

PROCEEDINGS OF COMMON COUNCIL

REGULAR SESSION—FEBRUARY 18, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 18th, A. D. 1884, at seven o'clock, in regular session.

PRESENT—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—25.

ABSENT—None.

His Honor, the Mayor, being absent, Councilman John T. Downey, President *pro tem.*, took the Chair, and the regular order of business was proceeded with.

The Proceedings of the Common Council for the regular sessions held January 21st, 1884, and February 4th, 1884, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the President *pro tem.*, presented the following report; which was received:

Indianapolis, Feb. 15, 1884.

To the Common Council and Board of Aldermen :

Gentlemen:—I herewith submit my report of the fines and fees due the city, collected by me for the month of January, 1884, as follows:

Marshal's fees.....	\$204 70
Mayor's fees.....	145 90
Fines due city.....	14 85

\$365 45

Which I have this day paid over to the City Treasurer, and filed his receipt herefor with the City Clerk.

JOHN L. McMASTER, Mayor.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith report the following estimates for work done according to contract:

A first and final estimate in behalf of Richter & Twiname, for grading and paving with brick, the north sidewalk of Cherry street, from Park avenue to Plum street.

520 $\frac{7}{8}$ lineal feet, at 43 cents.....	\$223 83
66 $\frac{3}{100}$ lineal feet double walk-stone, at 70 cents.....	46 83
41.20 square yards of bowldering wings, at 70 cents.....	28 84
34.77 square yards of re-paving with brick, at 25 cents.....	8 69

\$308 19

A second, corrected and final estimate in behalf of J. H. Freaney, for erecting seven lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Park avenue, between Seventh and Ninth streets.

2,431.25 lineal feet, at 5 61 $\frac{1}{2}$ -100 cents, (\$19.50 per lamp-post)..... \$136 50

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 Richter & Twiname, for grading and paving with brick, the north sidewalk of Cherry street, from Park avenue to Plum street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying second, corrected 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 and Ninth streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

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

To the Mayor, 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 paving with brick, the sidewalks of Bellefontaine avenue, from Seventh street to Eighth street. Bond, \$600.00; surety, R. P. Dunning.

Contract and bond of R. P. Dunning, for grading and bowldering the roadway, and curbing the gutters of Garden street, from Meridian street to Illinois street. Bond, \$2,000.00; surety, H. C. Roney.

Contract and bond of J. L. Spaulding, for grading and paving with brick, the west sidewalk of Bright street, where not already done, from New York street to Michigan street. Bond, \$400.00; surety, John Schier.

Contract and bond of J. L. Spaulding, for grading and paving with brick, the north sidewalk of Vermont street, between Bright and Blackford streets. Bond, \$400.00; surety, John Schier.

Contract and bond of Hanway & Cooper, for grading and graveling the first alley west of Ash street, from Seventh street to Eighth street. Bond, \$200.00; surety, Fred. Knefler.

Contract and bond of George W. Seibert, for grading and bowldering the first alley north of Market street, from Meridian street to Pennsylvania street. Bond, \$1,000.00; surety, Geo. Wm. Seibert.

Contract and bond of George W. Seibert, for grading, bowldering and curbing the west gutter of Delaware street, from South street to Madison avenue. Bond, \$5,000 surety, George Wm. Seibert.

Contract and bond of Charles S. Roney, for building one 1,200-barrel cistern at or near the corner of Ray and Missouri streets. Bond, \$1,200.00; surety, Anderson Bruner.

Contract and bond of Charles S. Roney, for grading and paving with brick, the south sidewalk of Cherry street, from Fort Wayne avenue to Peru street. Bond, \$1,200.00; surety, Anderson Bruner.

Contract and bond of Charles S. Roney, for grading and paving with brick, the west sidewalk of Liberty street, from New York street to Michigan street. Bond, \$300.00; surety, Anderson Bruner.

Contract and bond of John C. Schier, Jr., for grading and paving with brick, the west sidewalk of Ash street, from Massachusetts avenue to Christian avenue. Bond, \$1,000.00; surety, John Schier.

Contract and bond of John C. Schier, Jr., for grading and paving with brick, the south sidewalk of St. Clair street, from Delaware street to Fort Wayne avenue. Bond, \$300.00; surety, John Schier.

Contract and bond of James Mahoney, for grading and paving with brick, the south sidewalk of Vermont street, between the Canal and West street. Bond, \$400.00; surety, James Renihan.

Contract and bond of S. W. Patterson, for grading and bowldering the roadway and curbing and paving the sidewalks of Roanoke street, from Michigan street to North street. Bond, \$2,500.00; surety, Hemilton Bailie.

Contract and bond of Samuel Keers, for grading and graveling the first alley east of Blake street, from Vermont street to Michigan street. Bond, \$200.00; surety, Hamilton Bailie.

Contract and bond of Freaney Bros., for the erection of two lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Highland street, between Market and Ohio streets. Bond, \$20.00; surety, J. F. Holt.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Clerk submitted the following report:

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

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

J. D. Hoss vs. Nancy J. and Eliza E. Lawman, for	\$12 63
J. D. Hoss vs. Nancy J. and Eliza E. Lawman, for	33 25
J. D. Hoss vs. Francis Bacon, for	17 40
J. D. Hoss vs. Francis Bacon, for	17 32
J. D. Hoss vs. Francis Bacon, for	17 32
J. D. Hoss vs. F. C. Gerlack (christian name unknown), for.....	21 58
Richter & Twiname vs. James Watson, for.....	11 53

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

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

AYES, 20—viz. Councilmen Benjamin, Cowie, Coy, Downey, Doyle, Gallahue, Haugh, Mack, Moran, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Trusler, Wharton, and Wolf.

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

Councilman Trusler moved to reconsider the action of the Common Council at the last meeting, (see page 86, *ante*), as to issuing precepts against Fletcher and Churchman.

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

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

NAYS—None.

The precepts were then ordered to be issued, by the following vote:

AYES, 18—viz. Councilmen Benjamin, Cowie, Curry, Dowling, Downey, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Trusler, Wharton, and Wolf.

NAYS, 2—viz. Councilmen Edenharter, and Thalman.

The City Clerk presented the following communication; which was received:

Indianapolis, Feb. 12th, 1884.

GEO. T. BREUNIG, ESQ., City Clerk :

Dear Sir:—I am in receipt of yours of the 8th inst., enclosing motion adopted by the Council at its meeting on the 4th inst., in reference to trees in the Circle Park. In reply, I would say upon inquiry and investigation, I can not find that any of the men employed by this company have cut, broken, or otherwise mutilated the trees in Circle Park.

I notice that a number of branches have been cut off, but it was not done by our men. If the motion refers to the attaching of guy, or stay wires to the trees, I would state that but *two* wires have been attached recently, and it is our intention to remove them during the progress of the change in lines now being made, as well as other similar wires.

Very respectfully,
J. E. HOCKETT, Supt.

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

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

Gentlemen:—In obedience to your instructions I have prepared the following ordinances:

1. An ordinance repealing the Mutual Union Telegraph ordinance of January 16, 1882, with certain qualifications.
2. An ordinance requiring a license fee of \$100 per annum from all ticket brokers in the City of Indianapolis.
3. An ordinance requiring a license fee of \$50 per annum (and \$25 for half year) from all persons running shooting galleries for rifle or pistol practice in said city.
4. An ordinance providing for the improvement of East street at Pogue's Run, by raising the grade, and for the removal of the city's stone arch bridge and replacing the same with a span bridge.

I hand said ordinances to the respective authors asking their preparation, for introduction.

Respectfully submitted,

C. S. DENNY, City Attorney.

The Chief Fire Engineer submitted the following report; which was received:

To His Honor, the Mayor, Members of the Common Council, and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—A communication has been received at this office from the Water Works officials, reporting the following hydrants connected and ready for use from date:

No. 623, south-west corner Minerva and Elizabeth streets; No. 624, south-west corner Locke and Rhode Island streets; No. 625, in front of City Hospital; No. 626, north-east corner Vermont and California streets.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board, through Councilman Benjamin, submitted the following reports; which were concurred in:

Indianapolis, Ind., Feb. 6, 1884.

At a meeting of the Common Council of the City of Indianapolis, held on the fourth day of February, 1884, the following report was referred to the Fire Board.

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

Gentlemen:—I respectfully request the immediate purchase of 3,000 feet of hose, to take the place of such hose as have commenced giving out from long usage.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

To His Honor, the Mayor, and Common Council:

Gentlemen:—Your Fire Board, after careful inquiry, find that to depend in case of fire upon hose that is not wholly serviceable, would be a hazardous undertaking, and would respectfully recommend that the request be granted.

Respectfully submitted,

F. E. Benjamin,

J. W. Wharton,

Geo. W. Spahr,

Fire Board.

At a meeting of the Council of the City of Indianapolis, held on the 21st day of January, 1884, the following resolution was referred to the Fire Board.

Resolved, That the fire board be instructed to consider and hear experts and report to this council, as early as possible, what apparatus be necessary and how the fire department should be equipped so as to enable them to save human beings who are unable to escape from burning buildings.

To His Honor, the Mayor, and Members of the Common Council:

The fire board, to whom was referred the above resolution, after diligent inquiry and mature deliberation, would report the following: We find that the chief has a large canvas, one that will admit of seventy persons getting around it to hold it in case of persons jumping from burning buildings; that the ladders already in the department will admit of the firemen scaling the highest building in the city; that to purchase an additional truck with extension ladders would cost three thousand dollars or more, and then perhaps not accomplish the purpose mentioned in the resolution, as it has repeatedly failed in larger cities where they have all modern appliances; that we believe when the ordinance now pending providing for fire escapes on all public buildings shall have passed, that the intention of the resolution will have been satisfied.

F. E. Benjamin,
J. W. Wharton,
Geo. W. Spahr,
Fire Board.

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

Report of Deaths in the City of Indianapolis, from the 31st day of Jan., 1884, to the 15th day of February, 1884.

Under 1 year.....	17
1 to 2 years.....	5
2 to 5 ".....	4
5 to 10 ".....	2
10 to 15 ".....	1
15 to 20 ".....	3
20 to 25 ".....	9
25 to 30 ".....	9
30 to 40 ".....	3
40 to 50 ".....	5
50 to 60 ".....	6
60 to 70 ".....	8
70 to 80 ".....	4
80 to 90 ".....	4
90 to 100 ".....	1
100 and upwards.....	0
Unknown.....	0
Total.....	81

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

The Board of City Commissioners submitted the following report; which was concurred in:

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

Gentlemen:—The board of City Commissioners submit the following report in the case of the vacation of the first alley north of Ray street, from the first alley west of Meikel street to the first alley east of Meikel street.

The undersigned, members of the board of City Commissioners of the City of Indianapolis, duly appointed, qualified and acting under the provisions of the statutes of the State of Indiana, in relation to the laying out, opening and widening, altering and vacation of streets and alleys, do now submit our report on the alley above described, heretofore referred to us by your honorable bodies.

1st. We met at the office of the City Clerk in room No. 6, on Monday, December the 3d, 1883, at ten o'clock, A. M., to examine into the matter of the proposed vacation of so much of the first alley north of Ray street, as lies between the first alley west of Meikel street, and the first alley east of Meikel street. We met in accordance with a notice of the City Clerk, which notice and return of service of the proper officer endorsed thereon, is filed herewith as a part hereof, and marked "Exhibit A."

2d. We then proceeded to view the alley proposed to be vacated and the property contiguous thereto, and the property along the line of said alley. We made due report of said facts to the City Clerk, and required said Clerk to have the petitioners for said vacation notify said interested parties to meet the City Commissioners on Monday, the 4th day of February, 1884, at ten o'clock A. M., where evidence would be heard in the further consideration of said vacation. [See "Exhibit B."]

3d. We further report that we met at the time and place named, and that although due service had been made on all said interested parties, none of them made any opposition to said proposed vacation; said notice and the return of service endorsed thereon, is filed herewith as a part hereof, and marked "Exhibit C."

4th. We now further report that the length, width and location of said alley is as follows: The alley extends from the first alley west of Meikel street to the first alley east of Meikel street, a distance of 270 feet, and is 16 feet wide, lying 42 feet north of Ray street, and running parallel therewith.

5th. The value of the ground on which said alley is situate is \$100.00.

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

7th. There are no objections to said vacation. The expenses attending the vacation to be paid by the petitioners, amounts to the sum of \$50.00.

We therefore recommend the prayer of the petition be granted, and that said vacation be made as prayed for.

Respectfully submitted,

Jas. C. Yohn,
M. Steinhauer,
George W. Hill,
William Hadley,
City Commissioners.

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 report of the City Commissioners in the matter of the petition of F. M. Churchman, et al. asking for the vacation of the first alley north of Ray street, from the first alley west of Meikel street to the first alley east of Meikel street, be, and the same is hereby, in all things accepted, adopted and approved; and that in accordance with the said report, the said alley, to-wit: the first alley north of Ray street, from the first alley west of Meikel street to the first alley east of Meikel street, being 270 feet long and 16 feet in width, 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 fifty dollars (\$50.00), the amount of expenses reported by the Commissioners as taxed in this matter; and that said petitioners also be, and they 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 now.

And it was adopted by the following vote:

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

NAYS—None.

Councilman Trusler moved to reconsider the action of the Common Council at its last session, as to printing the annual report of the City Civil Engineer (see page 95, *ante*.)

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

AYES, 24—viz. Councilmen Benjamin, Cowie, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS—None.

The report was then referred to the Committee on Printing.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Public Light, through Councilman Dowling, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Public Light, to whom was referred various matters, would most respectfully report in favor of the passage of S. O. No. 4, 1884, and in the other matters referred to your committee, we respectfully ask from your honorable body a further extension of time.

Respectfully submitted,

Geo. W. Spahr,
P. M. Gallahue,
Jas T. Dowling,
Committee on Public Light.

The Committee on Railroads, through Councilman Rees, submitted the following reports; which were severally approved:

To the Mayor and Common Council:

Gentlemen:—The undersigned members of your committee, to whom was referred G. O. No. 4, of 1884, introduced at the last meeting of the Council, beg leave to report that they have had the same under consideration, and report that in several particulars the provisions of section one, as prepared under instructions of the Board of Aldermen, are left too indefinite. We have, therefore, prepared a section in lieu of that, and now recommend that all of section one after the ordaining clause in said G. O. No. 4 be stricken out, and the following inserted in its stead, to-wit: That Section one (1) of the above recited ordinance of April 2, 1878, be and the same is hereby amended so as to read as follows, to wit:

SECTION 1. That section five (5) of said original ordinance of January 18, 1864, shall read as follows:

SEC. 5. The tracks of said railway company shall not be elevated above the surface of the street where laid, and the rails shall be so laid as to conform to the established grades of the streets on which the same are laid, and in such a manner as to be no unnecessary impediment to the ordinary use of such streets and the convenient passage of vehicles upon, along, or across said tracks at any point and

in any direction. All gutter crossings shall be properly bridged and kept in repair by said company so as to permit the free and unimpeded flow of water in and along said gutters. Whenever any street shall be improved from curb to curb, on which said railway company has laid any track or tracks, such improvement shall be under a contract let by the city to the best bidder, as required by law; and in all cases of such original improvements, said railway company shall pay and be liable to the contractor doing the work for an amount equal to the proportion that nine feet bears to the whole width of the road bed (or street from curb to curb), if there be a single track only on such street, and in the proportion that eighteen feet bears to the whole width of the road bed (or street from curb to curb), if there be a double track on such street, such proportion to be estimated by the City Civil Engineer. No account shall be taken of any switches or side tracks in making said estimates. If said company shall fail or refuse to pay said contractor for the work according to the engineer's estimates, as allowed by the Common Council and Board of Aldermen, for a period of twenty days after such allowance, then, and in that case, said contractor shall be entitled to recover from said company the amount of such estimate, together with one per centum of the amount thereof in addition for each and every day thereafter until the same shall be paid, in any court of competent jurisdiction. If said company shall fail to keep all streets used by it in repair, as aforesaid, or shall fail or refuse to make any and all repairs ordered by the Common Council and Board of Aldermen, for a period of ten days after notice so to do, then the city may do the work through her Street Commissioner, and recover the cost thereof with ten per cent damages, from such company, or said city shall have the right to remove the rails of the tracks of such company for any distance determined and ordered by the Common Council and Board of Aldermen.

In case the city shall cause any change in the crown or level of any street on which any track of such company is laid, to be made, in the future improvement of any street, said company shall at once cause its tracks to be changed and relaid in conformity to such change, so as not to interfere with travel on such street beyond the time when the contractor improving such street shall complete his work; and should said company fail or refuse to comply with this, or any other provision or requirement contained in this ordinance, then and in that case, the Common Council and Board of Aldermen shall have the right to declare all the rights, franchises and grants of said company in said city forfeited, and prevent the further use of the streets by said company.

The Common Council and Board of Aldermen reserve the right to close up and discontinue the use of the tunnel under the railroad tracks on south Illinois street, at any time they may deem such action to be to the best interests of the city, as provided in the ordinance to which this is amendatory, without in any manner becoming liable to said company for any damages on account thereof.

And after being so amended, we recommend that the ordinance pass.

Respectfully submitted,

R. H. Rees,
Geo. W. Spahr,
Railroad Committee.

C. S. DENNY, City Attorney.

Indianapolis, Feb. 18th, 1884.

To the Mayor and Common Council:

Gentlemen:—Your committee to whom was referred G. O. No. 57, of 1883, requiring the C., C., C. & I., and the I., B. & W. Railway Companies to place and maintain a Flagman at the intersection of their tracks and Columbia avenue, beg leave to report that we have had the same under consideration, and recommend that the ordinance pass.

Respectfully submitted,

R. H. Rees,
Geo. W. Spahr,
J. H. Sheppard,
Committee on Railroads.

Indianapolis, Feb. 18th, 1884.

To the Mayor and Common Council:

Gentlemen:—Your committee to whom was referred G. O. No. 65, of 1883, requiring the Indianapolis, Bloomington & Western Railroad Company to place and

maintain a Flagman at the intersection of their tracks and Missouri street and Kentucky avenue, beg leave to report that we have had the same under consideration. and we recommend the passage of the ordinance.

Respectfully submitted,

R. H. Rees,
Geo. W. Spahr,
J. H. Sheppard,
Committee on Railroads.

The Committee on Railroads, through Councilman Rees, submitted the following report; which was received, and the ordinances, G. O. 45 and 55. of 1883, stricken from the files:

Indianapolis, February 18th, 1883.

To the Mayor and Common Council:

Gentlemen:—Your committee to whom was referred G. O. No. 45 of 1883, authorizing the construction, extension and operation of the Metropolitan Railway Line, in and upon the streets of Indianapolis, and G. O. No. 55 of 1883, amending Metropolitan Street Railway ordinance, respectfully report that we are informed that this company has abandoned its enterprise in this city, and we therefore return said ordinances, and recommend that they be stricken from the files.

Respectfully submitted,

R. H. Rees,
Geo. W. Spahr,
J. H. Sheppard.
Railroad Committee.

Councilman Reynolds, on behalf of the Committee on Sewers and Drainage, asked for further time to report on certain matters referred to the Committee; which was granted, and the time extended two weeks.

Councilman Reynolds, on behalf of the Committee on Sewers and Drainage, City Attorney and City Civil Engineer, submitted the following reports; which were concurred in:

Indianapolis, Ind., Feb. 18, 1883.

To the Mayor and Common Council:

Gentlemen:—The undersigned, your committee, to whom was referred the petition of A. Timberlake and others, asking for the adoption of a plan, and passage of an ordinance to properly drain the north-eastern portion of the city, together with the motion of Councilman Spahr, directing us to report the most feasible plan for such drainage, with the probable cost thereof, beg leave to report that we have given the matters referred to us careful consideration. An examination of the territory referred to, convinces us that relief ought to be given to the citizens of that section at the earliest possible day. In our opinion, the cheapest and best means of drainage is by widening and deepening the State ditch. The reasons therefor are given at length in a separate report of the City Civil Engineer, which we file herewith. An estimate of the cost of such an improvement of the Ditch as the Engineer recommends, is \$23,124.98, with a possibility that it will reach \$25,437.57, as will be seen by his report. If a responsible person can be found who will agree to do the work in accordance with the plans of the Engineer, for the amount of or less than the above estimate, we would recommend that that amount of the funds to be raised by the special levy of ten cents on the one hundred dollars for sewer and drain purposes recently made, be used for that purpose, provided the Ditch can be widened without involving the city in litigation with the adjoining property owners. We here beg leave to submit a brief history of the State Ditch, as we have collected it from the best sources at our command, and on the facts thus given, submit to the Council whether or not it will be safe to proceed with the proposed work without further consultation or understanding with the property owners along the line; and if thought *not* to be safe, what steps should be taken to ascertain the feeling of the interested parties.

On February 4, 1837, the General Assembly of Indiana passed an act looking to the drainage of "the swamps and low lands north-east of Indianapolis." This act appointed Calvin Fletcher and Thomas Johnson as commissioners to solicit subscriptions to do said work, etc. [See Local Laws of 1837, p. 409.]

From the best information we have been able to procure, nothing was ever done under this act. The Ditch was dug in 1838 or 1839, Gen. Thomas A. Morris being the engineer who made the survey and superintended the work. We get this information from Gen. Morris himself. His recollection is that the drain was constructed by direction of the Internal Improvement Commissioners, and paid for out of the State improvement fund. William S. Hubbard, who was the Secretary of the Board of Fund Commissioners, has no recollection of auditing any account for the payment of such a work, but Robert B. Duncan agrees with Gen. Morris, that it was a State work, and that all proceedings to condemn the right of way, etc., were had in accordance with the provisions of the old internal improvement act of 1836. Both Gen. Morris and Mr. Duncan state it as their best impression, that Thomas Johnson and Samuel Henderson, who then owned all the land through which the Ditch runs, were paid for a right of way of fifty feet. These impressions of Gen. Morris and Mr. Duncan, that the Ditch was constructed by the state, are strongly supported by the name which the Ditch has always borne, and by the legislation had concerning it a few years after its construction. We refer to an act of the General Assembly of January 15, 1844, found at p. 136 of the Local Laws of that year, a full copy of which we here set out for general information and future reference. It reads as follows:

"An act in relation to the City of Indianapolis."

"Whereas, It is represented to this General Assembly, that by reason of a pond two miles north-east of Indianapolis, the waters of which, in their natural channel, lead through said city, much to the injury of the health of the citizens and to their property therein, and endangering the banks of the Central Canal, and

Whereas, Said branch had been by public authority, diverted from the old channel and carried into Fall Creek, by a ditch dug at much public expense, besides paying the claims for individual damages; which Ditch has been so obstructed as to reinstate the evils complained of; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the city authorities of Indianapolis are hereby empowered to keep said ditch in proper repair, and to remove all obstructions to the same; *Provided, however*, That all expenses be paid by the City of Indianapolis.

"SEC. 2. *Be it further enacted*, That any person or persons who shall wilfully obstruct the free passage of the waters of said Ditch, or cause the same to be done, shall be fined in any sum not exceeding one thousand dollars, to be recovered by presentment or indictment in the Marion Circuit Court.

"SEC. 3. That the corporation shall be at the expense of erecting water-gates on said Ditch at all places where any fences now cross the said Ditch."

Hon. Cas. Byfield while City Attorney in 1875, seems to have investigated the question as to whether there was a condemnation of the right of way for the ditch, and stated in a communication to the Council, to be found on p. 811 of the proceedings of 1875-6, that he had been unable to find any record of such condemnation, but from the best information he could get, there was a condemnation of forty feet. He does not now remember where he got his information. We are convinced from the investigations we have made, that all the original records concerning the Ditch are lost or destroyed; so that all the evidence which can ever be produced, if litigation should ever arise as to the right of adjoining property owners to damages for the ground to be taken in widening it, will be the recollection of a few old citizens.

The plans of the Engineer contemplate a width at the top not to exceed fifty feet at any point, and for the most part about forty-five feet. If the land taken was regularly condemned and paid for under the provisions of the old Internal Improvement Act, as Gen. Morris and Mr. Duncan both remember it, the state thus acquired a *fee simple title* to the strip thus appropriated. See the decisions of

the Supreme Court of the United States, in the case of *Kennedy v. Indianapolis*, 103 U. S. report, 599, and the decisions of the Supreme Court of Indiana, therein referred to.

Assuming that the State regularly condemned the right of way for said Ditch from Sheldon street to Fall Creek, the city by the act above set out, has acquired the undoubted right to enter upon and improve the same to the width of the original condemnation, without fear of being held liable for private damages. The straightening of the same at a few points, where it is desirable to do so, would probably involve a small expense. It is probable, however, that by using the surplus dirt to fill up the old ditch at these points, especially when the property belongs to the same par y, it would cost little or nothing. These matters can be investigated before any contract is awarded.

We report herewith an ordinance providing for the contemplated improvement, for the consideration of the Council.

Respectfully submitted,

M. M. Reynolds,
Philip H. Wolf,
Committee.

S. H. SHEARER, City Civil Engineer.

C. S. DENNY, City Attorney.

I agree in this report with the understanding that no money is to be expended until receipts from the new sewer levy are collected to pay for the same.

ISAAC THALMAN.

To the Chairman and Members of the Committee on Sewers and Drainage,
of the Common Council of the City of Indianapolis:

Gentlemen — I herewith submit my report to you, and through you to the Common Council and Board of Aldermen, in reference to the matters which were referred to your committee, the City Attorney and myself, in regard to a plan of drainage for the northeastern part of the city.

I have examined the same, and am of the opinion that any undertaking looking to the drainage of this part of the city, should not only be made, in size, with reference to the drainage of the immediate territory in this vicinity, but should be made large enough to meet the requirements of increased drainage facilities, which will naturally follow any general improvement made for the drainage of this territory.

The amount of territory drained into this basin which feeds the State Ditch, is about five thousand acres. A provision should be made, not only to drain this amount of acreage, but to accommodate the smaller drains which may be constructed by parties availing themselves of the privilege thus afforded by the drainage of said territory. Therefore I am of the opinion that, in order to drain the territory above mentioned, together with that which is drained into it, the best means of accomplishing the same would be by the deepening, widening and partial straightening of the present State Ditch, from Fall Creek to Sheldon street. To do this, it would be necessary to deepen the State Ditch by a regular continuous grade established at low water mark at Fall Creek, and continuing unbroken to Sheldon street. Any improvement not made with reference to the amount of territory drained, as described above, would result in precipitating a flood upon the territory now sought to be drained, by reason of the fact of the inadequacy of any such improvement. The Ditch should be widened to a width of fifteen feet in the bottom, with side slopes of one to one. To do this, would necessitate the changing of all of the bridges along the line, and increasing them to a capacity equal to the Ditch. As per plans herewith submitted, you will see that the grade established for the improvement of said Ditch, provide for a regular fall of .15 of a foot per 100 feet, and should the necessities ever require, the Ditch could be converted into a sewer, readily, by reason of that fact, together with the fact that the excavation necessary for the construction of the sewer will already have been made. The reasons for the choosing of the line of the present State Ditch, are:

- 1st. That it is in the natural channel for the drainage of that section of territory.
- 2d. That in the improving of the streets in the northeastern part of the city, they

have been made with a view of draining their water into the Ditch, and any plan looking to the draining of that part of the city, that would do away with the State Ditch, would not accomplish its purpose, from the fact that a means of carrying the water emptied into this locality from the said streets, would be necessary.

The improvement, as herein contemplated, would not interfere with any improved property along its line, and all changes that would be made in its course, could be taken from the Ditch in such a manner as to straighten without making any change in its location. Through the State Fair Grounds, and as far east as Alabama street, where objections might be made to the widening of the Ditch, it will not be necessary to disturb the present width of the same at the natural surface of the ground.

In submitting to you this report, and the estimate of the cost of the carrying into effect of this plan, I have taken into consideration the amount of work already done in said Ditch, and which has been deducted from the total quantities. The estimated quantities that yet remain to do, are:

63,049 cubic yards of excavation, which, at 25 cts. per yard, would be..	\$15,762 25
The amount of bridging, including the timber and all work necessary for the construction of the same for all bridges along the line of said Ditch, would cost.....	7,362 73

Making a sum total of.....	\$23,124 98
----------------------------	-------------

Which, in my opinion, is a liberal estimate, and the work could be done for said amount; but, to guard against all contingencies, and to cover incidental expenses that might arise in constructing said work, I have thought it advisable to add 10 per cent. to the total amount, which would make a sum total of \$25,437.57.

In making the above estimate, I have considered that all the excavated material would become the property of the contractor, and the fact of its being gravel, to a considerable extent, might affect or influence the bids made upon the work.

The plan of said work is herewith submitted, and made a part of this report, and the estimate in detail is now on file in my office, and can be seen upon application.

Respectfully submitted,

Feb. 6, 1884.

S. H. SHEARER, City Civil Engineer.

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

G. O. 17, 1884—An ordinance providing for the drainage of the northeastern portion of the City of Indianapolis, by widening, deepening and straightening the State Ditch.

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

Which motion failed of adoption, by the following vote:

AYES, 10—viz. Councilmen Benjamin, Coy, Moran, McClelland, Newcomb, Reincke, Reynolds, Spahr, Wharton, and Wolf.

NAYS, 14—viz. Councilmen Cowie, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Pearson, Rees, Smither, Thalman, and Trusler.

REPORTS, ETC., FROM SELECT COMMITTEES.

Councilman Thalman, in behalf of a certain Special Committee, submitted the following majority report:

To the Mayor and Common Council:

Gentlemen.—Your Special Committee, to whom was referred an ordinance "compelling the Citizens' Street Railroad Company to provide Conductors on each and every car," respectfully report that we have carefully considered the matter, and recommend that the ordinance do not pass. We find that it would impose an expense on said company of from forty to fifty thousand dollars per annum, without the citizens or tax payers deriving any real benefit therefrom; in fact, we are of the opinion that it would result in greater inconvenience, by their running less cars on the various lines, which the city has no authority to prevent. We believe that it will be of more interest and benefit to our citizens to require them to put on more cars on slow lines, and to pass the ordinance now on file, requiring them to pay for street improvements between their tracks, and two feet on each side.

We would further recommend that the company be notified that it is the desire of this Council that additional cars be added to the Pennsylvania street line, making it an eight minute line; and that a strict compliance with all reasonable orders and requests from this Council will be expected.

Respectfully submitted,

Isaac Thalman,
Charles E. Haugh,
Jno. T. Downey,
Special Committee.

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

To the Mayor and Common Council:

Gentlemen.—The undersigned, members of your Special Committee to whom was referred G. O. No. 5, 1883, requiring the Citizens' Street Railway Company to put Conductors on the cars of its lines, submit the following minority report:

We have carefully considered the matter, and consulted the wishes of the patrons of the company, and believe that the ordinance ought to pass. The officers of the company oppose the ordinance on the ground that it will largely reduce their profits, or, as they would try to make it appear, wipe them out altogether. Like other business firms or corporations, this company has not been in the habit of advertising to the world its annual profits, and therefore we cannot know how far to receive statements of the officers of the company on this point. It is, however, well understood that the company's earnings for many years past have been very large. It is clear, also, that a large percentage of the profits of the company have been received at the expense of clear violations of the rights of the citizens. Every provision in the original charter of the company clearly indicates that the company should operate lines of cars equal to the best lines in other cities. The requirement of maintaining conductors was so well understood that it was taken as a matter of course, if indeed it is not absolutely required by the language of that original ordinance. We quote the following language on this subject from Section 12 of the original ordinance:

"*Sixth*—The conductors and drivers employed by said company shall use care and diligence to prevent injury to persons," &c.

"*Seventh*—All proper care shall be used by conductors and drivers to prevent injury to teams," &c.

"*Eighth*—The conductors shall not allow ladies or children to enter the cars while in motion."

"*Ninth*—Conductors shall announce to passengers, in a distinct tone, the names of all streets," &c.

To break the force of these very plain intentions, if not absolute requirements, the company procured the passage of an ordinance in 1876, amending this twelfth Section by adding the words "*or drivers, when there are no conductors upon the cars,*" after the word "conductor," in the ninth clause above quoted. This amendment had also been preceded by one making it unlawful for any person "to refuse to pay the lawful fare prescribed by the rule of the company, * * * * or for any person to falsely pretend to pay fare by putting into *the fare box* anything but

the ticket of the company or the amount in money," &c., without anything ever having been said before that time in any ordinance about a fare box. While these ordinances were cunningly drawn, and have served well the purposes of the company to the present time, the Council has the undoubted power to annul them by the passage of the ordinance now under consideration; and, feeling that it will not work any unusual hardship to the company, and is but just to the public, and is absolutely essential to the safety of the persons riding upon the cars and traveling the streets—especially at night and at Railroad crossings—we feel that conductors ought to be required at once. Some deaths, and many serious accidents, have occurred in the past, which certainly would not have occurred if conductors had been on the cars at the time.

Again, it is urged that conductors ought not to be required, because it is proposed to re-ordain the original provision requiring the company to pay for original street improvements for the space between its tracks and two feet on the outside.

By reference to the Proceedings of the Council, it will be seen that almost as soon as the company was organized, it came before the Council with a petition pleading poverty, and induced the Council to suspend the operations of that provision of the old ordinance until January 1, 1878. No sooner was the request presented, than it was granted. As soon as the year 1878 rolled around, we find the company again before the Council, asking for a further suspension until 1888. Whether by a deception practiced on the Council, or by a desire of the Council then serving, to be more generous than the company was asking—we do not know which—the Council passed an ordinance *attempting* to suspend the operations of the ordinance for all time to come. While we do not believe the Council had any such power as it assumed, yet the company has had the benefit of the change during the past seventeen years; and we are informed that no street on the company's lines was ever improved from curb to curb between 1864 and 1867; so that the company never has, in fact, paid for a street improvement at all.

In view of these facts, it can hardly be contended that all just consideration has not been accorded the company on all occasions, and that it will be treating it harshly to require it to place conductors on its cars, and that the public may be served awhile, instead of the public serving the company forever.

We do not desire to impose any hard or unjust measures upon the company of any kind, or at any time, and in recommending the passage of the ordinance under consideration, feel that we are serving the public, and that the company will, at the same time, lose nothing in a financial point of view; for we believe that the savings of the company and increase of patronage will more than pay the cost of conductors.

Respectfully submitted,

John R. Pearson,
John R. Cowie.

Councilman Cowie moved that the *minority* report be concurred in.

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

AYES, 21—viz. Councilmen Benjamin, Coy, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wolf.

NAYS, 4—viz. Councilmen Cowie, Curry, Pearson, and Wharton.

On motion by Councilman Dowling, the *majority* report was then concurred in.

The Special Committee, through Councilman Newcomb, submitted the following report, accompanied with the report of the City Civil Engineer; which was received and concurred in, as to constructing a pile wall for the first seven hundred feet below Indiana avenue and bridge:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Special Committee, to whom was referred the matter of protecting the bank of Fall Creek, north of the City Hospital, together with the City Civil Engineer and Street Commissioner, on the 12th inst visited said locality, and after careful examination, are of the opinion that the best and most economical improvement would be to drive piles near the bank for some 700 feet, and back them with 3 inch plank, and that the rear of said wall be used as a dumping ground for earth or other unobjectionable material, until filled up, and thereby restore the bank, and also Davis street. We also further found that the bank of the levee made a few years ago, to turn the course of Fall Creek, is very badly washed out some 1,600 feet further down the stream, and we therefore requested the City Engineer to make an estimate of the cost for the proper protection of the Hospital property and levee, which we herewith submit. We recommend that the first named estimate of the Engineer for a pile wall for the first 700 feet below Indiana avenue and bridge, be adopted, as we think that will turn the course of the stream so as not to materially affect the levee, for a year or two at least. And we further recommend that to give the water a freer flow to the north, that the Street Commissioner be directed to at once remove the north end of the dam, the south end having been washed away, which tends to cause the flow of water to the south side of said stream, and against the bank of the Hospital grounds and levee.

Respectfully submitted,

W. C. Newcomb,
Geo. F. Edenharter,
Chas. E. Haugh,
Council Committee,

Wm. A. Cox,
Aldermanic Committee.

To the Chairman and Members of Special Committee of the Council and Board of Aldermen:

Gentlemen:—As per your request, I herewith hand you an estimate of the cost of protecting the south bank of Fall Creek from the bridge abutment at Indiana avenue, to a point as indicated by you, below the Hospital grounds, 700 feet west of Indiana avenue, as follows:

234 piles, at \$5.40.....	\$1,263 60
21,000 feet 3-inch plank, at \$20.00 per 1,000.....	420 00
39 braces, at \$5.40.....	210 60
	<hr/>
	\$1,894 20

But to protect the bank as far west as the levee has been washed, would require a protection of 1,600 feet from Indiana avenue, as follows:

534 piles, at \$5 40.....	\$2,883 60
48,000 feet 3-inch plank, at \$20.00 per 1,000.....	960 00
89 braces, at \$5.40.....	472 60

Total..... \$4,316 20

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Councilman Spahr, in behalf of a certain Special Committee, submitted the following report:

To the Mayor and Common Council:

Gentlemen:—Your committee to whom was referred the Meat ordinance, would respectfully report that we recommend the adoption of the ordinance accompanying this report, in lieu of the one referred to your committee, and that the original Meat ordinance be stricken from the files.

Respectfully submitted,

Geo. W. Spahr,
Sim. Coy,
J. H. Sheppard,
Special Committee.

Councilman Pearson moved to refer the report back to the committee without reading, as all the members were not given the privilege to sign the report, and had not been consulted as members of the committee.

Councilman Dowling in the Chair, ruled that a report of a Special Committee, having been signed by a majority of the members thereof, it should be read.

The report was then read, and on motion by Councilman Thalman, was referred back to the committee, by the following vote:

AYES, 15—viz. Councilmen Cowie, Curry, Edenharter, Gallahue, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Thalman, Trusler, and Wharton.

NAYS, 10—viz. Councilmen Benjamin, Coy, Dowling, Downey, Doyle, Haugh, Moran, Sheppard, Spahr, and Wolf.

APPROPRIATION ORDINANCES.

Councilman Downey, President *pro tem.*, presented the following entitled ordinance; which was read the first time:

Ap. O. 9, 1884—An ordinance appropriating the sum of Fourteen Thousand Dollars (\$14,000.00) for the payment of the salaries of the Commissioners, Officers and Members of the Metropolitan Police of the City of Indianapolis.

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 Benjamin:

G. O. 18, 1884—An ordinance licensing Rifle and Pistol practice in the City of Indianapolis.

G. O. 19, 1884—An ordinance granting to S. S. Badger and his associates, the privilege of erecting and maintaining towers, masts and posts, in the streets and alleys of Indianapolis, for the purpose of supplying said city and its inhabitants with electric light and power.

By Councilman Coy:

G. O. 20, 1884—An ordinance to prohibit the placing of boards and signs for advertising purposes on any Telegraph, Telephone or Electric Light poles within the city limits.

By Councilman Downey:

G. O. 21, 1884—An ordinance making it unlawful to erect wooden buildings within certain limits in the City of Indianapolis, regulating certain matters pertaining thereto, and repealing all ordinances in conflict herewith.

Later in the session Councilman Downey moved a suspension of the rules for the purpose of placing the above ordinance on its final passage.

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

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

NAYS, 1—viz. Councilman Trusler.

G. O. 21, 1884, was then read the second time, ordered engrossed, read the third time and passed, by the following vote:

AYES, 25—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.

NAYS—None.

By Councilman Moran:

S. O. 8, 1884—An ordinance to provide for grading and paving with brick, the sidewalks of Pine street, from Washington street to the tracks of the C., I., St. L. & C. R. R. Co.

By Councilman McClelland:

S. O. 9, 1884—An ordinance to provide for grading and paving with brick (where not already paved), the sidewalks of Massachusetts avenue, from St. Clair street to the Wabash, St. Louis & Pacific Railroad tracks.

S. O. 10, 1884—An ordinance to provide for grading and graveling the first alley east of Dorman street, from St. Clair street to Pogue's Run.

By Councilman Newcomb:

S. O. 11, 1884—An ordinance to provide for grading and paving with brick, the north sidewalk of North street, from New Jersey street to Alabama street, where not already done.

By Councilman Pearson:

S. O. 12, 1884—An ordinance to provide for grading and paving with brick, the east sidewalk of Mississippi street, from First street to Second street.

S. O. 13, 1884—An ordinance to provide for grading and paving with brick, the north sidewalk of First street, from Mississippi street to Tennessee street.

G. O. 22, 1884—An ordinance repealing 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 16, 1882, and ordering all poles and wires heretofore erected under authority thereof, removed.

By Councilman Gallahue:

S. O. 14, 1884—An ordinance to provide for grading and paving with brick, the sidewalks of Pine street, from Virginia avenue to English avenue.

By Councilman Rees:

S. O. 15, 1884—An ordinance to provide for the raising of the grade, and re-improving East street, from a point two hundred and fifty feet south of Washington street, to a point seven hundred and fifty feet south of Washington street, and to provide for tearing out and the removal of the present stone culvert over Pogue's Run, on said street, and to provide for bridging said Run with a through span bridge.

By Councilman Spahr, accompanied with petitions:

S. O. 16, 1884—An ordinance to provide for grading and paving with brick, the sidewalks of Park avenue, from Eighth street to Twelfth street.

Indianapolis, Jan. 24, 1884.

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

Gentlemen:—The undersigned, owners of real estate fronting on Park avenue, between Eighth street and Twelfth street, respectfully petition for the passage of an ordinance providing for grading and paving with brick, the sidewalks of Park avenue, between the points named above.

Thomas E. Endly, Margery Endly, Sarah S. Campbell, J. J. Devenish, Annie Devenish, H. C. Hendrickson, Mrs L. C. Hendrickson, Mrs. S. C. Haskell, Mrs. S. E. Sharts, Jno. W. Baird, M. A. Lockwood, M. E. Githens, A. A. Wamack, W. J. Wamack, Charles F. Robbins, Nora E. Robbins, John L. McMaster, Alpha S. McMaster.

S. O. 17, 1884—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Broadway street, between Ninth and Twelfth streets.

G. O. 23, 1884—An ordinance establishing a Public Market in the building owned by Daniel E. Reagan, and abolishing the present West Market.

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

Gentlemen:—The undersigned citizens are in favor of removing the old West Market to Mr. Reagan's new Market House, one and one-half squares west of the old place, and appointing him Market Master, provided that he charge the city nothing for the same, and gives to the city treasury 25 per cent. of the receipts.

John Rauch, P. J. Ryan, B. R. Sulgrove, John Rupp, W. P. Featherston, Geo. J. Hammell, Geo. A. Woodford, D. W. Coffin, Wm. Essmann, John L. Sargent, Henry C. Richards, Jesse S. Whitsit, Frank M. Wright, John Stuck, H. C. Walker, Wm. Webb, Charley Mitty, Mike Dowling, D. M. Wright, John S. Duncan, Thos. Quill, Eli Randolph, Robt. Jolly—and 923 others.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned petitions your honorable bodies to grant me an Auctioneers' license; said license to be issued under existing ordinance, at the rate of thirty-five dollars for one year, or ten dollars for one quarter of a year.

Yours respectfully,

H. COHEN.

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

That the Street Commissioner be directed to put stone crossings on New York street, at Blackford and West streets, that people may get to the Park.

Councilman Coy offered the following resolution:

Resolved, That the Indianapolis Light Infantry be, and it is hereby relieved from the payment of any license fee for maintaining a roller skating rink on its drill floor in Masonic Temple, for the period of one year from February 4, 1884.

And it was adopted by the following vote:

AYES, 13—viz. Councilman Benjamin, Cowie, Coy, Curry, Downey, Gallahue, Haugh, Newcomb, Pearson, Reynolds, Sheppard, Smither and Spahr.

NAYS, 12—viz. Councilman Dowling, Doyle, Edenharter, Mack, Moran, McClelland, Rees, Reinecke, Thalman, Trusler, Wharton, and Wolf.

Councilman Curry offered the following resolution:

WHEREAS, Certain lots and parcels of land adjoining the City of Indianapolis, and described in the following resolution, have been laid off into city building lots, and a proper plat thereof made and recorded in the Recorder's office of Marion County, Indiana; and *Whereas*, The Common Council and Board of Aldermen, pursuant to the provisions of the 84th section of the act concerning the incorporation (see Section 3195, R. S., 1881, and ordinances of Indianapolis of 1883, p. 37), etc., of cities, are desirous of extending the corporate limits of the City of Indianapolis so as to include said lots; therefore,

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the boundary line of the City of Indianapolis be, and the same is hereby extended so as to include the following contiguous territory, to wit: Adjoining the Cincinnati & Chicago R. R. Co.'s addition in the northeast corner of Section 14, Township 15, north of Range 3 east, as recorded December 6, 1854, in Plat Book 1, pages 249 and 250, in the Recorder's office of Marion County, Indiana, and annexed to the City of Indianapolis on the 3d day of April, 1871, as shown by the council proceedings of said city for the years 1870 and 1871, pages 1041 to 1043 and recorded T. L. R. 47, pages 333 and 334.

Thomas F. Ryan's subdivision of part of the Drake property. Being that part of the north half (N. $\frac{1}{2}$) of the northeast quarter (N. E. $\frac{1}{4}$) of Section 14, Township 15, north of Range 3 east, conveyed by James P. Drake and wife to Nicholas Simpson by two separate deeds, the first dated February 2, 1855. See Book GG, page 493, the second dated January 6, 1865, recorded in F. F., page 166, and from Nicholas Simpson to Thomas F. Ryan, October 12, 1874, T. L. R. 88, page 362, in the Recorder's office of Marion County. Subdivided August 16, 1876, by Thomas F. Ryan into seven lots, as shown by Plat Book 7, page 162 Also, Michael Glaab's addition of four lots, made July 22, 1875, as shown by Plat Book 7, page 101, adjoining said Cincinnati & Chicago R. R. Co.'s addition and Thomas F. Ryan's subdivision on the west, and described as follows, to-wit: Michael Glaab's subdivision to Indianapolis, a subdivision of a piece or parcel of land in Section 14, Township 15, north of Range 3 east, beginning at the northeast corner

of a lot conveyed by James P. Drake and wife to Tilly and Kusche. (See Deed Record BB, page 266) and running thence south to C. Wesby's lot; thence east to an alley; thence north with the alley to a street; thence west to the place of beginning. The point "A" is in the south line of Wisconsin street, 450 feet west of the west line of Meridian street. The dotted lines indicate the out lines; distances are all given in feet and hundredths, and also adjoining said Glaab's addition on the west, and said Thomas F. Ryan's subdivision on the south, embracing twenty lots known as the county surveyor's subdivision as shown by plat made February 26, 1883, by Stoughton J. Fletcher, Francis M. Churchman, Thomas Hayes and John George Brandt, Allen K. Stewart, Eliza A. Bronson and Irven B. Stewart, heirs of Benj. F. Stewart, being a subdivision of a part of the north-east quarter (N. E. $\frac{1}{4}$) of Section 14, Township 15, north of Range 3 east, in Marion County, State of Indiana, and described as follows, and to be known in deeds and on tax duplicate as county surveyor's (Sub.) Beginning at the south line of Wisconsin street, as now located, at a point 646 feet west of the east line of said one quarter section and running south $4\frac{1}{4}$ degrees, west 105 feet, thence south $79\frac{3}{4}$ degrees, east 257 feet, thence south 155 feet, thence west $4\frac{1}{2}$ feet, thence north 80 degrees, west 423 9-10 feet, thence north 47 degrees 35 minutes; west 57 feet, thence north $7\frac{1}{2}$ degrees, east 196 feet to the south line of Wisconsin street, thence east 183 feet to the place of beginning, which said lots and parcels of land shall hereafter form a part of said city and be within the jurisdiction of said city.

Resolved further, That the City Clerk be, and he is hereby directed, to file a copy of the above and foregoing preamble and resolution in the office of the Recorder of said county, who is authorized to record the same.

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

AYES, 24—viz. Councilman Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, Wharton and Wolf.

NAYS, 1—viz. Councilman Cowie.

Councilman Thalman moved to refer the foregoing resolution to the Committee on Streets and Alleys.

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

AYES, 12—viz. Councilmen Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, Reinecke, Sheppard and Wolf.

NAYS, 13—viz. Councilmen Benjamin, Cowie, Gallahue, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, Trusler and Wharton.

The resolution was then referred to the Committee on Streets and Alleys.

Councilman Downey offered the following motions, which were severally adopted:

That the City Civil Engineer be, and is hereby, directed to report by what manner the drainage of the northwest corner of Ohio and East streets can be made, to let the water off that accumulates at said point.

That the Street Commissioner be, and he is hereby directed to raise the stone crossing, on the west side of Noble street at the intersection of Ohio street, and the City Civil Engineer to set the proper grade stakes.

Councilman Edenharter offered the following motion, which was referred to the Committee on Public Light:

That the City Civil Engineer be instructed to re mantle gas post on east side of Noble street, between Vermont and Michigan streets.

Councilman Haugh offered the following motion, which was referred to the Fire Board, with power to act:

That the City Clerk be instructed to have printed in pamphlet form, 500 copies of Chief Fire Engineer's report.

Councilman Haugh offered the following motion, which was adopted, and Councilmen Haugh, Benjamin and Wolf appointed as the members of such committee:

WHEREAS, There are rumors in circulation seriously affecting the integrity of the Wood Measurer; therefore

Moved, That a committee of three be appointed to investigate said rumors, and ascertain the facts in the case.

Councilman Moran offered the following motion, which was referred to the Committee on Bridges.

That the Street Commissioner be, and is hereby, directed to build a bridge over Pogue's Run on Liberty street, and that the Street Commissioner have power to act.

Councilman Moran offered the following motion, which was adopted, and the Chair appointed Councilmen Moran, Smither and Edenharter as the members of such committee:

That a committee of three be appointed to confer with the officers of the Gravel Road Company owning the Michigan Road from east Washington street to the Corporation Line, southeast, with a view of the city purchasing the rights of said company in said road.

Councilman Newcomb offered the following motions, which were severally adopted:

That the City Attorney report to this Council at the next meeting, whether the street in the rear of the City Hospital has been properly platted.

That the Hospital Board and Hospital Committee be, and are hereby instructed to build an addition of 60x30 feet (frame) to the pest-house, and also to have a telephone put into the pest-house.

That Dr. Henthorne be authorized to employ a physician to vaccinate all persons in houses where small pox has occurred, he receiving his pay from said parties so vaccinated if able to pay, if not, from the city. Such physician not to charge to exceed 75 cents for each person.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned, interested property owners, respectfully petition your honorable bodies to cause Pratt street to be extended to a width of sixty feet, from Alabama street to Fort Wayne avenue, by taking thirty feet off of the north side of a piece of ground fronting on Fort Wayne avenue, Alabama and Pratt streets. A plat of the proposed extension and widening is hereby filed, and made part of this petition.

Respectfully,

W. F. Christian, Otto Stechhan, Wright & Allen.

Councilman Pearson offered the following motion, which was adopted:

That A. B. Meyer & Co. be granted the privilege to place a bowldered drive-way across the pavement in front of their coal yard on north Mississippi street.

Councilman Reinecke offered the following motion, which was referred to the City Civil Engineer to prepare ordinances:

That the City Civil Engineer be, and is hereby, directed to advertise for sealed proposals for the construction of a three-foot brick sewer from the South street sewer, in and along East street to the first alley south of Virginia avenue; thence in and along said alley to the first alley east of East street; thence south in and along said alley to Merrill street; thence east in and along Merrill street to the second alley east of East street; thence south in and along said alley to the first alley south of Merrill street. Also, a two and one-half feet brick sewer in and along the first alley south of Merrill street, from the second alley east of East street to Virginia avenue. Also, a two and one-half feet brick sewer from the intersection of the first alley south of Merrill street and the second alley east of East street, in and along the second alley east of East street to Stevens street, with the requisite number of man-holes and catch-basins.

Councilman Reynolds offered the following motion, which was referred to the Committee on Public Light:

That the City Civil Engineer be, and is hereby, directed to notify the Gas Company to re-mantle the lamp-post on Seventh street, between Yandes street and Columbia avenue.

Councilman Reynolds presented the following petition, which was referred to the City Civil Engineer to prepare ordinance:

Indianapolis, Feb. 13th, 1884.

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

Gentlemen:—The undersigned, owners of real estate fronting on Ludlow Lane, between Hill avenue and Valley Drive, respectfully petition for the passage of an ordinance providing for grading and graveling said street and sidewalks between the points named, with river or creek gravel, unscreened.

Julia Mendenhall, Minnie E. Curtis, J. H. Thompson,
James Petty, Sarah J. Gilliland, Sarah J. Hatton.

Councilman Sheppard offered the following motion, which was adopted:

In view of the fact that in the direct immediate neighborhood of No. 4 School House, on Michigan between California and Blackford streets, small pox has been prevalent in the aforesaid locality for some time; therefore,

Moved, This Common Council request the Board of School Commissioners to close said No. 4 School House for the period of two weeks.

Councilman Smither offered the following motion, which was adopted :

That the Fire Board be directed to investigate and report to this Council, the necessity of locating fire cisterns corner of Sixth and West streets, and Third and West streets; also, at the corner of Camp and Pratt streets; and if there is not a necessity for a fire alarm box in that vicinity.

Councilman Spahr presented the following communication, which was received:

Indianapolis, Feb. 15th, 1884.

To His Honor, the Mayor, and Members of Common Council :

Gentlemen:—In reference to the resolution adopted at your last meeting, inquiring “why they permitted the bodies of persons who had died from small pox to be buried in the daytime,” and “why they permitted the Superintendent of the small pox hospital to pass about the city at perfect will,” we have the honor to report, that the law of the State Board of Health, adopted by the city, is that the bodies of persons who have died from small pox, shall be buried *immediately*. The Superintendent of the small pox hospital informs us that in all cases where persons have died during the middle or after part of the day, the burials have been at night. However, in a few cases, where the patient died early in the morning, rather than violate the law by keeping the body over twelve hours, he has caused the same to be buried during the day. In these, as in all other cases, the bodies have been wrapped with sheets, saturated with a disinfecting fluid, and placed in air-tight coffins, the lids of the coffin and box securely fastened, so that there was no possible danger of any one being infected from such procedure. We think that no possible danger has resulted from this cause.

In regard to the matter of his passing about the city, while attending upon small pox patients, we desire to say that the Superintendent positively assures us that he never does so, until he has thoroughly disinfected himself and clothing, and except in extraordinary cases, changed his clothing completely.

We have endeavored to impress upon every body, the great necessity of extreme precaution, and think that these precautions are being adopted. We are pleased to know that your honorable body comprehends the danger, and are alive to the situation.

Very respectfully,

E. S. ELDER, M. D., Sec'y.
per G.

Councilman Spahr presented the following petition, which was referred to the City Civil Engineer to prepare an ordinance:

Indianapolis, December 11, 1883.

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

Gentlemen:—The undersigned, owners of real estate fronting on Ruckle street, between Eighth and Tenth streets, respectfully petition for the passage of an ordinance providing for grading and paving with brick the sidewalks of Ruckle street, between Eighth and Tenth streets.

Chas. W. Gorsuch, 80 feet; Sedonia W. Wilson, 40 feet; Abram E. Faught, 40 feet.

Councilman Spahr offered the following resolution, which was referred to the Committee on Water:

Be it Resolved by the Common Council, the Board of Aldermen concurring, That the Indianapolis Water Company be, and it is hereby directed to extend its water mains on Central avenue to Ninth street.

Later in the session, above action was reconsidered by the following vote:

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

NAYS, 3—viz. Councilmen Doyle, Moran and Wolf.

The resolution was then adopted by the following vote:

AYES, 25—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.

NAYS—None.

Councilman Thalman offered the following motion, which was adopted:

That the Committee on Streets and Alleys and the City Civil Engineer, be requested to examine the Fall Creek embankment at the head of the Mill Race, and report what is necessary to be done there to protect the city's interest; also to report the probable cost.

Councilman Trusler presented the following petition, accompanied with motion, which was received and motion adopted:

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

Gentlemen :—The undersigned would respectfully represent to your honorable bodies that he is largely interested in the property along and in the vicinity of Pleasant Creek, and that the said property owned by himself and others to whom he has sold, as also the interest of the city, are damaged by frequent and persistent thieving of bowlders, undermining the banks to obtain the same, and so exposing the banks to be washed away in the first freshet that may follow. Also, taking gravel and sand, not alone from the natural bed of the creek, but from the lots of citizens and non-residents who have paid into the city treasury for taxes more than the said lots are now worth to the owners or to the city.

Streets once improved by the property owners and the city are being washed away, rendering them dangerous—rendering formerly valuable property valueless for use of the owner or for revenue for the city.

Men and women have been frequently abused and insulted for remonstrating with men for committing such depredation upon their property. The city authorities and police have been informed of these things frequently, and yet apparently take no notice thereof.

The undersigned would humbly pray, etc.

WM. S. HUBBARD,
HORACE MCKAY.

That the City Attorney be requested to prepare an ordinance prohibiting the removal of bowlders, gravel or sand, from the banks or bed of Pleasant Run.

Councilman Trusler presented the following petition, with motion, which was received and referred to the Committee on Railroads:

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

Gentlemen :—The undersigned, citizens of said city, living on Prospect street, or in the southeast part of said city, would respectfully petition your honorable body to take such action as may be necessary and as may be in your power to do, to secure

the immediate extension of the Street Car line from the present terminus at the end of Virginia avenue, east on Prospect street to Reid street, which is necessary to give a large population in that part of the city a convenient way of reaching the central part of the city, and which we believe to be the almost unanimous wish of the people in the Twenty-first Ward of the city, and living in that vicinity.

W. W. Scott, S. T. Meek, Sylvester Dougherty, Frank Hosbrook, L. G. Dynes, William Drotz, 155 Prospect street; Chas. H. Buddenbaum, No. 123 Prospect street, C. H. McCormick, 194 Prospect street; J. G. Hardin, 111 Prospect street; F. W. Rosebrock, 666 Virginia avenue; Ras. Reid, Prospect street; Wm. H. Whitaker, R. H. Mahoney, Shelby street; Dick McClellan, Prospect street; Elmer Denny, Prospect street; G. W. Hoffman, Fred. Gansberg, Wm. Judk ns, 80 Prospect street; Jos. Schmid, 82 Prospect street; Wm. Roysse, William Stolte, Albert Gall, Prospect street, 80 feet; O. B. Gilkey, Pleasant street; I. F. Wiley, Olive street; D. B. Hosbrook, 91 Laurel street; William Hunter, Prospect street; Warren Tate, Prospect and Olive streets—and 60 others.

That the Citizens Street Railway Co. be instructed to extend the Virginia avenue line from the present terminus at the corner of Virginia avenue and Shelby streets, east on Prospect street to Reid street.

Councilman Wharton presented the following petition, accompanied with resolution, which were read:

Indianapolis, Ind., Feb. 9, 1884.

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

Gentlemen:—The undersigned, owners of real estate fronting on Mississippi street, between Sixth and Twelfth streets, respectfully petition for the passage of a resolution providing for the laying of water mains on Mississippi street, between the points mentioned above.

J. A. Perkins will take water; J. E. Kerr will take water; T. E. Stibbens will take water; C. A. Pattison; James Hyland will take water; Mrs. E. Robinson will take water; J. W. Lanktree, we will take water; George C. Leathers will take water; M. E. Briggs, Warren Real, Susan Wharton, Martha Hammal, A. Reinken, Jr., Will J. Probst will take water; J. W. Wharton.

Resolved, That the Indianapolis Water Company be, and it is hereby required to extend its line of water mains from Sixth street to Twelfth street on north Mississippi street, and locate hydrants along said extended line not to exceed one for every five hundred feet; all to be done under the direction of the Chief Fire Engineer, and the City Clerk is hereby directed to notify said water company of the action thereon.

And the resolution was adopted, by the following vote:

AYES, 25—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thaman, Trusler, Wharton and Wolf.

NAYS—None.

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

That the Street Commissioner be and is hereby directed to fill up chuck holes on New Jersey street, between Merrill and McCarty streets, as soon as practicable.

On motion by councilman McClelland, the Common Council adjourned, to meet next Monday evening, February 25th, 1884, by the following vote:

AYES, 14—viz. Councilmen Benjamin, Coy, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, McClelland, Newcomb, Reinecke, Reynolds, Spahr and Thalman.

NAYS, 8—viz. Councilmen Cowie, Curry, Mack, Moran, Rees, Smither, Trusler and Wolf.

JOHN T. DOWNEY,

President *pro tem* Common Council.

Attest: GEC. T. BREUNIG, City Clerk.