

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 9, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 9th, A. D. 1882, at seven o'clock, in regular session.

PRESENT—HON. JAMES T. LAYMAN, President, in the Chair, and Aldermen De-Ruiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman—9.

ABSENT—Alderman Wood—1.

The Proceedings of the Board of Aldermen for the special session, held December 21st, 1881, for the regular session held December 26th, 1881, and for the adjourned session held December 30th, 1881, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

President Layman presented the following communication, and declared as the decision of the Chair, that the reconsideration of General Ordinance No. 48, 1881, commonly known as the "cow ordinance," was illegally reconsidered at the last session, and that the said ordinance stands now in full force and effect:

Indianapolis, Jan. 5th, 1882.

HON. JAMES T. LAYMAN, Pres'r. of Board of Aldermen:

My Dear Sir:—So far as your rule to reconsider is concerned, it is a dead letter when applied to "ordinances," unless entered at the session in which they are passed.

The "act" in question, was passed by the Council, November 21st, 1881,—by the Board of Aldermen, December 12th, 1881; "ordained and established" by the officers thereof, December 12th, 1881, attested by the Clerk, and advertised for ten days.

Your next regular meeting was on the 26th. Your rule authorizes a reconsideration of a proceeding—determined at the last regular session, which in this case was on December 12th, not later than at the next regular meeting; this would be on the 26th. That motion came too late. This ordinance had become a law four (4) days before this regular session on the 26th, as shown by the advertisement. Your rule can't repeal that law. Statute law has made your "ordinance" a law.

Had the motion to reconsider been entered on the 12th, the day of its passage, this would have been sufficient notice to the President of the Board to withhold his approval of the ordinance, until the next regular session, the 26th, when the Board should determine whether or not it would reconsider its action; but as it was not so entered, it came too late to effect the measure. It is therefore immaterial whether or not there was a quorum on the 26th. If the time passes, which by rule

you have fixed as a limit to consider legislation, then the "order" or motion, drops under the rule, and is no longer effective. In other words, the "opportunity" is lost. Your regular session being fixed by a law unto yourselves, you cannot extend its operation to another time, except as this law gives you the right to do. The President of the Board is empowered to call special meetings; but he cannot constitute such a regular session. Had you met in regular session on the 26th, you could then have adjourned that session to a future day, and still your acts would relate to that session convened on the 26th. At your special session December 30th, the motion to reconsider was not in order; nor could you then, at such special session, consider this "ordinance," unless it had been so referred, at some regular session, or unless it was an adjourned meeting of a regular session. The motion to reconsider, *under your rules*, would have been in order, had you met in regular session December 26th, but, as stated, it could not effect this ordinance.

I would construe your rule to have reference to the *session*, and not the period of time intervening. In such case, at your next *regular session*—the second Monday in January, 1882—there having been no regular session since December 12th, the motion to reconsider will be in order. But the rule itself is inoperative, upon the principle that the orders and rules of a legislative body must be within its legitimate powers and functions; for if they conflict with the jurisdiction of the courts or a law, as this order would certainly do if executed, they become simply usurpation of other prerogatives, and are consequently of no avail, but void.

The motion, however, could not reach the legislation sought, for another reason. In the House of Representatives, first session, thirty-first Congress, it was held that a reconsideration cannot be had after subsequent action has been taken by the House which renders it impossible to reverse that action. Now in this matter what would you reconsider? The Mayor, for the Council, and James T. Layman, President of the Board of Aldermen, had officially signed and promulgated this "ordinance." Its attestation by the Clerk was a verification of the separate action of the houses, as well as notice to the public that such an act had passed the municipal legislature, and that within the time prescribed by law, ten days, by publication, it would be in force as a law.

Your motion to reconsider amounts to nothing, unless the Council, *where the "ordinance" originated*, agree to return it to your possession. But this the Council cannot do; for it has gone out of their possession, and acquired all the legal properties for enforcement. They even could not get it without your consent, you having last consented to its adoption, provided it was even in a condition to be formulated anew. Nor can the Board of Aldermen reconsider their action on a proposition unless they have the subject matter in their possession. You may entertain, *receive* a motion to reconsider, and in the meantime request the Council to return the subject of the motion—the "ordinance," for instance; but you must first get possession, before you are presumed to be able to reconsider, else your vote *yea* nor *nay* amounts to nothing. This motion to reconsider, implies not only ability to act, but the capability of acting—of carrying out your intentions; for reconsideration, by having within your own jurisdiction the subject of the motion.

If the inevitable "cow" ordinance is not to have a rest except by a Parliamentary opinion, then so be it.

I am your obedient servant,

OLIVER M. WILSON.

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, January 2d, 1882, adhered to their former action as to the proposed contract of the city of Indianapolis with the Water Works Company, thereby non-concurring in your action in adopting certain amendments to said contract.

I submit the same for your consideration.

For the Common Council,

Jos. T. MAGNER, City Clerk.

Alderman Hamilton raised the point of order, that the matter as presented by the foregoing message, was not before the Board of Aldermen, but still in the hands of the Common Council.

The Chair ruled the point of order as not well taken.

The following communication was presented and read:

Indianapolis, Jan. 9th, 1882.

To the Honorable, the Board of Aldermen of the City of Indianapolis:

Genl.—At a regular monthly meeting of the Indianapolis Fire Insurance, held this day, the following resolution was unanimously adopted:

WHEREAS, This Association has learned through the papers, that it is contemplated to reduce the number of fire plugs, or hydrants, in the city; therefore,

Resolved, That this Association enter their respectful protest against that measure, and earnestly request the Board of Aldermen to withhold their assent thereto, on the ground that the present number of fire plugs is not too large; and the removal of any of them would be a serious damage to the property of citizens, and greatly increase the hazard from fire, especially in the event of a wide spread conflagration.

Resolved, That our Committee on Fire Department and Water Supply, be instructed to present this action to the Board of Aldermen at their meeting this evening, and urge the matter upon their attention.

M. V. MCGILLARD, Pres't.
Indianapolis Fire Insurance Association.

JAMES GREENE, Sec'y.

Alderman Hamilton moved that the Board of Aldermen adhere to their former action as to the matter contained in the foregoing message.

Alderman Rorison moved to lay Alderman Hamilton's motion on the table.

Which motion to lay on the table was adopted by the following vote:

YES, 6—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Tucker, and President Layman.

NAYS, 3—viz. Aldermen Hamilton, Mussmann, and Seibert.

Alderman Hamilton raised the point of order, that a motion to adhere, when laid on the table, carried with it the whole subject,

The Chair ruled the point of order as not well taken.

Alderman Seibert moved that the whole matter be laid over until the next meeting.

Which motion failed of adoption.

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

Which motion to recede was adopted by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Tucker, and President Layman.

NAYS, 3—viz. Aldermen Hamilton, Mussmann, and Seibert

Alderman DeRuiter moved that the action of the Common Council be concurred in.

Which motion to concur, was adopted by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 2—viz. Aldermen Hamilton, and Mussmann.

Alderman Seibert notified the Board that a motion to reconsider the above motion, would be made at the next meeting.

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, January 2d, 1882, for your action upon the same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1002, ante), was concurred in:

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

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

A first and final estimate in behalf of W. J. Freaney, for erecting four lamp-posts, lamps, and fixtures complete to burn gas, except service pipes, on Louisiana street, from Alabama street to East street:

1493 lineal feet @ 5½c, \$20 50 per lamp-post..... \$82 00

A first and final estimate in behalf of J. S. Whitsit, for building a brick sewer in and along the first alley east of Meridian atreet, from Maryland street, to and connecting with the Georgia street sewer.

928.80 lineal feet front @ \$1 12½..... \$1,044 90

388.20 lineal feet front sheeting, at 30 cents..... 116 46

2 man-holes @ \$30 00 each..... 60 00

Total..... \$1,221 36

A first and final estimate in behalf of Henry C. Roney, for lowering the crown of the fire cistern at the corner of Noble and Pine streets. Total estimate according to contract..... \$110 00

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 1002, *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 W. J. Freaney, for erecting hump-posts, lamps, and fixtures complete to burn gas, except service pipes, on Louisiana street from Alabama street to East 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 DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 1002, *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. S. Whitsit for building a brick sewer in and along the first alley east of Meridian street, from Maryland street to and connecting with the Georgia 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 concurrently adopted by the following vote:

AYES, 9—viz Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following report from the City Attorney (see pages 1005 and 1006, *ante*) was read and approved:

Indianapolis, Dec. 31st, 1881.

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

Gentlemen:—I beg leave to submit the following report of cases disposed of during the past month, in the Superior Court:

The case of *Mattie White vs. The City*, being an action for personal injuries alleged to have been sustained by reason of a defect in the road along the west bank of White River, was tried by a jury, and resulted in a verdict and judgment in favor of the city.

The case of *Mary Hatfield vs. The City*, was tried by a jury, and resulted in a verdict and judgment in favor of the city. This was an action for personal injuries alleged to have been caused by reason of a defect in the sidewalk of Brett street.

The case of *Maria Oliver vs. The City*, which was an action for damages caused by the injuries to plaintiff's lot by reason of the washings of Pogue's Run, was called for trial, went before a jury, and the plaintiff thereupon dismissed, and judgment was rendered in favor of the city for costs.

In the case of *Rosina Kistner, Executrix, etc., vs. The City, et al.*, which was commenced some time ago, the court having sustained the demurrer of the city to the complaint, the plaintiff dismissed, and commenced another action against The City

and the Union Railway. The city appeared to this action and demurred to the complaint, which demurer was sustained, thus virtually disposing of the case, so far as the city is concerned.

This was an action for damages alleged to have been sustained by the death of John Kistner, who was killed by a train of cars, while attempting to cross the railroad tracks at the west end of the Union Depot. The action, so far as the city was concerned, was based on the alleged negligence of the city in failing to require the railway company to erect safety-gates, and the court, by its ruling on demurer, holds that the city is not liable in such cases.

I would further beg leave to submit the following summary report of the amount of business transacted in my office during my term of office, commencing June 1st, 1879, and ending December 31st, 1881:

I have tried and disposed of seventy-one cases, of which seven (7) were compromised; ten (10) were decided against the city, and fifty-four (54) in favor of the city. Of these cases thirty-one were actions against the city for damages on account of injuries to persons and property, and resulted as follows: Three were compromised; four were decided against the city, and twenty-four were decided in favor of the city.

This does not include appeals from the Mayor's court upon prosecutions for violation of the city ordinances.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 1003, *ante*) was concurred in:

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

Gentlemen:—I herewith report the contract and bond of H. C. Roney for grading and paving with brick the west sidewalk of Pennsylvania street from Seventh street to Eighth, or Williams street, (where not already paved.) Bond, \$500 00; security, Richard Carr.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The reports of the Superintendent of the City Hospital and Branch and the Superintendent of the City Dispensary (see pages 1008 and 1009, *ante*) were read and received.

The mortality report of the Board of Health (see page 1045, *ante*) was read and received.

The following clauses from the report of the Judiciary Committee, were read, and the favorable action of the Common Council thereon (see pages 1046 and 1047, *ante*) was concurred in:

The first is the petition of S. H. Shearer, Civil Engineer, asking a revision of all blank forms of ordinances, bonds, etc., relative to street improvements.

The act of 1881, which confines the lien to the first fifty feet fronting upon the street improved, and the recent decision of the Supreme Court in case of James B. Smith vs. Robert Duncan, decided December 15th, 1881, wherein it is held that the specifications of the Engineer must be made a part of ordinances, makes it important that the petition be granted. The cost will depend upon the number of blanks ordered printed, costing perhaps a cent apiece.

Your committee recommend that the City Attorney be directed to prepare blank ordinances for street improvements so as to conform to act and decision above referred to.

The fourth is the petition of F. McWhinney, showing that he purchased at tax sale Lot 3, in Baylor heirs' subdivision of Out-lot 160, in Indianapolis, and paid the sum of \$66.40, and paid subsequent, December 29th, 1879, \$6.51; also, January 4th, 1881, \$9.63.

Sale was void, for the reason that the property was taxed double on duplicate, and taxes paid at time of sale. Your committee recommend that the money paid by petitioner be refunded, with six per cent from date of payment.

The fifth is the communication from A. Naltner and his bondsmen, asking settlement between city and Naltner, and payment by city of debts created by Naltner for which his bondsmen are liable, out of moneys due Naltner by city.

By the reference, your committee were directed to make the settlement.

Your committee report, that A. Naltner has declined to make any settlement through your committee, in accordance with his communication; but his creditors are suing him, and making city garnishee defendant. Further, he has not accepted the terms of Council and Board of Aldermen, and therefore we presume his pay stops from and after November 30th, 1881.

The sixth is a communication from a large number of citizens on north Meridian street, asking that red cedar be laid upon that street.

The recent decision of the Supreme Court in case of Duncan vs. James B. Smith, decided December 15th, 1881, makes the present ordinance for the improvement of that street void, and we presume Mr. Patterson would not now desire to go on with the work. The court holds that all the specifications of the Engineer must be made a part of the ordinance, and unless it is done, the ordinance is void.

Your committee recommend that new ordinance be passed in accordance with said decision, and therein the prayer of the petitioners are granted.

The petition and resolution for the annexation of certain territory, known as West Indianapolis, (see pages 1048, 1049, 1050 and 1051, *ante*) was, on motion by Alderman Drew, referred to a special committee.

Aldermen Drew, Hamilton and Seibert were appointed by the Chair to act as the members of such committee.

The following report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 1052, *ante*) was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, together with the City Attorney, to whom was referred the petition of Daniel A. Cheneworth and others, for the vacation of the alley running from Bismarck street to Buchanan street, between lots 1, 35 and 36 and Sullivan street, in Bradshaw & Holmes's Sub. of Out-Lot 100, would report that we have examined the locality of said alley and find that the same lies between said lots and Sullivan street, being so situated by reason of the opening of said Sullivan street through said subdivision, by condemning the lots immediately on the west of said alley, Sullivan street is of proper width without said alley, and in the opinion of your committee said alley should be vacated and Sullivan street properly improved. Therefore we recommend the accompanying resolution relative thereto be adopted.

Respectfully submitted,

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

The following resolution (adopted by the Common Council—see page 1052, *ante*) was read:

Resolved, That the matter of vacating of the alley running from Bismarck street to Buchanan street, between lots 1, 35 and 36 and Sullivan street, Bradshaw and Holmes' subdivision of Out-lot 100, together with the petition, and plat presented in such case be referred to the City Commissioners, with instructions to assess benefits and damages to any person or persons thereby benefitted or damaged.

The Commissioners are hereby instructed to return as a part of their report, all petitions and notices, and if any property owner immediately upon the line of said street, who is directly interested therein, shall object to such vacation, to make such fact 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, 9—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 1052, *ante*) was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the matter concerning the west banks of White River, do recommend that the City Civil Engineer be directed to make an estimate of the cost of rip-raps or piling the banks south of the Michigan street bridge, and report at the next meeting of the Council.

George Weaver,
B. W. Cole,

Committee on Streets and Alleys.

The following report from a certain special committee was read, and the favorable action of the Common Council thereon (see page 1053, *ante*) was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Insecure Buildings make the following report for your consideration and action thereon:

We have been informed that the brick building on north side of Washington street near West street, known as the "Langenberg Building," is in a dangerous condition, and the walls liable to give way at any time. We recommend that the Chief Fire Engineer be directed to examine said building, and if in his opinion the building is unsafe, to take the necessary steps to compel the property owner to place the same in safe condition.

Respectfully submitted,

George Weaver,
Frederick Hartmann,
H. B. Stout,
Special Committee.

The following report from the Committee on Public Light was read, (see page 1055, *ante*) and on motion by Alderman Hamilton, was referred to the Committee on Public Light and Education:

Indianapolis, Ind., Dec. 24th, 1881.

To the Mayor and Common Council:

Gentlemen:—That the City Engineer get the Gas Company to dismantle the lamp at first alley on east side of Union street, south of Madison avenue, and re-light lamp on east side of Union street, at intersection with alley between Phipps and McCarty streets.

Also, that the City Engineer dismantle lamp on north side of New York street, corner of Spring, and re-light lamp on Arsenal avenue (opposite the residence of Wm. Potts), between Ohio and New York streets.

Also, that the City Engineer remove the lamp post from the east side of Ash street, between Tenth and Eleventh streets, and place it in the southwest corner of Ash and Eleventh streets, or in front of Wm. Hadley's residence. We recommend the above be done.

Peter F. Bryce,
H. B. Stout,
Jas. T. Dowling,
Committee on Light.

The following motion (adopted by the Common Council—see page 1055, *ante*) was read; and, on motion, was referred to the Committee on Public Light and Education:

That the Committee on Public Light be empowered to change location of gas lights, by dismantling and remantling gas posts, when so requested by the Councilman of the Ward.

The following motion (adopted by the Common Council—see page 1058, *ante*) was read, and concurrently adopted:

That the City Marshall be instructed to at once notify the Union Railway Company to place gates on the outside of its tracks crossing Virginia Avenue, similar to the ones maintained at the east end of the Union Depot, within ten days from the service of said notice, and that in default thereof, the city will place said gates at said place and charge the cost thereof to said company.

The report of the Chief Fire Engineer was read, (see page 1009, *ante*) and received; and, on motion, the Chair appointed Alderman Tucker to act as the Aldermanic member of the special committee for the examination of said report.

APPROPRIATION ORDINANCES.

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

The following entitled appropriation ordinance was read the first and second times:

Ap. O. 1, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

Alderman Tucker moved that the amount allowed J. H. Webster, to be used for incidental expenses of the Fire Department, and expended under the direction of the Fire Board, be stricken out of the ordinance, and that the claim be so amended, that the Committee on Fire Department act jointly with the Fire Board.

Which motion was adopted, the claim stricken out, and so amended.

Ap. O. 1, 1882, was then read the third time as amended (amount appropriated \$440.77) and passed by the following vote :

AYES, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

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

Ap. O. 2, 1882—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, \$1,195.52.]

And it was passed by the following vote :

AYES, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

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

Ap. O. 3, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$111.05.]

And it was passed by the following vote :

AYES, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

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

Ap. O. 4, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Alderman Seibert moved that the claim of "J. W. Springsteen, street signs, \$594.30." be stricken out of the above ordinance, and referred to the City Civil Engineer for indorsement.

Which motion failed of adoption by the following vote:

AYES, 3—viz. Aldermen Hamilton, Seibert, and President Layman.

NAYS, 6—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, and Tucker.

Ap. O. 4, 1882, was then read the third time (amount appropriated \$12,817.12), and passed by the following vote:

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

NAYS, 1—viz. Alderman Hamilton.

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

Ap. O. 5, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$580.32.]

And it was passed by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Seibert, and Tucker.

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

REPORTS, ETC., FROM STANDING COMMITTEES.

The Finance Committee, through Alderman Hamilton, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Finance Committee met pursuant to concurrent resolution passed by your honorable bodies December 5th and 12th, 1881, in the office of the City Clerk, on the 22d day of December, 1881. After an advertisement for ten days, the following was the one and only proposal received for "time warrants 1881."

We will give sixty-eight thousand and seven hundred dollars for seventy thousand dollars "Time Warrants 1881," payable April 20th, 1882, without interest.

Respectfully,

THE INDIANAPOLIS NATIONAL BANK,
By THEO. P. HAUGHEY, Pres't.

Your committees accepted said bid, believing the same to be reasonable, caused one warrant to issue of seventy thousand dollars value, numbered one (1,) signed by the Mayor and City Clerk, and delivered the same to the City Treasurer, to be delivered by him to the Indianapolis National Bank, Theo P. Haughey, President, upon payment of the amount of their bid. By this sale of warrants, the city borrows money at a fraction over 5½ per cent per annum.

Respectfully submitted,

F. W. Hamilton,
Hiram Seibert,
D. Mussmann,
Finance Committee.

The Judiciary Committee, through Alderman Rorison, submitted the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your committee, to whom was referred the following report and resolutions, viz:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, together with the City Attorney, to whom was referred the matter of opening and widening Cause and Dillon streets, have given the matter thorough investigation, and recommend the accompanying resolutions relative thereto, be adopted.

Respectfully submitted,

George Weaver,
Simeon Coy,
Committee on Streets and Alleys.

Resolved, That the matter of opening, widening, laying out and extending Dillon street, to a width of sixty (60) feet, from a point on said street where Cedar street intersects the same, near Harrison street, to the north line of Meek street, together with the petition and plat presented in such case, be referred to the City Commissioners, with instructions to assess benefits and damages to any person or persons thereby benefited or damaged. The Commissioners are hereby instructed to return, as a part of their report, all petitions and notices; and if any property owner immediately upon the line of said street, who is directly interested therein, shall object to such opening and extension of said street, to make such fact a part of their report; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

Resolved, That the matter of opening, widening, laying out and extending Cruse street, to a width of sixty (60) feet, from the north line of Meek street at the south end of Lots 25 and 26, Indiana Central Railroad Co's subdivision of Out-lot No. 90; thence north to the Michigan Road, together with the petition and plat presented in such case, be referred to the City Commissioners, with instructions to assess benefits and damages, to any person or persons thereby benefited or damaged. The said Commissioners are hereby instructed to return, as part of their report, all petitions and notices; and if any property owner immediately upon the line of said street, who is directly interested therein, shall object to such opening and extension of said street, to make such fact a part of their report; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

Report in favor of concurring in the above.

Respectfully submitted,

W. H. Tucker,
Brainard Rorison,
John Newman,
Committee.

On motion, the above report was concurred in, and the resolutions adopted by the following vote:

AYES, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The Judiciary Committee, through Alderman Rorison, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Judiciary, to whom was referred the ordinance for the protection of travelers at the Union Depot, recommend the passage of the ordinance, provided the same is amended as follows:

That all after the words "city of Indianapolis," in Section 2, be stricken out, and the following inserted thereafter:

"And the Union Railway Company shall have the right to permit one agent of the restaurant located in the Union Depot to announce within the said Depot to travelers and the general public, the place of business of said restaurant."

Respectfully submitted,

Brainard Borison,
John Newman,
Committee on Judiciary.

The Judiciary Committee, through Alderman Rorison, submitted the following report:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Judiciary and Streets and Alleys, to whom, with the City Attorney, was referred the accompanying petition and resolution in relation to Pogue's Run, respectfully report adversely to the same, and recommend in lieu thereof the adoption of the following:

Resolved, That the Street Commissioner be, and is hereby, instructed to examine Pogue's Run, between the points named in the resolution referred to them, and place said stream in a proper condition for the free flow of water therein, if required at any point.

Respectfully submitted,

Brainard Rorison,
John Newman,
W. H. Tucker,
Committee on Judiciary.

On motion, the above report was concurred in, and the resolution adopted by the following vote:

AYES, 9—*viz*^e Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

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

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Markets, to whom was referred the account of Jas. A. Gregg, for \$129.93, Market Master's fees, respectfully report that the amount is 50 per cent of the fees collected, which amount he is entitled to, and recommend that the amount be allowed.

Respectfully submitted,

H. E. Drew
D. DeRuiter,
Committee on Markets.

INTRODUCTION^o OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following motion; which was adopted:

That the City Engineer report to this Board and the Common Council, the probable cost per lineal foot, of a first-class "Medina Stone pavement" for Meridian street, from New York street to Seventh street, and when properly laid, how long it would probably last.

Alderman Rorison offered the following resolution :

WHEREAS, Complaints are general that the Street Car Co. is not running its cars for the accommodation of the public, either with respect to cleanliness of cars, regularity of time, obstruction of crossings, carelessness at railroad crossings, also that it is still laying the T rail, and turning flanges on the outside, in all these respects, violating its charter; therefore,

Resolved, That the Indianapolis Street Car Co. be required to comply with all of the provisions of its charter, to the satisfaction of the City Street Commissioner, City Civil Engineer and City Attorney, and that they be instructed to report for the further action of the Council at its first regular meeting in February, 1882, whether measures are being taken by said company to comply with its charter.

And it was adopted by the following vote :

AYES, 5—viz. Aldermen DeRuitter, Rorison, Seibert, Tucker, and President Layman.

NAYS, 4—viz. Aldermen Drew, Hamilton, Mussmann, and Newman.

Alderman Tucker offered the following motion; which was adopted :

That the codification of ordinances which was laid on the table, be now taken from the table and referred to the City Attorney and the President of this Board, and that they report at our next meeting what action this Board should take in the matter.

Alderman Tucker offered the following resolution :

Resolved, That the Street Car Co. be, and are hereby, directed to station a man at the crossing of the Union Railway tracks on Virginia avenue, and that no Street car be permitted to cross said tracks unless the man so stationed there shall accompany each car in front of the horses or mules, at least six feet, and to see that the crossing is clear, and that the said car can cross the tracks in safety. Further, that the City Marshal at once notify the Street Railroad Co. of the passage of this resolution.

And it was adopted by the following vote :

AYES, 9—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.