

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JULY 7, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, July 7th, 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 21 members, viz: Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalmann, Trusler, and Wharton.

ABSENT, 4—viz. Councilmen Cowie, Coy, Moran, and Wolf.

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:

(S. O. 35, 1882)—For the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Spann avenue, between Dillon and Linden streets.

(S. O. 33, 1884)—For grading and paving with brick, the east sidewalk of West street, from McCarty street to Merrill street.

(S. O. 34, 1884)—For grading and bowldering the first alley west of New Jersey street, from Ohio street to the first alley north of Ohio street.

(S. O. 55, 1884)—For grading and paving with brick, the south sidewalk of North street, from Noble street to Pine street.

(S. O. 59, 1884)—For grading, bowldering the roadway, curbing the gutters and paving the sidewalks of Wabash street, from Illinois street to Tennessee street.

(S. O. 65, 1884)—For grading and graveling Walcott street and sidewalks, from Michigan street to Koller street.

(S. O. 68, 1884)—For grading, bowldering and curbing the gutters of First street between Illinois and Meridian streets.

(S. O. 76, 1884)—For grading and paving with brick the north sidewalk of Fourth street, from Meridian street to Illinois street, where not already done.

(S. O. 78, 1884)—For grading and paving with brick the east sidewalk of Arsenal avenue, from Washington street to Ohio street.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

To the Common Council and Board of Aldermen :

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

Marshal's fees.....	\$286 65
Mayor's fees.....	202 35
Fines due city.....	23 10
	\$512 10

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

A first and final estimate in behalf of Henry Clay, for grading and graveling the roadway of Peru street, from Lincoln avenue to Seventh street.

1,220 $\frac{6}{12}$ lineal feet, at 35 cents.....	\$427 23
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A first and final estimate in behalf of J. L. Spaulding, for grading and paving with brick the sidewalks of Bright street, from Michigan street to North street.

877 $\frac{6}{12}$ lineal feet, at 40 cents.....	\$351 00
61 $\frac{6}{100}$ lineal feet double walk-stones, at 60 cents.....	36 90
40 square yards of bowldering, at 50 cents.....	20 00

\$407 90

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 Henry Clay, for grading and graveling the roadway of Peru street, from Lincoln avenue to Seventh street, be, and 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, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wharton.

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 J. L. Spaulding, for grading and paving with brick the sidewalks of Bright street, from Michigan street to North 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, 21—viz Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenhart-r, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wharton.

NAYS—None.

The City Civil Engineer submitted the following report; which was received, and the Engineer instructed to prepare the proper ordinance:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Some time ago I was directed to make an estimate of the cost of raising the grade of Morris street, from the White River bridge to a point at which the street was above high water. In order to get the street entirely above high water, will necessitate raising the grade three (3) feet for quite a distance. The following is the estimate of cost:

3,556 cubic yards embankment, at 40 cents.....	\$1,422 40
1,129 yards gravel, at 30 cents.....	338 70
Total.....	\$1,761 10

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

George W. Seibert vs. Timothy O'Brien, for.....	\$25 00
George W. Seibert vs. Henry Ankenbrock, for.....	2 00
George W. Seibert vs. Henry Ankenbrock, for.....	25 00
George W. Seibert vs. Henry Ankenbrock, for.....	8 00
James W. Hudson vs. Adaline F. Berry, for.....	61 76

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

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

AYES, 17—viz. Councilmen Benjamin, Dowling, Doyle, Gallahue, Mack, McClelland, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

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

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 June, 1884, viz:

Bridges.....	\$ 404 90	
City Assessor's Department.....	1,003 00	
City Civil Engineer's Department.....	157 25	
City Dispensary.....	282 00	
City Hall.....	111 20	
City Hospital and Branch.....	904 68	
City Treasurer's per centage.....	294 37	
City Hospital additions.....	2,389 00	
Cisterns.....	582 77	
Fire Department.....	5,693 55	
Gas.....	5,443 77	
Incidentals.....	102 80	
Judgments and costs.....	30 13	
Markets.....	82 85	
Market Masters' fees.....	214 23	
Parks.....	270 10	
Police.....	4,561 02	
Printing.....	247 70	
Salary.....	144 75	
Sewers.....	500 00	
Station House.....	240 48	
Street improvements.....	1,109 46	
Street openings and vacations.....	84 00	
Street repairs.....	4,729 28	
Taxes refunded.....	165 66	
Water rent.....	7,293 73	
		\$ 37,042 68
Sinking fund.....	\$ 212 70	
School fund.....	1,559 79	
Tomlinson Estate, repairs, etc.....	776 12	
		2,548 61
Total.....		\$ 39,591 29

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 June, 1884.

RECEIPTS.

Balance on hand June 1st, 1884.....	\$225,007 13
From benefits.....	144 55
From dog licenses.....	1,517 25
From dray licenses.....	70
From express licences.....	7 60
From fines and fees.....	371 10
From huckster licenses.....	86 00
From liquor licenses.....	5,681 20
From Market-masters' fees.....	334 15
From market rents.....	757 00
From peddlers' licenses.....	36 00
From promiscuous.....	16,150 00
From sale of old material.....	12 95
From show licenses.....	311 40
From tapping sewers.....	9 00
From tax sales current.....	54 04

From tax sales delinquent.....	\$	142 89
From taxes delinquent.....		2,997 62
		<u>\$253,620 58</u>

DISBURSEMENTS.

For bridges.....	\$	404 90
For cisterns.....		582 77
For City Assessor's department.....		961 00
For City Civil Engineer's department.....		153 00
For City Dispensary.....		321 31
For City Hall.....		1,916 70
For City Hospital and Branch.....		3,285 50
For elections.....		8 00
For Fire Department.....		5,674 26
For gas.....		5,443 77
For incidentals.....		91 80
For judgments and cost.....		30 13
For markets.....		82 85
For Market-masters' fees.....		214 23
For parks.....		260 10
For police.....		4,702 52
For printing.....		244 70
For salary.....		182 25
For school fund.....		1,559 79
For sewers.....		500 00
For sinking fund.....		212 70
For Station House.....		243 48
For street improvements.....		1,109 46
For street openings and vacations.....		75 00
For street repairs.....		4,840 62
For taxes refunded.....		165 66
For water rent.....		7,293 73
Balance on hand July 1, 1884 (including interest, \$60,000.00).....		213,060 35
		<u>\$253,620 58</u>

TOMLINSON ESTATE.

Receipts.

Balance on hand June 1, 1884.....	\$	65,321 76
Rents.....		97 92
		<u>\$ 65,419 68</u>

Disbursements.

Plans.....	\$	762 12
Balance on hand July 1, 1884.....		64,657 56
		<u>\$ 65,419 68</u>

ADDITIONAL CITY HALL FUND.

Balance on hand June 1st, 1884.....	\$	28,368 80
Balance on hand July 1st, 1884.....	\$	28,368 80

SINKING FUND.

Balance on hand June 1, 1884.....	\$	30,250 53
From May taxes.....		212 70
		<u>\$ 30,463 23</u>
Balance on hand July 1, 1884.....	\$	30,463 23

I. N. PATTISON, City Treasurer.

To GEO. T. BREUNIG, City Clerk.

The City Clerk presented the following bond; which was read and approved:

KNOW ALL MEN BY THESE PRESENTS, That we, John Roberts, Francis A. Coffin, and H. J. Barnes, of the City of Indianapolis, Marion County, Indiana, are held and firmly bound unto the City of Indianapolis in the sum of two hundred (\$200) dollars. The conditions of the foregoing obligation are, that John Roberts, Francis A. Coffin and H. J. Barnes have filed with the Board of Common Council of the City of Indianapolis a petition asking for the vacation of a street, (Wheeler), between Lots 113, 114, 115, 116 and 117, in Ingram Fletcher's third addition to the City of Indianapolis, and a five acre lot owned by the Indianapolis Cabinet Company—said Wheeler street running from Hill avenue to the C., C., C. & I. Railway;

Now if the said John Roberts, Francis A. Coffin and H. J. Barnes shall pay all necessary costs occasioned by said vacation, then this obligation shall be null and void, otherwise remain in full force.

Dated and sealed with our seals, this 2d day of July, 1884.

JOHN ROBERTS, [Seal.]
FRANCIS A. COFFIN, [Seal.]
H. J. BARNES, [Seal.]

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

To the Mayor and Common Council

Gentlemen:—My advice is asked as to the regularity and advisability of passing an ordinance and letting a contract, on the petition of William Wundrum, et al., presented on June 16th, 1884, to improve Meridian street, from Wisconsin street south. The petitioners own lots on the west side of the street, which is outside the city limits, the boundary line running only to the center of the street at this point; but they agree to pay their *pro rata* portion of the cost.

Without the written consent of all the property owners on the opposite side of the street, I would not advise the passage of such an ordinance. I would not do so *even then*, without a full understanding with the contractor that he shall look solely to the property owners for his pay.

In a case like this, where the Council has no jurisdiction, it would be much better for the property owners to have the work done by private contract.

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

The City Attorney submitted the following reports; which were received :

Indianapolis, Ind., July 7, 1884.

To the Common Council and Board of Aldermen :

Gentlemen:—Since the last regular meeting of the Council, the case of Thomas Wren vs. The City et al., has been a second time decided by the Supreme Court. It will be remembered that this is the old controversy, which, in one form or another, has occupied the attention of the Courts for fifteen years past. The present suit is for a mandate to compel the measurement of the work done by Wren on south Tennessee street, in 1866 and 1867, so that if there is anything due, he may apply for precepts against the property owners. The Superior Court sustained the City's demurrer to the complaint, from which Wren appealed. About a year ago, the Supreme Court, after full argument, both oral and written, affirmed the judgment of the lower Court, Judge Woods writing the opinion. After his retirement from the bench, a re-hearing was granted, and now the Court has changed its former ruling, and holds that there is enough in Mr. Wren's complaint to entitle him to the relief asked for, *as against the property owners*, but holds that as no precept can, in any case, issue against the City, for the collection of her part of the estimates, no suit will lie against her, except an ordinary action for a money judgment. This has, of course, long since been barred by the statute of limitations. The Court also decide enough as to the rights of the property owners, as the facts exist in this case, to fully protect them; also, as to any further claims of Mr. Wren, should the matter ever reach a precept.

The case of Solomon Claypool et al. vs. The City and Joseph V. McKernan, asking to set aside a tax sale, etc., has been dismissed by plaintiffs, at their costs; the parties other than the City having settled their differences.

In the suit of Wm. C. Smock, guardian of Cornelia E. Little, vs. Philip Richardson, The City, and various other parties, asking to quiet title to a large amount of real estate in the vicinity of Market and Noble streets, the plaintiff has dismissed as to the city at his own costs, it becoming evident to plaintiff's counsel that they could not recover against her. The ground in controversy, so far as the City was concerned, is the strip now known as Court street, between East and Noble.

The Superior Court, in special term, has also finally decided the old foreclosure case of Sophia E. Rhodes vs. Mary A. Day et al., the City being a party on account of having appropriated a large part of the mortgaged property in the opening of Locke street, in 1873, and having paid the condemnation money to Mrs. Day, the mortgagor, instead of Mrs. Rhodes, the mortgagee, the same amounting to \$550. I succeeded in showing that a part of this same money was afterwards paid by Mrs. Day to Mrs. Rhodes on her mortgage debt, so that the Court found that the City was not liable, in any event, to the plaintiff, in a sum exceeding the balance of \$200; and the decree provides that if the remainder of the real estate not taken for the street, which has since been greatly improved, will sell for the balance of the first mortgage debt, amounting to less than \$600, the City shall be fully released. This will undoubtedly be done, and the decree is thus practically in favor of the city.

Respectfully submitted,

C. S. DENNY, City Attorney.

Indianapolis, July 7th, 1884.

To the Mayor and Members of Council:

Gentlemen.—By your action of May 19th, I was directed to investigate the question of the city's rights in the State Ditch, and report my opinion as to whether it will be necessary to have the matter of straightening and widening said Ditch referred to the City Commissioners to assess damages, &c.; and also to report what steps, if any, are necessary to dissolve a perpetual injunction which is said to exist against the city, preventing her from making such changes in the Ditch as are contemplated by the recent ordinance.

On December 27, 1875, a contract was awarded to James Muse, by the Common Council, to deepen and slope the banks of the State Ditch. Immediately thereafter, William T. Gibson and others, who owned lots along the Ditch, brought suit against the city and Mr. Muse, in the Superior Court, to enjoin the work. Many grounds for injunction relief were set forth in the complaint, chief among which were: (1) That the city did not own the Ditch, or possess any legal right to charge the same, or increase the volume of water flowing into the same, as it was alleged she was intending to do after increasing its capacity; (2) That the private property of the plaintiffs would necessarily be injured and taken, if the work should proceed, and that no steps had been taken by the city to condemn the same, or pay the owners therefor; (3) That the bottom of the Ditch was then as low as the bed of Fall Creek, into which it empties, and that any deepening of it would therefore be useless, besides causing back-water, which would injure private property, and create a nuisance, and (4) Also, that the contract in itself was void, for the reason that no sufficient notice had been given inviting proposals to do said work.

A temporary restraining order was granted, and on October 18th, 1876, the record shows that a trial was had, and a decree was thereupon entered, enjoining the defendants from proceeding under *that* contract, to do any work east of Central avenue. But it was also provided in said decree, that no other or further question was adjudicated than as to the contract then under consideration. (See Order Book of the Superior Court No. 36, page 396.) This is the only suit I have been able to find any record of concerning the rights of the city with relation to this Ditch. I have no doubt that it is the one referred to in the motion of Councilman Thalman. From the record made, it would seem that there was no actual trial of the case referred to. The City Attorney then in office approved the final entry, as the papers

show, without having filed any answer to the complaint. * I think the city either wanted to get rid of the contract with Mr. Muse, or was satisfied that the same had been informally let, and that no question as to the rights of the city in the Ditch was considered.

After much investigation since your action of May 19th, I am able to add but little information to that set forth in the report made by the committee of which I was a member, on February 18th, 1884, found on pages 128 to 130, inclusive, of the printed Proceedings of the present year, concerning this State Ditch matter. By reference to that report, it will be seen that the Ditch was, according to the best evidence now to be procured, constructed by the State of Indiana, under the provisions of the old Internal Improvement acts, the right of way having been first condemned and paid for according to the provisions of said legislation. Taking the language used in the preamble of the act of January 15, 1844, which is set out in the report referred to, as a guide, it would seem that there can be no doubt but that the State did enter upon the land and construct said Ditch by virtue of her sovereign power, or under the provisions of some act of the Legislature then in force, and that, no matter how, a right of way was condemned and paid for. And Gen. Morris and Mr. Duncan say that the right of way was fifty feet wide, as stated in the report of February 18th; and I have since added the evidence of J. M. W. Langsdale, to the same effect. If such condemnation was authorized by the old Internal Improvement legislation, then the State acquired a fee-simple in the soil, whether damages were ever assessed and paid, or not.

See Brookville, &c., Co. vs. Butler et al., 91 Ind. 134, and cases there cited.

I am informed that of recent years the Ditch has been treated as private property, sales of the same having been made, without any reference being made to the rights of the State or city in the deeds of conveyance. It is reasonable to suppose, therefore, that these parties who have received deeds for land crossing it, or who claim to own lots running up to the line of the present banks, will seek to recover damages for the soil taken in widening it, if the contemplated improvement goes on. Whether or not the city ought to proceed to award a contract under the ordinance recently passed, without having any previous understanding with the property owners along the line as to these matters, I submit to the Council to determine, as was also done in the report of February 18th.

If the right of way was regularly condemned in the first instance, then the act of January 15, 1844, turning over the control of the same to the City of Indianapolis, has invested her with authority to improve the Ditch as contemplated, without referring any matter connected therewith to the City Commissioners, unless the plans and change of course at some point takes the improvement outside of the original right of way. A deviation from the old course, so as to take the improvement outside of the right of way, would require a reference to the City Commissioners, and damages would have to be assessed and tendered before the work could proceed, unless the city should arrange the matter of damages with the parties by private contract. It would not be amiss, in any event, to have the line of the Ditch definitely located, and the width fixed, at an early day, so that the owners of property to be effected may be consulted, with a view to settling all disputed questions, if possible, before bids are advertised for.

Respectfully submitted,

C. S. DENNY, City Attorney.

Councilman Thalman offered the following motion; which was adopted:

That the City Civil Engineer be directed to report whether the contemplated improvement of the State Ditch, as per plans that have been submitted, encroach on any private property; and if so, to report the names of the owners, if possible.

The Chief Fire Engineer submitted his second quarterly report of the Fire Department, from January 1st, 1884, to July 1st, 1884; which was placed on file in the City Clerk's office.

Councilman Dowling offered the following resolution, which was unanimously adopted, by a rising vote:

Resolved, That the sincere sympathy of this Common Council be extended to our fellow member, Charles E. Haugh, in this his hour of domestic affliction.

Resolved, That a copy of this resolution be spread upon the Record of this Common Council, and the City Clerk be instructed to furnish the family with a copy of the same.

*Councilman Haugh presented the following communication; which was received, and ordered spread on the Records:

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

Gentlemen:—Permit me to express my appreciation of your generous words of sympathy and your official action, in regard to the domestic affliction which has recently fallen to my lot, and to that of my children. In returning my thanks, it becomes difficult to find words to express my feelings, since I experience in this expression of your regard a realization that whatever may be the differences which so often characterize our deliberations, there exists the sacred kinship of humanity which, in this hour of affliction and adversity, makes us brothers. For this token of your esteem, I beg you will accept this my heartfelt acknowledgment.

Yours respectfully,

CHARLES E. HAUGH.

William Hadley, Rental Agent, submitted the following report; which was referred to the Finance Committee:

Indianapolis, July 7th, 1884.

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

Gentlemen:—I herewith submit report of rents collected from Tomlinson Estate, for the month of June, 1884:

Mrs. Mary Dwyer, on No. 113 north Illinois street.....	\$ 30 00
Mrs. Mahone, on No. 117 north Illinois street.....	30 00
Mrs. H. C. Overman, on No. 115 north Illinois street.....	30 00
Paul Sherman, on No. 21, Indiana avenue.....	15 00
	<hr/>
	\$105 00
Less 3½ per cent. commission.....	3 67
	<hr/>
	\$101 33
	<hr/>

Respectfully submitted,

WM. HADLEY, Agent.

The City Attorney and City Civil Engineer submitted the following report; which was received, and the contract not awarded:

Indianapolis, Ind., July 7, 1884.

To the Mayor and Common Council:

Gentlemen:—The Committee on Contracts referred to us the question of the City's right to a triangular strip of ground at the junction of the Wabash R. R. tracks and Massachusetts avenue, as shown by their report to the Council June 2d, on the proposal of certain contractors to pave the north side of said avenue from Peru street to said tracks.

Your Engineer reports that he has made a survey of the premises, and finds that Massachusetts avenue and north sidewalk as now improved and traveled, include a portion of lots 73 and 75 of Ovid Butler's second addition to the City, measuring 59.7 feet on the south and 51.8 feet on the east side; all as stated by John W. Ray in his petition of Dec. 7, 1883, as set out in the proceedings of said date, page 723. According to the old plats of the City, Massachusetts avenue

turned directly east where it struck the donation line, which is the point at which it now commences to encroach upon Col. Ray's ground, and continued in that direction a few yards until it ran into the Pendleton Pike. As it now is, it does not change its course before striking the Pike. The plat filed with Col. Ray's petition above referred to, shows the exact amount of his ground converted to the public use.

After diligent search of records, and inquiry, we have been unable to find where the city ever condemned this piece of ground for street purposes, or that Col. Ray, or his grantors, immediate or remote, ever conveyed it for such purposes. Col. Ray assures us that no dedication of the same has ever been made to the public in any way, and that he owns the same in fee simple.

It is clear, therefore, that the Council cannot lawfully award the contract to pave the sidewalk through this private property at the present time.

Col. Ray desires to negotiate with the City with a view to selling to the City the part of his lots now used for street purposes. But whether the Council shall do this, or abandon the same for street purposes, or take steps to condemn it under the provisions of the statute, we do not feel called on to suggest. We suppose, however, that some definite action ought to be taken at once.

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

The following contracts and bonds were read and approved:

Hanway & Cooper, for grading, bowldering, curbing and graveling the roadway of Indiana avenue, from West street to St. Clair street. Bond, \$7,000.00; surety, Fred. Knefler.

Hanway & Cooper, for grading and graveling the south sidewalk of Washington street, from White River to the I., B. & W. Railroad tracks. Bond, \$5,000.00; surety, Fred. Knefler.

J. D. Hoss & Co., for grading and graveling Omer street, and paving sidewalks, from Brookside avenue to its eastern terminus. Bond, \$1,000.00; surety, S. K. Fletcher.

J. D. Hoss & Co., for grading and graveling Ludlow Lane and sidewalks, from Hill avenue to Valley Drive. Bond, \$6,000.00; surety, S. K. Fletcher.

Hamilton Bailie, for grading, bowldering, curbing the gutters and graveling the roadway of Indiana avenue, from St. Clair street to Fall Creek. Bond, \$12,000.00; surety, George Wm. Seibert.

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

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

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

Number of Patients treated at Dispensary.....	236
Number of Medical cases at Dispensary	127
Number of Surgical cases at Dispensary.....	1
Number of Disease of Nervous System.....	2
Number of Disease of Eye and Ear.....	4
Number of Diseases of the Throat.....	3
Number of Out-door Patients treated	82
Number at Station House	0
Number of Patients sent to Hospital	6
Total number of Patients treated during month.....	461
Total number of Visits made during month.....	269
Total number of Prescriptions filled during month.....	718
Number of Births during month.....	1
Number of Deaths during month.....	4

EXPENDITURES FOR MONTH.

J. J. Garver, Superintendent.....	\$70 00
Geo. W. Combs, Assistant Physician.....	41 66
A. F. Wright, Assistant Physician.....	41 66
Ralph Perry, druggist.....	30 00
Browning & Sloan, drugs furnished.....	74 60
Chas. G. Haag, sprinkling.....	1 60
Total expenditures for month.....	\$258 82

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

The Superintendent of the City Hospital and Branch 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 June, 1884, are respectfully submitted:

	First Week.	Second Week.	Third Week.	Fourth Week.	Two Days.	Monthly Total.
No. of paid officers, nurses and employes in Hospital... 23						
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.....	37	32	32	37	42	37
No. of infant patients in Hospital at beginning of week.....	8	8	8	9	11	8
No. of adult patients received.....	2	8	12	10	2	34
No. of infant patients received.....						
No. of infant patients born.....	1	1	3	2		7
No. of adult patients discharged.....	6	7	7	5	2	27
No. of infant patients discharged.....	1	1	2		1	5
No. of adult patients who died.....	1	1				2
No. of infant patients who died.....						
No. of adult patients in Hospital at end of week.....	32	32	37	42	42	42
No. of infant patients in Hospital at end of week.....	8	8	9	11	10	10
No. of adult patients in Branch at beginning of week.....	1	2		4	4	1
No. of infant patients in Branch at beginning of week.....						
No. of adult patients received at Branch.....	1		4	1		6
No. of infant patients who died at Branch.....						
No. of infant patients born at Branch.....						
No. of adult patients discharged from Branch.....		2		1		3
No. of infant patients died from Branch.....						
No. of adult patients in Branch at end of week.....	2		4	4	4	4
No. of infant patients in Branch at end of week.....						
No. of patients in Hospital during month.....						86
No. of patients in Branch during month.....						7
No. of days of patients in Hospital during month.....	91	289	330	349	86	1345
No. of days of patients in Branch during month.....	13	4	26	30	8	81
No. of days of employes in Hospital & Branch during month.....						558
No. of prescriptions filled during month.....						511
Aggregate number of days subsistence furnished.....	1,984					
Total expenditures for month.....	\$1,019 05					
Average daily cost of each patient.....	71+cts.					
Average daily cost of patients, officers and employes.....	51+cts.					

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

REPORTS FROM OFFICIAL BOARDS.

Councilman Newcomb, in behalf of the Hospital Board, presented the claim of Peter Routier, \$3,400, the second estimate for building the west wing to the City Hospital. Also, the claim of Charles G. Mueller, for services as Architect, \$178.50; which were approved and ordered inserted in the appropriation ordinance.

Councilman Dowling was excused for the remainder of this session.

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

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

Under 1 year.....	26
1 to 2 years.....	4
2 to 5 ".....	2
5 to 10 ".....	2
10 to 15 ".....	0
15 to 20 ".....	1
20 to 25 ".....	3
25 to 30 ".....	4
30 to 40 ".....	2
40 to 50 ".....	5
50 to 60 ".....	4
60 to 70 ".....	3
70 to 80 ".....	2
80 to 90 ".....	2
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0
Total.....	60

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 Public Improvements, through Councilman Reynolds, 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 June, 1884, together with the total expenditure to June 30th, 1884:

Pay-rolls.....	\$3,984 87
Blacksmithing.....	23 10
Boulders.....	72 98
Catch-basin castings.....	25 05
Cement.....	3 00
Freight on lumber.....	15 00
Freight on stone.....	184 00
Gravel.....	171 70
Hardware.....	12 25
Toll on gravel roads.....	2 62

Sand.....	\$ 14 80
Stone crossings.....	219 91
<hr/>	
Total expenditures. for June, 1884.....	\$ 4,729 28
Expenditures per last report.....	15,004 86
<hr/>	
Expenditures to June 30th, 1884.....	\$19,734 14

Respectfully submitted,

M. M. Reynolds,
Wm. Curry,
Board of Public Improvements.

L. A. FULMER, Street Commissioner.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

To the Mayor and Common Council:

Gentlemen:—The Committee on Contracts, to whom was referred the proposals for street improvements, received June 16th, 1884, having reported on same at the special session June 30th, in which action was postponed on the following contracts, viz:

1st. For grading and graveling Eighth (or Williams) street and sidewalks, from Tennessee street to Mississippi street.

S. W. & R. H. Patterson..	54 cents per lineal foot front on each side.
Richter & Twiname.....	43 cents per lineal foot front on each side.
J. D. Hoss & Co.....	40 cents per lineal foot front on each side.
Henry Clay.....	39 cents per lineal foot front on each side.
H. C. Roney.....	39 cents per lineal foot front on each side.
Hanway & Cooper.....	37 cents per lineal foot front on each side.
J. L. Spaulding.....	34 cents per lineal foot front on each side.

J. L. Spaulding being the lowest and best bidder, we recommend he be awarded the contract.

2d. For grading, bowldering the roadway, curbing the gutters, and paving the sidewalks of California street, between Washington and Maryland streets.

For the following prices per lineal foot front on each side.

Names of bidders.	Bowldering.	Curbing.	Paving.	Walk-stones.	Wings, sq. y'd
James W. Hudson.....	75 cents...	41 cents...	42 cents...	60 cents...	62 cents
James Mahoney.....	72 cents...	39 cents...	30 cents...	64 cents...	60 cents
S. W. & R. H. Patterson..	71 cents...	42 cents...	45 cents...	64 cents...	64 cents
Richter & Twiname.....	70 cents...	41 cents...	33 cents...	60 cents...	60 cents
H. C. Roney.....	70 cents...	40 cents...	33 cents...	69 cents...	60 cents
Geo. W. Seibret.....	70 cents...	40 cents...	30 cents...	62 cents...	58 cents
Geo Keers.....	57½ cents..	41 cents...	44 cents...	67 cents...	63 cents
J. L. Spaulding.....	67 cents...	41 cents...	30 cents...	66 cents...	59 cents

George W. Seibert being the lowest and best bidder, we therefore recommend that he be awarded the contract.

Respectfully submitted,

W. C. Newcomb,
Philip J. Doyle,
M. M. Reynolds,
Committee on Contracts.

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

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, to whom was referred the petition of Michael Reidy, Guardian of Catharine Madden, asking that the city erect a stone wall along the north bank of Poque's Run, immediately east of Tennessee street, to protect the property of his said ward, respectfully report the same back, and recommend that it be referred to the City Civil Engineer, with instructions to locate the line of the lot with reference to said stream, and report the facts in connection therewith to the Council, with his estimate of the cost of a wall the length of said lot, if, in his judgment, such an improvement is necessary to protect said property.

Respectfully submitted,

W. C. Newcomb,
P. M. Gallahue,
Geo. F. Edenharter,
Judiciary Committee.

The Committee on Public Light, through Councilman Gallahue, submitted the following report, accompanied with contract; which was concurred in, and the contract approved:

To the Mayor and Common Council:

Gentlemen: We herewith present the contract of the Gas Company to furnish the City with light from August 1st, 1884, to December 31st, 1885, and recommend its approval, and that the Mayor be authorized to sign the same for the City.

Respectfully submitted,

P. M. Gallahue,
Theo. F. Smither.
Fred J. Mack,

Committee on Public Light.

THIS AGREEMENT, Made this 8th day of July, 1884, by and between the City of Indianapolis, party of the first part, and the Indianapolis Gas Light and Coke Company, party of the second part,

Witnesseth, That whereas, on the 22d day of July, 1876, said parties entered into a contract in writing whereby the party of the second part undertook and agreed, for a period of five (5) years from August 1st, 1876, to furnish gas to light the public lamps of said city upon the terms therein stated; and whereas, on the second day of August, 1878, the same parties made a provisional agreement for the furnishing of gas by the party of the second part to the party of the first part, which contract expired August 1st, 1879; and whereas, on the 24th day of July, 1879, the same parties made another provisional contract for the furnishing of gas by the party of the second part to the party of the first part, which contract expired July 31st, 1880; and whereas, the same parties made another provisional contract for the furnishing of gas by the party of the second part to the party of the first part, on the 2d day of August 1880, which contract expired August 1st, 1881; and whereas, the same parties made another provisional contract for the furnishing of gas by the party of the second part to the party of the first part, on the 8th day of July, 1881, which contract expired on the first day of August, 1882; and whereas, the same parties made another provisional contract for the furnishing of gas by the party of the second part to the party of the first part, on the 17th day of July, 1882, which contract expired on the 1st day of August, 1883; and whereas, the same parties made another provisional contract for the furnishing of gas by the party of the second part to the party of the first part, on the 1st day of August, 1883, which contract expires on this 1st day of August, 1884.

Now, therefore, the parties hereto make this provisional agreement for the term of one year and five months from the 1st day of August, 1884, to-wit:

The said party of the second part agrees to furnish gas to the said party of the first part, of the quality and kind provided for in the third section of an ordinance of the Common Council of said city, ordained March 19th, 1866, for twenty-five hundred and thirteen (2,513) lamps, all of which are now in a serviceable condition in and upon the streets of said city; said lamps to be lighted upon time-table to be furnished by the city, which table shall provide for twenty five hundred (2,500) hours per year for each and every lamp, and the burners thereof shall be of the ca-

capacity of not less than four (4) cubic feet per hour for each and every lamp. Said party of the second part also agrees at proper and regular times to light and extinguish said lamps, according to the schedule furnished by the party of the first part; to keep said lamps clean and in repair; and if said party of the second part shall fail or neglect to keep the same clean and in repair, the said party of the first part shall have the right to do so, and deduct the cost thereof from any sum due said Gas Company. It is further agreed, that the party of the first part shall have the right to deduct from any amount due said party of the second part, the sum of fifteen (15) cents for each and every post for each and every night that it is not lighted and kept lighted during the time provided in the time-table; *Provided*, that this provision shall not apply to cases of failure to light and keep lighted that are caused by frost, over which said party of the second part has no control; but said party of the second part agrees to use the utmost reasonable dispatch in thawing out such posts.

The city and her officers shall have the right at any time to test both the quality of the gas furnished, and the capacity of the burners on street lamps.

The aforesaid twenty-five hundred and thirteen (2,513) posts shall be such as shall be selected and designated by the proper committee or committees of the Common Council and Board of Aldermen and a representative committee of said Gas Company; and the said party of the second part also agrees to furnish gas for all offices occupied by City Officers, for all Engine Houses, for the Council Chamber, for all tunnels, bridges and Station Houses, and all other places where gas is required for the use of said city in her corporate capacity, at a price of two dollars (\$2.00) per thousand cubic feet

In consideration of the foregoing agreements of said party of the second part, the said party of the first part agrees to pay said party of the second part for each and every street lamp of said city to which gas is applied, the sum of twenty five dollars per annum, or the sum of sixty-two thousand eight hundred and twenty-five dollars (\$62,825.00), for said twenty-five hundred and thirteen (2,513) posts; said sum to be full compensation for all gas furnished, and for cleaning, lighting and keeping in repair and in order for service, such lamps and posts as above undertaken and agreed by the party of the second part. And the party of the first part does further agree to pay for gas furnished said city in her corporate capacity, except street lamps, the price of two dollars (\$2.00) per thousand cubic feet, as above mentioned. The compensation herein agreed to be paid, shall be paid by the party of the first part in equal monthly installments, at the end of each and every month, and the city warrants or orders shall be received at par in such payments. And the party of the first part further agrees with the party of the second part, that during the continuance of this contract all fines and damages collected by the said city from persons for breaking or damaging said street lamps or posts, shall be paid, when collected, to said party of the second part. And the said party of the second part also agrees that if the city should, at any time, require a greater number of lamp-posts lighted than above mentioned, the said party of the second part will furnish gas, light and keep the same in repair in the same manner as the said twenty-five hundred and thirteen (2,513) lamps above mentioned, and at the same rate; *Provided*, that when new posts shall be erected along lines where new mains are to be laid, then such work shall be performed according to the terms and requirements of Section six (6) of said Gas Company's charter of March 19th, 1866. And said party of the second part does further agree to dismantle any gas lamp now erected and re-light in lieu thereof any lamp-post now erected, or that may be hereafter erected upon the lines of existing mains, when so ordered by the Common Council and Board of Aldermen, during the existence of the present contract, and due notice being given by the City Civil Engineer, without any cost to said city.

This contract to take effect from and including the first day of August, 1884, and be and remain in force for the period of one (1) year and five (5) months, December 31st, 1885, and until a new contract shall be entered into. After the expiration of the term of this contract, or after its termination by notice as hereinafter provided, the parties hereto are to be remitted to whatever rights they or either of them may have under the contract of March 19th, 1866, the same as if this contract, or any other modifying contract, had not been made.

It is mutually agreed by and between the parties hereto, that should the Common Council and Board of Aldermen deem it advisable to make a test of the utility of the so-called Electric Light, at any time during the existence of this contract, the party of the first part may, upon giving at least one week's notice to the party of the second part, discontinue the use of any number of lamps, not exceeding three hundred (300); the said lamps so discontinued all to be embraced in one district or portion of said city; and during the time said lamps are not in use, no charge shall be made therefor, and a reduction, in proportion to the price herein provided for, shall be made from the bills rendered said city for the time said lamps remain unlighted; and should the party of the first part desire to have said lamps re-lighted, the party of the second part agrees to re-light the same within forty-eight (48) hours after notice so to do.

It is hereby further mutually agreed, that should the Common Council and Board of Aldermen deem it advisable to adopt the so-called Electric Light for street lighting, the party of the first part may rescind this contract, by giving at least ninety (90) days notice to the party of the second part; and from and after such rescission, and the expiration of such notice, this contract shall be null and void.

In Witness Whereof, The parties hereto, by their proper officers, have hereunto signed their corporate names, and caused their corporate seals to be affixed.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

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

To the Mayor and Common Council:

Gentlemen.—The Board of Aldermen at its regular session held in the Aldermanic Chamber Monday evening, June 23d, 1884, concurred in your action as to the extension of the time for the completion of certain contracts by delinquent contractors, and recommended that in future no bids be entertained by the Common Council from any contractor who fails to ask for and obtain an extension of time before the time given in the original contract has expired.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

The following message was read, and referred to the Committee on Water:

To the Mayor and Common Council:

Gentlemen.—The Board of Aldermen, at its regular session, held in the Aldermanic Chamber, Monday evening, June 23d, 1884, adopted the following motion:

“That the Common Council take definite action on the proposition of the Indianapolis Water Company, submitted to Council June 16th, 1884. The number of feet of water mains ordered by the city, having exceeded the contract amount, and further action is necessary.”

For the Board of Aldermen,

FRANK W. RIPLEY, Clerk.

The following message was read, and the amendments concurred in:

To the Mayor and Common Council:

Gentlemen. The Board of Aldermen, in regular session held in the Aldermanic Chamber, Monday evening, June 9th, 1884, amended G. O. 29, of 1884, “An ordinance making it unlawful to deposit or leave any scraps of iron or wire, any paper, rags and rubbish, on the streets and alleys of the City of Indianapolis,” by striking out the word “rubbish” from the title thereof, and the words “or other rubbish” from Section 2, in line 6.

The ordinance as amended was then passed.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

APPROPRIATION ORDINANCES.

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

The Fire Board introduced the following entitled ordinance, which was read the first and second times, ordered engrossed, and read the third time:

Ap. O. 31, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$499.63.]

And it was passed by the following vote :

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

NAYS—None.

The Hospital Board introduced the following entitled ordinance, which was read the first and second times, ordered engrossed, and read the third time:

Ap. O. 32, 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, \$1,019.05.]

And it was passed by the following vote :

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

NAYS—None.

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

Ap. O. 33, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Councilman Trusler moved to strike out of the claim of L. S. Henthorne the item "burying Patrick Condon, \$40.00," and refer the same to the Judiciary Committee and City Attorney.

Which was laid on the table, on motion by Councilman Edenharter.

The ordinance was then ordered engrossed, read the third time (amount appropriated, \$15,708.32), and passed, by the following vote :

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

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. 34, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$219.71.]

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 35, 1884—An ordinance appropriating the sum of Ten Thousand (\$10,000) Dollars, on account of the Street Repair Department of the City of Indianapolis.

And it was passed by the following vote:

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

NAYS—None.

Councilman Smither moved that G. O. 55, 1884, be taken up for consideration.

Which motion was adopted, by the following vote:

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

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

The following entitled ordinance was read the second time:

G. O. 55, 1884—An ordinance establishing and regulating the Fire Department of the City of Indianapolis, and repealing an ordinance entitled "An ordinance providing for the organization of the Fire Department, and the regulation and government of its officers and members;" ordained May 20th, 1884.

Councilman Downey moved to lay the ordinance over until the next regular meeting.

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

AYES, 11—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter Haugh, Rees, Reinecke, Spahr, and Wharton.

Councilman Spahr moved to refer the ordinance to the Judiciary Committee and City Attorney, with instructions to report whether or not, under the law, the Common Council can pass the ordinance.

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

AYES, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

Councilman Haugh moved that the Common Council do now adjourn.

Which failed of adoption by the following vote:

AYES, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

NAYS, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

Councilman Edenharter offered the following amendment to Section two:

The compensation of said Engineer, and all other officers and men in said department, shall be fixed by ordinance from time to time, as required by law, and the compensation of said officers and men shall be as follows:

Chief Engineer.....	\$1,800 a year.
Sup't Fire Alarm Telegraph.....	1,500 "
The Engineer's.....	85 per month.
The Foreman's.....	75 "
Firemen and all others.....	2 50 per day.
\$10 00 additional for bookkeeper at headquarters.	

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

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

NAYS, 10—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Mack, Rees, Reinecke, Sheppard, Spahr, and Wharton.

There being a tie vote, the name of His Honor, the Mayor, was called, and he voting in the affirmative, the amendment was declared as laid on the table.

Councilman Thalman moved that the ordinance be engrossed; and further moved the *previous question* on his motion.

Which was admitted, by the following vote:

AYES, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

Councilman Spahr raised the point of order, that if the ordinance is passed, it leaves the City without a Fire Department.

Which was overruled by the Chair.

The ordinance was then ordered engrossed, by the following vote:

AYES, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

Councilman Thalman moved the *previous question* on the passage of the ordinance.

Which was admitted, by the following vote:

AYES, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

The ordinance was then passed, by the following vote:

AYES, 12—viz. Councilmen Curry, Doyle, Gallahue, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 8—viz. Councilmen Benjamin, Downey, Edenharter, Haugh, Rees, Reinecke, Spahr, and Wharton.

Councilman Thalman moved that the above action be reconsidered.

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

Which was adopted by the following vote:

AYES, 15—viz. Councilmen Benjamin, Curry, Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 5—viz. Councilmen Downey, Rees, Reinecke, Spahr, and Wharton.

Councilman Gallahue was excused for the remainder of this session.

Councilman Spahr moved to reconsider the action of the Common Council at the last session, in adopting the motion in regard to advertising the delinquent list, &c. (See pages 607 and 604, *anté.*)

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

AYES, 10—viz. Councilmen Curry, Downey, Doyle, Edenharter, Haugh, Mack, McClelland, Reinecke, Sheppard, and Thalman.

NAYS, 9—viz. Councilmen Benjamin, Newcomb, Pearson, Rees, Reynolds, Smither, Spahr, Trusler, and Wharton.

Councilman Haugh was excused for the remainder of this session.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

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

That the City Civil Engineer be, and is hereby, instructed to inspect the alley between Shelby and Olive streets, commencing at the first alley south of Prospect street. Claim is made that the citizens have been filling in where not needed.

That the City Attorney be, and is hereby, instructed to submit a written opinion upon the following propositions:

1st. Can the Common Council and Board of Aldermen compel the Citizens' Street Railway Company to extend their lines in this city upon a petition signed by a majority of the citizens along the proposed route or routes asking for extension?

2d. Has the city any rights, under the Street Railway charter, that the Citizens' Street Railway Company are bound to respect?

Councilman Benjamin presented the following petition; which was referred to the Judiciary Committee and City Attorney:

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

Gentlemen:—The undersigned, property holders affected by the improvement ordered to be made by re-laying the sidewalk on the south side of South street, between Pennsylvania and Delaware streets, would respectfully represent and show to your honorable bodies that there was already existing at the time of the passing of the ordinance directing such improvement, a good brick sidewalk, nine feet in width, in good condition, over the whole length of the proposed improvement, except in front of the lot at the corner of Pennsylvania and South streets; that the bricks in said sidewalk were in good condition, and there was no necessity for such improvement; that the undersigned had no notice of the passage of said ordinance, or the proposition to let said contract, until after the contract was let, and the contractors began removing the old sidewalk, or they would have shown your honorable bodies that there was no necessity for such work, except in front of said lot at the corner of South and Pennsylvania streets. They would further show that said contractor has removed from the bed of the walk a portion of said bricks, but have not removed the same from the premises, and that upon objection having been made, they have not disturbed another portion.

Your petitioners would therefore pray your honorable bodies to direct said bricks to be laid in said sidewalk without any cost to your petitioners. And as in duty bound, they will ever pray.

Frederick Lang, Administrator of Herman Gruenert's estate; Joseph H. Clark, Henry Burke, Geo. Gisler.

By consent, Councilman Benjamin introduced the following entitled ordinance; which was read the first time:

S. O. 95, 1884—An ordinance to provide for grading, bowldering and curbing, (where not already done), Chesapeake street, from Delaware street to Pennsylvania street.

Councilman Benjamin was excused for the remainder of this session.

Councilman Curry offered the following motion; which was referred to the Committee on Public Light:

That the first lamp-post south of McCarty street, on the west side of south Illinois street, be re-lighted.

Councilman Curry 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 Wilkins street, at the old bed of Pogue's Run, and grade and gravel the same to conform with the present grade of Wilkins street.

By consent, Councilman Doyle introduced the following entitled ordinances; which were read the first time, and G. O. 56, 1884, referred to the Committee on Streets and Alleys:

G. O. 56, 1884—An ordinance granting Kingan & Company the right to lay and maintain a Railroad switch track across west Georgia street and along a certain part of Helen street, in the City of Indianapolis.

S. O. 96, 1884—An ordinance to provide for grading and graveling the first alley west of West street, from Maryland street to Chesapeake street.

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

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

Gentlemen: The undersigned would respectfully petition your honorable bodies to vacate that part of Helen street, in said City, which is described as follows, to-wit:

Eighteen (18) feet off of the west side of said street, from the north line of Georgia street to a point two hundred and fifty (250) feet north of said line.

Your petitioners file herewith, as a part hereof, a plat of said strip to be vacated, and the surrounding premises.

The reason that your petitioners have for asking that said strip be vacated, is that the same is necessary to the proper equipment of a railroad switch to be laid along the same, in front of the new building now being erected by Kingan and Company, along the west line of Helen street, at said point, it being necessary that said track shall be fenced in at said point, which could not lawfully be done without such vacation.

And your petitioners will ever pray.

Kingan & Co., per R. S. Sinclair; Wm. I. Reid, John Moore, R. W. Reid.

By consent, Councilman Mack introduced the following entitled ordinance; which was read the first time:

G. O 57, 1884—An ordinance to amend Section eleven (11) of an ordinance entitled "An ordinance providing an uniform system for numbering buildings," and repealing an ordinance entitled "An ordinance requiring owners and occupants of houses and buildings within the City of Indianapolis to properly number the same."

Councilman Mack offered the following motion; which was adopted:

That the Board of Aldermen be, and is hereby, requested to report to the Council what action has been taken by said body on the action of the Council in straightening the city boundaries; and if no definite action has yet been taken, the reason for the delay.

Councilman Newcomb offered the following motion; which was adopted, and the Hospital Board appointed as such committee:

That a committee of three, of which the City Attorney shall be a member, be appointed to investigate and report at the next meeting of the Council, upon the advisability of making a separate department of the Pest House; and also to report upon the advisability of creating the position or office of Medical Superintendent of Pest House, and entirely disconnecting its affairs from those of the City Hospital.

Councilman Newcomb offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be instructed to grade the City Hospital yard, and is hereby authorized to do the same.

That the Street Commissioner be, and he is hereby, directed to make the protection of the bank of Fall Creek, below Indiana avenue, as set forth in the report of the special committee and estimate of the City Civil Engineer (see Council Proceedings, page 134, 1884); said protection to be made a distance not to exceed three hundred (300) feet, at such point as the City Civil Engineer and Street Commissioner may think proper.

Councilman Rees offered the following motion; which was adopted:

That the Citizens' Street Railroad Company be, and is hereby, directed to fill all cavities or low places on the line of their roads to a height sufficient to drain all water therefrom.

Councilman Smither offered the following motion; which was adopted:

That the Committee on Public Property be instructed to buy a one-horse mower, to be used in Military, University and Circle Parks.

Councilman Spahr offered the following resolution:

Resolved, That the Indianapolis Water Company be, and it is hereby, directed to extend its water mains on Ohio street, from Pogue's Run to Arsenal avenue, establishing water plugs as per contract.

And it was adopted by the following vote:

AYES, 15—viz. Councilmen Curry, Doyle, Edenharter, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS, 1—viz. Councilman Trusler.

Councilman Spahr offered the following resolution :

Resolved, That the Indianapolis Water Company be, and it is hereby, directed to extend its water mains on Broadway street, from Christian avenue to Home avenue, establishing water plugs as per contract, or at the crossing of Broadway and Butler streets and Broadway street and Home avenue.

And it was adopted by the following vote:

AYES, 13—viz. Councilmen Doyle, Edenharter, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS, 3—viz. Councilmen Curry, Mack, and Trusler.

Councilman Spahr offered the following resolution :

Resolved, That the Indianapolis Water Company be, and it is hereby, directed to extend its water mains on Ash street, from Ninth street to Seventh street, establishing a water plug at the crossing of Eighth and Ash streets, and a water plug at the intersection of Seventh and Ash streets.

And it was adopted by the following vote;

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

NAYS, 4—viz. Councilmen Curry, Doyle, Mack, and Trusler.

Councilman Spahr offered the following motion; which was adopted :

That Wm. C. Phipps be, and is hereby, granted permission to grade and pave with brick, the sidewalk alongside of his property, corner of Christian avenue and Ash street; work to be done at his own expense, and under the direction of the City Civil Engineer.

On motion, the Common Council then adjourned.

JOHN L. McMASTER, Mayor,

President of the Common Council.

Attest GEO. T. BREUNIG, City Clerk,

PROCEEDINGS OF BOARD OF ALDERMEN.

SPECIAL SESSION—JULY 7, 1884.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, July 7th, A. D. 1884, at half-past eight o'clock, in special session, pursuant to the following call:

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

You are hereby requested to meet in the Aldermanic Chamber, this evening, July 7th, 1884, at 8:30 o'clock, for the purpose of acting upon contracts awarded by the City Council at its special session June 30th, 1884, and such other business as may come before the Board.

July 7th, 1884

Respectfully,

BRAINARD RORISON, President Board of Aldermen.

PRESENT—HOB. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Cobb, Cox, Endly, King, Prier, Pritchard, and Tallentire—8.
ABSENT, 2—viz. Aldermen Bernhamer, and McHugh.

Alderman Prier was excused for the remainder of this session.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I submit herewith for your consideration, the following papers, favorably passed upon by the Common Council at its special session held June 30th, 1884.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The report of the Committee on Contracts, (see pages 588, 589, 590, 591, 592, 593, 594 and 595, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The following report from the Committee on Contracts (see page 595, *ante*), was read, and referred to the Committee on Contracts and Bridges:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Committee on Contracts, to whom were referred proposals for removing dead animals from the streets, alleys, commons and public places of the City of Indianapolis, find them as follows:

The Indianapolis Fertilizer Company \$50.00, and Luther Mehring \$250.00.

Luther Mehring being the highest and best bidder, we recommend he be awarded the contract for one year from the 14th day of May, 1884, provided he file a bond to the satisfaction of the Common Council and Board of Aldermen, and that the money be paid in advance.

Respectfully submitted,

W. C. Newcomb,
Philip J. Doyle,
M. M. Reynolds,
Committee on Contracts.

The following message was read and received:

To the President and Members of the Board of Aldermen:

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

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The contracts and bonds of Hamilton Bailie, Jacob D. Hoss & Co. and Hanway & Cooper (see page 618, *ante*), were read, and the favorable action of the Common Council thereon, was concurred in.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 610, *ante*), was concurred in:

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

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

A first and final contract in behalf of Henry Clay, for grading and graveling the roadway of Peru street, from Lincoln avenue to Seventh street.

1,220 $\frac{6}{12}$ lineal feet, at 35 cents..... \$427 23

A first and final estimate in behalf of J. L. Spaulding, for grading and paving with brick the sidewalks of Bright street, from Michigan street to North street.

877 $\frac{6}{12}$ lineal feet, at 40 cents..... \$351 00

61 $\frac{50}{100}$ lineal feet double walk-stones, as 60 cents..... 36 98

40 square yards of bowldering, at 50 cents..... 20 00

\$407 90

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (see page 610, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Henry Clay, for grading and graveling the roadway of Peru street, from Lincoln avenue to Seventh 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 concurrently adopted by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 611, *ante*), was read:

Resolved, by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. L. Spaulding, for grading and paving with brick the sidewalks of Bright street, from Michigan street to North 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 concurrently adopted by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following report from the Committee on Public Light was read, and the favorable action of the Common Council thereon, (see page 622, *ante*), was concurred in, and the contract submitted with the same (see pages 622, 623 and 624, *ante*), was approved.

To the Mayor and Common Council:

Gentlemen:—We herewith present the contract of the Gas Company to furnish the city with light, from August 1st, 1884, to December 31st, 1885, and recommend its approval, and that the Mayor be authorized to sign the same for the city.

Respectfully submitted,

P. M. Gallahue,
Theo. F. Smither,
Fred J. Mack,
Committee on Public Light.

The following entitled ordinances (passed by the Common Council) June 30, 1884, were taken up and severally read the first time:

G. O. 49, 1884—An ordinance granting permission to the Bankers and Merchants Telegraph Company to erect and maintain poles and wires along certain streets and alleys in the City of Indianapolis.

G. O. 53, 1884—An ordinance granting to the Baltimore and Ohio Telegraph Company, of Indiana, the privilege of erecting and maintaining poles on and along certain streets and alleys of the City of Indianapolis.

On motion by Alderman Cobb, the rules were suspended for the purpose of placing the above entitled ordinances on their final passage, by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS—None.

G. O. 49, 1884, was then read the second time, read the third time, and passed by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS—None.

G. O. 53, 1884, was read the second time, read the third time, and passed by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS—None.

On motion the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: FRANK W. RIPLEY, Clerk.