

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—MAY 25, 1881.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, on Wednesday evening, May 25th, A. D. 1881, at eight o'clock, in regular session.

PRESENT—His Honor, President Layman, in the Chair, and Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rotison, and Seibert—8.

ABSENT—Aldermen Tucker, and Wood—2.

The Proceedings of the Board of Aldermen for the regular session held on May 18th, 1881, and the Proceedings of the Joint Conventions held respectively May 13th, 1881, and May 16th, 1881, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following special message was read :

To the President and Members of the Board of Aldermen :

Gentlemen :—The Common Council, in regular session, held in the Council Chamber, Monday evening, May 16th, 1881, adhered to its former action in passing G. O. 16, 1881—thereby non-concurring in your action amending said ordinance, making the various elective boards of the city to consist of five members each.

I submit the same for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

Alderman Hamilton moved that the Board of Aldermen adhere to their former action.

Which motion failed of adoption.

Alderman Drew moved that the Board of Aldermen recede from their former action.

Which motion failed of adoption.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held on Monday evening, May 23d, 1881, for your action upon the same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the Committee on Contracts was read, and the favorable action of the Common Council thereon (see page 66, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Committee on Contracts, to whom was referred certain proposals, presented to Council May 16th, 1881, have examined the same, and find them to be as follows, viz:

1st. For erecting lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes) on Yandes street, from Malott avenue to Seventh street.

No proposals were submitted for this improvement, and we recommend that no further action be taken at present.

2d. For building a 2,000-barrel cistern at, or near, the corner of Seventh and Howard streets.

Dunning & Hudson, 63 cents per barrel.

A. Bruner, 60 cents per barrel.

Fred Richter, 54 cents per barrel.

C. S. Roney, 52 cents per barrel.

John Stumph, 49 cents per barrel.

John Stumph being the lowest and best bidder, we recommend he be awarded the contract.

3d. For lettering the street corners with names of streets, by placing strips of frosted glass, lettered black, on four sides of the street lamps; and for tin signs on street corners where there are no lamps; and for remodeling old lamp frames to style of the Giroux Street Sign patent.

John W. Springstein, for lettering and placing frosted strips in corner lamps, at 10 cents each; also, for furnishing and placing tin strips on corners where there are no lamps, at 10 cents each; also, for remodeling the old lamps according to the Giroux patent, for one dollar and seventy-five cents each.

We recommend that John W. Springstien be awarded the contract for tin signs, also frosted glass signs; said work to be done according to plans and specifications, and in every way as good as sample signs furnished and now on file in Engineer's office. The said work to be completed within sixty days from this date.

Respectfully submitted,

Isaac Thalman,

E. H. Koller,

Committee on Contracts.

The following invitation (see page 67, *ante*) was read and accepted:

Indianapolis, May 17th, 1881.

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

Gentlemen:—We extend to you a cordial invitation to attend and participate in the parade and ceremonies of the decoration of soldiers' graves, May 30th, 1881, at 2 o'clock P. M.

A position will be assigned you in the parade by the Grand Marshal, and seats will be provided for you on the platform at the cemetery.

By order of the Executive Committee,

WM. LEE, Secretary.

M. G. McLAIN, Chairman.

The following communication (see page 67, *ante*) was read and referred to the City Attorney:

Indianapolis, May 21st, 1881.

To the Mayor and Common Council of the City of Indianapolis:

Gentlemen:—This company has been notified to pave the sidewalk on the north side of McNabb street, which has never been transferred to the city, and which we expect to occupy with a new depot building soon.

The paving ordered will occupy a part of this twenty feet, and will have to be torn up when we build. Under these circumstances, will you have the kindness to exempt us from the operation of the order to pave, and very much obliged.

Yours very respectfully, W. N. JACKSON, Secretary.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 67, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following estimates:

A first and final estimate in behalf of Michael Faust & Co., for grading and bowldering the south gutter, and curbing with stone and paving with brick the south sidewalk, of Ohio street, from Noble street to a point 222 feet east of Harvey street:

1,373 $\frac{1}{2}$ lineal feet curbing, at 42 $\frac{1}{2}$ cents.....	\$583 91
1,527 $\frac{9}{12}$ lineal feet bowldering, at 38 $\frac{1}{2}$ cents.....	588 07
1,290 $\frac{9}{12}$ lineal feet paving, at 32 $\frac{1}{2}$ cents.....	419 33

Total.....\$1,591 31

A first and final estimate in behalf of Henry Clay, for grading and graveling the first alley north of Prospect street, from Spruce street to Reid street:

1,637 $\frac{6}{12}$ lineal feet, at 27 cents.....	\$442 12
17 $\frac{1}{2}$ square yards extra excavation for drainage, at 25 cents.....	4 30

Total \$446 42

A first and final estimate in behalf of J. L. Spaulding, for grading and graveling the first alley east of Virginia avenue, from Grove street to Elk street:

1,444 lineal feet, at 21 cents.....	\$308 21
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A second, final and corrected estimate in behalf of A. Bruner, for building one 1,200-barrel cistern at, or near, the corner of Hill street and Union street:

1,333 barrels, at 48 cents.....	\$639 84
Less former estimate.....	492 87

Balance due..... \$146 97

A first and final estimate in behalf of John A. Whitsit (less 15 per cent reserve in city's portion), for constructing a brick sewer, two and one-half feet internal diameter, in and along Indiana avenue, from Tennessee street to, and connecting with, the Illinois street sewer:

780 $\frac{9}{12}$ lineal feet, at \$1.65.....	\$1,288 23
2 manholes, at \$35 each.....	70 00
2 catch-basins, at \$70 each.....	140 00
30 feet 18 inch pipe, at \$1.65.....	49 50
23 feet 12-inch pipe, at 85 cents.....	19 55

Total \$1,567 28

Less 15 per cent. reserved from city's portion..... 104 50

Estimate allowed..... \$1,462 78

Respectfully submitted,

R. M. PATTERSON, 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 Michael Faust & Co., for grading and bowldering the south gutter, and curbing with stone and paving with brick the south sidewalk of Ohio street, from Noble street to a point 222 feet east of Harvey 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Henry Olay, for grading and graveling the first alley north of Prospect street, from Spruce street to Reid 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. L. Spaulding, for grading and graveling the first alley east of Virginia avenue, from Grove street to Elk 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying second, corrected and final estimate in behalf of A. Bruner, for building one 1,200-barrel cistern at, or near, the corner of Hill street and Union street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city.

And it was adopted by the following vote:

AYES, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of John A. Whitsit (less 15 per cent. reserve of city's portion), for constructing a brick sewer, two and one-half feet internal diameter, in and along Indiana avenue, from Tennessee street to, and connecting with, the Illinois street sewer, 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

The following report from the City Clerk was read; and the action of the Common Council thereon, in approving the bond (see page 69, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report for your consideration the official bond of Samuel H. Shearer, as City Civil Engineer, elected by your honorable body in Joint Convention assembled, May 16th, 1881. Penalty of bond, \$2,000.00; giving as surety Ingram Fletcher. He has otherwise qualified by filing with me his certificate of election and oath of office, as required by law.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following clauses of the report from the Board of Public Improvements were read, and the favorable action of the Common Council thereon (see page 70, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Board of Public Improvements, to whom sundry papers were referred for further consideration, would report thereon as follows:

1st. Is a motion that the Street Commissioner be, and is hereby, directed to clean the gutters and fill the chuck-holes on Ray street, from Illinois street to Pogues Run.

Recommend the work be done.

3d. Is a motion that the Street Commissioner be directed to put down stone crossings at the crossing of Ohio street and Delaware street.

Recommend the work be done.

4th. Is a motion that the Street Commissioner is hereby directed to at once lay four stone crossings at the intersection of Delaware and Ohio streets.

Recommend the work be done.

5th. Is a motion that the Street Commissioner be directed to fill the chuck-holes and clean the gutters on Ohio street, between Pennsylvania street and Delaware street.

Recommend the work be done.

6th. Is a motion that the Street Commissioner be instructed to raise the stone crossing across Delaware street on the north side of Walnut street; the same being so low as to be of no use.

Recommend the work be done.

Respectfully submitted,

William H. Morrison,
John R. Cowie,

Board of Public Improvements.

The following report from the Board of Public Improvements was read, (see page 71, *ante*) and referred to the Committee on Streets and Alleys, and Sewers and Drainage:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We make the following report for your consideration and action thereon:

We recommend that the employes of the Street Repairs Department be allowed the following compensation per day:

Foremen of gravel, dirt and carpenter gangs.....	\$2 00
Teams.....	3 00
Carpenters.....	1 75
Laborers.....	1 35
Sewer boss.....	2 75
Sewer men.....	1 75
Bowlder boss.....	2 75
Bowlder men.....	\$1 75 and 2 00
Chain gang guards.....	1 75

We have directed the Street Commissioner to require all persons hauling for the city in said department to have wagons of the following size:

Gravel beds: 8 feet in length, 3 feet wide, and 12 inches deep.

Dirt beds: 9 feet in length, 3 feet wide, and 16 inches deep.

Respectfully submitted,

Wm. H. Morrison,
John R. Cowie,
Board of Public Improvements.

The following report from the Committee on Accounts and Claims was read; and the favorable action of the Common Council thereon (see page 72, *ante*) was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Accounts and Claims, to whom was referred the petition of J. H. Vajen, et al., relative to the payment of street assessment made against the property of the Home of Friendless, report that on examination we find that the city has always paid the assessments for street improvements for like benevolent institutions, and recommend that the city pay this assessment.

Respectfully submitted,

Edgar Brundage,
John Egger,
F. Hartmann,
Committee.

The following report from the Judiciary Committee was read; and the favorable action of the Common Council concurred in, as to the seventh clause (see page 72, *ante*), and the 1st, 2d, 3d, 4th, 5th and 6th clauses were then referred to the Committee on Judiciary, Ordinances and Rules:

Indianapolis, Ind., May 23d, 1881.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary Committee, together with the City Attorney, to whom was referred sundry papers, report thereon as follows:

1st. The first is a motion, showing that John Kistner, one of the bondsmen of A. Naltner, the garbage contractor, is dead, and that he be directed to file an additional bond, and that the estate of said Kistner, deceased, be relieved from liability thereon.

Your committee recommend that Mr. A. Naltner be required to file a new bond by the 20th day of June, 1881; said bond to be examined by the City Attorney; and when said bond has been so filed and accepted by the Common Council and Board of Aldermen, that the estate of John Kistner, deceased, be relieved from liability on the old bond.

2d. The second is the petition of F. McWhinney, by J. T. Lecklider, Attorney in fact, showing that on petition for refunding for void tax sale on Lot 9, Hanway & Hanna's Oak Hill addition on tax certificate No 7,995, the Council ordered the principal refunded, but refused to allow interest.

Under sections of tax law approved 1872, No. 227 and 228, the city is liable for six per cent. interest on void tax sales. Sections 217 and 218, of tax law of March 29, 1881, also provide for payment of interest on void tax sales. The principal already refunded to petitioner, amounts to \$67 32.

Your committee recommend that the petitioner be allowed six per cent. interest on amount paid the City Treasurer at said void tax sale.

3d. The third is the petition of Mrs. Eliza J. Newman, Mrs. S. E. Newcomer, Mrs. M. M. Todd, Wm S. Hubbard and L. G. Hay, special committee on behalf of Trustees and Managers of the "Home for Friendless Women," showing that this institution is the owner of Lots 4, 5 and 6, in Square 10, Tapp and Henderson's addition to the city. That said lots front upon Tennessee street, and have been assessed with \$186 30 for street improvement on Tennessee street; that said assessment has been paid by the Institution, and in doing so have left their treasury without money.

Petitioners further show that the "Home for Friendless Women" was organized solely for benevolent and charitable work, and for this reason petitioners ask that the sum of money paid for improving Tennessee street be paid to them by the city.

The facts stated in the petition would, under our State constitution and statute made pursuant thereto, relieve this institution from the payment of taxes. No tax can be levied upon church property in Indiana; but our Supreme Court held in the case of "The First Presbyterian Church of Fort Wayne vs The City of Fort Wayne," in 36 Indiana, page 338, that church property is liable for street assessment, and cite authorities from five States, establishing the proposition that an assessment is not a tax such as will entitle such property to exemption from street assessment, under our constitution and statutes.

As a Judiciary Committee, we are required by our sense of duty to report against granting the prayer of the petition. The "Home for Friendless Women" is engaged in a purely charitable and christian work, and is being sustained by contributions from the good people of our city. As members of the Council, we are willing to vote to put the sum asked for by petitioners, in our next general appropriation ordinance.

4th. The fourth is the petition of F. M. Finch, showing that in paying his city tax in April last, he overpaid \$24.07 on Lot 8, in Davidson's third addition, and that the Treasurer acknowledges the mistake, but desires an order of Council to pay back before he repays the money.

The City Treasurer informed your committee that the foregoing facts were true. We therefore recommend that the City Treasurer pay back to petitioner the excess so paid him by mistake.

5th. The fifth is the petition of Cornelius Kelley, John Galvin and Patrick Walsh, President, Secretary and Treasurer of an association whose name is not given in petition, but its objects and work are stated as follows: Persons becoming members of the association pay in some stated amount of money each week, and

members are privileged to borrow money from association for building purposes. The petitioners ask taxes of 1880, by them paid, be refunded, and that the association be exempted from taxation in future.

We recommend that prayer of petition be not granted.

6th. The sixth is the petition of Frances Bergman, supported by affidavit, showing that in his city statement of his personal property for taxation for year 1880, he is erroneously and by mistake charged with a "total value of credits above indebtedness," of \$5,500 00, when statement should have shown indebtedness \$5,800; credits, \$300.00. Taxes on the erroneous tax lists have not been paid. Petitioner asks that both the statement and tax duplicate be corrected, by striking therefrom said sum of \$5,500.00.

Your committee believe the facts stated in the petition are true, and therefore recommend that prayer of petition be granted.

7th. The seventh is the claim of Messrs. Claypool & Ketcham, for attorneys fees in the case of Kennedy vs. The City of Indianapolis, in the Supreme Court of the United States. By the terms of their contract with the city, they were to have \$1,000.00 and their expenses, as soon as the case was decided in the United States Supreme Court. The case has been decided by this court in favor of the city, and the full opinion of the court is in the hands of your committee.

There is new due from the city the firm of Claypool & Ketcham, their

fee.....	\$1,000 00
To expenses of printing briefs in said case.....	8 25
To expenses of Judge Claypool to and at Washington in case.....	55 00
To copy of opinion in case.....	3 00
Total.....	\$1,066 25

Your committee recommend that the claim be paid.

Respectfully submitted, James A. Pritchard,
James T. Dowling,
N. Yoke,
Judiciary Committee.

The following report from the Finance Committee was read; and the favorable action of the Common Council thereon (see page 74, *ante*) was concurred in, except as to the third clause, which, on motion by Alderman Mussmann, was not concurred in:

To the Mayor and Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Finance, to whom sundry papers, was referred would report thereon as follows:

1st. We have carefully examined the reports of the City Clerk and City Treasurer for the month of April, 1881, and find them correct, and recommend the same be approved.

2d. Would respectfully recommend that the sum of seven hundred dollars be paid for the purchase of that part of the Pendleton gravel road which remains inside the city limits, instead of one thousand dollars as recommended.

3d. Was a motion that the City Clerk be instructed to include in the appropriation ordinance the sum of \$1,200 for the purchase of the Three-Notch road, as per report of the committee. We would respectfully recommend that the sum of eight hundred dollars (\$800) be appropriated for the purchase of the above road; provided, no toll gate be erected between the corporate limits and the first present toll gate south of the corporate limits.

Respectfully submitted, John R. Pearson,
Isaac Thalman,
B. Ward,
E. H. Kollar,
F. Hartmann,
Finance Committee.

The following report from the Special Committee on dumping ground, was read; and the favorable action of the Common Council thereon (see page 75, *ante*) was concurred in:

Gentlemen.—Your special committee appointed to look after the dumping ground wharf, would report that we find the same in a very bad and dangerous condition. We have carefully inquired into the most feasible plan to improve the same, and would recommend the placing of two hundred (200) wagon loads of cinders, which will make not only a good wharf, but a durable one.

Very respectfully submitted,

C. T. Bedford,
John W. Fultz,
Special Committee.

The following motion was read (see page 84, *ante*) and referred to the Committee on Public Property:

That the City Attorney and Committee on Public Property be, and are hereby, directed to take at once the necessary legal steps to remove the person or persons now in possession of the Southern Park, and that the existing lease, if there be one, be canceled; also, that the City Attorney and Committee on Public Property be, and are hereby, directed to make a report in regard to the above at the next meeting of the Council.

The following motions (adopted by the Common Council—see pages 84, 85, 87 and 88) were read and concurrently adopted:

That the City Marshal give notice of an election for School Commissioners, on the second Saturday of June, in the following districts, viz:

District No. 5—At the school house No. 5, on Maryland street, between Mississippi and Missouri streets.

District No. 6—At school house No. 6, corner of Phipps and Union streets.

District No. 9—At school house No. 9, corner of Davidson and Vermont streets.

That the City Marshal be instructed to notify the Union Railway Company to replank the crossing on Virginia avenue, as the same is in a dangerous condition.

That the City Marshal be instructed to notify the officers of the P., C. & St. L. and C., H. & D. railways to repair and replank their crossing of the tracks of said railroads at their intersection with Noble street.

That the Water Committee be instructed to inquire into the cost of constructing free bathing houses, one for ladies and one for gentlemen, at some convenient point on the river, north of all pork houses; that said committee make necessary investigations, and report at the next meeting of this Council.

That the owners of the Arcade Clothing House, No. 12 West Washington street, be allowed to lay down a flag stone pavement in front of their property; said work to be done at their own expense and under the direction of the City Civil Engineer.

That the City Clerk be instructed to include in the next appropriation ordinance the sum of one hundred and fifty dollars (\$150), for the purpose of placing the cinders at the City Dumping Ground.

The following report from the Committee on Streets and Alleys was read; and the favorable action of the Common Council thereon (see page 74, *ante*) was concurred in:

Indianapolis, May 23d, 1881.

To the Common Council of the City of Indianapolis:

Gentlemen.—Your Committee on Streets and Alleys, to whom was referred the petition of H. N. Brown, D. C. Brown, Mary A. Staughton and Mary B. Logan, have carefully examined the request, and beg leave to offer the following resolution.

Respectfully submitted,

George Weaver,
Simeon Coy,
B. W. Cole,
Committee on Streets and Alleys.

The following resolution (adopted by the Common Council—see page 74, *ante*) was read:

Resolved, That the petition of H. M. Brown and others, for the vacation of the alley beginning at a point opposite the mouth of Bellefontaine avenue, and extending north and south, being the first alley west of Peru avenue, and extending from Peru avenue to Massachusetts avenue, in width fifteen feet, and the matters appertaining thereto, be referred to the City Commissioners, with instructions to assess benefits and damages to any person thereby benefitted or damaged. The said Commissioners are instructed to return as a part of their report all petitions and notices; and if any property owner immediately upon the line of said alley, who is directly interested therein, shall object to such vacation, to make such a part of their report; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, and Rorison.

NAYS, 2—viz. Aldermen Seibert, and President Layman.

The following entitled ordinances (passed by the Common Council—see pages 76, 77, 79 and 81, *ante*) were severally read the first time:

S. O. 57, 1881—An Ordinance to provide for improving Meridian street, from New York street to St. Clair street, by grading and graveling the roadway (with raked river gravel,) and paving with stone the gutters thereof.

S. O. 58, 1881—An Ordinance to provide for improving Meridian street, from St. Clair street to Seventh street, by grading and graveling the roadway (with raked river gravel) and paving with stone the gutters thereof.

G. O. 15, 1881—An Ordinance authorizing the Indianapolis, Decatur & Springfield Railway Company to construct and maintain a single and double track into and through the City of Indianapolis, and to adjust certain other tracks, and prescribing the terms thereof.

G. O. 21, 1881—An Ordinance granting Albert G. Porter the right and privilege of constructing and maintaining a railroad switch across Pennsylvania street, connecting his lot on Pennsylvania street, between South and Louisiana streets, with the track of the Jeffersonville, Madison & Indianapolis Railroad.

G. O. 22, 1881—An Ordinance fixing the amount of license to be paid by the "Sans Souci" theatre, situate No. 322 east Washington street, in the city of Indianapolis.

Alderman Hamilton moved that the rules be suspended for the purpose of placing S. O. 57 and 58, 1881, and G. O. 15, 21 and 22, 1881, on their final passage.

Which motion failed of adoption (not receiving the necessary two-thirds vote) by the following vote :

AYES, 6—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, and President Layman.

NAYS, 2—viz. Aldermen DeRuiter, and Seibert.

Alderman Seibert moved that the above vote to suspend the rules for the purpose of placing the foregoing ordinances on their final passage, be reconsidered.

Which motion was adopted, and the action of the Board of Aldermen reconsidered by the following vote :

AYES, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

Alderman Rorison moved to suspend the rules for the purpose of placing the above ordinances, S. O. 57 and 58, 1881, and G. O. 15, 21 and 22, 1881, on their final passage.

Which motion was adopted, and the rules suspended by the following vote :

AYES, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS—None.

Alderman Rorison offered the following motion; which was adopted :

That the ordinances S. O. 57 and 58, 1881, be referred to the Committee on Streets and Alleys, Sewers and Drainage, and the City Civil Engineer, to report the cost on each side per lineal foot, and also the cost to the city for the whole street, at the next regular meeting of the Board.

G. O. 15, 1881, was then read the second time.

Alderman Mussmann moved to refer the ordinance to the Committee on Railroads and Public Charities.

Which motion failed of adoption by the following vote :

AYES, 4—viz. Aldermen DeRuiter, Mussmann, Newman, and Seibert.

NAYS, 4—viz. Aldermen Drew, Hamilton, Rorison, and President Layman.

G. O. 15, 1881, was then read the third time, and passed by the following vote :

AYES, 5—viz. Aldermen Drew, Hamilton, Rorison, Seibert, and President Layman.

NAYS, 3—viz. Aldermen DeRuiter, Mussmann, and Newman.

Alderman Drew moved that a committee of three be appointed to consider the garbage contract.

Which motion was adopted, and Aldermen Drew, DeRuiter and Newman, with the City Attorney, were appointed to act as the members of said special committee.

G. O. 21, 1881, was read the second time, and referred to the Committee on Railroads.

The following entitled ordinance was read the second and third times:

G. O. 22, 1881—An Ordinance fixing the amount of license to be paid by the "Sans Souci" Theatre, situate at No. 322 east Washington street, in the city of Indianapolis.

And it was passed by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman and Rorison.

NAYS, 2—viz. Aldermen Seibert, and President Layman.

Alderman Hamilton offered the following resolution:

Resolved, That after the first day of June, 1881, the meetings of this Board shall be held on the second and fourth Mondays of each month.

And it failed of adoption by the following vote:

AYES, 4—viz. Aldermen Hamilton, Mussmann, Newman, and Rorison.

NAYS, 4—viz. Aldermen DeRuiter, Drew, Seibert, and President Layman.

On motion by Alderman Seibert, S. O. 8, 1881, was recalled from the Committees on Streets and Alleys, and Sewers and Drainage (referred to said committee May 18th, 1881—see page 64, *ante*) and referred back to the Common Council, with the request that the ordinance be stricken from the files, and a new ordinance introduced, providing for the improvement of said east Pearl street, between Benton and Cady streets.

Alderman Rorison presented the following remonstrance; which was referred to the Board of Public Improvements:

To the Honorable, the Mayor, the Board of Aldermen and

the Common Council of the City of Indianapolis:

Sirs:—The undersigned respectfully remonstrate against the passage of an ordinance now pending before you, providing for the paving and curbing of west Maryland street sidewalks, between West street and Helen street. They make this remonstrance their most earnest and honest protest against an unnecessary burden and imposition upon abutting owners. Not only do they show it to be unnecessary at this time, but, in their opinion, it will be an aggravated, useless incumbrance, and embarrassment to property already overburdened with the high and ruinous

taxation, city and county. A large proportion of the property is unimproved; part of it is owned by minor heirs, and they earnestly pray no such unnecessary burden be now added to those already existing. And they will ever pray.

T. A. Hendricks, Executor of Jane T. Hendricks, deceased, 160 feet; E. Wesbey, $52\frac{6}{12}$ feet; Furman Stout, about $52\frac{6}{12}$ feet; William Sowner, $52\frac{6}{12}$ feet; Conrad Monninger, $20\frac{3}{12}$ feet; Peter Rucker, $20\frac{1}{2}$ ft; Fletcher & Churchman, $40\frac{6}{12}$ feet; Edward King, 105 feet; Sarah Parrott, 28 feet on north side; C. H. Wilder, agent, 50 feet.

Alderman Drew called the attention of the members to the case of John F. Redmond vs. The City (see page 1124, *ante*, action thereon having been postponed), and moved that the Board of Aldermen recede from their former action.

Which motion failed of adoption by the following vote:

A YES, 4—viz. Aldermen DeRuiter, Drew, Newman, and Rorison.

NAYS, 4—viz. Aldermen Hamilton, Mussmann, Seibert, and President Layman.

A Committee of Conference was then appointed, consisting of Aldermen Seibert, Rorison, and Mussmann.

Alderman Seibert, as to the appointment of Conference Committees, raised the point of order, that they could not be appointed in his opinion, and read the following portion of section 5, of Senate bill number 18: "And upon all questions, except as herein provided, the action of the Common Council and Board of Aldermen shall be separate and distinct; and no ordinances, resolution or motion, providing for Joint Committees of the two bodies, shall be passed."

The Chair ruled that the point of order was not well taken, and that the section of law as read, did not, in his opinion, apply to the appointment of Conference Committees.

The report of the Conference Committee for the improvement of west Market street (see page 61, *ante*) was called up and concurred in, and the contract awarded as per report of the Committee on Contracts of April 4th, 1881.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.