

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MARCH 3, 1890.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 3d, A. D. 1890, at 7:30 o'clock, in regular session.

PRESENT—Hon. Thomas L. Sullivan, Mayor, and *ex officio* President of the Common Council, in the Chair, and 25 members, viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Marphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

ABSENT—none.

The Proceedings of the Common Council for the regular session held February 17th, 1890, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

REPORTS, ETC., FROM THE MAYOR.

The Mayor presented a communication from John Coburn, in reference to the condition of Garfield Park, which was referred to the Committee on Public Property, with power to act.

The Mayor appointed Councilmen Rassman, McGill and Dunn, to act on the Committee authorized by resolution adopted by the Common Council (see page 149, *ante*), at its last regular session, February 17, 1890.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor, Common Council and Board of Aldermen:

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

Contract and bond of Roney & Dunning, for grading and graveling Yandes street and sidewalks, from the Belt Railroad to Bruce street.

Bond, \$3,000; surety, Robert Kennington.

Contract and bond of Henry Clay, for grading and graveling the first alley east of Broadway street, from Lincoln avenue to Seventh street.

Bond, \$500 00; surety, Edward Roberts.

Contract and bond of Robert Kennington, for grading and graveling Fourteenth street and sidewalks, from Central avenue to Meridian street.

Bond, \$2,500; surety, L. A. Fulmer.

Contract and bond of James E. Twiname & Co., for grading and graveling the first alley south of Downey street, from East street to Madison avenue.

Bond, \$1,500; surety, L. A. Fulmer.

Contract and bond of James E. Twiname & Co., for grading and graveling the roadway of Barth avenue, and paving with brick the sidewalks thereof, from Orange street to Roll street. Bond, \$3,000; surety, L. A. Fulmer.

Contract and bond of Fulmer, Cooper & Co., for grading and graveling Ingram street and sidewalks, from Hill avenue to Valley Drive.

Bond, \$2,000; surety, Hiram Seibert.

Contract and bond of Fulmer, Cooper & Co., for grading, bowldering and curbing the gutters of Bellefontaine avenue, from Home avenue to Eleventh street.

Bond, \$5,000; surety, Hiram Seibert.

Contract and bond of Fulmer, Cooper & Co., for grading and paving with brick the north sidewalk of Spann avenue, from Linden street to Reid street.

Bond, \$500.00; surety, Hiram Seibert.

Contract and bond of Fulmer, Cooper & Co., for grading and paving with brick the north sidewalk of Ninth street, from Bellefontaine avenue to Hillside avenue.

Bond, \$4,000; surety, Hiram Seibert.

Contract and bond of Fulmer, Cooper & Co., for grading and paving with brick the west sidewalk of Archer street, from the south line of John street to the north line of Clifford avenue. Bond, \$1,000; surety, Hiram Seibert.

Contract and bond of The Western Paving and Supply Company, for improving the roadway of Pennsylvania street with asphalt, from Seventh street to Exposition avenue. Bond, \$5,000; sureties, A. H. Perkins, D. W. Hitchcock, V. W. Foster and S. H. Sherer.

Contract and bond of W. F. Gansberg, for grading and paving with brick the north sidewalk of Second street, from Tennessee street to the Canal.

Bond, \$700.00; surety, Fred. Gansberg.

Contract and bond of W. F. Gansberg, for grading and paving with brick the south sidewalk of St. Clair street, from Tennessee street to Mississippi street.

Bond, \$300.00; surety, Fred. Gansberg.

Contract and bond of W. F. Gansberg, for grading and paving with brick the sidewalks of Agnes street, from North street to Elizabeth street.

Bond, \$400.00; surety, Fred. Gansberg.

Contract and bond of W. F. Gansberg, for grading and paving with brick the west sidewalk of Delaware street, from Eighth street to Exposition avenue.

Bond, \$500.00; surety, Fred. Gansberg.

Contract and bond of W. F. Gansberg, for grading and paving with brick the sidewalks of Hoyt avenue, from Reid street to the first alley west of Reid street.

Bond, \$400.00; surety, Fred. Gansberg.

Contract and bond of W. F. Gansberg, for grading and paving with brick the south sidewalk of Court street, and curbing with stone the outer edges thereof, from Alabama street to East street. Bond, \$1,000; surety, Fred. Gansberg.

Contract and bond of August Bruner, for constructing a brick sewer two and one-half feet internal diameter, in and along St. Clair street, from the first alley west of Tennessee street to Illinois street. Bond, \$2,000; surety, Anderson Bruner.

Contract and bond of Clay & Litel, for grading and graveling Twentieth street and sidewalks, from Illinois street to Tennessee street.

Bond, \$900.00; surety, James Sims.

Respectfully submitted,

A. P. SHAWVER, City Civil Engineer.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith submit an itemized statement showing the amount of orders drawn upon the city treasury during the month of February, 1890, viz:

Board of Health.....	\$ 199 50
City Civil Engineer's Department.....	292 75
City Dispensary.....	446 79
City Hall.....	174 25
City Hospital and Branch.....	1,757 70
Cisterns.....	1,464 00
Elections—special.....	311 50
Fire Department—pay-rolls.....	5,642 00
Fire Department—accounts.....	1,063 85
Gas.....	4,321 14
Incidentals.....	81 60
Interest on bonds.....	88 01
Illinois street tunnel.....	62 00
Judgments and costs.....	81 00
Markets.....	140 85
Parks.....	174 00
Police.....	5,128 27
Printing.....	2,162 98
Public charity.....	50 00
Salary.....	475 33
Station House.....	267 02
Street Improvements.....	2,257 61
Street openings and vacations.....	156 00
Street repairs—pay-rolls.....	325 62
Street repair—accounts.....	348 86
Tomlinson Hall.....	165 50
Tomlinson Estate.....	4 00

Total..... \$ 27,642 13

Respectfully submitted,

E. B. SWIFT, City Clerk.

The City Clerk submitted the following report:

Indianapolis, March 3, 1890.

To the Mayor, Common Council and Board of Aldermen:

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

Fulmer & Seibert vs. J. H. Ruddle heirs, for.....	\$ 46 00
Fulmer & Seibert vs. D. P. Barnes, for.....	30 47
Geo. W. Seibert & Co. vs. J. W. Hilton, for.....	56 64
Geo. W. Seibert & Co. vs. J. S. Bryant, for.....	124 50
Geo. W. Buchanan vs. Mary L. Sowders, for.....	15 16
James W. Hudson vs. Daniel Burton, for.....	100 20
James W. Hudson vs. B. S. Barksdale, for.....	28 00
James W. Hudson vs. Lucy Williams, for.....	40 40
James W. Hudson vs. Harriet A. E. Magruder, for.....	18 00

Respectfully submitted,

E. B. SWIFT, City Clerk.

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

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Dunn, Gasper, Gaus, Hicklin, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Stechhan, Sweetland, Trusler, Weber, Woollen, and Yontz.

NAYS, 1—viz: Councilmen Davis.

The City Clerk submitted the following report; which was read, and the bonds approved:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I submit herewith, for your approval, the bonds for the East and West Market Masters elect, showing the amount of bonds with sureties:

John P. Schiltges, bond, \$3,000.00; sureties, F. C. Gossart, John Fromholt and R. W. Feldkamp.

Thomas Kearney, bond, \$3,000.00; sureties, Thomas O. Stout and P. H. McNelis.
E. B. SWIFT, City Clerk.

The Chief Fire Engineer submitted the following report and recommendations:

Indianapolis, March 3, 1890.

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

Gentlemen:—I would respectfully report that I have appointed John N. Winters and William D. Gano to membership in the Fire Department to fill vacancies now existing, and ask your approval of the same.

Respectfully, FRANK L. DOUGHERTY, Chief Fire Engineer.

On motion by Councilman Yontz, the name of J. N. Winters was stricken from the report by the following vote:

AYES, 15—viz: Councilmen Austin, Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassman, Sherer, Weber, Woollen, and Yontz.

NAYS, 10—viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

On motion by Councilman Coy, the report as amended was read, and the appointment of Wm. N. Gano confirmed.

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

Indianapolis, Ind., March 3, 1890.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I respectfully report the condition of the city treasury at the close of business February 28, 1890, to be as follows:

Balance on hand February 1, 1890.....	\$12,693 69
Miscellaneous collections during February.....	27,447 82
Collections on tax duplicate (estimated at).....	19,457 10
Total.....	\$59,598 61
Orders paid during February.....	\$26,796 75
Balance on hand March 1, 1890.....	32,801 86
	\$59,598 61

Respectfully submitted,

JOHN OSTERMAN, Treasurer.

The monthly reports of the Superintendents of the City Dispensary and City Hospital were received.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Olsen, submitted the following reports; which were adopted:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We recommend that the City Civil Engineer be directed to prepare plans and specifications to provide for constructing a stone wall on the west side of Pegues Run, from McCarty to McCaully street, and advertise for proposals for said work, to be submitted to the Common Council, at the time to be named in said advertisement.

Respectfully submitted,
 O. R. Olsen,
 W. M. Hicklin,
 M. J. Murphy,
 Board of Public Improvements.

That the Street Commissioner be, and he is hereby, directed to construct a catch-basin, and connect the same with the sewer on the corner of Ohio street and Arsenal avenue.

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom the above was referred recommend the work to be done.

Respectfully submitted,
 O. R. Olsen,
 M. J. Murphy,
 W. M. Hicklin,
 Board of Public Improvements.

By consent, Councilman Trusler offered the following motion; which was adopted:

That the Board of Public Improvements be authorized to repair damage done by late flood to bridge at Willow street.

Councilman Hicklin asked as a personal privilege, that he be allowed to introduce the following resolution; which was granted:

Resolved by the Common Council of the City of Indianapolis, That the President of this body shall forthwith appoint a committee of three who shall investigate:

1st. All newspaper charges or other reports of corruption, bribery or efforts at bribery, against whomsoever made, relating to the requisition of the Chief Engineer of the Fire Department, now pending before this Council, for the purchase of two thousand feet of Eureka cotton hose.

2d. That such committee shall also investigate the method of purchasing hose for the Fire Department, during the administration of the present Chief, embracing questions of price, quality, durability, terms of purchase, or whether or not the same is bought upon public bids, the disposition of old hose supplanted by new, and such other matters as properly pertained to the subject of this inquiry.

That said committee shall make as prompt report of their findings to this body as shall be consistent with a full, fair and exhaustive examination of the matters contemplated by this resolution.

W. M. Hicklin,
 O. R. Olsen.

Councilman Burns moved the previous question on the adoption of the resolution.

The question being "Shall the main question be now put?" and it was ordered by the following vote.

AYES, 15—viz: Councilmen Austin, Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassman, Sherer, Weber, Woollen, and Yontz.

NAYS, 10—viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

The resolution was then adopted, by the following vote:

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Stechhan, Sweetland, Weber, Woollen, and Yontz.

NAYS, 2—viz: Councilmen Myers, and Trusler.

The Committee on Fire Department, through Councilman Hicklin, submitted the following majority report:

To the Mayor and Common Council:

Gentlemen.—Your Committee on Fire Department, to whom was re-referred the matter of the application of the Chief Engineer of the Fire Department, for the purchase of two thousand feet of Eureka cotton hose, have had the same under consideration and would respectfully say that, since our last report, it has been discovered that there is now, and was at the time of the filing of the requisition by said Chief Engineer on the 31st day of January, 1890, over one thousand feet of unboxed and unused hose at the headquarters of the Fire Department, and, therefore, your Committee now recommend, in view of the fact that there does not seem to be such immediate urgency for the purchase of hose as at first suggested, that the City Clerk be instructed to advertise for bids to supply the city with such an amount of hose as may be needed for present use.

Respectfully submitted,

W. M. Hicklin,
O. R. Olsen.

Councilman Cooper, of the same Committee, submitted the following minority report:

To His Honor, the Mayor, and Common Council:

Gentlemen.—Your Fire Committee, to whom was referred the request of the Chief Fire Engineer for permission to purchase two thousand feet of "Eureka Hose," at 90 cents per foot, would report that bids have been received from the Eureka Fire Hose Company at 90 cents per foot for Eureka hose, guaranteed for 48 months; Paragon hose, 80 cents per foot; Twelled Jacket hose, 70 cents per foot; Surprise Jacket hose, 70 cents per foot, guaranteed 36 months.

The New York Woven Hose Company bids on Monarch Cotton Fire Hose, 80 cents per foot, guaranteed 48 months; Reliance Cotton Fire Hose, 75 cents per foot, guaranteed 42 months.

Boston Belting Company, by Taylor & Smith, city, bids on Single Body Cotton Fire Hose, 75 cents per foot, guaranteed for 30 months.

Fabric Fire Hose Company bids on Keystone Cotton Fire Hose 80 cents per foot, guaranteed for 48 months.

The Gulta Percha and Rubber Manufacturing Company bids on Baker Fabric Cotton Fire Hose, 4-ply, 90 cents per foot, guaranteed for 48 months.

These bids have been opened "since" the report made by a majority of your Committee recommending the purchase of the Baker Fabric Hose, and your Committee has endeavored to obtain all the information possible on this matter. We find that the Eureka Fire Hose is regarded in all the largest cities of this country as the best hose made, as shown by their large purchases of said hose, and the amount in use. In this city experiments have been made with different kinds of hose, and Chief Dougherty, with the entire Fire Department, agree that the Eureka hose is the best now made. This hose has been in use in our Department between five and six

years, and is still in good condition. It is the only hose purchased by ex-Chief Webster during the last years of his administration.

We believe that the city should try no needless experiments, and that it is cheaper to purchase a first class article than to risk the bursting of cheap lines in times of emergency. We would therefore recommend that the required permission to purchase two thousand feet of Eureka hose be granted.

W. H. COOPER,
of the Fire Committee.

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

AYES, 15—viz: Councilmen Austin, Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassman, Sherer, Weber, Woollen, and Yontz.

NAYS, 10—viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

On motion by Councilman Woollen, the majority report was then adopted, by the following vote :

AYES, 15—viz: Councilmen Austin, Burns, Coy, Gauss, Hicklin, Markey, Murphy, McGill, Nolan, Olsen, Rassman, Sherer, Weber, Woollen, and Yontz.

NAYS, 10—viz: Councilmen Cooper, Davis, Dunn, Gasper, Martindale, Myers, Pearson, Stechhan, Sweetland, and Trusler.

The Committee on Judiciary, through Councilman McGill, submitted the following report; which was received :

To the Common Council and Board of Aldermen :

Gentlemen.—Your Committee to whom was referred the communication of Ex-Mayor Denny, in reference to the bond of Consumers' Gas Trust Co., would respectfully submit the following: The provisions of the ordinance relating to bonds required of gas companies are as follows, namely :

"SECTION 2. Before any corporation, firm, individual or company desiring to pipe the City of Indianapolis, for the supply of natural gas, shall do any work toward laying any mains or pipes in any street, avenue, lane, alley or public ground thereof, such corporation, individual, firm or company, as the case may be, shall execute a bond to the City of Indianapolis, Indiana, in the penal sum of \$50,000, to the acceptance and approval of the Mayor, in which one or more of the sureties shall reside in Marion County, Indiana, conditioned as follows :

"*First.* That the said corporation, firm, individual or company will not, in any manner, molest, damage or interfere with any of the gas or water pipes, or public or private sewers now laid or constructed, or which may hereafter be laid or constructed, in or along any of the streets, alleys, lanes, avenues or public grounds of said city.

"*Second.* That the said corporation, firm, individual or company will restore any and all streets, alleys, lanes, avenues or public grounds in which it or they may lay mains or pipes, or which it or they shall disturb or interfere with in laying pipes, or trenching or excavating for the purpose of laying mains or pipes, or in using any of the apparatus or machinery in connection therewith, to as good condition as they were before the laying and use of said mains or pipes, apparatus and machinery, and before said trenching and excavating were begun, and that it will maintain the same in such condition for one year after such mains or pipes are laid, or such trenches or excavations dug or made. And in all cases where said city shall have taken a bond or agreement from any contractor to keep and maintain the pavements of any street in good repair for a given time, the said corporation, individual, firm or company shall keep that portion of any such street from which it may remove the pavement for the purpose of laying its mains, pipes and

conduits, in good condition and repair for the same period of time stipulated in such bond or agreement between the city and the contractor.

"*Third.* That the said corporation, individual, firm or company will, without delay, clear all such streets and places of the dirt and rubbish caused by, or resulting from, the laying of said mains or pipes, or making such trenches or excavations.

"*Fourth.* That the said corporation, individual firm or company, will reimburse the said city for all sums it may expend in restoring any street or other public place, or any part thereof, to as good condition as the same was before the same was opened for the purpose of laying the mains or pipes therein, and for all sums expended in clearing any of such streets or places from the dirt or rubbish caused by, or resulting from, the laying of said mains or pipes where the said corporation, individual, firm or company failed to restore the streets or other places, or remove such dirt or rubbish, as provided by this ordinance.

"*Fifth.* That it will indemnify and save harmless the city from and against any and all claims, demands, actions, suits, judgments or liabilities of every kind that the said city may be subjected to, or incur in consequence of, or growing out of the opening of said streets or other places, or the laying of the said mains or pipes therein, or of permitting or having such gas within the city, or in such mains or pipes, or in said streets or other places, or the doing of the work incident to this grant, or the manner of doing the same, or in consequence of injuries or damage to persons or property by such gas, or by reason of any explosion of such gas, or in consequence of or growing out of the failure of said company to restore the said streets and other places to as good condition as they were before being opened by it, or in consequence of or growing out of any negligence of the agents or servants of said corporation, individual firm or company. It being the intention of the city and any and all corporations, companies, firms and individuals accepting the provisions of this ordinance that said corporations, companies, firms and individuals shall be and become primarily liable as between them and said city, in all such cases."

The ordinance requires that this bond shall be executed, filed and approved before any work is done in the way of occupying the streets for pipe lines, and furnishing gas to consumers. The sole purpose of the bond is to protect the city from any claim of damages that may result from putting in pipe lines and operating the plant.

So far as liability on this bond is concerned, it can make no difference whether the Trust Company acquired its property by purchasing pipe and other materials and laying them in the streets, or by purchasing from some other company or party, or by construction in part and purchase in part.

When the company acquires the property — no matter how — it assumes the responsibility for its proper construction and management. If the first step taken by the Company, after executing the bond, had been the purchase of the Broad Ripple Company's property, the conditions and penalties of the bond would have attached to that property, as they have in our judgment to its subsequent purchase by the Trust Company.

When the bond was executed, the Trust Company had not occupied the streets by its pipe line, but was only proposing to do so. The Company now occupies the streets and alleys by lines partly constructed by itself, and in part purchased of the Broad Ripple Company. It might have acquired its entire property by purchase, or it might have constructed its entire lines, and in either case would be amenable to the conditions of its bond.

We are of the opinion that a new bond will not be necessary to protect the interest of the city.

Robt. C. McGill,
Jno. A. Weber,
David A. Myers.
Committee on Judiciary.

The Committee on Public Light, through Councilman Gauss, submitted the following reports; which were received:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Public Light, to whom was referred the several petitions for electric lights, beg leave to report as follows:

After having visited the several districts, we find them all lighted as well as the average part of the city, and under the last contract made by and between the gas, electric light company and the city, on the 28th day of July, 1888, that one hundred electric lights be placed in the business part of the city at sixty dollars per light per annum, this one hundred electric lights being exhausted, all additional electric lights to cost eighty-one dollars, all gas lights fifteen dollars per light, all light contracts to expire on the 31st day of December next, any electric lights over the one hundred, can not be put up without paying for gas and electric light unless we find a place where we can re-mantle after dis-mantling. We therefore believe that nowhere in the city where there is gas mains, and where we can not dis-mantle and re-mantle, should we consider electric lights, after the city having to pay for gas and electric light, unless at dangerous railroad crossings in such parts of the city where no gas mains exist, until all light contracts expire. Then we hope a contract can be made that will be more satisfactory to the city.

Respectfully submitted,

Chas. A. Gauss,
W. M. Hicklin,
Otto Stechhan,
Committee on Public Light.

To the Mayor and Common Council:

Gentlemen.—Your Committee on Public Light, to whom was referred the general plan showing the territory intended to be supplied with electricity by the "Indianapolis Brush Electric Light and Power Company" through an underground system of wires, conduits, conductors, etc., have had the same under consideration, and would respectfully report for adoption the accompanying ordinance, and that when such ordinance shall have been passed, that the general plan of said Company, as submitted, be approved.

Very respectfully,

Chas. A. Gauss,
W. M. Hicklin,
Otto Stechhan,
Committee on Public Light.

The Committee on Railroads, through Councilman Yontz, submitted the following report; which was ordered filed with the ordinance:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Railroads, to whom was referred General Ordinance No. 12, 1890, providing for an amendment to Section one (1) of General Ordinance No. 60, 1889—being the Electric Street Railway Ordinance—report that we have considered the same, and recommend that Section one (1) of said General Ordinance No. 12, 1890, be amended as follows:

1st. Amend said Section one (1) by inserting after the word "sidewalk," in line 27, the following words: "and inside of the curb line."

2d. By inserting after the word "telephone," in line 32 of said Section one (1), the following words: "telegraph and electric light."

3d. Add to said Section one (1) of General Ordinance No. 12, 1890, the following words: "That the said Citizens' Street Railroad Company shall, within thirty days from the passage of this ordinance, accept the same, in writing, duly filed in the office of the City Clerk."

When said ordinance shall have been so amended, we recommend that the same be passed.

Respectfully submitted,

M. D. Yontz,
J. L. Gasper,
William Wesley Woollen,
Committee on Railroads.

The Committee on Railroads, through Councilman Yontz, submitted the following report; which was received:

To the Mayor and Common Council:

Gentlemen:—We, your Committee to whom was referred G. O. No. 10, 1890, having examined the ground over which the proposed switch is to run, would recommend that the same be passed.

M. D. Yontz,
William Wesley Woollen.

Councilman Woollen, of the Committee on Railroads, submitted the following majority report:

To the Mayor and Common Council:

Gentlemen:—The undersigned, a majority of your Committee on Railroads, to whom was referred the communications of ex-Mayor Denny, concerning the construction of a viaduct on the first alley east of Meridian street, in said city, by the Union Railway Company, beg leave to report that we have carefully considered said matter, having met with representatives of said company and heard their views, and also having examined all the papers relating to said subject on file in the office of the City Clerk. After such conferences and examination, we find—

That the contract between the city and the company is embodied in General Ordinance No. 36, of 1886, which was ordained June 15th of that year. Its provisions were not only accepted by said company, but we are informed that the framing of said ordinance was largely the work of its officials. By this contract the city agreed to and did vacate 210 feet of Meridian street, and was to condemn 20 feet of ground along the east side of the 30-foot alley heretofore named, to make the necessary room for the viaduct, which it did years ago. By the provisions of said contract, the city was to prepare the plans for the viaduct, which it did, and we are informed that these plans were approved by the Engineer of the company more than three years ago. Indeed, everything the city agreed to do in the premises, was promptly done. We here quote Section 2 of the ordinance referred to:

“Leave is hereby granted to the Indianapolis Union Railway Company to build and for the consideration aforesaid, it is hereby required to build, a foot-bridge extending north and south over the portion of Meridian street described in the preceding Section. Also to build a viaduct over the Union Railway tracks fifty feet in width, including a sidewalk on each side of the roadway of said viaduct, between Meridian and Pennsylvania streets, on the line of the alley running north and south between Georgia and South streets, upon a right-of-way that shall be procured at the expense of said Indianapolis Union Railway Company by the city, by the exercise of its eminent domain power, before said new Union Passenger Depot shall be put in use as a railway station.”

Section 4 of said ordinance contains this provision:

“Said Indianapolis Union Railway Company, by the acceptance of this ordinance, hereby agrees to pay any and all such expenses, damages and costs incident to the procuring of such right-of-way and the construction of said viaduct and foot-bridge.”

Soon after the passage of this ordinance, the Union Railway Company laid several additional tracks over Meridian street, thus getting full benefit of the 210 feet, which by the ordinance was only to insure to her when the viaduct and foot-bridge shall have been constructed. By the terms of said ordinance, the company is not bound to close Meridian street, but it is obliged to build a foot-bridge over the network of tracks on Meridian street, a viaduct 200 feet east of that point, and to pay the property owners for the 20 foot strip of ground which the city condemned for its use. It is the opinion of the undersigned that it should be held to this contract; and it having received the benefits accruing to it, it should without further delay put the city into possession of the benefits that would accrue to her and her citizens by the fulfillment of its agreements.

In conclusion, it may be proper to say that in a communication to this Committee, said Union Railway Company made suggestions about the building of a viaduct over the railroad tracks at a point different from that named in the ordinance heretofore named. From a history of the past, your Committee is of the opinion that were the city to open up the question, there is no probability that the matter

would be determined during the life of the present Council. No contract could be made more binding than that already in existence; and yet now, nearly four years from its consummation, no foot-bridge or viaduct has been built, or even commenced.

Your Committee therefore recommend that the contract between the city and Union Railway Company be not disturbed, but enforced, and that the City Attorney be directed to proceed at once to its enforcement.

All of which is respectfully submitted.

William Wesley Woollen,
J. L. Gasper,
Majority of the Committee.

Indianapolis, March 3, 1890.

Councilman Yontz, of the same Committee, submitted the following minority report:

To the Mayor and Common Council:

Gentlemen:—The undersigned minority of the Committee on Railroads, to whom was referred the matter of ordering the immediate construction of a viaduct on the alley between Meridian and Pennsylvania streets, reports that the Railroad Committee, prior to the last regular meeting of the Council, met the representatives of the Indianapolis Union Railway Company and considered the entire question referred to it, and agreed unanimously to recommend that the contract between the city and the Indianapolis Union Railway Company, respecting the building of a viaduct on the alley mentioned, should be enforced. They were then informed, however, that at a meeting to be held on the 20th inst. the Railway Company would formulate and present a proposition looking to the construction of a viaduct at one of the street crossings east of the said proposed viaduct, the same to be erected in lieu of said alley viaduct. That proposition has been made and submitted, and is as follows:

Cincinnati, Feb. 21, 1890.

Messrs. M. D. Yontz, W. W. Woollen and Joseph Gasper, Committee of Council:

Gentlemen:—At a meeting of the Indianapolis Union Railway Board held yesterday, the viaduct matter was fully discussed, and while the board were unanimously of the opinion that they were ready and willing to construct the viaduct at Meridian street, provided Meridian street could be closed, they were not ready to order the work begun until the injunction cases pending against the closing of Meridian street were settled, as they would feel that they were throwing the money away to construct a costly viaduct without receiving a consideration which Council agreed to give them by the closing of Meridian street. They are favorable, however, to the construction of this proposed viaduct at some other street, say Delaware street, Pennsylvania street or Virginia avenue, provided it can be done at a reasonable outlay, and that the City Council would agree to accept such viaduct in lieu of the Meridian street viaduct, and would release the railroad company from all claims the city may have against them on account of the viaduct and the Illinois street matter, and the Union Depot Company will leave Meridian street open as it now is, the city to abandon all proceedings in the right of way matters in the Meridian street viaduct. If the city is willing to consider a change of location of this viaduct, I would be glad to proceed at once to have estimates and plans made for the work, so that we can settle the question of cost at an early day.

Yours truly, J. RAMSEY, JR., Ass't to President.

The object of building a viaduct is to furnish a safe and convenient crossing for the public. The immediate necessity for a viaduct over the Virginia avenue crossing is immeasurably greater than over any other crossing in the city. It is the main thoroughfare between the portions of the city north and south of the railway tracks.

Furthermore, I am of the opinion that taking into consideration pending litigation on account of the proposed closing of Meridian street, that a viaduct over Virginia avenue can be more speedily constructed than over the alley east of Meridian street, and

Therefore, I recommend that the city do, in pursuance of the foregoing, consider a proposition from the Indianapolis Union Railway Company with a view to locating a viaduct on Virginia avenue in lieu of the proposed viaduct on the fifty foot space between Meridian and Pennsylvania streets. And to that end we hereby request that said railway company submit plans and specifications, together with a proposition, setting forth the extent of the liability they are willing to assume in the proposed change, on or before April 7th, 1890.

If the said railway company comply with the foregoing request, it shall be with the distinct understanding that the city be exempted from all liability growing out of the proposed closing of Meridian street and the widening of the alley first east thereof.

Respectfully submitted, M. D. YONTZ.

Councilman Markey moved that the minority report be laid on the table.

Which was adopted by the following vote:

AYES, 13—viz: Councilmen Cooper, Dunn, Gasper, Markey, Martindale, Murphy, Pearson, Rassman, Sherer, Stechhan, Sweetland, Trusler, and Woollen.

NAYS, 12—viz: Councilmen Austin, Burns, Coy, Davis, Guass, Hicklin, Myers, McGill, Nolan, Olsen, Weber, and Yontz.

On motion by Councilman Woollen, the majority report was then adopted.

The Committee on Rules, through Councilman Markey, submitted the following report; which was read, and action deferred in compliance with Rule 62, of the Rules and Regulations:

Resolved by the Common Council, That Rule 20 of the Rules and Regulations for the government of the Common Council, as appears in the printed body of Rules and Regulations governing the Common Council and Board of Aldermen of the City of Indianapolis, published in 1884, and subsequently and successively adopted, be amended to read as follows:

“**RULE No. 20**—No one, not a member of the Council, shall be permitted to address the same: *Provided*, however, that any city officer may, when called upon, make a report.”

By consent, Councilmen Stechhan and Yontz were excused for the remainder of the session.

The Committee on Sewers and Drainage, through Councilman Murphy, submitted the following report; which was read and received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Committee on Sewers and Drainage, to whom the following Special Ordinances were referred, would report:

1st. Is Special Ordinance No. 6, 1890, an ordinance to provide for a brick sewer on Bright street, between North and New York streets.

Recommend said ordinance be passed.

2d. Is Special Ordinance No. 13, 1890, an ordinance to provide for a sewer on Mississippi street, from Ohio street to Market street.

Recommend said ordinance be passed.

3d. Is Special Ordinance No. 35, 1890, an ordinance to provide a brick sewer on Pennsylvania street, from Massachusetts avenue to Pratt street.

Recommend said ordinance be passed.

4th. Is Special Ordinance No. 37, 1890, an ordinance to provide for a sewer on East street, Downey street, Kennington street and Yeiser street, from Morris street to Madison avenue. Recommend said ordinance be passed.

5th. Is Special Ordinance No. 43, 1890, an ordinance for a brick sewer on Virginia avenue, from South street to Shelby street.

We recommend that the City Civil Engineer be instructed to take the levels and report at the next meeting of the Council, if it is practicable to construct a sewer as proposed by the provisions of said ordinance.

All of the above ordinances we herewith return to the files.

Respectfully submitted,

M. J. Murphy,
David A. Myers,
R. J. Nolan,

Committee on Sewers and Drainage.

The Committee on Streets and Alleys, through Councilman Rassman, submitted the following report, accompanied with resolution :

To the Mayor and Common Council :

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred sundry matters, report thereon as follows :

First. We recommend that the prayer of Elizabeth Talbott and Frederick W. Chislet, asking for the vacation of ten (10) feet off from each side of Huston street, from Talbott avenue to the first alley east of Talbott avenue, be not granted. We see no profit that would result to the city by such proposed vacation. The petitioners should couple with their petition a proposition to widen Eighth street through to Talbott avenue in lieu of the narrowing of Huston street, thus the city would obtain a fair compensation for the vacation petitioned for.

Second. We recommend that the petition of C. L. Pray and others, asking that the City Commissioners be instructed to file with the County Recorder an amended and corrected plat indicating the ground vacated between the south line of Eleventh street and the north line of Seaton's subdivision of block 25 in Johnson's Heirs' addition to the City of Indianapolis, be granted, and that in accordance therewith the accompanying resolution be adopted.

Respectfully submitted,

Emil C. Rassmann,
Robt. Martindale,
Chas. A. Gauss,

Committee on Streets and Alleys.

Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the petition of C. L. Pray and others asking that the City Commissioners be directed and authorized to file with the Recorder of Marion County an amended and corrected plat, showing the ground heretofore vacated between the south line of Eleventh street and the north line of Seaton's subdivision of block 25 in Johnson's Heirs' addition to the City of Indianapolis, as provided for in proceedings of the City Commissioners under direction of the Common Council of October 17, 1885, looking to the reducing of Eleventh street to a uniform width of seventy (70) feet, be granted.

Resolved further, That said Commissioners shall cause said plat duly approved by them, and a certified copy of this resolution, to be recorded in the office of the Recorder of Marion County, Indiana, all at the expense of said petitioners.

Resolved further, That as to the city the title to all ground lying south of the south line of said Eleventh street, as thus reduced to the width of seventy (70) feet, and lying north of the north line of Seaton's subdivision of block 25 in Johnson's heirs' addition to the City of Indianapolis, be quited in the owners of adjacent property.

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

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Martindale, Murphy, Myers, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

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

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Rental Committee submit herewith a report of rents collected during the month of February, 1890:

TOMLINSON HALL.

J. McGettigan, reception.....	\$ 30 00
John Schley, convention.....	30 00
J. T. Layman, convention.....	30 00
S. L. Douglas, for Co. "D".....	16 90
Iron Hall, Bch. 762, entertainment.....	30 00
Sylvester Johnson, convention.....	40 00
Gray Club, ball.....	50 00
School Board, Commencement exercises.....	30 00
Y. M. C. A. entertainment.....	30 00

TOMLINSON ESTATE.

B. S. Atkinson, No. 117 north Illinois street.....	20 00
Alice Robinson, No. 113 north Illinois street.....	20 00
Mrs. Hannan Overman, No. 115, north Illinois street.....	25 00

\$361 90

Repairs, No. 117 north Illinois street, \$5 00.

Repairs, No. 113, north Illinois street, \$5 00.

Respectfully submitted,

**E. B. SWIFT,
WM L TAYLOR,
ISAAC THALMAN,
Rental Committee.**

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Mayor and Members of the Common Council:

Gentlemen:—The Board of Aldermen in regular session held in the Aldermanic Chamber Monday evening February 24th, 1890, adopted the following motion and received the following communication:

That the Clerk be, and he is, hereby, instructed to place the proceedings of the Common Council, of each meeting, on the desks of the members of this body, for information.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I submit herewith a general plan showing the territory intended to be supplied with electricity by the undersigned, in the City of Indianapolis; and have marked said plan and filed the same as exhibit "A." I also submit herewith a plan showing the manner of the construction of under-ground conduits for conducting the same, and have marked the said plans as exhibit "B," with specifications attached, and I respectfully submit the same for your approval.

THE INDIANAPOLIS BRUSH ELECTRIC LIGHT & POWER COMPANY,

J. CAVEN, President.

Approved: **A. P. SHAWVER, City Civil Engineer.**

SPECIFICATIONS,

For the conduits and conductors to be used by "The Indianapolis Brush Electric Light & Power Company," for the under-ground transmission of the electric current, for electric lighting and for other purposes, in the City of Indianapolis.

CONDUITS.

The conduits for the protection of the conductors, are to be constructed of lumber, the several parts being proportioned and secured substantially as shown in the accompanying drawing. Or they may consist of iron tubes lined with concrete, or of tubes of indurated fibre vitrified clay or glass, with the cables drawn through and laid in conformity with Ordinance No. 44, 1888.

CONDUCTORS.

The main line conductors are to be cables containing 133 No. 13 copper wires, more or less, the wires being protected by a substantial water-proof insulation.

Branch cables are to be of ample size to transmit the required quantity of current without any dangerous increase of temperature.

INSULATION.

In addition to the insulation provided in the manufacture of the cables, they are also to be insulated from the conduit boxes by bearings of baked wood saturated with paraffine wax. These bearings are to be placed from three to five feet apart, the distance being so close as to prevent the cables from touching the conduit boxes either at the bottom or sides. After the cables are thus secured in a central position, the conduit boxes are to be filled with melted pitch, which will exclude moisture and air, and will form a complete insulation of the cables.

CONSTRUCTION OUTSIDE UNDER-GROUND LIMITS.

In that portion of the city not included within North, South, East and West streets, the conducting wires will be of copper, protected by high insulation, and shall be strung on poles of proper height and size, and such poles shall be either of live white cedar or iron, and shall be located in alleys when practicable. All work to be of the best modern and approved construction, and erected under the direction of the City Civil Engineer in accordance with General Ordinance No. 44, 1888.

I submit the same for your consideration.

For the Board of Aldermen:

S. V. PERROTT, Clerk.

Which message was received, and the motion referred to the Finance Committee, and the communication referred to the Committee on Public Light.

The following message was read:

To the Mayor and Members of the Common Council:

Gentlemen:—The Board of Aldermen in regular session held in the Aldermanic Chamber Monday evening, February 24th, 1890, *non* concurred in the action of your honorable body in adopting the following motion:

That the report of the Commission be received and the findings adopted; and that the City Clerk be directed to start his books for the current year in accordance therewith.

I submit the same for your consideration.

For the Board of Aldermen:

S. V. PERROTT, Clerk.

On motion, the Common Council adhered to its former action.

On motion by Councilman Pearson, Councilman Wollen was appointed as a committee to confer with a committee appointed by the Board of Aldermen to adjust the foregoing matter.

Councilman Hicklin moved, that when this body adjourns, that it adjourn to meet next Monday evening.

Which was adopted.

By consent, Councilman Gasper presented a petition of Frank H. Blackledge, Attorney, praying for the refunding of money paid for erroneous tax collections; which was referred to the Committee on Judiciary.

It now being near eleven o'clock, on motion by Councilman Markey, Rule 61 was suspended, by the following vote:

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

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:

Councilman Woollen, on behalf of the Hospital Board, introduced the following entitled appropriation ordinance:

Ap. O. 12, 1890—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, \$1,741.49.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote:

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

Councilman Hicklin, on behalf of the Fire Department, introduced the following entitled ordinance:

Ap. O. 13, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$1,066.86.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote:

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

Councilman Weber, on behalf of the Committee on Accounts and Claims, introduced the following entitled ordinance:

Ap. O. 14, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$17,518.73.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote:

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

The City Clerk, on behalf of the Board of Police Commissioners, introduced the following entitled ordinance :

Ap. O. 15, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$274.43.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

Councilman Woollen, on behalf of the Finance Committee, introduced the following entitled ordinance :

Ap. O. 16, 1890—An ordinance appropriating money for the payment of the salaries and compensation of the members of the Common Council and Board of Aldermen; of the County Auditor and the Treasurer for the City; of the City Officers and officers and members of the Fire and Police Departments; the Committee Clerk, the Janitor and Assistant Janitor of the City Hall, Tomlinson Hall Janitor, Tomlinson Hall Assistant Janitor, and Market Masters of the East and West Markets. [Amount appropriated, \$18,269.08.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 23—viz: Councilmen Austin, Burns, Cooper, Coy, Davis, Dunn, Gasper, Gauss, Hicklin, Markey, Martindale, Murphy, Myers, McGill, Nolan, Olsen, Pearson, Rassman, Sherer, Sweetland, Trusler, Weber, and Woollen.

NAYS—None.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Councilman Gauss. Read the first time :

G. O. 13, 1890—An ordinance to amend Section eight (8) of General Ordinance No. 44, 1888, entitled "An ordinance authorizing the construction and regulating the maintenance of incandescent and arc electric lighting and power plants in the City of Indianapolis;" ordained and established November 19, 1888.

On motion, the Common Council adjourned to meet Monday evening, March 10th, 1890.

J. L. Sullivan, Mayor,

President of the Common Council.

Attest: A. B. Swift, City Clerk.