

PROCEEDINGS OF COMMON COUNCIL

REGULAR SESSION—MAY 5, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 5th, A. D. 1884, at eight o'clock, in regular session.

PRESENT—Hon. John L. McMaster, Mayor, and *ex officio* President of the Common Council, in the Chair, and 22 members, viz: Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

ABSENT, 3—viz. Councilmen Cowie, Gallahue, and Sheppard.

The Proceedings of the Common Council for the regular session, held April 7th, 1884; the special session, held April 14th, 1884, and the regular session, held April 21st, 1884, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

Sealed proposals for making the following street improvements, were opened, read, and referred to the Committee on Contracts.

A proposal for the removal of dead animals, was received, and referred to the same committee.

(S. O. 4, 1884)—For the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Mulberry street, between McCarty and Ray streets.

(S. O. 6, 1884)—For the grading and paving with brick, the north sidewalk of Walnut street, from Pennsylvania street to Delaware street.

(S. O. 10, 1884)—For grading and graveling the first alley east of Dorman street, from St. Clair street to Pogue's Run.

(S. O. 11, 1884)—For grading and paving with brick, the north sidewalk of North street, from New Jersey street to Alabama street, where not already paved.

(S. O. 12, 1884)—For grading and paving with brick, the east sidewalk of Mississippi street, from First street to Second street.

(S. O. 13, 1884)—For grading and paving with brick, the north sidewalk of First street, from Mississippi street to Tennessee street.

(S. O. 14, 1884)—For grading and paving with brick, the sidewalks of Pine street, from Virginia avenue to English avenue.

(S. O. 15, 1884)—For 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.

(S. O. 22, 1884)—For grading and paving with brick, the south sidewalk of Massachusetts avenue, from John street to the Wabash Railway tracks.

(S. O. 25, 1884)—For grading and paving with brick, the sidewalks of Ruckle street, from Eighth street to Tenth street.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor McMaster, submitted the following report; which was received:

To the Common Council and Board of Aldermen :

Gentlemen:—I herewith report the fees and fines due the city for the month of April, 1884, as follows:

Marshal's fees.....	\$380 42
Mayor's fees.....	289 80
Fines due city.....	91 80
	\$762 02

Which said fees and fines I have this day paid over to the City Treasurer, and have filed his receipt therefor 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 estimate of work done according to contract:

A first and final estimate in behalf of Fred. Gansberg, for grading, bowldering and curbing the gutters of Meridian street, from McCarty street to Morris street.

3,500 lineal feet of bowldering, at 64 cents.....	\$2,240 00
3,165.15 lineal feet of curbing, at 42 cents.....	1,329 39
140.61 square yards bowldering wings, at 64 cents.....	90 00
44.43 square yards re-bowldering, at 25 cents.....	11 10
5.60 lineal feet double walk stone, at 65 cents.....	3 64
83.60 lineal feet curb re-set, at 7 cents.....	5 85
Total.....	\$3,679 98

A first and final estimate in behalf of George W. Seibert, for grading and bowldering the first alley north of Market street, from Meridian street to Pennsylvania street.

821.25 lineal feet, at 53 cents.....	\$435 26
20.14 square yards re-bowldering, at 35 cents.....	7 05
14.50 lineal feet double walk stone, at 65 cents.....	9 43
Total.....	\$451 74

A first and final estimate in behalf of Richter & Twiname, for grading, bowldering and curbing the gutters of Ohio street, from Delaware street to Alabama street.

848.80 lineal feet of bowldering, at 58 cents.....	\$ 492 30
967.60 lineal feet of curb, at 41 cents.....	396 71
49.80 lineal feet of walk stone, at 65 cents....	32 37
64.60 lineal feet of curb re-set, at 7 cents.....	4 52
186.26 square yards bowldering wings, at 60 cents.....	111 75
57 square yards re-laying brick, at 65 cents.....	37 05

Total..... \$1,074 70

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 Fred. Gansberg, for grading, bowldering and curbing the gutters of Meridian street, from McCarty street to Morris 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, 19—viz. Councilmen Benjamin, Coy, Curry, Downey, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, 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 first and final estimate in behalf of George W. Seibert, for grading and bowldering the first alley north of Market street, from Meridian street to Pennsylvania 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, 19—viz. Councilmen Benjamin, Coy, Curry, Downey, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, 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 first and final estimate in behalf of Richter & Twiname, for grading, bowldering and curbing the gutters of Ohio street, from Delaware street to Alabama 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, 19—viz. Councilmen Benjamin, Coy, Curry, Downey, Edenharter, Haugh Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, 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 R. P. Dunning for grading and paving with brick the sidewalks of Park avenue, from Eighth street to Twelfth street. Bond, \$3,000; surety, James W. Hudson.

Contract and bond of R. P. Dunning for grading, bowldering and curbing the south gutter of Christian avenue from Central avenue to Ash street. Bond, \$3,500; surety, James W. Hudson.

Contract and bond of J. L. Spaulding for grading and paving with brick the sidewalks of Bright street, from Michigan street to North street. Bond, \$800; surety, R. P. Dunning.

Contract and bond of J. L. Spaulding for grading and graveling the first alley south of Seventh street, from Pennsylvania street to Delaware street. Bond, \$300; surety, R. P. Dunning.

Contract and bond of A. Bruner for constructing a brick sewer two and one-half feet internal diameter, in and along Hill street, and through the private grounds, from Meridian street to the old bed of the Canal. Bond, \$2,000; surety, Anderson Bruner.

Contract and bond of D. A. Haywood for grading, bowldering and curbing the north gutter of Christian avenue, and paving with brick the sidewalk thereof from Central avenue to Ash street. Bond, \$4,500; surety, Fred Gansberg.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Civil Engineer submitted the following report, accompanied with bond:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen.—I herewith submit, for your consideration, a form of bond for street and other public improvements, which I ask be approved by you, as the bond for future contracts. The only change from the former bond is the clause relative to the contractors keeping the work in good repair for a year after the acceptance of the same, and allowing of the final estimate.

I will state further that I have referred the matter to the Judiciary Committee of the Common Council and the City Attorney, and have their approval endorsed thereon.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

Councilman Thalman moved to refer the report to the Board of Public Improvements; which failed of adoption, by the following vote:

AYES, 8—viz. Councilmen McClelland, Newcomb, Pearson, Smither, Spahr, Thalman, Trusler, and Wolf.

NAYS, 14—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, Rees, Reinecke, Reynolds, and Wharton.

The form of Bond as presented by the City Civil Engineer, was then approved.

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

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith submit an itemized statement, showing the amount of orders drawn on the city treasury during the month of April, 1884, viz:

Board of Health.....	\$ 100 00
Bridges.....	721 67
City Assessor's Department.....	209 50
City Civil Engineer's Department.....	141 35
City Dispensary.....	261 11
City Hall.....	492 40
City Hospital and Branch.....	1,641 37
City Treasurer's per centage.....	981 94
City Hospital addition.....	444 90
Cemeteries	44 32
Fire Department.....	8,241 95
Gas.....	5,500 20
Incidentals.....	645 12
Interest on bonds.....	5,100 00
Judgments and costs.....	51 50
Markets.....	9 80
Market Masters' fees.....	212 31
Parks.....	131 65
Police.....	4,852 02
Printing.....	1,331 00
Salary.....	5,563 50
Sewers.....	2,004 41
Station House.....	453 03
Street improvements.....	267 85
Pogue's Run—(wall).....	1,400 00
Street repairs.....	4,298 91
Time warrants of 1883.....	71,213 31
	<hr/>
	\$116,315 12
Sinking fund.....	\$ 3,689 91
School fund.....	27,059 32
Tomlinson Estate, repairs, etc.....	28 32
	<hr/>
	30,777 55
	<hr/>
Total.....	\$147,092 67

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

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

Report of I. N. PATTISON, City Treasurer, for the month of April, 1884.

RECEIPTS.

Balance on hand April 1st, 1884	\$ 96,842 94
From benefits.....	3,118 00
From coal licenses.....	4 00
From dog licenses.....	75
From dray licenses.....	75
From express licences.....	1 05
From fines and fees.....	462 98
From huckster licenses.....	9 00
From liquor licenses.....	528 10
From market-masters' fees.....	312 05
From peddiers' licenses.....	88 00

From sale of old material—(Fire Department).....	\$	21 50
From tapping sewers.....		1 00
From taxes current.....	385,026	22
From tax sales current.....		87 36
From tax sales delinquent.....		121 47
From taxes delinquent.....		2,181 52

\$488,806 69

DISBURSEMENTS.

For Board of Health.....	\$	25 00
For bridges.....		721 67
For cemeteries.....		44 32
For City Assessor's department.....		209 50
For City Civil Engineer's department.....		140 35
For City Dispensary.....		262 41
For City Hall.....		42 40
For City Hospital and branch.....		2,123 02
For Fire Department.....		8,476 82
For gas.....		5,500 20
For incidentals.....		645 57
For interest on bonds.....		5,100 00
For judgments and costs.....		51 50
For markets.....		9 80
For Market-masters' fees.....		212 31
For parks.....		126 15
For per centage.....		981 94
For Pogue's Run.....		1,400 00
For police.....		3,993 89
For printing.....		321 65
For salary.....		5,488 50
For school fund.....		34,368 64
For sewers.....		2,004 41
For sinking fund.....		3,689 91
For Station House.....		433 57
For street improvements.....		267 85
For street openings and vacations.....		30 00
For street repairs.....		4,335 76
For time warrants and interest.....		71,213 31
Balance on hand May 1, 1884.....		336,586 24

\$488,806 69

TOMLINSON ESTATE.

Receipts.

Balance on hand April 1, 1884.....	\$	65,190 85
Rents.....		86 85
		<u>\$ 65,277 70</u>

Disbursements.

Repairs.....	\$	28 32
Balance on hand May 1, 1884.....		65,249 38
		<u>\$ 65,277 70</u>

ADDITIONAL CITY HALL FUND.

Balance on hand April 1st, 1884.....	\$	28,368 80
Balance on hand May 1st, 1884.....	\$	28,368 80

SINKING FUND.

Balance on hand April 1st, 1884.....	\$ 16,225 24
From March taxes.....	3,689 91
	<u>\$ 19,915 15</u>
Balance on hand May 1st, 1884.....	<u>\$ 19,915 15</u>

I. N. PATTISON, City Treasurer.

To GEO. T. BREUNIG, City Clerk.

The City Clerk submitted the following report:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I submit herewith the following entitled affidavit now on file in my office, for the collection of street improvement assessments, by precepts, viz.: Richter & Twiname vs. Jonathan Edwards, trustee, \$1.70.

Respectfully, GEO. T. BREUNIG, City Clerk.

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

AYES, 19—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

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

The City Attorney submitted the following report; which was received, and an appeal ordered:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Since the last meeting of the Council, the case of John H. Vajen against the city, which was tried several months ago, has been decided by Judge Howe, of the Superior Court. The action was to recover \$508, taxes paid by Mr. Vajen on stock owned by him in the Citizens' National Bank, which he claimed was paid under protest, first asking that he be allowed to off-set his bona fide indebtedness, which exceeded the amount of his stock, against the same, he having no other credits. Judge Howe states as a conclusion of law, that the payments must be regarded as having been voluntarily made, which, under a long line of early decisions of the Supreme Court, would preclude a recovery, but he, nevertheless, decides, that under the authority of the same court on this question in the more recent case of The City of Indianapolis vs. McAvoy, he was compelled, against his own judgment of the law, to hold that the plaintiff was entitled to recover. I have no hesitation in recommending an appeal, not only believing that I can procure a reversal of the judgment of Judge Howe, but that I can also succeed in having the decision in the McAvoy case overruled on the point referred to, which I regard as of much more importance to the future interests of the city. The costs of an appeal will be small.

Respectfully submitted, C. S. DENNY, City Attorney.

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

To the Mayor and Common Council:

Gentlemen:—The undersigned, to whom was referred the petition of W. F. Christian and others, asking that Pratt street be widened to sixty feet from Alabama street to Ft. Wayne avenue, would respectfully report that they have care-

fully examined the locality and made inquiry as to the probable opposition that will be interposed thereto. A frame building, as well as a 30-foot lot, will have to be condemned to make the improvement. We are satisfied this can not be done to the satisfaction of the owner of the property and the parties who will likely be assessed with the benefits, and that litigation would thus follow. The city ought, therefore, to be protected against loss against all contingencies of such litigation.

We believe the improvement asked for would be a good one for the locality in question, and with the city's interests properly protected, would recommend it. But as the statute requires that petitions for such improvements shall be referred to an appropriate committee of the Council, who shall report as to the expediency of referring the matter to the City Commissioners at the next meeting of the Council, etc., we deem it the safer plan to discontinue all further proceedings under the present petition, as it failed to get such a report from the Committee on Streets and Alleys, to whom it was first referred.

We therefore recommend that no further steps be taken under the said petition of W. F. Christian and others; and that if the same be renewed by the same or other parties in the future, they be required to deposit with the clerk a sum of money sufficient "to defray the expenses of publication and the lawful charges of the City Commissioners," as provided by an ordinance still in force, and that they also be required to file a bond indemnifying the city against the payment of all costs and extra damages allowed in the event of appeals being taken from the City Commissioner's report

Respectfully submitted, C. S. DENNY, City Attorney.
S. H. SHEARER, City Civil Engineer.

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

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

Gentlemen:—I herewith report the following hydrants as having been tested and now ready for use, in case of fire. They are located as follows:

- No. 627—Northwest corner of Alabama and Seventh streets.
- No. 628—Southwest corner of Alabama and Eighth streets.
- No. 629—Southwest corner of Alabama and Ninth streets.
- No. 630—Southeast corner of Alabama street and the State Ditch.

Respectfully submitted,
J. H. WEBSTER, Chief Fire Engineer.

The Rental Agent submitted the following report; which was referred to the Finance Committee:

Indianapolis, May 5th, 1884.

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

Gentlemen:—I herewith submit report of the collection of rents on the Tomlinson Estate for the month of April, 1884:

Mrs. Mary Dwyer, on No. 113 north Illinois street.....	\$ 25 00
Mrs. W. H. Mahan, on No. 115 north Illinois street.....	25 00
Mrs. H. C. Overman, on No. 117 north Illinois street.....	25 00
	<hr/>
	\$ 75 00
Less 3½ per cent. commission.....	2 62
	<hr/>
	\$ 72 38
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Respectfully submitted, WM. HADLEY, Agent.

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

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

Gentlemen:—The following reports of the City Hospital and Branch, for the month of April, 1884, are respectfully submitted :

	First Week.	Second Week.	Third Week.	Fourth Week.	Two Day.	Monthly Total.
No. of paid officers, nurses and employes in Hospital... 25						
No. of paid officers, nurses and employes in Branch.... 2						
No. of beds in Hospital 100						
No. of beds in Branch..... 20						
No. of adult patients in Hospital at beginning of week	62	59	54	53	54	62
No. of infant patients in Hospital at beginning of week....	7	5	7	8	11	7
No. of adult patients received.....	14	9	9	10	2	44
No. of infant patients born.....		3	2	3		8
No. of adult patients discharged.....	14	12	8	9	3	46
No. of infant patients discharged.....	2	1	1			4
No. of adult patients who died ..	3	2	2			7
No. of infant patients who died.....						
No. of adult patients in Hospital at end of week.....	59	54	53	54	53	53
No. of infant patients in Hospital at end of week.....	5	7	8	11	11	11
No. of adult patients in Branch at beginning of week.....	9	4		3	3	9
No. of adult patients received at Branch.....			3			3
No. of adult patients discharged from Branch.....	5	4				9
No. of adult patients died at Branch.....						
No. of adult patients in Branch at end of week.....	4		3	3	3	3
No. of patients in Hospital during month.....	83	76	72	74	67	121
No. of patients in Branch during month.....	9	4	3	3	3	12
No. of days of patients in Hospital during month.....	473	472	441	419	122	1927
No. of days of patients in Branch during month.....	44	7	3	21	6	81
No. of days of employes in Hospital & Branch during month.....						810
No. of prescriptions filled during month.....						1057
Aggregate number of days subsistence furnished.....					2,818	
Total expenditures for month.....						\$1,173 62
Average daily cost of each patient.....						58 cts.
Average daily cost of patients, officers and employes..						41 cts.

W. N. WISHARD, M. D., Superintendent.

The Superintendent of the City Hospital and Branch submitted the following report; which was received:

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

Gentlemen:—The following reports of the City Dispensary for the month of April, 1884, are respectfully submitted:

Number of Patients treated at Dispensary.....	221
Number of Medical cases at Dispensary.....	173
Number of Surgical cases at Dispensary.....	3
Number of Disease of Nervous System.....	7
Number of Disease of Eye and Ear.....	9
Number of Diseases of the Throat.....	6
Number of Out-door Patients treated.....	143
Number at Station House.....	0
Number of Patients sent to Hospital.....	8
Total number of Patients treated during month.....	570
Total number of Visits made during month.....	533
Total number of Prescriptions filled during month.....	865
Number of Births during month.....	3
Number of Deaths during month.....	3

EXPENDITURES FOR MONTH,

J. J. Garver, Superintendent.....	\$70 00
Geo. W. Combs, Assistant Physician.....	41 66
A. F. Wright, Assistant Physician.....	41 66
Ed. Grahn, druggist.....	30 00
Ward Brothers, drugs.....	81 84
A. B. Meyer & Co., coal furnished.....	6 60
Vajen & New, hardware.....	80
Johnston & Bennett, repairing.....	5 30
Total expenditures for month.....	<u>\$277 86</u>

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

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board, through Councilman Benjamin, submitted the following report; which was concurred in, and the amount ordered inserted in the appropriation ordinance:

To the Mayor and Common Council:

Gentlemen:—Your Fire Board, to whom was referred the matter of purchasing lot and erecting engine house, would respectfully report that we have purchased lot No. 8, in square No. 1, of Martindale's south addition to Indianapolis, for the sum of \$700. We present herewith the deed for said lot, abstract of title, and the opinion of the City Attorney, that the title is good. We respectfully ask that said purchase be approved, and said amount of \$700 be placed in the appropriation ordinance for Mrs. Lavina Robinson, the late owner of said lot.

Respectfully submitted,

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

The Fire Board, through Councilman Benjamin, submitted the following report; which was referred to the Finance Committee:

To the Honorable Mayor and Members of Council:

Gentlemen:—Your Fire Board, to whom was referred the petition of C. L. Turner, et al., for a fire cistern at the corner of Park avenue and Twelfth street, in view of the scarcity of cisterns in that locality, would respectfully report in favor of the request.

Respectfully submitted,

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

The same Board submitted the following report; which was concurred in:

To the Honorable Mayor and Members of Council:

Gentlemen:—Your Fire Board, to whom was referred the request of C. W. Meikle, to dig a cistern for storing gasoline on Wabash street, between Delaware and Pennsylvania streets, would say, that while we are willing to accord any privilege within our power to the citizens of Indianapolis, in view of the extreme danger of great loss that would arise from an explosion of gasoline, we would respectfully report unfavorable

Respectfully submitted,

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

Councilman Newcomb, in behalf of the Hospital Board, presented the following contract, accompanied with motion:

Indianapolis, May 5th, 1884.

It is hereby agreed by and between the City of Indianapolis of the first part, and Charles G. Mueller of the second part, as follows: Said party of the second part is to supervise and superintend the erection of the west wing of the City Hospital building of the City of Indianapolis, now under contract to Peter Routier, according to the plans and specifications of Charles G. Mueller, architect, heretofore adopted by the Common Council and Board of Aldermen of said city, make estimates from time to time as the work progresses as a basis for payment by the city of the contract price of said building, and all and singular the other things necessary to be done by him as such supervising architect, in consideration of which, said party of the first part is to pay him an amount equal to two and one-half ($2\frac{1}{2}$) per centum of \$25,000 for said plans, and one (1) per centum for superintending the same, to be paid in installments, as the contractor is paid, to wit: three and one-half ($3\frac{1}{2}$) per cent. on the amount of each sum paid to said contractor, at the times said sums are paid, which shall be final and complete remuneration for services as architect of whatever kind in the construction of the addition to the City Hospital completed by the erection of said west wing.

CHAS. G. MUELLER, Architect.

That the Mayor be, and is hereby authorized and requested to execute the accompanying contract relative to the compensation of Charles G. Mueller as superintending architect of the west wing of the City Hospital.

Which motion was adopted, by the following vote:

AYES, 17—viz. Councilmen Curry, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS, 4—viz. Councilmen Benjamin, Dowling, Downey, and Reinecke.

The Hospital Board, through Councilman Newcomb, submitted the following report:

To the Common Council, and Board of Aldermen:

Gentlemen:—Your committee to whom was referred the matter of employing a Pest House Physician to attend to small pox cases that may occur in the city or be sent to the pest house for thirty days, beg leave to report that we have had the matter under consideration and have adopted the following resolution:

Resolved by the Hospital Board, That Drs. Wishard and Garver be and are hereby empowered; if in their judgment, it is deemed necessary to employ a competent physician to attend to above cases that may occur in the city, for the term of thirty days, on the best terms that they can agree upon. The compensation to be agreed upon by this board. In pursuance of which we received from Drs. Wishard and Garver the following communication:

“By authority of your resolution of April 22d, 1884, we have made a contract with Dr. L. S. Henthorne to do all small pox practice in the city that may occur in families whose care would properly fall to the City Hospital or City Dispensary for thirty days from this date. By the conditions of this contract Dr. Henthorne is to visit and treat small-pox patients at their houses inside the city limits and at the pest house, and do vaccination in families where small-pox occurs, in case there are not a large number of cases of the disease accrue in this period. He is also allowed to collect from patients who are able to pay him. He is to receive for his services the sum of one hundred and fifty dollars.

[Signed,]

“W. N. WISHARD,”
“J. J. GARVER.”

In accordance with the above agreement we have confirmed the above appointment of the said L. S. Henthorne, feeling that is safest and to the best interest of the city so to do.

Upon further conference we find that Dr. Henthorne will continue his services for thirty days longer, making the employment for the time of sixty days for the sum of two hundred dollars. We would therefore recommend that he be employed for the additional thirty days on the above terms.

Respectfully submitted,

W. C. Newcomb,
Robert McClelland,
Hospital Board.

Councilman Pearson moved to instruct the Hospital Board to employ Dr. Henthorne for sixty days.

Councilman Trusler moved to lay the motion on the table.

Which failed of adoption, by the following vote:

AYES, 7—viz. Councilmen Coy, Dowling, Downey, Haugh, Reinecke, Trusler, and Wolf.

NAYS, 15—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, and Wharton.

Councilman Dowling moved to refer the report to the Finance Committee; which was laid on the table, on motion by Councilman Pearson, by the following vote:

AYES, 14—viz. Councilmen Benjamin, Doyle, Edenharter, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, Wharton, and Wolf.

NAYS, 8—viz. Councilmen Coy, Curry, Dowling, Downey, Haugh, Mack, Reinecke, and Trusler.

Councilman Pearson moved that an employment of sixty days be authorized.

Councilman Dowling moved to lay the motion on the table.

Which failed of adoption, by the following vote:

AYES, 5—viz. Councilmen Coy, Dowling, Downey, Trusler, and Wolf.

NAYS, 17—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, and Wharton.

On motion by Councilman Thalman, the previous question was ordered by the following vote:

AYES, 16—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, and Wharton.

NAYS, 6—viz. Councilmen Coy, Dowling, Downey, Reinecke, Trusler, and Wolf.

The recommendation of the Hospital Board as to employing Dr. Henthorne for sixty days, was then concurred in, by the following vote:

AYES, 16—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, and Wharton.

NAYS, 6—viz. Councilmen Coy, Dowling, Downey, Reinecke, Trusler, and Wolf.

Councilman Newcomb, in behalf of the Hospital and Dispensary Boards, submitted the following report:

To the Common Council and Board of Aldermen:

Gentlemen:—Your Committee, to whom was referred the matter of whose duty it is to vaccinate members of families in which smallpox has occurred in the city, would respectfully report that we have had the matter under consideration, and find that the only law governing the case is found in Sec. 3 of an ordinance of the Common Council and Board of Aldermen approved December 2, 1872, and which reads as follows:

SECTION 3. "The existence (residence) of unvaccinated persons (excepting such as have had smallpox or varioloid) over one year of age, in the City of Indianapolis, is hereby prohibited; and the parents or guardians of such persons, if they be minors, or the individual, if an adult, shall be liable to a fine not less than five dollars, nor more than twenty-five dollars, and shall be liable to a like fine for every ten days thereafter they delay having the operation of vaccination performed. It shall be the duty of the Board of Health to provide suitable measures for vaccinating any and all persons who may not be able to pay for the performance of said operation, and to issue and publish instructions in regard to the proper manner of vaccinating."

It is, therefore, in our opinion, clearly a police regulation, and the duty of the Board of Health. We would therefore recommend that in the future all gratuitous or compulsory vaccination be done under the direction of said Board of Health, and that for prudential reasons and for the best interests of the city and citizens, the City Dispensary be relieved from that service, thereby being the better able to devote their entire time, as the law requires to the sick poor of the city.

Respectfully submitted,

W. C. Newcomb,
Robert McClelland,
Hospital Board.

Theo. F. Smither,
P. C. Trusler,
Dispensary Board.

Which was concurred in, by the following vote:

AYES, 15—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Haugh, Moran, McClelland, Newcomb, Rees, Reinecke, Smither, Spahr, Thalman, Trusler, and Wharton.

NAYS, 3—viz. Councilmen Dowling, Downey, and Wolf.

The Board of Public Improvements, through Councilman Thalman, submitted the following report; which was received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:— We herewith report expenditures in Street Repair Department for month of April, 1884, together with the total expenditure to May 1st, 1884.

Pay-rolls.....	\$3,385 14
Blacksmithing.....	27 25
Bowlders.....	25 95
Freight on stone.....	168 00
Gravel.....	129 20

Hardware.....	\$ 79 11
Lumber.....	124 61
Sand.....	27 40
Sewer pipe.....	2 25
Spawls.....	36 00
Stone crossings.....	294 00
<hr/>	
Total expenditures. for April, 1884.....	\$4,298 91
Expenditures per last report.....	5,396 35
<hr/>	
Expenditures to May 1st, 1884.....	\$9,695 26
<hr/>	

Respectfully submitted,

Isaac Thalman,
M. M. Reynolds,
R. H. Rees,
Board of Public Improvements.

L. A. FULMER, Street Commissioner.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Public Improvements, to whom was referred the following motion: "That the Street Commissioner be, and he is hereby, directed to lay double stone crossings, where not already laid, across Noble street, between Washington street and Massachusetts avenue," recommend that one double stone crossing be laid on each street, where there is none.

Respectfully submitted,

Isaac Thalman,
R. H. Reese,
M. M. Reynolds,
Board of Public Improvements.

Councilman Smither, in behalf of the Dispensary Board, offered the following motion; which was adopted:

That the Committee on Public Property be requested to repair the City Dispensary, and put on what improvements are necessary.

The Board of City Commissioners submitted the following report; which was referred to the Finance Committee:

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

Gentlemen:—The undersigned, City Commissioners, met in pursuance of a notice of the City Clerk, to consider the proposition of the Indianapolis & Bean Creek Gravel Road Company to sell to the city that portion of their road inside the city limits, and lying between Washington street and State street.

We have viewed the Road in its present condition, and have carefully considered their proposition to sell for one thousand dollars, which we think is too much, for the reason that the travel is mostly diverted from the Road on account of the numerous switches and railroad crossings, and the facilities of reaching the city by other routes which are free of toll.

But as your committee report, and as we believe it would be desirable for the city to control the streets and roads within her limits, we would recommend that three hundred dollars be offered for that part of their road lying between State street and Washington street.

Respectfully submitted,

William Hadley,
Jas. C. Yohn,
Geo. W. Hill,
N. Kellogg,
M. Steinhauer,
City Commissioners.

The Board of Health submitted the following Mortality reports; which were received:

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

Under 1 year.....	16
1 to 2 years.....	7
2 to 5 ".....	7
5 to 10 ".....	4
10 to 15 ".....	3
15 to 20 ".....	7
20 to 25 ".....	5
25 to 30 ".....	6
30 to 40 ".....	8
40 to 50 ".....	7
50 to 60 ".....	5
60 to 70 ".....	10
70 to 80 ".....	2
80 to 90 ".....	2
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0
Total.....	89

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

Report of Deaths in the City of Indianapolis, from the 15th day of April, 1884, to the 30th day of April, 1884.

Under 1 year.....	10
1 to 2 years.....	6
2 to 5 ".....	5
5 to 10 ".....	3
10 to 15 ".....	3
15 to 20 ".....	2
20 to 25 ".....	2
25 to 30 ".....	3
30 to 40 ".....	7
40 to 50 ".....	7
50 to 60 ".....	2
60 to 70 ".....	5
70 to 80 ".....	5
80 to 90 ".....	4
90 to 100 ".....	1
100 and upward.....	0
Unknown.....	0
Total.....	65

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

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Judiciary, through Councilman Spahr, submitted the following reports; which were severally concurred in:

To His Honor, the Mayor and Common Council :

Gentlemen:—Your Committee to whom was referred the petition of Charles E. Coffin praying for the refunding of money paid for tax sale of lots 55, 56, 57, 60, 61 and 62, in Kappes & Naltner's South Meridian street addition, would recommend that the city repay to said Coffin the sum of eleven dollars and thirty-seven cents (\$11.37) without interest.

Respectfully submitted,

Geo. W. Spahr,
F. E. Benjamin,
Geo. F. Edenharter,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—In the matter of the petition of L. H. Mueller offering to pay to the city two hundred dollars (\$200) in satisfaction of benefits assessed against lot 1, outlot 99, Dougherty's sub, we would say we have examined into the matter very carefully and we recommend that the city accept said sum of two hundred dollars.

Respectfully submitted,

George W. Spahr,
F. E. Benjamin,
Geo. F. Edenharter,
Judiciary Committee.

To His Honor, the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, to whom was referred the petition of W. H. Kilvert and Henry Stanton, would respectfully say that we have given the matter careful consideration, and we recommend that the sum paid by Mr. A. G. Moore, for the sale of 20 feet off of the north side of lot 34, in McKeman & Pierce's subdivision of Out lot 27, be refunded to W. H. Kilvert, without interest. As to the matter of Henry Stanton, we recommend that the sum paid by him to the city be refunded without interest, provided he will deliver up and cancel the certificate which he holds.

Respectfully submitted,

Geo. W. Spahr,
F. E. Benjamin,
Geo. F. Edenharter,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the petition of the Hon. William H. English, concerning damage to property from the overflow of Pogue's Run, and sewer improvements, would respectfully report that we have made careful investigation of the matter of said petition, and given the same due consideration, and we find that the said Hon. William H. English has sustained damages to his property by reason of the overflows of Pogue's Run, and the construction of a sewer and sewer connection in close proximity to his property, on the corner of Washington and Noble streets, and in view of the fact that the city is liable to him for damages sustained, we would recommend that the city pay him the sum of five hundred dollars (\$500), provided he will accept the same in satisfaction of all damages by him sustained by reason of the overflow of said run, or by reason of the construction of sewers or sewer connections.

Respectfully submitted,

Geo. W. Spahr,
F. E. Benjamin,
Geo. F. Edenharter,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the petition of David Richardson, asking that \$57.19 taxes erroneously collected on a part of lot 12, in square 12, be refunded to him, have considered the same. We find that by an error in describing the land owned by Mr. Richardson, he has paid on a corner of said lot that he never owned, and which has been taxed to the railroad company, as he states. But the valuation of \$550 placed upon that part is manifestly too high, it being one-third of the whole valuation, whereas, it ought not, in our judgment, to be over one-sixth. The frontage on Indiana avenue is one-third of the whole, which is probably the basis used by the petitioner; but on account of the triangular shape of the railroad company's part, it does not constitute more than *one sixth* in the area or value, we think. The railroad company pays on it as a "right of way," which is appraised by the mile, so that we can not tell how much the strip was assessed at to it.

We recommend that one-half of the amount asked for, to-wit: \$28.59, less the school board's portion, to be deducted by the clerk before inserting in the appropriation ordinance, be allowed, provided it be accepted in full of all demands by the petitioner.

Respectfully submitted,

George W. Spahr,
F. E. Benjamin,
Geo. F. Edenbarter,
Judiciary Committee.

U. S. DENNY, City Attorney.

To the Mayor and Common Council:

Gentlemen:—The undersigned, to whom was referred the petition of Patty Patterson, asking the refunding of \$1,477.38, taxes paid by her since 1872, on lots in "Patterson's Extended Addition," have carefully considered the same.

It is broadly stated in the petition, that the city "wrongfully and unlawfully assumed municipal authority over said land" in 1871, but no reason is specifically set forth, except that the land was platted into city lots by her husband, without her consent, she being the owner thereof in her own right. We do not think this is a sufficient reason to make the act of annexation void. It is the *plating and recording*, and not the *ownership* of the land, that gives the Council jurisdiction to annex it. The municipal authorities cannot be expected to know who the legal owner of every piece of land about the city is. One may own land for a life time, and yet never record his deed which gives him his title. The plat was properly acknowledged, and therefore was properly admitted to record by the Recorder, and this conferred perfect jurisdiction on the Council to annex it. Besides, the petitioner, by paying the taxes from year to year, has ratified the act of her husband—at least so far as the taxes already paid are concerned.

The fact that the lots may have always been used as farm lands, does not exempt them from any part of the ordinary city tax. This exemption from the bulk of city taxes only applies to unplatted land in the corporate limits. See Section 3,261, R. S. 1881.

We believe there are several sound legal reasons why the city can not be compelled to refund this money; and we know of no moral one strong enough to justify us in favoring such action. We therefore recommend that the prayer of the petition be not granted.

Respectfully submitted,

Geo. W. Spahr,
F. E. Benjamin,
Geo. F. Edenbarter,
Judiciary Committee.

To the Mayor and Common Council

Gentlemen:—The undersigned, to whom the report of the Committee on Streets and Alleys, recommending that the city enlarge the embankment of Fall Creek at the head of the mill-race, and that the Street Commissioner be ordered to tear out the remains of the old dam on the north side of the creek, have carefully considered the same.

The portion of the old dam which still remains in the bed of the creek, has

caused sand-bars to form in the stream, and has, in throwing the water to the south side, caused the injury to the south embankment in the vicinity. The dam has been so long abandoned that it can not be contended that former private rights therein would be infringed by the demolition of the small part that remains. Indeed, it is in such a condition as to be of no value; and if the restoration of the dam should be attempted, could not be utilized.

We therefore recommend that the recommendations of the Committee on Streets and Alleys, submitted to the Council on March 10, 1884, be concurred in.

Respectfully submitted,

Geo. W. Spahr,
F. E. Benjamin,
Geo. F. Edenharter,
Judiciary Committee.

C. S. DENNY, City Attorney.

The Committee on Public Health and City Attorney, through Councilman Edenharter, submitted the following report; which was received:

To the Mayor and Common Council:

Gentlemen:—The City Attorney and your Committee on Public Health, in accordance with the desire of the Board of Health and your instructions, report the following ordinance.

Geo. F. Edenharter,
T. F. Smither,
W. C. Newcomb,
Committee on Public Health.

C. S. DENNY, City Attorney.

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

G. O. 40, 1884— An ordinance supplemental to an ordinance entitled "An ordinance regulating the cleaning of Privy Vaults," etc., ordained December 2, 1878.

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

To His Honor, the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the claim of Aneshaensel & Strong (\$20,50), for the erecting of lamp posts on west Morris street, would recommend that he collect the same by precept.

Respectfully submitted,

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

And the precepts failed to be issued, by the following vote:

AYES, 9—viz. Councilmen Coy, Doyle, Newcomb, Pearson, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS, 13—viz. Councilmen Benjamin, Curry, Dowling, Downey, Edenharter, Haugh, Mack, Moran, McClelland, Rees, Reinecke, Reynolds, and Smither.

The Committee on Public Light, through Councilman Spahr, submitted the following reports; which were severally concurred in:

To His Honor, the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the matter of having the City Civil Engineer remantle the lamp post on Seventh street, between Yandes and Columbia avenue, would recommend that said Engineer be so instructed.

Respectfully submitted,

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

To His Honor, the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred S. O. No. 28, 1884, providing for lamp posts, etc., on Pearl street, between Tennessee and Mississippi streets, would respectfully recommend the passage of the ordinance.

Respectfully submitted, Geo. W. Spahr,
James T. Dowling,
Committee on Public Light.

To His Honor, the Mayor and Common Council:

Gentlemen —Your Committee, to whom was referred the ordinance providing for the laying of mains and the erection of lamp-posts on John street, from Massachusetts avenue to the Arsenal grounds, and on Dorman street, from John street to Michigan street, would respectfully report that we have made personal examination of said streets, and in our opinion gas light is greatly needed in that thickly-settled portion of our city, and we therefore recommend the passage of the ordinance.

Respectfully submitted, Geo. W. Spahr,
Jas. T. Dowling,
Committee on Public Light.

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the matter of moving lamp post on north side of Maryland street, between Illinois and first alley east on Maryland street up to east corner of said alley, would recommend such removal.

Respectfully submitted, Geo. W. Spahr,
James T. Dowling,
Committee on Public Light.

To His Honor, the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the petition of Aneshaensel & Strong for the issuing of precepts, would respectfully recommend that the precepts issue.

Respectfully submitted, Geo. W. Spahr,
James T. Dowling,
Committee on Public Light.

The following report, submitted to the Common Council January 5th, 1883, was then taken up:

To the Common Council and Board of Aldermen:

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

Aneshaensel & Strong vs. Henry H. Langenberg, for.....	\$11 64
Aneshaensel & Strong vs. Henry H. Langenberg, for.....	1 38
Aneshaensel & Strong vs. Henry H. Langenberg, for.....	1 38
Aneshaensel & Strong vs. Henry H. Langenberg, for.....	1 38
Aneshaensel & Strong vs. Henry H. Langenberg, for.....	1 38
Aneshaensel & Strong vs. Michael A. Toohey, for.....	1 82
Aneshaensel & Strong vs. Michael A. Toohey, for.....	2 07

And recommend you order the precepts to issue.

Respectfully submitted, JOS. T. MAGNER, City Clerk.

And the precepts were ordered to issue, by the following vote:

AYES, 12—viz. Councilmen Benjamin, Coy, Haugh, McClelland, Newcomb, Rees, Reynolds, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS, 10—viz. Councilmen Curry, Dowling, Downey, Doyle, Edenharter, Mack, Moran, Pearson, Reinecke, and Smither.

The Committee on Public Property, through Councilman Mack, submitted the following report; which was approved, and the appointments confirmed:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—The Committees on Public Property have selected John Crane as park policeman for Military Park, and George K. Strandridge as park policeman for University and Circle Parks, and ask that said appointments be confirmed by your honorable bodies

Respectfully submitted,
 Fred. J. Mack, Will F. A. Bernhamer,
 John R. Cowie, Thomas Tallentire,
 Theo. F. Smither, Aldermanic Committee.
 Council Committee.

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

To the Mayor and Common Council:

Gentlemen:—Your Committee, to whom was referred the matter of the transfer car and the turn table on Washington street, would respectfully report that we have given the matter our careful consideration, and we believe the transfer car on Washington street is objectionable for many reasons; but we also believe it is a very great accommodation to that portion of the public who use the street car lines, and we believe that the present location of the transfer car is the best and most convenient for those whom it is intended to accommodate. We are also reliably informed that the street car company is using every precaution against the accumulation of filth and offensive odors at that point. We would therefore recommend that the matter of the transfer car be postponed for the present, but that this action shall in no way be construed as conceding the right upon the part of the company to maintain said transfer car at said point. We are, however, of the opinion that the turn table on Washington street near by the transfer car, ought to be removed within a reasonable time.

Respectfully submitted, R. H. Rees,
 Geo. W. Spabr,
 Committee on Railroads.

The same committee submitted the following report:

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the matter of the removal of all "T" rails now in use by the Citizens' Street Railway Company, would respectfully report that we have given the matter serious consideration, and we are in doubt upon two points. First, the validity of the resolution, its origin being in the Board of Aldermen. We desire greatly to treat that honorable body with due and becoming courtesy and respect, but question the propriety of favoring legislation which may become a nullity at its birth. Second, we are unable to learn when and where the proper authorities have determined which is the most approved rail, and we are of the opinion that this is a material question which ought to be decided before we go too far in the matter. We however find no very great difficulty in coming to the conclusion that the "T" rail is objectionable over other rails; and we would therefore recommend that said Citizens' Street Railway Company be prohibited from the further use of said "T" rails in the construction or repair of its tracks in this city.

Respectfully submitted, R. H. Rees,
 Geo. W. Spahr,
 Committee on Railroads.

Councilman Thalman moved to refer the report to the Judiciary Committee and City Attorney.

Councilman Edenharter moved to lay the above motion on the table.

Which failed of adoption, by the following vote:

AYES, 10—viz. Councilmen Coy, Curry, Dowling, Doyle, Edenharter, Haugh, Mack, Rees, Reinecke, and Spahr.

NAYS, 11—viz. Councilmen Benjamin, Downey, Moran, McClelland, Newcomb, Pearson, Reynolds, Smither, Thalman, Trusler, and Wharton.

The motion to refer, was then adopted by the following vote:

AYES, 12—viz. Councilmen Benjamin, Downey, Doyle, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Thalman, Trusler, and Wharton.

NAYS, 10—viz. Councilmen Coy, Curry, Dowling, Edenharter, Haugh, Mack, Reinecke, Smither, Spahr, and Wolf.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen.—The Committee on Railroads, to which was referred the resolution, accompanied with petition, requiring the Citizen's Street Railway Company to construct a line of railway from the corner of Peru street and Home avenue to Columbia avenue; thence north to Seventh street, and thence east to Newman street, would recommend the prayer of the petition be granted, and the resolution be adopted.

Respectfully submitted,

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

And the resolution (see page 239, *ante*), was adopted, by the following vote:

AYES, 20—viz. Councilmen Benjamin, Coy, Curry, Downey, Doyle, Edenharter, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

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

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

To the Mayor and Common Council:

Gentlemen.—Your Committee to whom was referred the resolution directing the Indianapolis Water Company to extend its water mains on Pennsylvania street to Ninth street, have considered the same, and recommend the adoption of the resolution.

Respectfully submitted,

R. H. Rees,
Isaac Thalman,
Jno. T. Downey,
Committee on Water.

The resolution ordering the water mains, was then taken up.

Councilman Dowling moved that the resolution take its regular order.

On motion by Councilman Thalman, the above motion was laid on the table, by the following vote:

AYES, 12—viz. Councilmen Benjamin, Downey, Edenharter, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, and Wharton.

NAYS, 10—viz. Councilmen Coy, Curry, Dowling, Doyle, Haugh, Mack, Moran, Reinecke, Trusler, and Wolf.

The following resolution was then read:

Be it Resolved by the Common Council and Board of Aldermen, That the Indianapolis Water Company be, and it is hereby, directed to extend its water mains on Pennsylvania street to Ninth street, as soon as the weather will permit.

On motion by Councilman Thalman, the words "as soon as the weather will permit," were stricken out from the resolution.

The resolution was then adopted, by the following vote:

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

NAYS, 1—viz. Councilman Haugh.

Councilman Thalman offered the following motion:

That, The Common Council and Board of Aldermen have, by resolution, directed the Waterworks Company to lay mains exceeding the amount required by ordinance, to be put down each year, it is hereby agreed that whatever excess said Waterworks Company may put down during the year, shall be deducted from the amount required of them for next year.

Which failed of adoption, by the following vote:

AYES—None.

NAYS, 21—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

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

AYES, 19—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Edenharter, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, and Wolf.

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

REPORTS, ETC., FROM SELECT COMMITTEES.

Councilman Newman, 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 report of the City Hall Commission, with instructions to report the manner in which the Bohlen plan was adopted, what changes have been made since its submission, the nature of the title, if any, the city has to the ground known as the market space, and what interest, if any, the city has in what is known as the Tomlinson Fund, would respectfully submit the following:

As to the manner in which the Bohlen plan was adopted, we find the report of the City Hall Commission, printed in the proceedings of April 21st, pages 332 and 333, *ante*, to be a full and complete answer.

Changes have been made in the plans since its submission, but not until after its adoption, as follows: Cellar omitted, building widened twenty feet, second gallery taken out, change in level of the floor, and some ornamentation made.

As to the title to the market space and to the Tomlinson Fund, we herewith submit as our report the opinion of the City's Attorney: -

Indianapolis, April 29th, 1884.

HON. W. C. NEWCOMB, Chairman, etc.:

SIR:—Your Special Committee, appointed by the Council to consider the report of the Market House and Public Buildings Committee, directed me at your recent meeting, to report to you my opinion on two questions there discussed, viz.:

1st. What is the nature of the city's title to the ground known as the East Market square?

2d. What interest has the city in the property known as the Tomlinson Estate?

I will answer these questions in their order, and as briefly as possible.

After the admission of Indiana into the Union as a State, Congress donated to her four sections of land, to be selected out of the public domain, on which to locate and found a capital for a permanent seat of government. The grant was accepted, and by proper action of the state government the site where Indianapolis now stands was selected and laid off into lots, streets, and public grounds. Among other pieces set apart for public uses, was the south half of square 43, which is the ground in question. The use designated in that case was for a public market. Since the building up of the city, it has been devoted to that use. The terms of the dedication have thus been accepted. No grant or conveyance of the land itself having ever been made by the State, the fee still remains in her. It is, however, subject to the right of the public—that is, the citizens of Indianapolis—to use it for the purpose named in the act of dedication. It is very doubtful whether the State, in her sovereign capacity, could, by herself, change this use, against the will of any lot owner of the city. It has even been questioned by good lawyers whether the State, with the consent of the municipal legislature, could do so.

To answer your question directly I will say that the city has no *title* to this land at all. She holds it and exercises control over it as a trustee only—a trustee for her citizens and taxpayers. (See *Ketcham vs. The State*, 12 Ind 620.)

I have several times expressed my opinion on the questions involved in your second inquiry. I here refer to some of these opinions in order that you may examine them, if desired, not deeming it profitable to quote or repeat the full substance of them here. Printed proceedings of Council of 1881–2, pp. 1287 and 1371. Also, proceedings of 1882–3, p. 773.

In a word, then, I will say, that under Dr. Tomlinson's will, Mrs. Tomlinson had the power to contract with reference to the property devised to her. In the exercise of that power, she did, subsequent to his death, contract with the city concerning it; and before her death she passed by deed the fee simple title to all the real estate of which Dr. Tomlinson died seized, to the city. By her written contracts with the city, which in law are probably carried into and form a part of her deed, she relinquished all rights in her deceased husband's estate *on condition* that the funds to be derived therefrom should be used in the erection of public buildings on the west end of the market square "for the use of citizens and city authorities," which was in keeping with the terms of the will. Dr. Tomlinson also directed that in case his property should pass to the city as residuary legatee (which was possible under its terms) there should be "no unnecessary delay in converting the property. * * * to the uses designated." While Mrs. Tomlinson has, perhaps, given the Council and Board of Aldermen a broader discretion in reference to this matter than would otherwise have been the case, yet, it is at the same time clear that the city, in dealing with Mrs. Tomlinson, at all times had in

mind the desire of Dr. Tomlinson to have such buildings as are described in his will, erected at the earliest possible day.

Viewing this matter, therefore, from the standpoint of justice and common honesty, and at the same time keeping the city on the safe side, I conclude that the property and fund known as the Tomlinson Estate belong to the city to be used by her, however, at her earliest convenience, in the erection of buildings on the market square as nearly in accordance with the expressed wish of Dr. Tomlinson as the law will permit.

Respectfully submitted,

C. S. DENNY, City Attorney.

W. C. Newcomb, Fred. J. Mack, Robert McClelland, Charles E. Haugh,
Wm. Curry, P. C. Trusler.

Councilman Pearson moved that when this Common Council adjourns, it adjourn to meet again next Monday evening, May 12th, 1884; that the question of building the City Hall, be made a "Special Order," and that no other business shall be transacted.

Which motion was adopted, by the following vote:

AYES, 12—viz. Councilmen Curry, Edenharter, Mack, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, and Wharton.

NAYS, 10—viz. Councilman Benjamin, Coy, Dowling, Downey, Doyle, Haugh, Moran, Reinecke, Trusler, and Wolf.

APPROPRIATION ORDINANCES.

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

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

Ap. O. 20, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$990.86.]

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 21, 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, \$1,173.62.]

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 22, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

On motion by Councilman Thalman, the claim of Adolph Scherrer, for services as expert Architect in examining plans for new City Hall and Market House, \$130.00, was ordered inserted, by the following vote:

AYES, 16—viz. Councilmen Benjamin, Curry, Downey, Edenharter, Mack, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS, 5—viz. Councilmen Dowling, Doyle, Haugh, Moran, and Reinecke.

On motion by Councilman Trusler, the claim of J. B. & J. E. Hendricks, \$24.70, was referred to the Committee on Accounts and Claims; and on motion by Councilman Dowling, the claim of Mary Roberts, \$12.50, was referred to the same committee.

Councilman Doyle offered the following motion, which was adopted, and the amount ordered inserted in the appropriation ordinance;

That \$500 be added to appropriation ordinance for Mr. Minkner for the roadway in Indianola, as per adopted report of Committee on Streets and Alleys.

The ordinance was then ordered engrossed, read the third time (amount appropriated, \$103,798.91), and passed by the following vote:

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

NAYS—None.

By the City Clerk, on behalf of the Police Commissioners, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 23, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$298.13.]

And it was passed by the following vote:

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

NAYS—None.

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

Ap O. 24, 1884—An ordinance appropriating the sum of Ten Thousand (\$10,000) Dollars, on account of Street Repair Department of the City of Indianapolis.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Benjamin, Coy, Curry, Downey, Doyle, Edenharter, Haugh, Mack, Moran, McCl-lland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

NAYS—None.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

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

By Councilman Thalman, accompanied with petition:

G. O. 41, 1884—An ordinance investing George A. Dickson and M. A. Gilmore with the privilege of maintaining open air amusements and concerts in the Public Parks of the city.

To the Common Council, of the City of Indianapolis:

Gentlemen:—The undersigned respectfully petition your honorable body to grant to Messrs. Dickson & Gilmore the privilege of furnishing free band concerts and open air amusements for children in the public parks of the city, the amusements to be of a kindred nature to those in Central Park, New York, and the Cincinnati Zoological Gardens, comprising goats and goat carts, saddle ponies, donkies, dogs and dog carriages, etc., etc.

John P. Frenzel, Theo. Pfafflin & Co., A. W. Ritzinger,
Christian Brink, Wm. B. Burford, Horace McKay,
Henry D. Pierce—and thirty-four others.

By Councilman Downey:

G. O. 42, 1884—An ordinance setting apart twenty-five thousand dollars for the improvement of Pogue's Run.

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

On motion by Councilman Dowling, the ordinance was referred to the Committee on Finance.

By Councilman Doyle:

S. O. 64, 1884—An ordinance to provide for grading, bowldering the roadway, curbing the gutters and paving the sidewalks of California street, between Washington and Maryland streets.

By Councilman Edenharter, accompanied with petition:

S. O. 65, 1884—An ordinance to provide for grading and graveling Walcott street and sidewalks, from Michigan street to Koller street.

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

Gentlemen:—The undersigned, owner of real estate fronting on Walcott street between the south end of Ridenour's Highland Home addition and Michigan street, respectfully petition for the passage of an ordinance providing for the grading and graveling the street and sidewalks of Walcott between the south end of Ridenour's Highland Home addition and Michigan street.

H. H. Beville, No. 26, 40 feet; Joseph Becker, 280 feet; Mrs. Harriet Hoel, 40 feet; Carrie Halbert and husband, 80 feet; John C. Yates and Aminia J. Yates, 40 feet; D. M. Purman, 40 feet; H. F. Teed, 40 feet; A. Barthel, 40 feet; Mary E. Rusie, 40 feet; Robert Petrie, 40 feet; Albert Shad, 40 feet.

By Councilman Newcomb:

S. O. 66, 1884—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Pratt street, between Delaware and Alabama streets.

S. O. 67, 1884—An ordinance to provide for grading and paving with brick (where not already done), the south sidewalk of Walnut street, from Pennsylvania street to Alabama street.

By Councilman Pearson:

S. O. 68, 1884—An ordinance to provide for grading, bowldering and curbing the gutters of First street, between Illinois and Meridian streets.

By Councilman Reinecke, accompanied with petition:

S. O. 69, 1884—An ordinance to provide for grading and graveling the first alley south of Dougherty street, from Wright street to Virginia avenue.

S. O. 70, 1884—An ordinance to provide for grading and paving with brick, the north sidewalk of Bismarck street, from Sullivan street to Virginia avenue.

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

Gentlemen:—The undersigned, owners of real estate fronting on the north side of Bismarck street, between Virginia avenue and Sullivan street, respectfully petition for the passage of an ordinance providing for grading and paving, with brick, the north sidewalk of Bismarck street, from Virginia avenue to Sullivan street.

Susanna Roth, 30 feet; C. A. Webb, 60 feet; Mrs. Warrenburg, 30 feet; John Kiefer, 23½ feet; Wm. Ahnefeld, 33 feet; Christine Kleis, 33 feet.

By consent, Councilman Pearson presented the following petition, accompanied with motion; which was received, and motion adopted:

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

Gentlemen:—We, the undersigned property holders abutting on the first alley west of Mississippi street, between Pratt and First streets, respectfully petition your honorable bodies to cause C. C. Foster & Co. to vacate that part of said alley now occupied by said Foster & Co. with lumber and sheds.

Respectfully submitted,

Theodore Woerner, E. Mendenhall, M. A. Mendenhall, Thomas Evans, Frank Fertig, H. C. Stevens, Mrs. Ellen Davis, J. S. McCullough, the Misses Lueders, Herman J. Stein.

That the Street Commissioners be instructed to notify C. C. Foster & Co. to remove the lumber and sheds from the first alley west of Mississippi street, between Pratt and First streets.

By Councilman Reynolds, accompanied with petition:

S. O. 71, 1884—An ordinance to provide for grading and graveling Elliott street and sidewalks, from Bloyd street to Greenbrier Lane.

Indianapolis, Ind., April 21, 1884.

To the Chairman and Members of the City Council:

Gentlemen:—We, the undersigned, residents of said city, and owners of property adjoining said street, petition your honorable body to grade and gravel the street and sidewalk known as Elliott street, from Bloyd to Greenbrier Lane, this being the total length of said street. Said improvements are necessary for the convenience of said petitioners and others.

Frank Lackey, John W. McGinniss, Matt. Dillinger.

S. O. 72, 1884—An ordinance to provide for grading and graveling Omar street, and paving with brick the sidewalks, from Brookside avenue to its eastern terminus.

By Councilman Thalman, which was referred to the Committee on Public Light:

S. O. 73, 1884—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Market street, between West and Blackford streets.

By Councilman Trusler, accompanied with petition:

S. O. 74, 1884—An ordinance to provide for grading and paving with brick, the east sidewalk of Linden street, between Prospect and Orange streets.

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

Gentlemen:—The undersigned, owners of real estate fronting on Linden street, between Prospect and Orange streets, respectfully petition for the passage of an ordinance providing for grading and paving with brick the east sidewalk of said south Linden street, from Prospect street to Orange street.

N. E. Dynes, 33 feet front; Wm. H. Hamlin, 66 feet front;
Wm. M. Graham, 30 feet; J. S. Jordan, 44 feet; John
Gunn, 66 feet; Ludwig Brandenburger, 44 feet.

By Councilman Wharton:

S. O. 75, 1884—An ordinance to provide for grading and graveling the first alley north of Fourth street, from Mississippi street to Lafayette street.

S. O. 76, 1884—An ordinance to provide for grading and paving with brick, the north sidewalk of Fourth street, from Meridian street to Illinois street, where not already done.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

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

Indianapolis, May 5, 1884.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I respectfully request your honorable bodies to permit me to erect and maintain a small news and cigar stand, behind the fence, resting on a solid brace, over the mouth of the tunnel on south Illinois street. I propose to make a gateway through the tunnel fence, so that no one will have to stand on the traveled part of the street at any time. I append hereto a rough draft of the plan of the structure I desire to erect.

Respectfully,
JEROME B. FARMER.

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

That a double stone crossing be laid across Delaware street, on the south side of Pearl street.

Councilman Coy presented the following petition, accompanied with motion; which was referred to the Board of Public Improvements:

The undersigned, tax payers and citizens of Indianapolis, respectfully petition that the road leading from Fall Creek bridge to White River bridge, be placed in repair, with screened gravel, and we believe that \$250.00 will be sufficient to cover the expense.

John J. Cooper, John T. Pressley, Jas. Johnson's heirs, Jno. M. Wood, John Foudry, Hiram Miller, and others.

That the Street Commissioner be, and is hereby, instructed to place in good repair, with screened gravel, the road leading from the end of Indiana avenue, at Fall Creek bridge, to the River bridge, but that not over two hundred and fifty dollars (\$250.00), be expended for the same.

Councilman Curry presented the following petition; which was referred to the Committee on Accounts and Claims, and City Attorney:

STATE OF INDIANA, *County of Marion, ss:*

To the Common Council of the City of Indianapolis:

Comes now ANN RUSSEL, and petitions the Honorable Council, and shows that she is the owner in her own right of lot 21, in outlot 126, in McKernan & Pierce's subdivision to the City of Indianapolis, and that she had been such owner thereof for a great number of years. That after she became the owner thereof the City of Indianapolis changed the bed of Pogue's Run from south Illinois street to the Canal, thereby changing the natural and original course of the flow of water in the channel; that her lot is immediately west and south of the culvert of said Canal; that said arch and culvert was so constructed before the channel of Pogue's Run was changed that the water flowed through the same and was carried off in the natural channel of said run south, but your petitioner says that by reason of said change so made in the bed of said run, the water of said run flowing through said culvert, was thrown with great force against the east end of her lot, and washed and carried sixty feet of her said lot away, making a hole of sixty feet in length, and eight or ten feet deep, the full width of her lot, to her damage \$500; that she built and erected thereon a stable worth \$250, which was washed and carried away; that she had also in said stable three tons of coal worth \$10.50, and one lot of carpenters' tools, and vegetables worth \$50, and one wood house worth \$70, washed away and lost to her; that sixty feet of fence worth \$15 was washed away; that from time to time she put and built five privies on her said lot, all of which were washed and carried away by the water to her damage, \$75; that in all she has been damaged \$1,000, and she asks the Council to allow the same to her.

ANN RUSSEL.

Councilman Dowling presented the following petition:

To the Honorable, the Mayor, and Members of the Common Council, and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—We, the undersigned property owners, citizens and tax payers of the city, do most respectfully ask of your honorable bodies to prevent the use of the "rolling mill switch," on South Tennessee street, as a side track. At present it is being used by the "Woodburn Sarven Wheel Co." for unloading coal, timber and other articles of merchandise to our great inconvenience, and very much to the injury and detriment of our property. We therefore pray that your honorable bodies will adopt such legislation as will prevent the use of said "rolling mill switch" for any other purpose than the original intention of the parties when they laid it, viz.: "A switch to the rolling mill."

M. J. Hanrahan, C. Kuse and Bros., B. R. Sulgrove, Esma M. Doughty, David Beam, Carl Schroeder, Charles Hagerhost, Neil McGroarty, Michael Reidy, Samiel Meredith, Richard S. Colter, P. Hogerty, Chris. Waterman, William A. Miller, Loisa Miller, by William A. Miller, Robert F. Catterson, John H. Farman, Bridget Farman, Thomas B. O'Connell, Mrs. Ann G. Wilson.

Councilman Dowling moved that the prayer of petitioners be granted, and that the City Clerk be directed to notify the "Rolling Mill Co." not to allow the use of the switch for any other than their own purposes or use; which motion was adopted.

Councilman Dowling offered the following motion; which was adopted, and Councilmen Pearson, Trusler and Dowling appointed as the members of such committee:

That a special committee of three be appointed to enquire into the workings of the Board of Health, paying especial attention to the workings of the Board in the matter of meats sold on our public markets, and other matters that may be properly brought before said committee.

Councilman Dowling offered the following motion; which was adopted:

That Wilson & Splann be and are hereby allowed to place a stone walk on the west side of the alley running north from Washington street, between Illinois and Meridian streets, to the first alley running east and west, between Illinois and Meridian streets, at their own expense, and under the direction of the City Civil Engineer.

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

That the Street Commissioner be, and he is hereby, directed to clean the gutter, of, and fill the chuck-holes in Liberty street, from Washington street to New York street.

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

That the Street Commissioner be directed to immediately open Hanna street, between Ohio and Market streets, in accordance with the width established by the City Commissioners.

That Henry Wonderly be and is hereby granted permission to pave with brick the sidewalk in front of his own property, on New York street, between Railroad and Davidson streets, at his own expense and under the direction of the City Civil Engineer.

Councilman Haugh offered the following motion; which, on motion by Councilman Thalman, was laid on the table:

That the City Clerk be and is hereby requested to at once make a written request of the Judge of the Marion County Circuit Court to appoint three appraisers to appraise the property now owned by the city, and known as the Tomlinson Estate property, and the City Clerk is hereby ordered to submit to the Judge of the Circuit Court a description of all the property of said estate not disposed of at this date.

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

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

Gentlemen:—The undersigned would most respectfully ask your honorable body to direct the City Assessor to correct the assessment on the improvements on Lot 16, in John Cooms' subdivision of Out-lot 150, City of Indianapolis, Ind. The same is assessed at \$2,000, when it should read \$1,000.

Most respectfully,

SAMUEL E. PERKINS.

Councilman McClelland offered the following motion; which was referred to the Committee on Sewers:

That the Street Commissioner be, and is hereby, directed to lay a sewer pipe of sufficient capacity, from the Railroad street sewer to Massachusetts avenue, and to fill up the present deep gutter on the south side of St. Clair street, between said points.

Councilman McClelland offered the following motion; which was adopted:

That the Board of Aldermen be, and they are hereby, requested to take up and consider the matter of straightening the boundaries acted upon by the former Council.

Councilman Newcomb offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby directed to take up and relay the east gutter of Pennsylvania street from St. Clair to First street, and to widen the foot bridges so the water will run off, and that the City Engineer be and is hereby directed to set the proper grade stakes.

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

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

Gentlemen:—The undersigned would represent that he is the agent and in control of the dwelling houses numbered 477 and 479 on north Meridian street in said city, the same being situate between Pratt and St. Joseph streets, and on the east side of said Meridian street, and he asks that he be permitted to put in and lay service pipe, so as to connect the gas main on said street with said dwelling, hereby offering and binding himself that said street shall not be in any way damaged or impaired thereby, but that the same shall be restored to its present condition to the satisfaction of the Street Commissioners of said city, the work all to be done by the Indianapolis Gas Light and Coke Company under his direction and supervision, and your petitioner will ever pray,

W. E. MICK.

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

That the Street Commissioner be and is hereby instructed to place a double stone crossing across Virginia avenue from the south side of Dougherty street to the south side of Elk street.

Councilman Reinecke offered the following motion; which was adopted:

That the Street Commissioner and City Civil Engineer be instructed to report at the next meeting of this Common Council what can be done to fill up the pond at the corner of Coburn and Wright streets.

Councilman Reynolds offered the following motion; which was adopted:

That the Street Commissioner be and is hereby directed to notify the Wabash Railway Company to replank the crossings of Home avenue, Lincoln avenue and Seventh streets, at the crossings of said Company's tracks.

Councilman Smither presented the following petition; which was referred to the Committee on Railroads:

Indianapolis, May 5, 1884.

To Your Honorable Board:

We, the citizens living in the immediate vicinity of Ames Division Lot No. 7, between Elizabeth and St. Clair streets, strongly protest and remonstrate against the Citizen's Street Railway Company erecting sheds on lot No. 7 on account of the noise and clamor of men and mules, and moreover of the intolerable nuisance it will be during the warm season. And we still protest against placing their turn table on a street crossing as they have done, compelling all passing to walk over the table.

W. A. Kerr, 401 North Blake; Christian Goll, A. C. Shafer, Edward Murray, Richard Handson, E. Albert, Louis Schwenk, J. B. Mazelin, Elizabeth Mauer, H. J. Mauer, Ben D. Bagby, J. C. Willits, John Low, and 29 others.

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

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

Gentlemen:—The undersigned owners of lots lying on the west side of Delaware street, between Seventh and Eighth streets, in said city, and running back to the alley next west of Delaware street, represent that said alley is twenty feet in width, ten feet thereof having been dedicated from the west side of Allen & Root's north addition to said city, as shown by Plat book No. 3, at page 129, and ten feet having been dedicated from the east side of Elizabeth Talbot's addition to said city, as shown by Plat book No. 6, at page 106. That, as shown by the "record of opening streets and alleys," No. 1, at page 139, Elizabeth Talbot, in 1875, filed her petition, asking among other things, to vacate all the alleys in her said addition, "except the alleys bounding the east and west sides thereof," thereby recognizing that she had dedicated an alley, or some part thereof, on the east side of said addition, a copy of which petition is filed herewith; that the plat of the revision of said addition, as prayed in said petition, was filed in May, 1875, as shown by plat book No. 7, page 82; that the agents of said Elizabeth Talbot now claim that said alley is only ten feet wide, and that said ten feet was dedicated by said Allen & Root; that said alley ought to be graded and graveled, and a petition has been filed for such improvement, but owing to such claim, the City Engineer is embarrassed as to the

width of said alley, and at his suggestion we file this petition, and ask that the question as to the width of said alley, and by whom the same was dedicated, be referred to the Judiciary Committee for determination, and that such committee report hereon at the earliest time practicable.

James W. Harper, N. C. Carter, S. P. Sheeim, Edward L. Mick.

Councilman Spahr offered the following motion; which was adopted, and the report of the Committee on Streets and Alleys (see page 291, *ante*), was concurred in:

That the action of the Council in non-concurring in the recommendation of the Committee on Streets and Alleys to grant the prayer of the petition of T. R. Fletcher and others, asking that lot 28, in T. R. Fletcher's addition to Indianapolis, be re-conveyed to said Fletcher, be reconsidered.

Councilman Spahr offered the following motion; which was adopted:

That the Superintendent of Police be requested to immediately enforce the action of this Council in the matter of prohibiting any parties using the "Rolling Mill Switch" for a side track; and the Clerk be instructed to immediately inform the Superintendent of the action of this body.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The undersigned, a resident of the City of Indianapolis, respectfully makes application for an auctioneer's license for one year or one or more quarters of a year, to sell the stock of goods now at Nos 56 and 58 East Washington street, to pay the regular auction license fees.

Respectfully submitted,

R. R. MILES.

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

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

Gentlemen:—We, the undersigned petitioners owning real estate, or engaged in business on property fronting Market street, west of Delaware street, and east of the first alley west thereof, respectfully petition your honorable bodies to place upon and across said Market street, at a distance of thirty feet east of said alley, a substantial stone walk or street crossing, and would show that the same is much needed on account of the almost level grade of said street, as there is no crossing upon said street, and on account of the immense amount of business daily transacted in this vicinity.

Respectfully submitted.

J. F. Mendenhall & Co., J. L. Hunt, A. A. Scott, J. Balfour, C. M. Coats & Co., John Carter & Co., E. A. Herrmann, Ritter & Ritter, William Hadley, John J. Fay, G. B. Manlove, H. F. Solliday, N. N. Walker, S. M. White, Hill & Lamb, William C. Anderson, and 23 others.

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

That the Street Commissioner be instructed to repair Shelby street, between Prospect street and Pleasant Run.

On motion by Councilman Thalman, the Common Council adjourned, by the following vote:

AYES, 13—viz. Councilmen Doyle, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Thalman, Wharton, and Wolf.

NAYS, 9—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Reynolds, Smither, Spahr, and Trusler.

JOHN L. McMASTER, Mayor,

President of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.