Dean,
F. Hartmann,
Committee on Water.

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

Resolved, That the Indianapolis Water Works Company are hereby directed to extend the line of mains now ordered to be laid on Tinker street, to Delaware street, and thence south on Delaware street to connect with mains at intersection of Home avenue.

And it was adopted by the following vote :

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

NAYS—None.

Councilman Reichwein, in behalf of a certain special committee, submitted the following majority report:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Committee, to whom was referred G. Ordinance No. 4, granting the Indianapolis Oil Tank Line Co. the privilege to lay a railroad switch on Louisiana street, from the C., I., St. L. & C. R. R. track opposite Lot 15, and running to Lot 24 in Out-lot 91, in City of Indianapolis, report favorable, provided the said company will erect a bumping post on east side of alley adjoining their property, as that part of Louisiana street is impassable.

Respectfully submitted,

Phil. Reichwein,
N. Yoke,
Special Committee.

Councilman Hartmann, in behalf of the same committee, submitted the following minority report; which, on motion, was laid on the table:

To the Mayor and Members of Common Council

and Board of Aldermen of the City of Indianapolis, Ind :

Gentlemen:—I beg leave to differ from the majority of your special committee in the matter of the proposed switch to the Tank Line Co.'s works on Louisiana street between Benton and Pine streets, for the reason,

First, The company have at the present time all the necessary accommodations for the carrying on of their business, they have already a side track to which connections are made for the proper handling and conducting of their business.

Second, Having in view some little regard to the rights of property owners, no matter how poor they may be, and believing it is the duty of the city government to protect the poor as against any and all grasping corporations, and cutting off the entrance by which the poor property owners and tax-payers on the line of the

proposed switch reach the rear portion of their premises, for the purpose of delivering coal, wood, or any of the other necessities of life, I firmly believe it is the duty of this city government to positively refuse the privilege asked for. More especially as I have remarked in the foregoing part of this report, the Tank Line Company have now all the necessary facilities for conducting their business.

Respectfully submitted,

Frederick Hartmann,
Minority Special Committee.

The majority report was then concurred in.

The following entitled ordinance was taken up, read the second time, amended as per foregoing majority report, ordered engrossed as amended, and read the third time:

G. O. 4, 1883—An ordinance granting the Indianapolis Oil Tank Line Co. the right and privilege to build and construct a railroad switch in Louisiana street, from the C., I., St. L. & C. R. R. Co.'s track opposite Lot 15, and running to Lot 24, in Out-lot 91, in the City of Indianapolis.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Fultz, Harrold, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, and Yoke.

NAYS, 1—viz. Councilman Hartmann.

Councilman Thalman, in behalf of a certain conference committee, submitted the following report, accompanied with the following opinion of the City Attorney; which was received, and the report concurred in:

To the Mayor, Board of Aldermen and City Council:

Gentlemen.—Your Committee on Conference respectfully submit herewith the report of the City Attorney which clearly defines the duties and power of the Street Commissioner, and that his duties cannot be delegated to any other body. It also defines the power that may be delegated to the Board of Public Improvements by the Council and Board of Aldermen. We therefore recommend that no work be ordered done by the Board of Public Improvements, unless they have been first so instructed by both municipal bodies.

Respectfully submitted,

Hiram Seibert,
Of Board of Aldermen.

Isaac Thalman,
B. W. Cole,
John W. Fultz,
Of Council.

Indianapolis, March 26, 1883.

To the President and Members of the Board of Aldermen:

Gentlemen.—In answer to your several inquiries concerning the respective powers and duties of the Street Commissioner and Board of Public Improvements, contained in the motion passed at your last session, I beg leave to submit the following brief opinion:

The duties and right of the Street Commissioner are defined in the 28th section of the Charter. He is to "superintend the streets and alleys, the construction, repairing and cleaning of the same, the building of sewers and drains, the purchase of the necessary impliments of labor, and the employment of laborers." He is to do these things "under the direction of the Common Council," however; and he can not "contract any debt or liability against the city unless specially authorized

to do by the Council." When an improvement has been ordered by the Council in the Street Commissioner's department and the money appropriated to pay for it, he has the exclusive right to purchase the supplies, hire the laborers, and direct the work. These rights cannot legally be delegated or given to another. See *Mitchell et al. vs. Wiles*, 59 Ind. 364.

By clause 32 of section 53 of the charter, the Council may organize a Board of Public Improvements, whose duties and powers, *as such*, seem to be confined exclusively to the regulations of buildings, and I know of no provision of law, authorizing this Board, *as such*, to direct or control the Street Commissioner in the exercise of his legal functions. There is nothing to prevent the Council, however, from delegating any of *its* powers with reference to the Street Commissioner's department, to this Board, or any other Board or Committee it sees fit. The Council may appropriate a given sum of money for the repair of streets for a given time, and then delegate to a committee of its own members the power to direct *what* improvements shall be made with that money, and to authorize that committee to require the Street Commissioner to report to them by items, how and where the money required by him has been expended, that they may give a correct account to the Council for whom they act. When the present statute governing these matters was passed, there wasn't a city in the State, except Indianapolis, of more than 20,000 inhabitants, and Indianapolis had not more than 35,000; so that it was no doubt supposed by the law makers that the Council could give the Street Commissioners, (or the City Marshal, who acts as Street Commissioner in the smaller cities,) direction in each particular case. This is no doubt the reason that we find no specific provision in the statute, for a Committee or Board to act for the Council in these matters. But that such power exists under the general power of delegation, I have no doubt. As to whether the Board of Public Improvements, who now act as such committee, are in the habit of encroaching upon the rights of the Street Commissioner as laid down in the statute, or not, I can not say from any personal knowledge, having had little or nothing to do with the departments of the city government, which would enlighten me on this subject.

Respectfully submitted,

C. S. DENNY, City Attorney.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following entitled ordinances were introduced and severally read the first time:

By Councilman Thalman:

S. O. 10, 1883—An ordinance to provide for grading, paving with brick, and curbing with stone, the north sidewalk of Vermont street, from Meridian street to Illinois street.

By Councilman Brundage:

S. O. 11, 1883—An ordinance to provide for grading, bowldering and curbing the gutters, and paving with brick the sidewalks of English avenue, from Dillon street to Linden street.

By Councilman Dean, accompanied by the following petition:

S. O. 12, 1883—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Yeiser street, between Madison avenue and East street.

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

Gentlemen:—The undersigned, owners of real estate fronting on Yeiser street, between Madison avenue and East street, respectfully petition for the passage of an ordinance providing for laying gas mains and the erection of lamp posts on said street, between points named:

Fred. Ward, Wm. Rignour, August Schulz, J. A. Morgan, Joseph Esamann, Calvin Morgan, Jacob Fritz, Micheal Haug, Reinholdt Tribes, Charles Haltmeyer, Wm. Yule, C. B. Durbon, Fred. Graber.

By Councilman Pearson:

G. O. 17, 1883—An ordinance to regulate the sprinkling of streets, and fixing penalties for the violation of its provisions.

By Councilman Ward, accompanied by the following petition:

S. O. 13, 1883—An ordinance to provide for grading and paving with brick, the south sidewalk of St. Clair street, from Pennsylvania street to Delaware street.

Indianapolis, March 2, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on St. Clair street, between Pennsylvania street and Delaware street, respectfully petition for the passage of an ordinance providing for grading and paving with brick the south sidewalk of St. Clair street, between Pennsylvania and Delaware streets.

B. S. Hays, James B. Black, for his unimproved portion;
H. M. Adams.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Bryce offered the following motion; which was adopted:

That Judson S. Hawes be allowed to put down a double stone crossing, from the east middle door of the Union Depot to the sidewalk in front of his restaurant, No. 24 West Louisiana street, at his own expense and under direction of the City Civil Engineer.

Councilman Cole presented the following petition and motion; which were referred to the Committee on Sewers:

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

Gentlemen:—The undersigned, owners of real estate, and residents on New Jersey street, between Washington street and Massachusetts avenue, respectfully petition for a sewer to be built on said street, from the Washington street sewer as far north as Michigan street—said sewer being necessary to receive and dispose of the excessive drainage thrown upon the street, and to prevent in the future the frequent overflows and inundations of our property that have occurred in the past. Said sewer being necessary, also, preparatory to the further improvement of our street by curbing and bowldering, which we have heretofore petitioned for, and desire to petition for again, but which improvement the City Engineer reports as not practicable till after such sewer is built. We earnestly beg your early consideration of this matter, and that it be built under the law of 1881.

Henry Severin, 67½ feet; A. Kipp, 34 feet; A. A. Elder, by John R. Elder, 33½ feet; S. A. Fletcher, 33

feet; Sarah Wolfram, 67½ feet; A. H. Wells, by G. A. Wells, 69 feet; Conrad Schaussler, 32 feet; H. Riemenschneider, 26 feet; J. C. Hirschman, 40 feet; Geo. Long's estate, by H. C. Long; Jno. M. Gustin, 67½ feet; Jno. F. Tapking; Mrs. Caroline Gall; Wm. W. Wilkinson, 33 feet; Mrs. Adelia Foudray, 67.6 feet.

That the City Civil Engineer and City Attorney be instructed to prepare an ordinance for the building of a sewer in New Jersey street, and extending the same from the Washington street sewer as far north as deemed advisable for the proper drainage of said street.

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

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

Gentlemen:—We, the undersigned, reputable freeholders of the city of Indianapolis, in Marion County, in the State of Indiana, respectfully pray for the vacation of the following described alley, to-wit:

Commencing on the north line of Merrill street, at a point two hundred and five feet east of the southwest corner of Out-lot twenty-two; thence north one hundred and ninety-one feet (more or less), to the south line of the first alley north of, and parallel with, Merrill street; thence east fifteen feet; thence south one hundred and ninety-one feet (more or less), to the north line of Merrill street; thence west fifteen feet to the place of beginning—all of said real estate being within the corporate limits of the City of Indianapolis.

Your petitioners represent that said alley has never been opened to the public or improved in any way; that the land above described and dedicated for said alley, is very high, and that the said land can never be used as an alley, until a deep excavation shall have been made to place said alley on a level with Merrill street at its intersection with said street; that said excavation can only be made at great expense to your petitioners, Catharine and Anna M. Merrill, and the City of Indianapolis, who own all the land adjoining said alley proposed to be vacated.

Your petitioners accompany this, their petition, with a map or plat of the alley which they propose to have vacated, and show upon said map or plat the surrounding locality. Wherefore your petitioners pray that said alley be vacated. And your petitioners will ever pray, etc.

C. Merrill, Anna M. Merrill, Merrill Moores.

Councilman Déan offered the following motion; which was referred to the Committee on Public Property:

That the Street Commissioner, under the direction of the Engineer, be directed to inclose with posts and rails, one rail high, the Park, thirty feet wide, in the first street west of Japan, running north from Lincoln Lane, for the distance on which trees are growing.

Councilman Déan offered the following resolution:

Resolved, That the street running from Nebraska street to Lincoln Lane, and being the first one west of Japan street, be named Oriole street.

Councilman Stout moved to amend the above resolution by striking out "Oriole," and insert in lieu thereof "Déan;" which amendment was adopted.

The resolution, as amended, was then adopted by the following vote:

AYES, 18—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Dowling, Fultz Harrold, Hartmann, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout Thalman, Ward, Weaver, and Yoke.

NAYS, 1—viz. Councilman Dean.

Councilman Dean offered the following remonstrance; which was referred to the Board of Public Improvements, with the ordinance, S. O. 5, 1883:

Indianapolis, March 12th, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on South street, between Virginia avenue and New Jersey street, respectfully remonstrate against the passage of an ordinance for the grading and paving with brick, the north sidewalk of South street, between Virginia avenue and New Jersey street.

John R. Bellis, 100 feet on South street; A. H. Baker and Sarah A. Dougherty, 116 $\frac{1}{2}$ feet on South street; Sarah E. Nutts, 21 feet on South street; W. S. Pierce, by W. J. McCully, 26 feet on north side of South street.

Councilman Dowling presented the following remonstrance; which was referred to the Committee on Judiciary and Railroads:

Indianapolis, March 19, 1883.

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

Gent:—By request of the Board of State House Commissioners, I respectfully call your attention to their protest against the projected street railway on Tennessee street, in front of the new State House building, and for the reasons given by them. In this protest the State officers concur.

Very respectfully,

JAS. H. RICE, Auditor of State.

Indianapolis, Ind., Feb. 26th, 1883.

HON. JAMES H. RICE, Auditor of State.

Dear Sir:—The Board of State House Commissioners desire, through you and the State officers in charge of public grounds and buildings, to protest against the projected street railway on Tennessee street, in front of the new State House building. It proposes to occupy that part of Tennessee street along the principal front of the new Capitol, marring the view of the same, and obstructing the entrance to the State House grounds at the main gate thereof. No objection exists, however, to their occupying the north side of said grounds, on Ohio street.

By order of the Board,

JOHN M. GODOWN, Secretary.

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

That the committee on boundaries and corporate limits be, and are hereby, requested to report at the next regular meeting of this Council.

That the Street Commissioner be, and is hereby, requested to clean the gutters on Eddy street between Merrill and Rockwood streets, and that he have power to act.

That the Street Commissioner be, and is hereby, instructed to repair Ray street bridge over Pogues Run, and that he have power to act.

Councilman Fultz presented the following petition and resolution; which were referred to the Committee on Water, to report next meeting:

Indianapolis, March 14, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on Morris street and vicinity, between Meridian and West streets, respectfully petition for the passage of a resolution to provide for the laying of water mains on said street to connect the two dead ends at Meridian and West streets. In this locality it is an absolute necessity for the laying of said mains, in order to furnish protection from fire for a large number of manufactories.

Bernd Bros. Co., Ott & Madden, Emrich, Paulin & Co., E. C. Andrews & Co., Hunt Soap Co., Wm. F. Piel & Co., P. C. Wetzel, F. H. Rosch, Abram Rickhart, W. N. Browning, John Eberhardt, Francis Bergmann, John Kossmann, Henry Kissel, Henry Kossmann, Fred. Moasle, Luther Jones, P. B. Pumphrey, D. Mussmann, Fred. Klare, Chas. Broich, Wm. Clark, Henry W. Langenberg, H. Campbell, Edw. Campbell, James Campbell, J. H. Scharn, John Berry, Frank Sourbeer, Frank McCullough, John R. Sourbeer, Frank Kochler, Wm. Tobin, William Youtsey, Porter Dinnin, Thos. F. Barrett, Thomas F. Russell, Wm. Delbrook, Peter Leser, Chas. Mitt-hoft, Wm. Sogemier, John H. Wilde, Wm. Albersmeier, Burner A. McDonell, Jacob Schatz, Patrick Buckley.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Indianapolis Water Company be, and is hereby, directed to lay water mains in and along Morris street, from West street to and connecting with the mains at Meridian street.

Councilman Hartmann presented the following communication and motion; which were referred to the Committee on Sewers, to report next meeting:

Indianapolis, March 19, 1883.

In consideration of the benefits to be derived by me, in the betterment of my property, and other good and valuable considerations to me paid by the City of Indianapolis, I hereby consent that said city may lay and forever maintain an 18-inch sewer pipe in, along, through and under a strip of ground owned by me, formerly Bobbs street, from Bates street to Meek street, in said city; said pipe to be laid along or near the old ditch which carried off the surface water accumulating at the intersection of said Bates and Bobbs streets; the same to be done under the direction and supervision of the City Civil Engineer of said city. And I hereby consent that the officers, agents and employes of said city may enter upon my said land now, and at all future times, for the purpose of laying said pipe, and keeping the same in repair. And should I convey said land (formerly Bobbs street), I agree to specially stipulate in the deed that this grant shall not be interfered with by my said grantee.

MRS. CATHERINE C. BOBBS.

WHEREAS, Catherine Bobbs has given her written consent for the city to lay an 18-inch sewer pipe for surface drainage from Bates to Meek street, in and along her ground, which was formerly Bobbs street; and *whereas*, it is necessary that such drain be at once supplied; therefore

Moved, That the Street Commissioner be, and he is hereby, directed to lay the pipe above described as soon as possible.

Councilman Koller offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to clean the gutters on North street, between Noble and Pine streets.

Councilman Koller offered the following motion; which was adopted:

That the Committee on Sewers be directed to investigate and report what can be done with the sewer emptying into Pogue's Run on Ohio street, so as to afford better drainage.

Councilman Koller presented the following petitions; which were referred to the Committee on Sewers:

Gentlemen of the City Council:

Once more I hand you a statement of my grievances, imposed upon me by the city. I have talked to individual members of the Council and Board of Aldermen, and some of them understand the case. I have sent my humble petition to this Council, verbally and in writing, last year.

You have taken the creek that used to run through my ground, and turned it into a sewer in Market street (against my wishes, not even asking if I was willing), and made it too small to carry all the water in heavy rains, and have not made any provision for the surplus or waste water, but filled up the creek at the outlet, and have not filled up the inlet. Now it collects in Market street, east of Highland street, till it fills the street for two squares from one to three and a half feet deep; then it takes the old course of the creek through Gen. Knefler's ground, and out into Highland again. When that street is full, it runs into Latham's, and fills his lot nearly all over, except the Washington street front, to a depth of from one to five feet.

I have built four dwellings on my Market street front, in accordance with the grade of the street, and for which grading and graveling the city collected from me \$348.00. I have good houses and good tenants, and the water bursts over from Latham's, fills the yards, cellars, cisterns, wood-houses and stables, and breaks down the cellar walls, and makes general destruction and confusion, and goes back into Market street again, only four hundred and twenty-five feet from where it left in the first place.

Now, gentlemen, you never fail to assess a tax on this very ground that you ruin for me, and are now asking me to pay you inside of thirty days, \$166.00 for city purposes, on this very ground. Every flood costs me in money over two hundred dollars, and in time, trouble and annoyance, five hundred dollars more. It drives out my tenants. I have been notified this day of a removal on April 1st, of O. N. Frenzel, cashier of Merchants' National Bank. The tax and water come regular every year. How do you expect me to pay the tax and stand the damage? I have been patient, but that is of no use any more. You, gentlemen, must relieve me by making an outlet for your water, or pay me the damages as they occur. This is no Pogue's Run matter, that nature made and is still in its natural place, and the city is not liable for its overflow. Remember you destroyed my creek, and made no provision for an overflow. There is no street grade in this to fight over; the only thing to be done is to make an outlet through the little hill in Market street at Highland street. If Highland street was improved according to your Engineer's plans, that would remedy it; but this must be done, whether you improve Highland street or not. Open and deepen the two gutters two hundred and fifty feet, and cover it through Highland street, and the remedy is complete, and the water will thus be kept in Market street, where it belongs. It happened twice this winter, in eleven days.

Now, gentlemen, in the name of the city Council, do this at once, and don't stand

round and look on any longer. If I place any little obstructions in the streets, alleys or gutters, I am notified to remove them in a few hours, or pay a fine. Take this matter home to yourselves, and treat me fair and honest; that is all I ask.

Respectfully,

C. ZIMMERMAN.

Indianapolis, March 19, 1883.

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

Gentlemen:—The undersigned would respectfully show that he is a property owner on east Market street, 150 feet west of Highland street; he would further show that on account of the elevation in the grade of Market street, at the crossing of Highland, and there not being sufficient inlet through the pipes underlying Market street, the water runs through private grounds and re-enters Market street through my ground. Now your petitioner would respectfully ask your honorable bodies to build two culverts through Highland street, in Market street, and all damage arising from overflow will be prevented in the future; and as the cost would be small, I would respectfully ask that the Street Commissioner be ordered to do the work at once, to prevent further loss or damage. (See my communication for explanation of matter) Please also include State street and Arsenal avenue.

Respectfully yours,

C. ZIMMERMAN.

Councilman Morrison offered the following resolution:

Resolved by the Common Council and Board of Aldermen, That the Citizens' Street Railway Company be, and are hereby, ordered and directed to at once proceed to the construction of a double line of street railway in and along north Mississippi street, from Washington street to Seventh street. Said line to be constructed in the most approved manner, and with what is known as *Johnson's* patent rail.

And that said Citizens' Street Railway Company be, and are hereby, requested to extend said Mississippi street line, or the West street line, north to Crown Hill Cemetery.

Councilman Thalman offered the following as an amendment to the above resolution; which, with the resolution, was referred to the Committees on Judiciary and Railroads:

Provided, That all other corporations operating a line or lines of street railway in said city, by the authority of the Common Council and Board of Aldermen thereof, whose cars are propelled with animal power only, shall have the right to run its cars along and upon the tracks herein authorized to be laid, within the following free territory boundaries, i. e.: New York street on the north; Louisiana street on the south; Delaware street on the east, and Tennessee street on the west; such other company so using said track first paying to said Citizens' Street Railway Company for the use thereof, one-half the cost of the construction of the part of track so used, and one-half the cost of maintaining the same while so used; such half of cost of construction to be paid before such use is commenced; and

Provided, That the track of such railway shall be laid with iron or steel tram-rails having a tramway of not less than three inches in width, the tread of which shall not be more than three-quarters of an inch above the tram, the tram of the rails to be laid so as to face each other upon each track, and that the cars and carriages used upon said line shall be provided with front and rear platforms; no car shall be drawn by less than two animals; every car shall be provided with a driver and conductor, and no passenger shall ever be required to pay any fare for riding upon any car or carriage by depositing the same in any fare box; said company shall at all times sell packages of 11 fare tickets for 50 cents, and 30 fare tickets for \$1.00 to school children, to be used for school purposes.

Provided, further, That the Common Council and Board of Aldermen shall have the power at any time to pass penal ordinances for the enforcement of any of the

provisions herein contained, and for the enforcement of any of the provisions of an ordinance entitled "An ordinance authorizing the construction, extension and operation of certain passenger railways in and upon the streets of the City of Indianapolis," ordained January 18, 1864, and all ordinances amendatory and supplemental thereto.

Provided, further, That this resolution shall not take effect or be in force until said Citizens' Street Railway Company shall have filed in the office of the City Clerk its acceptance in writing of the provisions of this resolution, and its agreement that the conditions and provisions of this resolution shall be obligatory and binding upon it; that it will keep and observe the same, notwithstanding any of the provisions of any ordinance heretofore passed by said city, in relation to the said Citizens' Street Railway Company.

Councilman Morrison offered the following motions; which were referred to the Board of Public Improvements, with power to act:

That the Street Commissioner be, and is hereby, instructed to repair the washout on Davis street, west of the Mill Race

That the Street Commissioner be, and is hereby, instructed to at once fill in and repair the bridge across the Mill Race on Davis street.

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

That the Street Commissioner be, and is hereby, ordered to repair north Tennessee street, from Ohio street north to Tinker street, with the best of raked river gravel; said work to be done during the months of March and April; said improvement is to be made in such a manner as to make said street in the best possible condition.

Councilman Morrison offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, instructed to repair the most dangerous chuck-holes on Indiana avenue, from Illinois street to the Canal; said work to be done at a cost not to exceed ten dollars for each square.

Councilman Bryce moved to reconsider the action adopting Councilman Pritchard's motion by which it was ordered that when this Council adjourns, it adjourn to meet Thursday evening, March 22d, 1883.

Which motion was adopted, and the action reconsidered by the following vote:

AYES, 13—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Dowling, Fultz, Harrold, Koller, Morrison, Thalman, Ward, Weaver, and Yoke.

NAYS, 6—viz. Councilmen Dean, Hartmann, Pearson, Pritchard, Reichwein, and Stout.

On motion by Councilman Morrison, it was ordered that when this Council adjourns, it adjourn to meet Monday evening, March 26th, 1883.

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

To the Honorable, the Boards of Aldermen and Common Council :

Gentlemen:—The undersigned respectfully represent that on the 12th of February, 1878, they bought a lot at the tax sale, numbered 5, H. & D.'s subdivision of Yeiser's addition, upon which it was advertised that the improvements were valued at \$300.00. The sale was for the tax upon the improvements, as well as the lot. Now it turns out that the assessment of improvements was made under a misapprehension of facts, and that in reality there are no improvements on said lot. This, of course, makes the sale illegal. We therefore ask you to order the re-payment to us of the amount we have paid, including taxes, interest and costs. The certificate is No. 7,035.

Very respectfully,

Indianapolis, Feb. 22d, 1883.

S. A. FLETCHER & Co.

To the Honorable Boards of Councilmen and Aldermen, City of Indianapolis :

Gentlemen:—Your petitioner bought, under tax certificate No. 12,634, city tax sale, 2¼ feet off west end Lot 7, Square 7, Out-lot 157, Hill's Subdivision, and 22½ feet east end Lot 8, Square 8, Out-lot 157, Hill's Subdivision, City of Indianapolis, and paid therefor 11th February, 1880, \$80.53, and says that the same was taxed double and should be refunded, as the taxes were paid once in full, to-wit: paid by owner, also by the purchaser—and further says that there is no such property in the city as Lot 8, Square 8, Hill's Subdivision, Indianapolis, and says that he paid subsequently taxes thereon, viz.: January 20, 1881, tax 1880, \$3.80, and says that for the year 1880 all of said property was taxed double and paid twice.

Petitioner therefore asks that you, for the above and other reasons appearing on Assessor's and Treasurer's books and duplicates, refund to him said sums, to-wit:

Purchase price paid 11th February, 1880.....	\$80 53
Subsequent tax paid 20th January, 1881.....	3 80
Interest on each sum to date, 6 per cent.....	15 00

In all..... \$99 33

E. B. HUTCHINSON.

The Hon. Boards of Aldermen and Councilmen of Indianapolis—Greeting:

Gentlemen:—Your petitioner, on 15th February, 1880, bought the following property at city tax sale, viz.: Lots 17, 18, 19, 20, 53, 60 and 100, in King's subdivision May & Wasson's Highland Park Addition to Indianapolis; also Lots 5, 36, 86, 87, and 88, May & Wasson's Highland Park Addition to Indianapolis; also Lots 2, 3, and 4, Houston's Subdivision May & Wasson's Highland Park Addition to Indianapolis; also Lots 2 and 3, Myer & McClain's S. E. Addition to Indianapolis; also Lot 95 King's Subdivision Bryan's Addition to Indianapolis; also Lot 1, Stanton's Addition to Indianapolis; also Lot 14, J. B. & B.'s Addition to Indianapolis; also Lot 6, Downey's Subdivision Bryan's Addition to Indianapolis; also Lot 97, Rudell's Subdivision Bryan's Addition to Indianapolis—and says that he paid out in purchase money thereon,

February 1880, the sum of.....	\$355 86
Paid subsequent taxes thereon, January 4, 1881.....	35 34
6 per cent. interest from dates to March and April 1, 1883.....	49 21

Total claimed..... \$440 41

Your petitioner asks said sum refunded because said property was outside of city corporation at time of assessment and sale, and was never properly annexed to the city, and is not now within the city limits. Your petitioner also, for same reasons, asks refunding on following property: Lots 1, 2, 3, 4, 13, 14, 19, 20, 27, 28, 33, 34, 39, and 40, in Lewis Shively's Subdivision Bryan's Addition to Indianapolis; also Lot 10, Square 13, McClain's S. E. Addition to Indianapolis; also Lot 1, Houston's Subdivision May & Wasson's Highland Park Addition to Indianapolis—and says that he paid out in money, taxes thereon,

Purchase price, February 15, 1881.....	\$44 64
Subsequent tax paid January 29, 1881, certificate 14,258.....	1 07
6 per cent. interest to April 1, 1883.....	5 78

Total claimed..... \$51 49

Your petitioner asks refunding, for reason herein before stated, of both of said claims, to-wit:

Total claim of.....	\$440 91
Also, total claim of.....	51 49

Amount claimed to be refunded on all of said certificates, with interest, \$492 40

Respectfully, FRANK MCWHINNEY.

Councilman Stout presented the following petition and motion; which were referred to the Board of Public Improvements, with power to act:

Indianapolis, March 1st, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on Broadway street, between Seventh and Twelfth streets, respectfully petition for the passage of an order providing for foot bridges and broken stone crossings running east and west and north and south, to conform to the grade of the sidewalk being laid; said crossings are of importance, particularly to school children, as well as residents.

F. E. Creelman, M. D. Butler, F. R. Woollen.

That the Street Commissioner be, and is hereby, directed to comply with the above request, as soon as the streets are completed.

Councilman Thalman offered the following motion; which failed of adoption:

That the time for receiving bids for the Tomlinson Estate, be extended until May 25th, next.

Councilman Thalman offered the following motion; which was adopted:

That the City Civil Engineer be directed to replace street signs at any point where they have been broken or misplaced.

Councilman Thalman presented the following petition and motion; which was received, and motion adopted:

To the Honorable Council of the City of Indianapolis :

Gentlemen:—I do, most respectfully, ask permission to grade and pave with brick the east sidewalk of Bright street, between New York street and the first alley north; also grade and gravel the alley between Blackford and Bright streets, extending 130 feet north from New York street; also to grade and pave with brick, the sidewalk in front of lot 17, O. L. 151 Maguire's sub; also grade and gravel 170 feet east of the first alley north of New York street from Bright street, at my own expense, and that you authorize the City Engineer to set the stakes for the proper grading and paving of the same, and I also ask you to authorize the Street Commissioner to extend the sidewalks to the proper distance at their intersection on the northeast corner of New York and Bright streets, and to put in two flagstone walks across the alley between Blackford and Bright streets on New York streets, after the afore mentioned grading and paving has been completed.

Very respectfully, D. H. PRUNK.

Indianapolis, Ind., March 3, 1883.

That permission be granted to do the work at his own expense and under the direction of the City Civil Engineer, and that the Street Commissioner be directed to do the crossings as asked for, it being the city's portion and necessary to make the improvement complete.

Councilman Thalman presented the following petition; which was referred to the Board of Public Improvements, with power to act:

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

Gentlemen:—We, the undersigned petitioners, resident tax payers, respectfully ask your honorable body to have a double stone crossing laid across Washington street at the foot of Blackford street.

February 12, 1888.

Kingan & Co's., per R. S. Sinclair, Gibson & Co, Chandler & Taylor, Salisbury & Vinton Paper Co., Geo. Merritt & Co., C. E. Geise dorff & Co., Wm. H. Morrison, Chas. N. Lee, John Moore, Richardson & Evans, S. B. Corbaley, A. Helprich, Wm. Ried, Mr. Judson, W. R. Carey, A. Minter, J. S. Carey, C. F. Winter, Theo. A. Buchter, Patrick Manley, Zeph Hollingsworth, Geo. F. Traub, R. F. Teneyck, D. E. Reagan, T. B. Messid.

Councilman Yoke offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commission be, and is hereby, instructed to place stone crossings at the street and alley crossings on Huron street, between Virginia avenue and Dillon street, where the sidewalks have been re-pav'd with brick. The paving on this street was done seven months ago, and it is but just that the above work should be done at once.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.