

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 7, 1885.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 7th, A. D. 1885, at seven o'clock, in regular session.

PRESENT—Hon. John L. McMaster, Mayor, and *ex officio* President of the Common Council in the Chair, and 19 members, viz: Councilmen Benjamin. Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wharton.

ABSENT, 6—viz. Councilmen Cowie, Dowling, Downey, Doyle, Moran, and Wolf.

OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

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

(S. O. 30, 1885)—For grading and bowldering the second alley south of South street, from Tennessee street to Eddy street.

(S. O. 79, 1885)—For graveling the sidewalks of Hall Place street, from Seventh street to Eighth street.

(S. O. 81, 1885)—For grading and paving with brick, the sidewalks of Grove street, from Virginia avenue to Dillon street.

(S. O. 93, 1885)—For grading and graveling the first alley north of Pratt street, from Illinois street to the first alley west of Illinois street.

(S. O. 94, 1885)—For grading and paving with brick, the north sidewalk of North street, from Mississippi street to West street.

(S. O. 95, 1885)—For grading and graveling the first alley east of East street, from Buchanan street to the first alley south of Coburn street.

(S. O. 96, 1885)—For grading and graveling the first alley west east from Merrill street to Stevens Place street.

(S. O. 97, 1885)—For grading and bowldering the gutters of Broadway street, from Eighth street to Ninth street.

(S. O. 98, 1885)—For graveling the roadway of River street or avenue, from Kentucky avenue to White River bridge.

(S. O. 99, 1885)—For grading and paving with brick the sidewalks of John street from Massachusetts avenue to Hanna street.

(S. O. 100, 1885)—For grading and paving with brick, the north sidewalk of North street, from Noble street to Pine street.

(S. O. 101, 1885)—For grading and graveling the first alley south of Stevens street, from Water street to Virginia avenue, and establishing the width of the same.

(S. O. 102, 1885)—For grading, bowldering and curbing the gutters of Park avenue, from Eighth street to Ninth street, and widening the sidewalks thereof.

(S. O. 103, 1885)—For grading and paving with brick, the west sidewalk of Blackford street, from Michigan street to Vermont street.

(S. O. 104, 1885)—For grading and paving with brick, the sidewalks of Ray street, from Illinois street to Maple street, where not already done.

(S. O. 105, 1885)—For grading and paving with brick, the south sidewalk of McCarty street, from Tennessee street to Maple street, where not already done.

(S. O. 108, 1885)—For grading and paving with brick, the east sidewalk of Shelby street, from a point thirty-eight feet south of the first alley south of Prospect street to Pleasant Run.

(S. O. 110, 1885)—For the erection of three lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Grant street, between West street and the first street running north from Grant street.

(S. O. 111, 1885)—For grading and paving with brick, the sidewalks of West street, from McCarty street to Morris street.

(S. O. 112, 1885)—For grading and paving with brick, the sidewalks of Grant street, from West street to a point 545 feet west of West street.

(S. O. 113, 1885)—For grading and paving with brick, the sidewalks of Rose street, from West street to the second alley west of West street.

REPORTS FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Newcomb, submitted the following report; which was concurred in, and the contracts awarded as recommended:

To the Mayor, Common Council and Board of Aldermen:

1 *Gentlemen*:—Your Committee on Contracts, to whom was referred the proposals received November 16, 1885, for grading and paving with brick the north sidewalk of Ninth street, from Tennessee street to the first alley east of Tennessee street, have examined the same, and find them to be as follows:

J. L. Spaulding 50 cents per lineal foot front.
Joseph Bernauer..... 29 cents per lineal foot front.

Joseph Bernauer being the lowest and best bidder, recommend he be awarded the contract.

Respectfully submitted,

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

REPORTS, ETC., FROM CITY OFFICERS.

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

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

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

A first and final estimate in behalf of D. A. Haywood, for grading and paving with brick, (where not already done), the north sidewalk of Massachusetts avenue, from Pennsylvania street to Delaware street.

82.11 square yards of re-bowldering, at 30 cents	\$24 63
99.45 feet of double walk-stone, at 60 cents	59 67
	\$84 30

A first and final estimate in behalf of J. W. Cooper & Co., for grading and bowldering the first alley east of Tennessee street, from New York street to the first alley north of New York street.

250.60 lineal feet, at 36 cents.....	\$90 22
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A third and partial estimate in behalf of Fulmer & Seibert, for constructing a brick sewer in and along Massachusetts avenue, from Alabama street to Bellefontaine street.

1,449.50 lineal feet of 4-foot sewer, at \$3.87	\$ 5,609 56
2,403 lineal feet of 3½-foot sewer, at \$3.37.....	8,098 11
13 catch-basins, at \$58.00.....	754 00
13 man-holes, at \$32.00.....	416 00
	\$14,877 67

Amount allowed in first and second estimates..... 8,818 20

Amount allowed in this estimate... ..\$ 6,059 47

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 J. W. Cooper & Co., for grading and bowldering the first alley east of Tennessee street, from New York street to the first alley north of New York 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, 15—viz. Councilmen Benjamin, Coy, Curry, Gallahue, Haugh, Mack, McClelland, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wharton.

NAYS—None.

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

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

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

Contract and bond of Lemuel Eaglen, for grading and graveling the first alley south of New York street, from Blake street to Minerva street. Bond, \$400; surety, William Hild.

Contract and bond of Samuel Keers, for grading and graveling the first alley west of Blake street, from Elizabeth street to the first alley north of Elizabeth street. Bond, \$300; surety, Hamilton Bailie.

Contract and bond of Fulmer & Seibert, for grading, bowldering and curbing the east gutter of Madison avenue, from Delaware street to the first alley north of Coburn street. Bond, \$1,000; surety, Hiram Seibert.

Contract and bond of Fulmer & Seibert, for grading, bowldering and curbing the east gutter of Delaware street, from the first alley south of Bicking street to Madison avenue. Bond, \$500; surety, Hiram Seibert.

Contract and bond of Richter & Twiname, for painting city bridges. Bond, \$1,440; surety, Peter Fritz.

Contract and bond of J. R. Miller, for painting city bridges. Bond, \$1,250.00; sureties, Edmond Deitz and Fred. Deitz.

Contract and bond of J. W. Cooper & Co., for grading, bowldering and curbing the south gutter of First street, from Tennessee street to Mississippi street. Bond, \$500; surety, John S. Berryhill.

Contract and bond of Freaney Bros., for erecting three lamp-posts on Louisiana street, between East and Noble streets. Bond, \$50.00; surety, J. F. Holt.

Contract and bond of Isaac C. Snyder, for grading and graveling the first alley north of New York street, from Blake street to Agnes street. Bond, \$400; surety, Frank Lackey.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

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 November, 1885.

RECEIPTS.

From coal licenses.....	\$	50 00
From dray licenses.....		2 00
From express licenses.....		2 80
From fines and fees.....		353 39
From hack licenses.....		88 00
From huckster licenses.....		24 00
From liquor licenses.....		397 34
From Market-masters' fees.....		423 65
From market rents.....		78 40
From peddlers licenses.....		29 00
From promiscuous—proceeds of time warrants.....		97,916 70
From sale of old material from Fire Department.....		77 25
From show licenses.....		125 00
From tax sales current.....		4 64
From tax sales delinquent.....		3 86
From taxes delinquent.....		3,699 88
Total.....	\$	103,270 91
Balance on hand November 1st, 1885.....		20,117 95
		<u>\$123,388 86</u>

DISBURSEMENTS.

For Board of Health.....	\$	187 60
For bridges.....		4,434 14
For cemeteries.....		15 00
For City Assessor's department.....		104 95
For City Civil Engineer's department.....		232 09
For City Dispensary.....		364 09
For City Hall.....		91 00
For City Hospital and Branch.....		1,209 81

For elections.....	\$ 1,502 45
For Fire Department.....	5,993 22
For gas.....	5,644 40
For incidentals.....	512 00
For markets.....	75 00
For Market-Masters' fees.....	254 19
For parks.....	124 00
For per centag\.....	515 53
For Pogue's Run.....	210 55
For police.....	4,561 06
For printing.....	286 61
For salary.....	288 50
For sewer fund.....	529 43
For sinking fund.....	208 48
For Station House.....	382 44
For street improvements.....	1,104 59
For street openings and vacations.....	192 00
For street repairs.....	2,759 25
For taxes refunded.....	95 00

Total.....	\$ 31,877 38
Balance on hand December 1st, 1885.....	91,511 48
	<u>\$123,388 86</u>

TOMLINSON ESTATE.

Receipts.

Balance on hand November 1st, 1885.....	\$ 18,821 83
Rents.....	84 20
	<u>\$ 18,906 03</u>

Disbursements.

Market House and Public Hall.....	\$ 10,881 00
Repairs.....	70 65
Balance on hand December 1st, 1885.....	7,954 38
	<u>\$ 18,906 03</u>

ADDITIONAL CITY HALL FUND.

Balance on hand November 1st, 1885.....	\$ 63,878 92
Balance on hand December 1st, 1885.....	\$ 63,878 92

SEWER FUND.

Receipts.

Balance on had November 1st, 1885.....	\$ 27,687 61
From October taxes.....	529 43
	<u>\$ 28,217 04</u>

Disbursements.

Special Sowers.....	\$ 8,866 52
Balance on hand December 1st, 1885.....	19,350 52
	<u>\$ 28,217 04</u>

SINKING FUND.

Balance on hand November 1st, 1885.....	\$ 46,457 87
From October taxes.....	208 48
	<u>\$ 46,666 35</u>
Balance on hand December 1st, 1885.....	<u>\$ 46,666 35</u>

Respectfully submitted,

I. N. PATTISON, City Treasurer.

To GEORGE T. BREUNIG, City Clerk.

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 November, 1885, viz:

Board of Health.....	\$ 193 20	
Bridges.....	4,434 14	
City Assessor's Department.....	104 95	
City Civil Engineer's Department.....	328 34	
City Dispensary.....	291 10	
City Hall.....	88 25	
City Hospital and Branch.....	1,249 38	
City Treasurer's per centage.....	515 53	
Cisterns.....	877 50	
Elections.....	1,703 45	
Fire Department.....	6,032 19	
Gas.....	5,644 40	
Incidentals.....	512 00	
Markets.....	75 00	
Market-Masters' fees.....	254 19	
Parks.....	124 00	
Pogue's Run.....	210 55	
Police.....	4,561 06	
Printing.....	286 61	
Salary.....	144 75	
Station House.....	394 64	
Street improvements.....	1,087 82	
Street opening and vacations.....	346 00	
Street repairs.....	2,877 77	
	<u>\$ 32,336 82</u>	
School fund.....	\$ 1,528 84	
Sewer fund.....	529 43	
Sinking fund.....	208 48	
	<u>2,266 75</u>	

SPECIAL FUNDS.

Special sewers.....	\$ 8,868 77	
Tomlinson Estate Fund, for repairs, &c.....	75 00	
Market House and Public Hall.....	10,881 00	
	<u>19,824 77</u>	
Total.....	<u>\$ 54,428 34</u>	

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

The Street Commissioner and City Civil Engineer, submitted the following report; which was received, and the appointment confirmed:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—We have appointed W. C. Phipps as Clerk in our Departments, to perform the duties as provided in General Ordinance 42, 1885. We respectfully request your honorable bodies to confirm such appointment.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.
C. S. RONEY, Street Commissioner.

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

To the Common Council and Board of Aldermen :

Gentlemen:—Since the last meeting of the Council, the case of Charles Bauer against The City, asking \$10,000 damages for injuries received in a fall on South street, near Virginia avenue, several years ago, has been tried before a jury in the Superior Court. This was the second trial of the case, the Supreme Court having reversed the judgment rendered upon the first trial, there having been a verdict for the city (and also the property owner, who was originally joined as a defendant), upon that trial. Before going to trial this time, the plaintiff dismissed as to the property owner, and proceeded against the city alone. The verdict was for the city. No motion for a new trial was filed during the Term, and hence the case is at an end.

Samuel Adams has dismissed his appeal from the judgment recently rendered against him in his action for damages sustained in tearing out the culverts at East street and Pogue's Run, the Council and Board of Aldermen having voluntarily appropriated three hundred dollars to assist in paying his surgeon's bills, &c., he having received said sum in full of all demands.

Respectfully submitted,

C. S. DENNY, City Attorney.

The Chief Fire Engineer submitted the following report; which was approved, and the purchase ordered:

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

Gentlemen:—As our rubber hose (or most of it), is no longer reliable, and considering it unsafe to longer depend upon it, I respectfully ask that I be authorized to purchase at once thirty-five hundred feet (3,500) of cotton hose. We purchased but twenty-one hundred (2,100) feet last year, and it has proven to be good. It will be thirty or forty (30 or 40) days before we can get it, if ordered now. With one more fire similar to the one on Sunday last, and we will not have hose sufficient to supply the Reels, and what we will have will not be at all reliable.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

The Superintendents of the City Hospital and City Dispensary submitted their reports for November; which were read and received.

The City Clerk presented the following bond; which was referred to the Committees on Judiciary and Finance, and City Attorney:

KNOW ALL MEN BY THESE PRESENTS, That Hiram W. Miller, principal, and George W. Stout, John Johnson, William F. A. Bernhamer, John Osterman, Oliver Klingensmith, Levi P. Harlan, Smith H. Myers, Franklin Landers, John Kepple, William McGregor, John E. Sullivan, Samuel Piendler, John J. Cooper, James Renihan, Isaac L. Hedges, John Landers, Frank E. Creelman, Eudorus M. Johnson, Frank E. Arich and Chapin C. Foster, sureties, all of the County of Marion, and State of Indiana are held and firmly bound unto the State of Indiana, in the penal sum of five hundred thousand dollars, for the payment of which, well and truly to be made, we, jointly and severally, bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this the 7th day of December, A. D. 1885.

The conditions of the above obligation are such, That whereas, the above named Hiram W. Miller was, at the General Election held within and for the County of Marion, and State of Indiana, on the first Tuesday after the first Monday in November, in the year 1884, elected as County Treasurer of said County of Marion, for two years from the 3d day of September, 1885, and until his successor shall be elected and qualified; and whereas, by virtue of an act entitled "An Act concerning taxation for City and School purposes in cities containing a population of over seventy thousand, as shown by the last census of the United States; to abolish the offices of City Assessor and City Treasurer in such cities, and provide for the discharge of the duties of such offices, and repealing laws in conflict therewith," approved February 21st, 1885, said Hiram W. Miller, as such County Treasurer, shall collect, disburse and account for the Municipal taxes of the City of Indianapolis, and discharge certain other duties heretofore discharged by the City Treasurer of said city.

Now if the said Hiram W. Miller, as such Treasurer, shall pay over all moneys which, by virtue of said law, may come into his hands for Municipal purposes, and shall honestly and faithfully discharge the duties of his office so far as they relate to or affect said city, and shall safely keep and properly account for and pay over to the proper person or authority, all moneys and property of said city, other than moneys collected for School purposes for said city, and shall well and truly discharge all the duties of his office according to law, then the above obligation shall cease, and become null and void, otherwise to remain in full force and effect in law.

It is understood that the above obligation shall not be impaired, nor the said Hiram W. Miller, or his sureties hereon, be in any manner released from this obligation by any modification, change or repeal of any law by the Legislature of the State of Indiana during the continuance of the said Hiram W. Miller in office as such Treasurer.

HIRAM W. MILLER,	[Seal.]
GEORGE W. STOUT,	[Seal.]
JOHN JOHNSON,	[Seal.]
WILL F. A. BERNHAMER,	[Seal.]
JNO. OSTERMAN,	[Seal.]
OLIVER KLINGENSMITH,	[Seal.]
L. P. HARLAN,	[Seal.]
SMITH H. MYERS,	[Seal.]
FRANKLIN LANDERS,	[Seal.]
JOHN KEPPLER,	[Seal.]
WM. MCGREGOR,	[Seal.]
JOHN E. SULLIVAN,	[Seal.]
SAMUEL PFENEDLER,	[Seal.]
JOHN J. COOPER,	[Seal.]
JAMES RENIHAN,	[Seal.]
ISAAC L. HEDGES,	[Seal.]
JOHN LANDERS,	[Seal.]
F. E. CREELMAN,	[Seal.]
E. M. JOHNSON,	[Seal.]
FRANK EMRICH,	[Seal.]
C. C. FOSTER,	[Seal.]

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements and Street Commissioner, 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 the Street Repair Department, for the month of November, together with total expenditures to December 1st, 1885:

Pay-rolls.....	\$ 2,243 45
Blacksmithing.....	36 95
Bowlders.....	58 00
Brick.....	71 05

Cement.....	\$ 18 00
Freight on lumber.....	27 00
Freight on stone.....	56 70
Fountain repairs.....	11 40
Gravel.....	62 30
Hardware.....	43 10
Lumber.....	162 62
Sewer pipe.....	87 20
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Total expenditures for November.....	\$ 2,877 77
Total expenditures per last report.....	26,415 07
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Expenditures to December 1st, 1885.....	\$29,292 84
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Respectfully submitted,

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

C. S. RONEY, Street Commissioner.

The City Commissioners submitted the following report, accompanied with resolution:

SUPPLEMENTAL REPORT ON EAST STREET.

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

Gentlemen:—The undersigned, members of the Board of City Commissioners, met in pursuance of notice of the City Clerk, to consider the recerence of your honorable body of our report on East street. In compliance with said notice, we met on the 13th day of November, 1885, with the City Attorney and Mrs. Powers, the owner of the lot proposed to be condemned, and after hearing her proposition, which was to deed to the city Lot 63, of Vajen's subdivision of Out lot 108, and receive in consideration therefor a quit-claim to the following described portion of the old street, viz: Commencing in the east line of East street 25 feet south of the first alley north of Morris street; run ing thence in a southeasterly direction in a straight line to a point 10 feet north of where the north line of Morris street would intersect the west line of Lot 17, of Section 1 of Martindale & Stilz's addition to the City of Indianapolis; thence north on said west line of Lot 17 to the first alley north of Morris street; thence west along the south line of said alley to its intersection with the east line of East street; thence south along the east line of East street 25 feet, to the place of beginning. We recommend the acceptance of her proposition, with an allowance of seventy five dollars for moving her house on to the above described ground.

Respectfully submitted,

John L. F. Steeg,
Wm. Johnson,
James Renihan,
Jos. T. Magner,
William Hadley,
City Commissioners.

Resolved, That the foregoing supplemental report of the City Commissioners be, and the same is hereby, accepted and approved, and the Mayor is hereby directed to execute a quit-claim deed to Ellen Powers for the real estate described in said report, and the City Treasurer is directed to pay said Ellen Powers said sum of seventy-five dollars upon the removal of her house from the corner of Morris and East streets on to the ground above described, and the execution by said Ellen Powers and her husband of a good and sufficient deed for all the ground between Morris street on the south, East street on the west, and a line commencing at a point on the east line of East street 25 feet south of the first alley north of Morris street, running thence in a southeasterly direction in a straight line to a point ten feet north of where the north line of Morris street would intersect the west line of Lot 17 of Section 1 of Martindale & Stilz's addition to the City of Indianapolis; thence south along the east line of said Lot 17 to the north line of Morris street.

Which report was concurred in, and the resolution adopted, by the following vote:

AYES, 17—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

Councilman McClelland presented the claim of L. B. Case, \$3.00; which was referred to the Committee on Accounts and Claims; and claim of M. G. McLain, County Clerk, which was referred to the Judiciary Committee.

The Committee on Judiciary, through Councilman Newcomb, submitted the following *majority* report:

To the Mayor and Common Council:

Gentlemen.—Your Judiciary Committee, to whom was referred G. O. No. 40, of 1885, fixing the license to be paid by peddlers, have considered the same. We recommend that all that part of Section one of said ordinance, commencing with the word "boots," and ending with the word "candies," be stricken out, and the following words be inserted in lieu thereof, to-wit: "Goods, wares, or merchandise whatever." And after being so amended, we recommend that said ordinance be passed

Respectfully submitted,

W. C. Newcomb,
P. M. Gallahue,
Judiciary Committee.

Councilman Edenharter, in behalf of the same Committee, submitted the following *minority* report:

The undersigned, the minority of the Judiciary Committee, to whom was referred G. O. No. 40, of 1885, respectfully recommend that the same be stricken from the files.

GEO. F. EDENHARTER.

On motion by Councilman Pearson, the above minority report was laid on the table, by the following vote:

AYES, 14—viz. Councilmen Benjamin, Coy, Gallahue, Haugh, Mack, Newcomb, Pearson, Rees, Sheppard, Smither, Spahr, Thalman, Trusler, and Wharton.

NAYS, 4—viz. Councilmen Curry, Edenharter, McClelland, and Reinecke.

On motion by Councilman Pearson, the whole matter was referred back to the Committee and City Attorney, together with the Mayor, to report at the next regular meeting.

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

To the Mayor and Common Council:

Gentlemen.—Your Committee on Judiciary, City Civil Engineer and City Attorney, to whom was referred the claim of the Indianapolis Bridge Company for interest on the money invested by it in the East street bridge over Pogue's Run while waiting on the stone contractor to complete the abutments, beg leave to report that

while the city does not admit that said company had the bridge completed for six months before the abutments were ready, as claimed by its officers, yet, on account of the extraordinarily good job done, and low price charged, the city can well afford to pay a portion of the interest claimed.

We therefore recommend that the sum of one hundred dollars be allowed, provided the same be accepted in full of all demands.

Respectfully submitted,

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

W. C. Newcomb;
P. M. Gallahue,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee and City Attorney, to whom was referred various petitions and papers, beg leave to report that they have considered the same, and now report thereon as follows:

1. We recommend that James Renihan be allowed the sum of fifty dollars for damages caused to his horse and buggy on account of a hole in Union street, provided he will receive the same in full of all demands.

2. The claim of Wm. H. English, presented May 4th, as recently itemized and handed to your committee, amounts to \$1,106.71, not including interest. It is for taxes paid by Mr. English on a large number of lots in King's Arsenal Heights, which addition was never legally annexed to the city. The rule adopted by your committee in other cases, is to allow for all sums paid in good faith by the *owners* of property, but not to refund to parties purchasing as a speculation. Your committee was unable to ascertain what part, if any, of the taxes in controversy were paid by Mr. English as the owner of the lots. Some of the amounts were paid more than six years ago, also. Under all the circumstances, your committee has concluded to recommend that no part of the claim be allowed, believing that it is a case which ought to be submitted to a court for adjudication.

3. Your committee have held the report made by the City Civil Engineer on May 4th, together with the resolution accompanying the same, allowing Thomas Wren a corrected and final estimate for work done by him on south Tennessee street in 1866, until now, on account of the pendency of certain subsequent proceedings affecting the order of court under which the Engineer acted in submitting said report and resolution. Judge Taylor has now made an order setting aside the original order directing said measurement to be made, thus obviating further proceedings by the Council on the report of the Engineer referred to. We therefore recommend that said estimate reported by the Engineer, be not allowed.

Respectfully submitted,

C. S. DENNY, City Attorney.

W. C. Newcomb,
P. M. Gallahue,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee and City Civil Engineer, to whom was referred the suggestions made by the City Attorney July 6th, in his report of the result of the suit of Sarah Kingsbury et al. vs. The City, involving the title to Highland street, beg leave to report that they have investigated the two matters therein referred to.

1. In reference to opening certain streets and alleys marked on the plat of Davidson's Third Addition, which have heretofore remained fenced up, we think that some of them will never be of any practical value to the public, if opened, while there are others that the city may desire to open up and improve in the future. We therefore recommend that the City Civil Engineer and Street Commissioner proceed, as soon as practicable, to carefully view all the streets and alleys remaining unopened, together with the surrounding premises, and remove such fences, and take such other steps as may be necessary to save and protect the rights of the city and the public in all of said streets and alleys which they may be convinced will be of future use to the city. After taking such steps said officers are directed to make a full report of their doings to the Council and Board of Aldermen.

2. As to the other item of the City Attorney's report, calling attention to the

fact that the city was compelled to pay J. L. Mitchell the sum of \$920.42 damages on account of the change of grade made along his property on Highland street, which change was made on the petition of Henry Latham and others, found in the Proceedings of May 7, 1883, page 1,157, we would respectfully report that in view of the fact that these gentlemen who petitioned for the change have already been to considerable expense in employing counsel to assist in defending the Mitchell suit, and in view of the further fact that the city voluntarily made certain changes along Market street in connection with the Highland street grade, which evidently entered into the question of damages as assessed by the jury, (although not strictly within the issues), the city ought not to attempt to assess this sum against said petitioners; and we recommend that it be not done.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

W. C. Newcomb,
P. M. Gallahue,
Judiciary Committee.

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

To the Mayor and Common Council:

Gentlemen:—The Committee on Public Light, to whom sundry papers was referred, would report thereon as follows:

1st. Is a motion "That the City Civil Engineer be, and is hereby, directed to instruct the Gas Company to remove one of the lamps at the crossing of Virginia avenue and the Union Railway, to the northwest corner of Pearl and New Jersey streets." Recommend said motion, be adopted.

2d. Is a motion "That the lamp post in front of John Bach's, on Louisiana street, be dis-mantled, and that said Bach be granted permission to place a lamp on said dis-mantled post, gas to be paid for by himself."

Recommend said motion be adopted.

Respectfully submitted,

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

The Committee on Streets and Alleys, through Councilman Reynolds, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the remonstrance of John S. Crosby, A. Dillingham and others, against the I. B. & W. Railroad Company laying additional tracks across west Washington street, to examine the premises, and to question the right of said company to lay additional tracks, and suggesting that a high board fence be erected from the corner of the lumber yard to the crossing of said tracks, have examined records and ordinances, and failed to find any authority giving said company the right to lay said additional track. Recommend that the said Railroad company be notified to furnish the City Attorney by what authority said tracks are proposed to be laid across Washington street; and if said Railroad company fails so to do, the City Attorney be directed to take the proper steps to enjoin them from laying said tracks; and further recommend said fence be not built.

Respectfully submitted,

M. M. Reynolds,
J. W. Wharton,
Julius F. Reinecke,
Committee on Streets and Alleys.

REPORTS FROM SELECT COMMITTEES.

The Special Committee on Fire Department, through Councilman Thalmann, submitted the following report:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Fire Committee, to whom was referred the proposition of Frank B. Walker and others, to adjust the matter of compensation to be paid by the city for the past and future use of the Bragg & Seibert patents for opening doors and releasing horses by electricity, of which patents said parties now claim to be the owners, have carefully considered the same.

The intrinsic value of these patents, is hard to determine. Indeed, it is altogether impossible to estimate how much or how little property is saved in a given case, or how much may likely be saved in a given time, by the use of these improvements, which would otherwise be destroyed. We do not doubt, however, that the use of these improvements has been of considerable value to the city in the past. We believe, also, that it would look like going back to the times of the sickle and wooden plow, to abandon them in the future. We hope this will not have to be done. But your committee can not agree as to the amount which should be paid to the petitioners for the past and future use of said patents, and prefer to leave that question with the Council to decide. So far as we can inform ourselves, we believe the patents are all right; but in case of purchase by the city, they be required to give an indemnifying bond to the approval of the Mayor, to save the city harmless against loss should any other person successfully establish claims to or right in said inventions and patents, or either of them,

Respectfully submitted,

Isaac Thalman,
P. C. Trusler,
Fred. J. Mack,
Committee on Fire Department.

Councilman Spahr moved that the sum of \$10,000 be allowed the petitioners for the past and future use of the apparatus, provided that a proper indemnifying bond be filed, saving the city harmless from any loss.

Councilman Thalman moved as a substitute, \$5,000 be allowed.

Councilman Spahr moved as a substitute for the whole matter, that \$8,000 be allowed.

On motion by Councilman Rees, the matter was referred back to the Committee, to confer with the petitioners, and ascertain the lowest terms that can be obtained, and report at the next session.

Later in the session, the above action was reconsidered, and on motion by Councilman Edenharter, the Committee was instructed to report at this session.

Later in the session, Councilman Thalman, in behalf of the Committee, submitted the following report:

To the Mayor and City Council:

Gentlemen:—Your Fire Committee, to whom was referred the matter of Walker et al. patents, to ascertain their lowest figure as a compromise, would report that on consulting with the owners of said patent, they propose to compromise for the sum of eight thousand dollars, which we submit for your consideration.

Respectfully,

Isaac Thalman,
Fred. J. Mack.

Councilman Spahr moved that the report be received, and that \$8,000 be allowed.

Councilman Thalman moved as a substitute, that \$5,000 be allowed.

Which was adopted, by the following vote:

AYES, 9—viz. Councilmen Benjamin, Curry, Gallahue, Mack, McClelland, Pearson, Reinecke, Reynolds, and Thalman.

NAYS, 9—viz. Councilmen Coy, Edenharter, Haugh, Newcomb, Rees, Sheppard, Smither, Spahr, and Wharton.

There being a tie vote, and the name of His Honor, the Mayor, being called, and voting in the affirmative, the motion was declared adopted.

Councilman Trusler, in behalf of a certain Special Committee on Boundaries, submitted the following report; which was concurred in:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Special Committee, appointed to investigate and report what changes should be made in the corporation lines, have given the matter careful investigation, and recommend that if any change be made, it be as follows:

Beginning at the southwest corner of Rural and Brinkman streets, thence south along the west line of Rural street to the north line of Clifford avenue; thence west along the north line of Clifford avenue to the east line of the United States Arsenal grounds; thence south along said Arsenal grounds to the south line of Michigan street; thence east along the south line of Michigan street to the west line of Randolph street; thence south along the west line of Randolph street to the north line of the National Road; thence west along the north line of the National Road to the west line of Reid street; thence south along the west line of Reid street to the north line of Colgrove street; thence west along the north line of Colgrove street to the east line of Shelby street; thence south on the east line of Shelby street to the north line of Raymond street; thence west along the north line of Raymond street to the east line of Garfield Park; thence south along the east line of said Park; thence west along the south line, and north along the west line of said Park to the north line of Raymond street; thence west along the north line of Raymond street to the east line of Madison avenue; thence north along the east line of Madison avenue to the south line of right-of-way of the Belt Railway; thence west along the south line of said right-of-way to the east bank of White River; thence northwesterly along said east bank to the north line of Maryland street; thence west along the north line of Maryland street to the east line of Belmont street; thence north along the east line of Belmont street to the south line of Vermont street; thence east along the south line of Vermont street to the west bank of White River; thence southwestwardly along the west bank of said River to a point opposite the mouth of the Mill Race; thence in a northerly direction along the west bank of said Mill Race to the east bank of Fall Creek; thence in a northerly direction along the east bank of Fall Creek to the south line of Brett street; thence east along the south line of Brett street to the first street running north, and to the north line of Lot number eight, Brett & Braden's addition; thence due east to the east bank of the Canal; thence north along the east bank of said Canal to the east line of the Michigan Road; thence north along the east line of said Michigan Road to the C, I., St. L. & C. Railroad; thence southeast to the south line of the Work House grounds; thence east to the first alley west of Mississippi street; thence north along said alley to the south line of Twelfth street; thence east to Mississippi street; thence north to the south bank of Fall Creek; thence east along the south bank of Fall Creek to the mouth of the State Ditch; thence along the south line of the State Ditch to Meridian street; thence south along the west line of Meridian street to the south line of Eleventh street (shown on the present City Map as Twelfth street); thence along the south line of said Eleventh street to the east line of Central avenue; thence north along the east line of Central avenue to the south line of Bruce street; thence east along the south line of Bruce street to the west

line of Martindale avenue; thence south along the west line of Martindale avenue to Eleventh, or Anderson street; thence east along the south line of Eleventh, or Anderson street, to the east line of Harrison avenue; thence north along the east line of Harrison avenue to the south line of Brinkman street; thence east along the south line of said Brinkman street to Rural street, the place of beginning

And further recommend that the City Attorney and City Civil Engineer be instructed to prepare and submit the proper resolutions, plats and petitions to cause the proper annexations and dis-annexations to be made, so as to fix the boundaries of the city as above set out.

Respectfully submitted,

P. C. Trusler,
P. M. Gallahue,
Wm. Curry,
Committee.

Councilman Haugh moved to reconsider the action of the Common Council at its last meeting, in relation to putting in a brick sewer leading from the City Hall building through Wabash street, connecting with the Pennsylvania street sewer.

Which motion was adopted, action reconsidered, and the Common Council adhered to the former action in ordering the pipe sewer.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read, and the motion concurrently adopted:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in session held in the Aldermanic Chamber, Monday evening, November 28th, 1885, adopted the following motion:

“That C. Belmont be granted a special license for his Anatomical Museum, at the rate of twenty-five dollars per month, such license to be issued in the same manner as other like licenses are issued.”

I submit the same for your consideration.

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

Ap. O. 57, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.—[Amount appropriated, \$594.16.]

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, 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. 58, 1885—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, \$1,448.64.]

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

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

Ap. O. 59, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$37,816.42.]

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, 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. 60, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$271.21.]

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

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

Ap. O. 61, 1885—An ordinance appropriating the sum of Five Thousand (\$5,000) Dollars, on account of the Street Repair Department of the City of Indianapolis.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

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 Coy, which was referred to the Committee on Railroads:

G. O. 44, 1885—An ordinance requiring the Belt Railroad and Stock Yards Company to maintain a Flagman at the crossing of its tracks and west Washington street.

By Councilman Curry:

S. O. 122, 1885—An ordinance to provide for grading and paving with brick, the south sidewalk of McCarty street, from Tennessee street to Ann street.

S. O. 123, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of Missouri street, from Merrill street to McCarty street.

By Councilman Gallahue, accompanied with petition:

S. O. 124, 1885—An ordinance to provide for grading, bowldering and curbing the gutters of Elm street, and widening the sidewalks thereof, from Pine street to Dillon street.

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

Gentlemen:—The undersigned, owners of real estate fronting on Elm street, between Pine and Dillon streets, respectfully petition for the passage of an ordinance providing for bowldering the gutters to the width of seven feet, also, curbing the same, making the sidewalk twelve feet wide, leaving two feet for lawn.

Lot Poundstone, 40 feet; John R. Bellis, 40 feet; George W. Seibert, 80 feet

I, as Street Commissioner, would say that I know of no better way to help keep the water from becoming stagnant and unhealthy in said gutter, than bowldering the same. Scraping said gutter I consider useless.

C. S. RONEY, Street Commissioner."

By Councilman McClelland:

S. O. 125, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of John street, from Massachusetts avenue to Hanna street, and repealing S. O. No. 99, of 1885.

By Councilman Pearson:

S. O. 126, 1885—An ordinance to provide for grading and graveling the first alley, south of Second street, from Illinois street to Superior street.

By Councilman Rees:

G. O. 45, 1885—An ordinance granting Catharine Dickson the privilege to erect a frame building on the south side of Ohio street, between Mississippi and Missouri streets.

On motion by Councilman Rees, the rules were suspended for the purpose of placing the above ordinance on its final passage, by the following vote:

AYES, 17—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

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

AYES, 18—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

By Councilman Reynolds:

G. O. 46, 1885—An ordinance requiring the I, B & W., and C., C., C. & I. Railroad Company to maintain a Flagman at the crossing of Newman street.

By Councilman Sheppard:

S. O. 127, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of Minerva street, from New York street to North street.

By Councilman Spahr:

S. O. 128, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Bellefontaine avenue, between Lincoln avenue and Seventh street.

By consent, Councilman Spahr presented the following petition; which was referred to the Judiciary Committee, with instructions to report at this session:

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

Gentlemen:—Your petitioner, Alice Echols, would respectfully petition your Honor and your honorable bodies for the satisfaction of a lien for street improvements on Lot number six (6), in Fiscus's subdivision of Block twenty-one (21), in Johnson's heirs' addition to the City of Indianapolis, Ind., upon the payment by me into the city treasury of the sum of ten (10) per cent. of said lien. Your petitioner would further show that said lien is of long standing—has not benefited said lot, and can not be enforced by the city in the courts, and as the same is now, is a cloud upon her title to said lot, and of no benefit to the city.

ALICE ECHOLS.

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

We, the Judiciary Committee, recommend that the prayer of the above petitioner be granted.

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

By consent, Councilman Spahr presented the following petition; which was received, and the time extended as prayed for:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We would most respectfully petition your honorable bodies for an extension of time, 90 days, for placing the City Hall building under roof. We have made every effort to get the building under roof in the time given, December 1st, 1885, but failed.

Respectfully submitted,

SALISBURY & STANLEY, Contractors.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Curry offered the following motion; and action was postponed, on motion by Councilman Thalman, until April, 1886:

That the City Civil Engineer be, and is hereby, directed to advertise for bids for straightening, walling with stone, and arching Pogue's Run, from Merrill street to the River, at the foot of McCarty street, as contemplated by a former report of the Committee on Sewers and Drainage and City Civil Engineer.

Councilman Doyle, by Councilman Sheppard, offered the following motion; which was adopted:

That the Thomas Loan and Trust Company be, and are hereby, permitted to gravel the driveway across the sidewalk on State street; said driveway to enter their property in the rear of 840 west Washington street. Said work to be done at their own expense, and according to the direction of the City Civil Engineer.

Councilman McClelland offered the following motion; which was adopted:

That the Committee on Contracts be, and are hereby, requested *not to report* awarding the contract for paving with brick the sidewalks of John street, from Massachusetts avenue to Hanna street, for the reason that a mistake was made in the width of said sidewalks.

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

That the Street Commissioner be instructed to lay stone crossing on North street, crossing Indiana avenue on the north side of North street.

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

That the Vapor Light Company be instructed to remove the Vapor light on the north side of Third street, between the Canal and West street, and place the same on First street, between California and West streets.

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

That the Committees on Printing be, and they are hereby, authorized to make a contract for preparing an Index for the Proceedings of the Council and Board of Aldermen for the year 1885.

That D. A. Richardson be granted permission to use the alley between New York and Michigan streets while tearing down and re-building at said point.

Councilman Pearson offered the following motion, which was adopted; and the City Clerk and City Attorney added to act with the Committee :

That the Committee on Ordinances be instructed to examine into the ordinance fixing the fire limits of the city, and present an ordinance to this body better protecting the interests of the city.

Councilman Curry called up the following entitled ordinance; which was read the second time, ordered engrossed, and read the third time:

S. O. 121, 1885—An ordinance to provide for grading and graveling the first alley south of McCarty street, from Illinois street to Maple street.

And it was passed by the following vote :

AYES, 17—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, and Wharton.

NAYS—None.

Councilman McClelland moved that the Common Council do now adjourn.

Which failed of adoption, by the following vote :

AYES, 4—viz. Councilmen Benjamin, Gallahue, McClelland, and Thalman.

NAYS, 13—viz. Councilmen Coy, Curry, Edenharter, Haugh, Mack, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, and Wharton.

Councilman Reynolds moved that the action of the Council at this session be reconsidered, in regard to the electrical apparatus to be used in the Fire Department, which was adopted.

It being now nearly eleven o'clock, Councilman Spahr moved that the time be extended.

Which failed of adoption, by the following vote :

AYES, 13—viz. Councilmen Coy, Curry, Edenharter, Haugh, Mack, Newcomb, Pearson, Rees, Reynolds, Sheppard, Smither, Spahr, and Wharton.

NAYS, 5—viz. Councilmen Benjamin, Gallahue, McClelland, Reinecke, and Thalman.

Councilman Spahr^r moved that \$8,000 be allowed for the apparatus.

Councilman McClelland moved that the above motion be laid on the table.

Which failed of adoption, by the following vote :

AYES, 7—viz. Councilmen Benjamin, Curry, Gallahue, McClelland, Pearson, Reinecke, and Thalman.

NAYS, 11—viz. Councilmen Coy, Edenharter, Haugh, Mack, Newcomb, Rees' Reynolds, Sheppard, Smither, Spahr, and Wharton.

Councilman Benjamin moved to amend Councilman Spahr's motion so as to make an allowance of \$6,000.

Which failed of adoption, by the following vote:

AYES, 7—viz. Councilmen Benjamin, Curry, Gallahue, McClelland, Pearson, Reinecke, and Thalman.

NAYS, 11—viz. Councilmen Coy, Edenharter, Haugh, Mack, Newcomb, Rees, Reynolds, Sheppard, Smither, Spahr, and Wharton.

Councilman Benjamin moved that the Common Council do now adjourn.

Which failed of adoption, by the following vote:

AYES, 7—viz. Councilmen Benjamin, Curry, Gallahue, McClelland, Pearson, Reinecke, and Thalman.

NAYS, 11—viz. Councilmen Coy, Edenharter, Haugh, Mack, Newcomb, Rees, Reynolds, Sheppard, Smither, Spahr, and Wharton.

Councilman Benjamin moved to refer the whole matter to the Special Fire Committee and City Attorney; which was adopted, by the following vote:

AYES, 9—viz. Councilmen Benjamin, Curry, Gallahue, Mack, McClelland, Pearson, Reinecke, Smither, and Thalman.

NAYS, 9—viz. Councilmen Coy, Edenharter, Haugh, Newcomb, Rees, Reynolds, Sheppard, Spahr, and Wharton.

There being a tie vote, and the name of His Honor, the Mayor, being called, and he voting in the affirmative, the motion was declared adopted.

It being now eleven o'clock, by virtue of Rule 62, the Common Council was declared adjourned.

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

Attest: GEO. T. BREUNIG, City Clerk.