

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—JANUARY 14, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, January 14th, A. D. 1884, at seven o'clock, in adjourned session.

PRESENT—Hon. John L. McMaster, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 25 members, viz: Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

ABSENT—None.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the Mayor, presented the following appointment of Standing Committees:

Indianapolis, Jan. 14, 1884.

Gentlemen of the Council:

I have appointed the following as the standing committees of this body:

Yours respectfully,

JOHN L. McMASTER, Mayor.

Accounts and Claims—John R. Pearson, Phoenix M. Gallahue, James T. Dowling.

Bridges—John R. Cowie, Joseph W. Wharton, Wm. Curry.

Contracts—Isaac Thalman, Frank E. Benjamin, Jos. H. Sheppard.

Education—Robert McClelland, Geo. W. Spahr, John T. Downey.

Finance—Isaac Thalman, John R. Pearson, Frank E. Benjamin, Frederick J. Mack, Julius F. Reinecke.

Judiciary—Geo. W. Spahr, Wm. C. Newcomb, John Moran.

Markets—Wm. C. Newcomb, John R. Cowie, Simeon Coy.

Office Fixtures and Supplies—J. W. Wharton, R. H. Rees, Simeon Coy.

Ordinances—Geo. W. Spahr, Wm. C. Newcomb, Jas. T. Dowling.

Printing—Preston C. Trusler, Robt. H. Rees, Chas. E. Haugh.

Public Charities—Robt. McClelland, Preston C. Trusler, Jos. H. Sheppard.

Public Health—Frank E. Benjamin, P. M. Gallahue, Geo. F. Edenharter.

Public Light—P. M. Gallahue, Theo. F. Smither, Chas. E. Haugh.

Public Property—Theo. F. Smither, Joseph W. Wharton, Philip J. Doyle.

Railroads—John R. Pearson, Miles M. Reynolds, Geo. F. Edenharter.

Rules—John R. Cowie, Theo. F. Smither, Frederick J. Mack.

Sewers and Drainage—Robert H. Rees, Isaac Thalman, John T. Downey.

Streets and Alleys—Preston C. Trusler, Miles M. Reynolds, Wm. Curry.

Water—Miles M. Reynolds, Robert McClelland, Philip H. Wolf.

Councilman Rees, as a substitute for the above, offered the following resolution:

Indianapolis, Jan. 14th, 1884.

Council Chamber :

Be it Resolved by the Common Council of the City of Indianapolis, in the State of Indiana, That the following standing committees be, and they are hereby appointed to serve for two years next ensuing, and until their successors are elected and qualified, that is to say :

Committee on Accounts and Claims—Messrs. Pearson, Reynolds and Curry.

Committee on Bridges—Messrs. Thalman, McClelland and Moran.

Committee on Contracts—Messrs. Rees, Wharton and Coy.

Committee on Education—Messrs. Doyle, Gallahue and Trusler.

Committee on Finance—Messrs. Spahr, Reynolds, Pearson, Dowling and Curry.

Committee on Judiciary—Messrs. Spahr, Benjamin and Edenharter.

Committee on Markets—Messrs. Rees, Wharton and Doyle.

Committee on Office Fixtures and Supplies—Messrs. Reinecke, Newcomb and Smither.

Committee on Ordinances—Messrs. Haugh, McClelland and Trusler.

Committee on Printing—Messrs. Trusler, Gallahue and Haugh.

Committee on Charities—Messrs. Wolfe, Cowie and Newcomb.

Committee on Public Health—Messrs. Edenharter, Newcomb and Smither.

Committee on Public Light—Messrs. Spahr, Gallahue and Dowling.

Committee on Public Property—Messrs. Mack, Cowie and Smither.

Committee on Railroads—Messrs. Rees, Spahr and Sheppard.

Committee on Rules—Messrs. Moran, Gallahue and Newcomb.

Committee on Sewers and Drainage—Messrs. Reynolds, Thalman and Wolfe.

Committee on Streets and Alleys—Messrs. Wharton, Benjamin and Coy.

Committee on Water—Messrs. Rees, Thalman and Downey.

Councilman Thalman moved to lay the substitute on the table.

Which failed of adoption, by the following vote:

AYES, 10—viz. Councilmen Benjamin, Cowie, Gallahue, McClelland, Newcomb, Pearson, Reynolds, Smither, Thalman, and Trusler.

NAYS, 15—viz. Councilmen Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, Rees, Reinecke, Sheppard, Spahr, Wharton, and Wolf.

The resolution was then adopted, by the following vote:

AYES, 15—viz. Councilmen Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, Rees, Reinecke, Sheppard, Spahr, Wharton, and Wolf.

NAYS, 10—viz. Councilmen Benjamin, Cowie, Gallahue, McClelland, Newcomb, Pearson, Reynolds, Smither, Thalman, and Trusler.

Councilman Spahr offered the following resolution :

COUNCIL CHAMBER, Jan. 14th, 1884.

Be it Resolved by the Common Council of the City of Indianapolis, in the State of Indiana, That the following named members of said Council, to-wit: Messrs. Spahr, Benjamin, Pearson, Sheppard and Dowling, be, and they are hereby, appointed a special committee to prepare suitable rules and regulations to aid in the conduct of the business of said Council; and to give force and effect to its proceedings, and to report such rules and regulations as they may agree upon to the next regular meeting of this Council.

And it was adopted by the following vote:

AYES, 23—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wolf.

NAYS, 2—viz. Councilmen Trusler, and Wharton.

REPORTS, ETC., FROM CITY OFFICERS.

The City Clerk submitted the following report:

To the Mayor, Common Council and Board of Aldermen :

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

George W. Seibert vs. Horace R. Allen, for.....	\$44 10
George W. Seibert vs. Horace R. Allen, for.....	44 10
George W. Seibert vs. Horace R. Allen, for.....	44 10

Respectfully submitted, GEO. T. BREUNIG, City Clerk.

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

AYES, 22—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Doyle, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Trusler, Wharton, and Wolf.

NAYS, 3—viz. Councilmen Downey, Edenharter, and Thalman.

The City Clerk presented the following communication:

Cincinnati, O., Jan. 12th, 1884.

John T. Magner, Esq., City Clerk, Indianapolis, Ind. :

DEAR SIR:—I am advised that there is some misunderstanding arising from want of information among the City Council of Indianapolis, as to the position occupied by the Cincinnati, Hamilton & Indianapolis Railroad, regarding improvements over Pogue's Run. This may be partly owing to the fact of changes in the administration upon the C., H. & I. R. R., and for the reason that I myself may have been misled in the status of affairs.

When it was first proposed, our engineer was requested to get a plan from the Pan-Handle Railroad, and arrange to work a uniform plan with them. Subsequently they advised us that the city were going to propose a general plan for all crossings of Pogue's Run, and asked that we defer action until that plan should be determined upon. For that reason we have taken no further action and I supposed your people had been advised of it.

Since I have been here I have tried twice to meet the City Engineer of Indianapolis, and once arranged for a meeting with him in Cincinnati, but have failed in both instances.

I wish to state generally that we desire to co-operate with all parties in building such a structure as shall be deemed serviceable and to cover all points required.

I learn indirectly that it is proposed that it shall be one clean span between the abutments covering the channel; that this will necessitate a through bridge, and as you can readily see one post of the structure must stand almost in the center of East street, which I know would be objectionable to your people. For that reason I have desired a meeting with your City Engineer, and will gladly do so at any time and see if we cannot agree as to what structure shall be erected.

If you will have him so instructed I can meet him at almost any time either here or Indianapolis upon a few days' notice.

Very truly yours,

C. J. HEPBURN, Gen'l. Sup't.

Councilman Pearson moved to refer to the Committee on Railroads and City Civil Engineer.

Councilman Thalman offered the following amendment to the above motion; which was adopted:

That the Committee be requested that no report will be satisfactory to this Council requiring obstruction to be placed in the Run.

Councilman Pearson's motion as amended, was then adopted.

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

To the Mayor and Common Council:

Gentlemen:—As directed by the Board of Aldermen, I have prepared an ordinance requiring the Union Railway Company, and Pan-Handle Company, to station a night flag or signal man at the crossing of Virginia avenue. The motion gave no instructions as to kind of signals, or hours of night that the same were to be maintained. I have, therefore, prepared the ordinance in accordance with my own views, which, if not satisfactory, can be remedied by amendment.

I hand the ordinance to the Mayor for introduction.

Respectfully,

C. S. DENNY, City Attorney.

His Honor, the Mayor, as per foregoing report, introduced the following entitled ordinance; which was read the first time:

G. O. 2, 1884—An ordinance requiring the Railroad Companies crossing Virginia avenue, at the intersection of Alabama street, to maintain signals at point to warn drivers of vehicles and pedestrians crossing the tracks of said companies at night, of the approach of trains.

Councilman Newcomb presented the following claim; which was referred to the Hospital Board:

Estimate No. 3.

Indianapolis, December 31, 1883.

CITY OF INDIANAPOLIS, IND.

This is to certify that Clark & McGauley are entitled for pay on account of their contract for plumbing and gas fitting of the New Addition to the City Hospital Building:

Amount of work done and material furnished.....	\$2,200 00	
Less 15 per cent.....	\$330 00	
Less Estimate No. 1 and 2.....	1,284 35	
	<u>1</u>	
	\$1,614 35	\$1,614 35

Amount due them..... \$585 65

CHAS. G. MUELLER.

Approved.

PETER F. BRYCE, Pres't, Hospital Board.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen in session, held in the Aldermanic Chamber, Friday evening, December 21st, 1883, non-concurred in your action of December 17th, 1883, requesting the Western Union Telegraph Company to deliver messages free of charge within a radius of one mile from the main office or its branches, and that no charge for a distance over a mile be made in excess of ten cents, but recommend that the Western Union has not any right to make a charge for the delivery of messages within the city limits, as their regular rates cover the City of Indianapolis.

The Council action as amended was then concurred in.

I submit the above for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The City Clerk presented articles of incorporation of The Indianapolis Under-ground Sectional Electric Conduit Company, and a resolution of the Directory of said Company, accepting the terms and conditions of General Ordinance No. 67, of 1883, with a bond in the penal sum of fifty thousand dollars, as required by said ordinance; which were severally referred to the Judiciary Committee and City Attorney, with instructions to report at the next meeting.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

S. O. 1, 1884—An ordinance to provide for grading, bowldering and curbing the gutters, and graveling the roadway, with raked river gravel, of Indiana avenue, from West street to St. Clair street.

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

G. O. 3, 1884—An ordinance making it unlawful to interfere with Civic, Military or Funeral processions.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Benjamin offered the following motion; which was adopted:

To permit the Anderson Hardware Company to build a powder magazine below the old cemetery, that they may enjoy the same right with others who have them already erected.

Councilman Coy offered the following motion; which was adopted:

That John Gustin be, and he is hereby, granted general auctioneer's license, for one year from January 1st, 1884. Said Gustin to pay the usual license fees.

Councilman Dowling offered the following motion; which was adopted:

That John Quincy Adams, house mover, be, and is hereby, granted further time until the present severe weather permits him to move his house on Delaware street, north of Home avenue.

Councilman Haugh presented the following remonstrance; which was ordered filed with the ordinance, S. O. 140, 1883:

Indianapolis, January 5th, 1884.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned owners of real estate fronting on Michigan street, between Delaware and New Jersey streets, respectfully remonstrate against the passage of an ordinance providing for the grading, bowldering, and curbing the gutters and widening the sidewalks of Michigan street, from Delaware to New Jersey street.

W. H. English, 186 feet; Jno. W. Ray, 170 feet; Charlotte F. Robson, 50 feet; R. B. Duncan, trustee Beaty Homestead, 96 feet; Mrs. L. M. Hereth, 195 feet

Councilman Pearson presented the following petitions; which were referred to the Committee on Streets and Alleys:

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

Gentlemen:—The undersigned interested in the property abutting on the alley mentioned herein, respectfully petition that they be permitted to grade the first alley west of McGinnis street, between Ray and McCauley streets, under the direction of the City Civil Engineer, whom we desire you to instruct to set the grade stakes.

Indianapolis, Dec. 8th, 1883.

It is distinctly understood that this grading will be done without cost to the petitioners, by the contractor who is grading the lots on the west side of said alley.

Wm. H. Bartlett, Alfred Knott, Lackey Gaughan,
John Rupp, J. V. McKernan, S. A. Fletcher & Co

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

The petitioners who have signed the within petition, are the property owners adjoining the so called "Park," shown as Lot 28 on the within plat, and hereby ask that whatever action of the city by its boards may be necessary to the vacation of said so-called "Park," or to the city's surrendering of and pretended or apparent right over the said lot be had at an early day. The said original plat and dedication of said part of said city and additions thereto, shows that said Fletcher only conditionally dedicated the same for park purposes, the conditions being in substance that the city would improve the same in a certain way at once, and which the city has never done, nor has she done or performed any of the conditions imposed on her, thereby; wherefore she is asked to now surrender said lot, as far as said city is concerned to the original owner, which petition the property owners also join, as shown by the within petition and the names thereto signed.

T. R. FLETCHER,

By J. T. Lecklider, his Att'y.

To the Honorable Board of Aldermen, and Councilmen of Indianapolis :

The undersigned, contiguous lot owners, petition your honorable body to vacate so much of the plat recorded in Plat Record No. 2, page 38, Records Marion County, Indiana (see plat hereto attached) as covers Lot 28 marked "Park," on said Plat, the same having been by T. R. Fletcher, on 8th April, 1859 dedicated to the city for park purposes on conditions named, but in fact the same has never been improved or used for park purposes, but has been and now is practically through neglect and misuse, a nuisance and annoyance to neighboring property. We therefore petition you to vacate the same as a park and convey it back to said T. R. Fletcher, so that it may be improved, as that would enhance the interests of the neighborhood. We therefore pray you to grant and do whatever is necessary to accomplish the end stated.

Respectfully,

Jos Staub, James Pierce, Lot 1; Thomas Evans, north half of Lot 3; Henry Hoffman, Lots 4 and 5; Wm. Kaiser, south half of Lot 3; Fred. Neemann, Lot 29; J. F. Resener, Lots 24 and 25—and 8 others.

On motion by Councilman Spahr, it was ordered that all papers in the hands of the committees of the old Council, be placed in the hands of the committees of the new Council.

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

That stone crossings be placed at crossing of Pennsylvania and New York streets.

Councilman Thalman offered the following motion; which was adopted:

That the Committee on Ordinances, and City Attorney, be directed to prepare an ordinance requiring property owners or occupants thereof, to clear the sidewalks of snow and ice, or sprinkle them with sawdust, ashes or sand.

Councilman Wharton offered the following resolution; which was referred to the Committee on Bridges, and City Civil Engineer:

Resolved, That the City Civil Engineer be instructed to prepare and submit at the next meeting of the Council, a plan for a plain iron bridge across the canal at the crossing of the Canal and Michigan road, near Sixth street, together with an estimate of the costs of same.

On motion by Councilman Benjamin, the Common Council then adjourned.

JOHN L. McMASTER, Mayor,
President of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.



PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 14, 1884.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 14th, A. D. 1884, at seven o'clock, in regular session.

PRESENT—HOB. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, and Tallentire—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the adjourned sessions, held December 17th, 1883; December 21st, 1883, and December 28th, 1883, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

This being the first regular session, President Rorison made the following remarks:

To the Members of the Board of Aldermen:

Gentlemen:—It shall be my constant aim to merit your approbation in the performance of the duties of President of the Board. As this is a business body, the subject of ways and means is very naturally and very properly uppermost in our minds. The best citizens help to keep it so. Some say the city government is too sordid for efficiency; others complain of wastefulness of the public funds. Criticism is wholesome, and will, I hope, help us to keep strictly within the revenues, and see that every dollar is judiciously expended, and represents a full dollars' worth of improvements. The finances of the city are in good condition. Our debt is small, and very few cities in the country have so light a rate of taxation. It is notorious that personal property does not pay its just proportion of the taxes. I trust the Finance Committee will be able to devise a plan by which the burden of taxation will fall more equitably as to real and personal property.

The Legislature, several years ago, passed an enabling act for the construction of sewers in the city, and for raising by special tax, the needed funds. It is important that a systematic plan be at once devised, a plan so liberal as to meet not only the present, but rapidly increasing wants of the city.

We should have a Committee on Legislation, to prepare and present to the next Legislature such measures as are desirable. Many business men of this city receive large incomes, but pay no taxes. It would, unquestionably, be desirable to have a law enabling the city to license the various classes of business, and also to charge a license for vehicles, for the benefit of the Street-Repair Department.

We should be more than ordinarily cautious, during the coming year, in the matter of expenditures, as we inherit from the last Council and Board, a large number of improvement ordinances.

Emergencies will seldom arise to justify a suspension of the rules. This Board was created for the purpose of checking legislation. Ample time and free discussion will serve to develop the weakness of unwise measures, as well as the wisdom of good measures. Let it be reserved for the Council to act hastily, as it has frequently done (notably in case of the Conduit ordinance), relying on this Board to prune, engraft, and sometimes uproot. Let us instruct the Clerk that when we have taken action on any matter and killed it, he is not to return it to Council for revival.

Party politics should have little to do with this Board. The minority represent very nearly one-half of our citizens, and they are entitled, by every rule of right, to all the information that representation on every committee, every board and every official body in the city government, can give them. We were sent here to labor for our party, only so far as wise legislation for the whole city serves that end. Our especial duty to the party (those of us who are Republicans), ceases with the selection of capable, upright, Republican City officers. This Board was created to subserve the business interests of the community. We should not allow it to be diverted, nor degraded to any other uses.

If you have any favorite project, do not enter into any combination to secure its success. Let the quality of each measure, considered separately, determine its success or failure. Try to keep constantly with you an honest purpose and a level head. If you are true to yourselves, and at all times vote your convictions, you will, two years hence, have fewer of the friends you have to-night, but those you do retain, will demonstrate the survival of the fittest. Among them let us number all good citizens who desire a pure, firm and economical conduct of the affairs of the city.

President Rorison made the following appointment of Standing Committees:

To the Members of the Board of Aldermen of the City of Indianapolis:

Gentlemen.—I herewith submit the following Standing Committees for the term ending December 31st, 1885:

Contracts and Bridges—Messrs. Tallentire, Endly and McHugh.

Finance and Accounts & Claims—Messrs. Endly, Cox and King.

Fire Department—Messrs. Tallentire, Prier and McHugh.

Hospital and Dispensary—Messrs. Cox, Prier and Bernhamer.

Judiciary and Ordinances—Messrs. Pritchard, Cobb and Bernhamer.

Markets and Public Property—Messrs. Cobb, Tallentire and Bernhamer.

Police Department—Messrs. Cox, Tallentire and McHugh.

Printing and Office Fixtures & Supplies—Messrs. Endly, Pritchard and King.

Public Light and Education—Messrs. Prier, Pritchard and King.

Railroads and Public Charities—Messrs. Pritchard, Cobb and Bernhamer.

Rules—The President, President *pro tem.* (*ex officio*) and Bernhamer.

Streets & Alleys and Sewers & Drainage—Messrs. Cobb, Endly and King.

Water and Public Health—Messrs. Prier, Cox and McHugh.

Respectfully,

BRAINARD RORISON, Pres't.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen.—I herewith submit the following papers for your consideration, favorably passed upon by the Common Council, at its regular session held January 7th, 1884.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 3, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following estimates of work done according contract. A first and final estimate in behalf of J. H. Freaney for erecting three lamp-posts, lamps and fixtures complete to burn gas, except the service pipes, on Park avenue, between Seventh street and Lincoln avenue, 1221 lineal feet, at 04.75c. (3 posts at \$19.50 \$58 50

A first and final estimate in behalf of J. H. Freaney for erecting two lamp-posts lamps and fixtures complete, to burn gas, except the service pipes, on Home avenue, between Pennsylvania and Delaware streets, 820 lineal feet, at 04.76c. (2 posts at \$19.50.) \$39 00

Respectfully submitted, S. H. SHEARER, City Civil Engineer.

The following estimate resolution (see page 3, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Freaney for erecting lamp-posts, lamps and fixtures complete to burn gas, except the service pipes on Home avenue, between Pennsylvania and Delaware streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYER, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 3, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Freaney for erecting lamp-posts, lamps and fixtures complete, to burn gas, except the service pipes, on Park avenue, between Seventh street and Lincoln avenue, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 4, *ante*), was concurred in:

To the Common Council and Board of Aldermen:

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

Contract and bond of Henry C. Roney for grading and graveling the west sidewalk of Peru street from Lincoln avenue to Seventh street. Bond \$300; surety, Fred Gansberg.

Contract and bond of R. P. Dunning for grading and paving with brick the north sidewalk of South street, from Virginia avenue to Delaware street. Bond, \$1,500.00; surety, H. C. Roney.

Contract and bond of Henry Clay for grading and graveling the roadway of Peru, street from Lincoln avenue to Seventh street. Bond \$800; surety, Geo. Wm. Seibert.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from the City Clerk was read:

To the Common Council and Board of Aldermen:

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

Robert H. Patterson vs. Elizabeth C. French, for.....	\$24 65
John Keenan vs. Martin L. McWhinney, for.....	10 23
John Keenan vs. Will F. A. Bernhamer, for.....	18 60
John Keenan vs. Frank W. Groff, for.....	12 40
John Keenan vs. Lotta A. Brown and George W. Heddrick for.....	10 23
Henry C. Roney vs. Hiram Bacon heirs, viz.: Helen Howland, Electa Thornton, Mary A. Tuttle, Caroline B. Sloan, George W. Sloan, John H. Schell, Hiram B. Henderson, William Henderson, Geo. Blair Henderson, Samuel Henderson and Helen Chain, for..	39 55

Respectfully submitted,

GEO. T. BREUNIG City Clerk.

And the favorable action of the Common Council thereon (see pages 10 and 11, *ante*), was concurred in, and the precepts ordered to issue, by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The reports of the City Attorney, giving a summary of cases during the year, also, the condition of sundry cases pending, and his action in regard to the Mutual Union Telegraph Company, were read, and the action of the Common Council thereon (see pages 11, 12 and 13, *ante*), concurred in.

The following report from the City Assessor (see page 14, *ante*), was read, and the appointment confirmed:

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

Gentlemen:—I have appointed H. M. Hadley my deputy, and respectfully request your honorable bodies to confirm his appointment.

Respectfully submitted,

EUGENE SAULCY, City Assessor.

The report of the Fire Board, and the annual report of the Chief Fire Engineer, showing the receipts and disbursements for the year 1883, (see pages 16, 17 and 18, *ante*), were read and received.

The report of the Street Commissioner, showing service had been made on V. T. Malott, to remove the stone arches under and near the Union Depot (see page 14, *ante*), was read and received.

The reports of the Street Commissioner, showing expenses in his Department for December, 1883, and for the last seven months, commencing June 1st, 1883, (see pages 14 and 15, *ante*), were read and received.

The monthly reports from the City Dispensary, City Hospital and Branch and the Mortality report (see pages 15, 16 and 18, *ante*), were read and received.

The following petition (see page 23, *ante*), was read, and referred, on motion by Alderman Pritchard, to the Committee on Judiciary:

Indianapolis, January 7, 1884.

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

Gentlemen:—The undersigned citizens and petitioners respectfully request that your honorable bodies cause to be passed, a special ordinance granting us license to sell merchandise at auction, at 68 east Washington street, in the City of Indianapolis, Indiana. Said license to be in force for one year from date, to cost thirty-five dollars and issue fee, we have the honor to be yours respectfully.

GILLET & JENISON.

The following resolution (see pages 24 and 25, *ante*), was read:

WHEREAS, The officers of the City of Indianapolis hereinafter named, were elected by a prior Common Council and Board of Aldermen, and have held their respective offices for a term of two years from the 1st day of January, 1882, except such of them as were elected to fill vacancies occurring during said term; and the term for which they were elected having expired, and the said officers now holding their respective offices only because the act of the General Assembly, approved March 8th, 1881, under which they were elected, provides that they shall serve "until their successors are elected and qualified, *unless sooner removed according to law*," but fails to make provision for the election of their successors until the second Monday evening of November next. And

Whereas, It is deemed by the present Common Council and Board of Aldermen, wise and best that said offices should be filled by officers of their own selection, to the end that their wishes and policies may be the more effectually carried forward. And,

Whereas, by the Charter and Ordinances of the City of Indianapolis, said officers may be removed from office at the pleasure of the Common Council and Board of Aldermen, and all vacancies created thereby, filled by said bodies; therefore,

Resolved, By the Common Council and Board of Aldermen of the City of Indianapolis, that the following officers of said city be, and are hereby, removed from their respective offices, and the several offices heretofore held by them respectively, be, and are hereby, declared vacant, to-wit:

Joseph H. Webster, Chief Fire Engineer.

C. S. Denny, City Attorney.

Samuel H. Shearer, City Civil Engineer.

Leander A. Fulmer, City Street Commissioner.

William N. Wishard, M. D., Superintendent of City Hospital and Branch.

John J. Garver, Superintendent of City Dispensary.

Elijah S. Elder, M. D.,

Moses S. Runnels, M. D., } Members of City Board of Health.

John A. Sutcliff, M. D., }

Orville B. Rankin, East Market Master.

Joseph R. Shelton, West Market Master.

John M. Kitchen, City Director of Belt Railroad.
 Arthur L. Wright, City Director of Belt Railroad.
 Joseph F. Parker, Wood Measurer.
 Jesse DeHaven, Weigh Master.
 Joseph Raible, Janitor City Hall.
 Robert Turner, City Sexton.

Said officers, however, shall continue to serve until the vacancies hereby created are filled as herein provided, and until their successors so elected to fill such vacancies, shall have qualified. It is further

Resolved, That the Common Council and Board of Aldermen of said city, do meet in joint convention in the Council Chamber on the first Friday evening after the adoption of these resolutions by the Board of Aldermen at eight o'clock, for the purpose of electing officers for the several offices vacated by the foregoing resolution, and said officers when so elected shall serve until the 1st day of January, 1885, and until their successors are elected and qualified.

And it failed of adoption, by the following vote:

AYES, 4—viz. Aldermen Bernhamer, King, McHugh, and Tallentire.

NAYS, 6—viz. Aldermen Cobb, Cox, Endly, Prier, Pritchard, and President Rorison.

Alderman Pritchard moved to reconsider the vote by which the above resolution failed of adoption.

Alderman Cox moved to lay the above motion on the table.

Which was adopted.

APPROPRIATION ORDINANCES.

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

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

Ap. O. 1, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$825.01.]

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 2, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,171.41.]

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 3, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

On motion by Alderman Prier, the claim of "Middlebrook and Post Manufacturing Co., \$1,000.00," was stricken from the ordinance, and referred to the Committee on Judiciary, and City Attorney.

On motion by Alderman Bernhamer, the claim of "Wm. C. Anderson, \$10.00," was referred to the same committee.

The ordinance was then read the third time (amount appropriated, \$17,135.91), and passed, by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 4, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$347.17.]

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 5, 1884—An ordinance appropriating the sum of Five Thousand (\$5,000.00) Dollars, on account of the Street Repair Department of the City of Indianapolis.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS, 1—viz. Alderman Bernhamer.

REPORTS, ETC., FROM CITY OFFICERS.

The City Attorney submitted the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your predecessors directed me to report to you at this meeting, whether or not the Citizens' Street Railway Company can be compelled by ordinance or otherwise, to pay for any part of the proposed improvement of Washington street, an ordinance for the same having passed the Council, and being now on the files of this body.

Section 4,154 of the Revised Statutes of 1881, provides that before any Street Railroad Company shall commence the construction of its road through or across any of the public streets, it shall obtain the consent of the Common Council to the location, survey, &c.

Pursuant to this provision, the city, through her Common Council, in January, 1864, authorized the Citizens' Street Railway Company to construct a line of railway along certain of her streets, subject to the provision that "the said company shall bowlder the space between the rails of the track, and shall also pave, bowlder or otherwise improve, (as the street may be), two feet on the outside of each rail, so as at all times to correspond with the street outside, and keep the same, together with all bridges at the crossing of gutters, in good repair, to the satisfaction of the Common Council; and in case of the failure of the said company to do the same, the Common Council shall have the right to prevent the use of said track by removing the rails therefrom."

In November of the same year, this provision was suspended until January 1st, 1878, by an ordinance of the Council.

In April, 1878, the Council and Board of Aldermen amended the original section, which had revived the first day of that year, at the request of the company, in which amendatory ordinance the above provision was entirely omitted, and the following occurs: "And said company, in consideration of the amendments, as herein provided to the 5th and 6th Sections of the ordinance of January 18th, 1864, shall construct, build and operate, one and one half miles of new tracks in addition to those now built and constructed and in addition to the new track herein provided for on south Illinois street, Russell avenue and south Meridian street, within three years from and after January 1st, 1879," &c.

Our Supreme Court has decided that where a municipal corporation has the power to contract, and acts within the limits of her power in making a contract, she is bound thereby in the same manner as a private individual.

City of Indianapolis vs. The Indianapolis Gas Light and Coke Co. 66 Ind., 396.

In the same case, it is held that "No corporation can contract, unless the power is granted by law;" and that the power to legislate, is distinct from the power to contract, and that municipal corporations can not, by their mere legislative powers, make a contract.

I find no express power conferred upon the municipal body, and it is doubtful whether an implied power exists, authorizing it to make a contract with reference to the use of her streets, though it is clear that in granting the Street Railway Company the right to lay its tracks in the streets, it had the right to prescribe the terms upon which it might do so.

While the question is not entirely free from doubt, I am of the opinion that the Council and Board of Aldermen, in amending said section of the original ordinance, acted in a legislative capacity, and that therefore it may repeal the amended and re-ordain the original section, and thus require the Street Railway Company to pay her part of original street improvements in the future.

Respectfully submitted,

C. S. DENNY, City Attorney.

Alderman Pritchard offered the following motion; which was adopted:

That the City Attorney be instructed to prepare an ordinance for the repeal of the amendatory ordinance of April, 1878, relieving the Street Railway Company from building new streets between its tracks, as in his opinion this can legally be done, and reviving the original section; and that he hand the same to the Mayor, for introduction in the Council.

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

To the President and Members of the Board of Aldermen:

Gentlemen:—By the action of the former Board of Aldermen, I was directed to prepare and have presented to the Council, an ordinance to prevent the sale of

damaged and diseased meats, and providing for the appointment of an Inspector. I complied with said order, and the ordinance was presented at the last meeting of the Council.

Respectfully submitted,

C. S. DENNY, City Attorney.

Alderman Prier moved to reconsider the action by which S. O. 148, 1883, was passed at the last session of the old Board.

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

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following entitled ordinance was read the third time:

S. O. 148, 1883—An ordinance to provide for grading and paving with brick, the south sidewalk of Lincoln avenue, and bowldering the gutter thereof, from Broadway street to College avenue.

And it failed of passage by the following vote:

AYES—None.

NAYS, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

The following papers, passed by the Common Council at its session held this evening, were taken up and read:

The following motion (see page 39, *ante*), was read, and referred to the Judiciary Committee:

That John Gustin be, and he is hereby, granted general auctioneer's license, for one year, from January 1st, 1884. Said Gustin to pay the usual license fee.

The following motion (see page 39, *ante*), was read, amended by extending time thirty days, and then adopted:

That John Quincy Adams, house mover, be, and is hereby, granted further time until the present severe weather permits him, to move his house on Delaware street, north of Home avenue.

Alderman McHugh offered the following motion; which was adopted:

That the Board reconsider the vote by which a motion was passed at the last regular session, directing the City Civil Engineer to instruct the Gas Light and Coke Company to dismantle the first lamp post west of Wright street, on the south side of Dougherty street, and remantle the lamp post on the northeast corner of said street.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: FRANK W. RIPLEY, Clerk.