

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—AUGUST 27, 1888.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, August 27th, A. D. 1888, at eight o'clock, in regular session.

**PRESENT**—Hon. Granville S. Wright, President of the Board of Aldermen, in the Chair, and Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, and Tousey—9.

**ABSENT**, 1—viz: Alderman Clark.

The Proceedings of the Board of Aldermen for the regular session held August 13th, 1888, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

## MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

To the President and Members of the Board of Aldermen:

*Gentlemen*:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council, at its regular session held August 20th, 1888.

For the Common Council:

JNO. W. BOWLUS, City Clerk.

The report from the Committee on Contracts (see pages 522, 533, 534, 535 and 536, *ante*), were read, and the favorable action of the Common Council thereon concurred in, except the three following clauses:

For grading and graveling Miami street and sidewalks, from Hanna street to Preston street.

For grading and graveling Archer street and sidewalks, from Michigan street to Miami street.

For grading and graveling Highland street and sidewalks, from Miami street to Ohio street.

Which were referred to the Committee on Streets and Alleys and City Attorney.

The following contracts and bonds (see pages 553 and 554, *ante*), were read and concurrently approved:

Contract and bond of Henry Clay, for grading and graveling Second street and sidewalks, from West street to the Canal. Bond, \$1,000; surety, Edward Harris.

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Contract and bond of Henry Clay, for grading and graveling Eighth street and sidewalks, from Meridian street to Illinois street.

Bond, \$400 00; surety, Edward Harris.

Contract and bond of Wm. F. Gansberg, for grading and graveling Oscar street and sidewalks, from Shelby street to its eastern terminus.

Bond, \$1,200; surety, Fred. Gansberg.

Contract and bond of James E. Twiname & Co., for constructing a brick sewer in and along the first alley west of the intersection of St. Clair street and Massachusetts avenue and Broadway street, from Massachusetts avenue to the north line of Cherry street. Bond, \$6,000; sureties, J. L. Fisher and A. L. Fulmer.

Contract and bond of Robert Kennington, for grading and graveling Arizona street and sidewalks, from Meridian street to the Canal bank.

Bond, \$2,000; surety, J. L. Fisher.

Contract and bond of Robert Kennington, for curbing with stone the east sidewalk of New Jersey street, from North street to St. Clair street.

Bond, \$600.00; surety, H. C. Roney.

Contract and bond of Geo. W. Seibert & Co., for grading and graveling the first alley south of Bates street, from Dillon street to Leota street.

Bond, \$600.00; surety, Hiram Seibert.

Contract and bond of Geo. W. Seibert & Co., for grading and graveling Hendricks street and sidewalks, from Nebraska street to Lincoln Lane.

Contract and bond of Geo. W. Buchanan, for grading and paving with brick, the sidewalks of Park Front street, from Newman street to Brookside avenue.

Bond, \$500.00; surety, J. W. Hudson.

Contract and bond of Joseph Bernauer, for grading and paving with brick, the south sidewalk of Woodlawn avenue, from Linden street to Reid street.

Bond, \$600.00; surety, Wm. M. Graham.

Contract and bond of Joseph Bernauer, for grading and paving with brick, the sidewalks of Wisconsin street, from Meridian street to the Canal bank.

Bond, \$600.00; surety, Wm. M. Graham.

Contract and bond of Joseph Bernauer, for grading and paving with brick, the sidewalks of Olive street, from Orange street to Willow street.

Bond, \$400.00; surety, Wm. M. Graham.

Contract and bond of Cooper & Haywood, for bowldering and curbing the gutters of St. Clair street, from Massachusetts avenue to Meridian street.

Bond, \$6,000; surety, J. L. Spaulding.

Contract and bond of J. L. Fisher, for grading and graveling the first alley south of Pratt street, from Alabama street to the first alley west of Delaware street.

Bond, \$500.00; surety, J. L. Spaulding.

Contract and bond of Fred. M. Snyder, for grading and paving with brick, the east sidewalk of Davidson street, from North street to Peru avenue.

Bond, \$300 00; surety, L. A. Fulmer.

Contract and bond of James W. Hudson, for grading and paving with brick, the south sidewalk of Brookside avenue, from Newman street to the first alley southwest of Park Front street. Bond, \$300 00; surety, H. C. Roney.

The following contracts and bonds were read, and referred to the Committee on Streets and Alleys and City Attorney:

Contract and bond of Geo. W. Seibert & Co., for grading and graveling Miami street and sidewalks, from Hanna street to Preston street.

Bond, \$6,000; surety, Hiram Seibert

Contract and bond of Geo. W. Seibert & Co., for grading and graveling Highland street and sidewalks, from Miami street to Ohio street.

Bond, \$1,500; surety, Hiram Seibert.

Contract and bond of Cooper & Haywood, for grading and graveling Archer street and sidewalks, from Miami street to Michigan street.

Bond, \$5,000; surety, A. L. Fulmer and J. L. Spaulding.

The following motion (see page 539, *ante*), was read, and concurrently adopted:

That the Legislature Committee, as referred to in the message of His Honor, the Mayor, consist of the President of the Council, City Attorney, and five members of this body, to be appointed by the Chairman, and the Board of Aldermen be requested to appoint a committee to act with the above committee, and the balance of the report be received, and printed in the Council Proceedings.

The following resolution (see page 539, *ante*), was read:

*Resolved*, That the occupants of the property adjacent to the streets of this city, are permitted for the period of one year herefrom, to erect and maintain, under the direction and subject to the approval of the City Civil Engineer, metal arches, standard lights, and other proper devices for the display of natural gas.

And it was concurrently adopted, by the following vote:

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The report from His Honor, the Mayor, showing the amount of fines and fees collected during the month of July, 1888, (see page 540, *ante*), was read and received.

The report of the City Civil Engineer, accompanied with estimate, (see pages 540 and 541, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The following estimate resolution (see page 541, *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 Fulmer & Seibert, for grading and bowldering the first alley east of New Jersey street, from South street to Virginia avenue, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 541, *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 George W. Seibert & Co., for grading and graveling West street and sidewalks, from Morris street to Kansas 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see pages 541 and 542 *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 Joseph L. Fisher, for grading and paving with brick, the east sidewalk of School street, from South street to Huron 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 542, *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 R. P. Dunning, for grading and graveling Yandes street and sidewalks, from Eighth street to the Belt Railway, 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 542, *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. Fisher, for grading and graveling Sheldon street and sidewalks, from Hill avenue to Ninth, or Bolton 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 542, *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 Haywood & Co., for grading and graveling Kennington street and sidewalks, from Yeiser street to the first alley north of Yeiser 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 543, *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 George W. Buchanan, for grading, bowldering and curbing the gutters of Lockerbie street, from Liberty street to Noble 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 543, *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 Wm. F. Gansberg, for grading, bowldering and curbing the gutters of Yeiser street, and paving with brick the sidewalks thereof, from East street to Madison avenue, be; and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following report of the City Clerk (see page 543, *ante*), was read, and the bond concurrently approved :

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—J. A. Dynes & Co. have filed in this office their bond for the faithful performance of their contract with the city to do all legal advertising for said city, and the same has been approved by the Mayor; and I submit said bond for your consideration.

Respectfully submitted,

JOHN W. BOWLUS, City Clerk.

The report of the City Civil Engineer, in relation to natural gas companies complying with ordinance (see pages 544 and 545, *ante*), was read, and the action of the Common Council thereon, concurred in.

The communication from the Chief Fire Engineer, requesting a leave of absence (see page 546, *ante*), was read, and the favorable action of the Common Council thereon, concurred in.

The report of the Board of Public Improvements, recommending the laying of stone crossings (see page 546, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report from the Committee on Public Property, in relation to the improvement of Garfield Park, (see pages 546 and 547, *ante*), was read.

Alderman Laut moved that the report be referred to the Committee on Public Property.

Which motion failed of adoption, by the following vote :

AYES, 3—viz: Aldermen Laut, Reynolds, and Taylor.

NAYS, 6—viz: Aldermen Connett, Rail, Reinecke, Smith, Tousey, and President Wright.

The following resolution (see page 547, *ante*), was read, and referred to the Committee on Public Property :

*Resolved*, That the Committees on Public Property and the Common Council and Board of Aldermen, be authorized and directed to employ a gang of laborers and teams to proceed with grading and graveling Valley Drive, from the north entrance to the bridge, and thence along said Drive to a point near the pavilion, where it connects with Eglantine Drive; that Eglantine Drive be improved to its intersection with Myrtle Drive; that Myrtle Drive be improved until it intersects with Forest Drive, and that Forest Drive be improved until it intersects with Valley Drive.

The following resolution (see page 547, *ante*), was read :

*Resolved*, That the Committees on Public Property of the Common Council and Board of Aldermen, be authorized and directed forthwith to put in repair the residence in Garfield Park, at an expense not exceeding two hundred dollars, and to purchase, as soon as possible, the triangular lot of ground enclosed in the Park, on the west side, adjoining the railroad, at a sum not exceeding one hundred dollars.

On motion by Alderman Connett, the first clause of the foregoing resolution was non concurred in, and the second clause thereof was concurrently adopted, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following resolution (see page 547, *ante*), was read :

*Resolved*, That the Committees on Public Property and the Common Council and Board of Aldermen, be authorized and directed to advertise for plans and specifications, and sealed proposals for bids for the construction of both wooden and iron bridges, with stone abutments, over Pleasant Run, to be located near the railroad, in Garfield Park.

And it was concurrently adopted by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following motion (see page 547, *ante*), was read, and referred to the Committee on Public Property :

That the resolutions be concurred in, and that all money so expended be charged up to the fund agreed upon to be expended in improving said Park, namely, in total ten thousand dollars.

The following motion (see page 548, *ante*), was read, and concurrently adopted :

That the Committee on Markets be, and is hereby, authorized to advertise for the piping of Tomlinson Hall and Markets for the use of natural gas; and also advertise for the furnishing of gas for the heating of said buildings.

The report from the Committee on Railroads (see page 548, *ante*), was read, and the fourth and fifth clauses thereof concurrently adopted.

The following resolution (see page 548, *ante*), was read :

*Resolved*, That the Citizens' Street Railroad Company be, and is hereby, directed to extend its Washington street line north on State street to Michigan street; and that the City Clerk is hereby directed to notify said company of the passage of this resolution.

And it was concurrently adopted by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The report from the Committee on Water (see page 549, *ante*), was read, and the resolutions referred to therein, were concurrently adopted, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The communication from His Honor, the Mayor, in relation to the purchase of additional lots in Greenlawn Cemetery (see page 552, *ante*), was read, and the action of the Common Council thereon, concurred in.

The following motions (see page 553, *ante*), were read, and concurrently adopted :

That the City Civil Engineer be, and is hereby, instructed to re-advertise S. O. No. 107, of 1887.

That the Street Commissioner be, and is hereby, instructed to notify the I., D. & W. Railroad Company to place the sidewalk on the north side of Washington street in as good condition as it was when they tore it up to change their tracks.

The following resolution (see page 555, *ante*), was read :

WHEREAS, It has been openly charged by individuals on the streets, and insinuated by articles in some of our public prints, that moneyed and other undue

influences have been used with members of this body in connection with its recent action in letting the contract for the lighting of the city; therefore, be it

*Resolved*, That we demand that an immediate investigation be made as to such charges aforesaid, and that a committee of two be appointed by the Chair, and one by the Board of Aldermen, who shall conduct such investigation. All meetings of such committee shall be public, and any and all reputable citizens who have any information bearing upon the subject in consideration, shall be admitted to testify, under oath, as also shall members of this body testify under oath; and said committee is hereby empowered to incur any necessary expense desired to make such investigation full and complete.

And it was concurrently adopted by the following vote :

AYES, 8—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Tousey, and President Wright.

NAYS, 1—viz: Alderman Taylor.

The following motions (see pages 557, 559, 560 and 561, *ante*), were read and concurrently adopted :

That C. G. Weiss be, and is hereby, granted permission to curb the sidewalk and bowlder the gutter in front of his property on the corner of Columbia avenue and Hill avenue. Work to be done at his own expense, and under the direction of the City Civil Engineer, who is directed to set the grade stakes.

That the Street Commissioner be, and is hereby, directed to notify the Indianapolis Water Company to repair the bursted water pipe on West street, between McCauley street and Ray street.

That His Honor, the Mayor, be directed to issue a proclamation requesting the manufacturers and business men of the city to as far as possible close their places of business on the 3d day of September, in order that their employes may have an opportunity of properly observing Labor Day.

That the City Civil Engineer be instructed to notify the telephone company to take down a post that is in a dangerous condition on the corner of Coburn street and Madison avenue.

That A. G. Taylor be permitted to lay a bowlder crossing over the sidewalk opposite his property on the north side of Massachusetts avenue, between Bellefontaine and Peru streets, subject to the direction of the City Civil Engineer, and at his own expense.

That the Street Commissioner be directed to make all necessary repairs of the water closets under Tomlinson Hall, and to connect the same with the Ohio street sewer, if in his judgment he deems it necessary.

That the City Attorney notify at once the Indianapolis Natural Gas Company and the Consumers' Gas Trust Company to place Alabama street in as good condition as before trenches were dug.

That the City Attorney notify the Consumers's Gas Company to at once fill the ditches on Michigan street (between Meridian and Alabama streets), and Fort Wayne avenue (from Pennsylvania to Alabama streets), and alleys in this vicinity, or to place wood crossings on the sidewalks.

That Benj. F. Fisher be, and is hereby, granted permission to grade, bowlder and curb the gutters of Noble street, and widen the sidewalks to a width of thirteen feet, in front of his property, between Huron street and the first alley north of Huron street, at his own expense, under the direction of the City Civil Engineer.



That the Citizens' Street Railroad Company be directed to put their track on Meridian and Circle streets in good condition, so that wheels of vehicles will not be wrenched off.

That Adam Hanbrich be allowed to put down a stone crossing across Delaware street, from Tomlinson Hall to his place of business. Said work to be done at his own expense; and that the City Civil Engineer is hereby directed to set the grade stakes.

The following message was read and received :

To the President and Members of the Board of Aldermen :

*Gentlemen:*—I herewith submit the following ordinances for your consideration, favorably passed upon by the Common Council at a regular session, held August 20th, 1888.

For the Common Council:

Jno. W. BOWLUS, City Clerk.

The following entitled ordinances (passed by the Common Council) were severally read the first time :

Ap. O. 51, 1888—An ordinance appropriating the sum of Ten Thousand Dollars on account of the Street Repairs Department of the City of Indianapolis.

On motion of Alderman Wright, the Rules were suspended for the purpose of placing the foregoing entitled ordinance on its final passage, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

Ap. O. 51, 1888, was then read the second and third times and passed, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

G. O. 40, 1888—An ordinance to provide for danger signals in the streets and alleys of the City of Indianapolis.

On motion by Alderman Connett, the Rules were suspended for the purpose of placing the foregoing entitled ordinance on its final passage, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

G. O. 40, 1888, was then read the second and third times and passed, by the following vote :

AYES, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

## REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Railroads, through Alderman Reynolds, submitted the following report:

To the President and Board of Aldermen:

*Gentlemen:*—Your Committee on Railroads, to whom was referred General Ordinance No. 26, 1888, known as the "McNeal Street Railway Ordinance," beg leave to submit the following report:

We have given the ordinance careful and thorough investigation and consideration, and have heard the statements of both the McNeal people and the residents and owners of property of several of the leading streets mentioned in the ordinance, such as Tennessee, Meridian, Delaware, Park avenue and other streets, protesting against the passage of this ordinance. We believe that this body should favor any measure that will bring capital to our city; but at the same time we do not believe that to accomplish this end we should invade and perhaps destroy the rights of any of our citizens without compensating them therefor.

We think the wishes of the owners and residents of streets along which it is contemplated to run this new street railway, should, in some measure, at least, be respected. It would be putting the streets to a new and different use than that which existed at the time these people purchased their properties. The very purpose of which, perhaps, they purchased them, would be reversed if this ordinance were permitted to pass without amendment.

There are other instances where this line would be a great detriment and lasting injury to some improvements now going up, which will bring fame and credit to our city. Among these we include the Indiana Soldiers' Monument, now in progress of erection. This will be a work of art of colossal proportions, and surpass anything of the kind that now exists, or is in prospect in this country.

To girdle Circle street with a street railway, would impair this from an artistic standpoint, and mar its beauty. We not only are against allowing this company to put a track on this street, but also favor any measure compelling any company that may have already placed a track on this street to take up the same. For these reasons we recommend the following amendments:

A.—By striking out all of paragraph 1, in Section 2.

B.—To strike out all of paragraph 2, of Section 2.

C.—To strike out all of paragraph 3, in Section 2.

C $\frac{1}{2}$ .—To strike out all of paragraph 4, in Section 2.

D.—To strike out all of paragraph 5, in Section 2.

E.—To re-number the paragraphs in Section 2 to accord with the above recommendations.

F.—Amend Section 4 so as to read as follows:

"SECTION 4. The motive power of said street railway shall be electrical only: *Provided, however,* That in no case shall any system of over-head wires, or any system requiring the use of poles on the streets, be adopted by or used in the operation of any street railway line herein granted. The cars shall be of the most modern and improved pattern; and each car and each train of cars shall be provided with a conductor, whose duty it shall be to look after the safety of passengers and pedestrians, to collect fares, and to announce all street crossings as they are approached."

G.—Amend Section 10 so as to read as follows:

"SECTION 10. The said McNeal and his associates, successors and assigns, shall signify his or their acceptance, in writing filed with the City Clerk, of this ordinance, within thirty (30) days from the passage thereof, and shall begin the construction of the lines of railway herein granted, within ten (10) days thereafter, and continue the work thereon until completed, as hereinafter provided: *Provided,* That any time lost by legal proceedings shall not be included in the period of ten (10) days last mentioned; and the said McNeal, his associates, successors and as-

signs, shall complete the lines of street railway specified in the first, fifth, sixth, seventh, eighth and ninth paragraphs of the second Section of this ordinance, and at least one-half of the length of the line specified in the sixth paragraph of said Section, in one (1) year after the acceptance of this ordinance as above provided. And all the lines of railway contemplated by this ordinance, shall be completed and in operation within two (2) years from the date of the acceptance of this ordinance, as above provided; and all lines or parts of lines above mentioned not so completed and in operation within said two years, shall be forfeited."

H.—Amend Section 11 so as to read as follows:

"SECTION 11. The Common Council and Board of Aldermen reserve the right to impose and collect a specific tax, over and above the regular *ad valorem* tax, not exceeding five per centum of the gross earnings or receipts derived from the operation of all of said lines of railway operated under the provisions of this ordinance: *Provided*, That such specific tax shall not be imposed or collected before the first day of June, eighteen hundred and ninety-three (1893); and *provided further*, That the Common Council and Board of Aldermen reserve the right to increase said per centum tax on gross receipts every five years thereafter."

I.—Amend Section 15 so as to read as follows:

"SECTION 15. Should said McNeal, his associates, successors and assigns, violate any of the provisions of this ordinance in the construction or operation of any of said railway lines, the Common Council and Board of Aldermen reserve the right to revoke and repeal this ordinance at any time."

Your Committee further report that there exists at present also, legal objections to granting the rights herein asked. Judge Taylor, of the Superior Court, recently decided that the city had no right to grant any charter to an electric railway. While this opinion stands unreversed, your Committee thinks this body should exercise no doubtful powers involved in this matter. In order to make it possible to operate under this charter, if Judge Taylor is right, it would be necessary to amend our Statutes. We trust, also, that some legislation may be enacted by which we may have what is termed "free territory."

In conclusion, we think that under the existing state of the law, we have no right to pass this ordinance, and would therefore recommend that the same be postponed until the Legislature has an opportunity to pass the proper amendments conferring the necessary power on the city, or until Judge Taylor's decision is reversed.

Respectfully submitted,

M. M. REYNOLDS,

J. H. TAYLOR,

Committee on Railroads.

Alderman Rail moved the report be referred back to the Committee.

Which motion failed of adoption, by the following vote:

AYES, 3—viz: Aldermen Rail, Reinecke, and Reynolds.

NAYS, 6—viz: Aldermen Connett, Laut, Smith, Taylor, Tousey, and President Wright.

Alderman Laut moved that the report of the Committee be adopted.

President Wright called for a division of the question.

The amendments, as recommended, were then adopted, by the following vote;

AYES, 6—viz: Aldermen Connett, Laut, Reynolds, Taylor, Tousey, and President Wright.

NAYS, 3—viz: Aldermen Rail, Reinecke, and Smith.

President Wright moved as an amendment, that paragraphs six, seven and eight, of the ordinance, be stricken out.

Which motion failed of adoption, by the following vote :

AYES, 4—viz: Aldermen Connett, Laut, Tousey, and President Wright.

NAYS, 5—viz: Aldermen Rail, Reinecke, Reynolds, Smith, and Taylor.

The report of the Committee was then adopted, by the following vote :

AYES, 5—viz: Aldermen Connett, Laut, Reynolds, Tousey, and President Wright.

NAYS, 4—viz: Aldermen Rail, Reinecke, Smith, and Tousey.

The Committee on Water, through Alderman Connett, submitted the following report ; which was concurred in :

To the President and Members of the Board of Aldermen :

*Gentlemen:*—Your Committee on Water would recommend that the action of the Council ordering the Indianapolis Water Company to lay mains in and along Olive street, from Orange to Willow streets, be concurred in.

Respectfully submitted,

M. F. Connett,  
J. H. Taylor,  
W. H. Laut,  
Committee on Water.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Laut presented the following communication ; which was read and received :

*Indianapolis*, August 27th, 1888.

To the Board of Aldermen of the City of Indianapolis :

*Gentlemen:*—Your honorable body is hereby respectfully invited to attend the 21st Anniversary of the German General Protest Orphan Association, to be held on Sunday, September 9th, at the Orphans' Home, in the southeast part of the city.

Yours very respectfully,

THE COMMITTEE.

Alderman Reinecke offered the following motion ; which was adopted :

WHEREAS, The City Council and Board of Aldermen have passed a motion instructing the Street Commissioner to notify all owners of vacant lots in the City of Indianapolis to cut down the weeds on said lots, if not done the Street Commissioner to cut down said weeds, and the cost to be collected from said owner or owners ; therefore, be it

*Moved*, That the City Street Commissioner set a good example to the owners of vacant lots in the City of Indianapolis, by cutting down the weeds in the streets and gutters in the city at the expense of the city.

Alderman Tousey presented the following petition ; which was granted :

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—The undersigned respectfully petition that they may, at their own expense, pave with brick the sidewalk in front of their respective property on the west side of Pennsylvania street, between Exposition avenue and the first alley south of said avenue. And they further petition that said sidewalk be laid under

the direction of the City Civil Engineer, and that he be now authorized to lay the proper grade stakes therefor.

Elizabeth Talbott, A. R. Coburn, by E. L. Mick, agent;  
Edward L. Mick.

President Wright offered the following motion ; which was adopted :

That Jno. F. Holt and D. G. Wiley be granted permission to bowlder the gutter on the south side of east Vermont street, between East and Liberty streets, in front of their own premises, at their own expense, and under the direction of the City Civil Engineer, who is hereby directed to set the necessary grade stakes.

On motion by Alderman Rail, Alderman Smith was selected as the Aldermanic member of the committee to investigate the charges made by the Indianapolis News in the matter of the letting of the Public Light contract.

On motion, the Board of Aldermen then adjournd, at 11 o'clock, P. M.

W. F. Wright , President.

Attest: W. L. Looney , Clerk.