

# PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JANUARY 16, 1882.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, January 16th, A. D. 1882, at seven o'clock, in regular session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio* President of the Common Council, in the Chair, and Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Dowling, Egger, Fultz, Harrold, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke—22.

ABSENT—Councilmen Brundage, Dean, and Mauer—3.

The Proceedings of the Common Council for the regular session, held January 2d, 1882, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

## REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Thalman, submitted the following report; which was concurred in:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—The Committee on Contracts, to whom was referred sundry proposals presented to Council January 2d, 1882, 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 Morris street, between Meridian and Dakota streets.

R. P. Dunning, \$23.00 per post, complete.

Aneshaensel & Strong, \$19.00 per post, complete.

Aneshaensel & Strong being the lowest and best bidders, we recommend they be awarded the contract.

2d. For erecting lamp-posts, lamps and fixtures (complete to burn gas except the service pipes), on California street, between Indiana avenue and First street.

R. P. Dunning, \$22 75 per post, complete.

Aneshaensel & Strong, \$19.00 per post, complete.

Aneshaensel & Strong being the lowest and best bidders, we recommend they be awarded the contract.

3d. For constructing a 1,200-barrel cistern at or near the intersection of Church and Morris streets.

- John Stumph, 74 cents per barrel.
- R. P. Dunning, 73 cents per barrel.
- John A. Whitsit, 62 cents per barrel.
- C. S. Roney, 62 cents per barrel.
- Henry Clay, 46 cents per barrel.

Henry Clay having satisfied your committee that he made an error in his bid, we recommend he be relieved from doing the work, he paying the city the cost of advertising; and we further recommend that the City Civil Engineer be directed to re-advertise for proposals for doing the work.

Respectfully submitted,

Isaac Thalman,  
E. H. Koller,  
Committee on Contracts.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the Mayor, submitted the following report; which was received:

Indianapolis, Ind., Jan. 16, 1882.

To the Common Council and Board of Aldermen:

Gentlemen:—I report collections for the month of December, 1881, as follows:

Policemens' witness fees.....	\$182 07
Mayor's fees.....	142 98
Fines due the city.....	6 50
<b>Total.....</b>	<b>\$331 55</b>

Which amount I have paid to the City Treasurer, and filed his receipt with the City Clerk. Very respectfully, D. W. GRUBBS, Mayor.

His Honor, in behalf of the City Marshal, submitted the following report:

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

Gentlemen:—I respectfully represent to your honorable body, that in compliance with the provisions of "An ordinance to prohibit the running at large of cattle, horses," etc, ordained December 12th, 1881, I proceeded to impound certain cattle found within the city limits, using what is known as the Stone Yard, for their confinement. I am now informed that those having charge of the Stone Yard, object to the use of said premises as a cattle pound. I know of no ground owned by the city which could be used for a pound, and I therefore ask for authority to procure ground for such purpose.

R. S. COLTER, City Marshal,  
By J. R. Forbes, Deputy.

Councilman Yoke moved that the City Marshal be authorized to use the Stone Yard as a pound for the confinement of cows.

On further motion, it was ordered that action on the above be postponed.

REPORTS, ETC., FROM CITY OFFICERS.

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

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

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

A first and final estimate in behalf of James Mahoney, for grading and graveling the alley between Pleasant and Lexington avenues, from Linden street to Spruce street.

1,030.50 lineal feet, at 20 cents..... \$206 10

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of James Mahoney, for grading and graveling the alley between Pleasant and Lexington avenues, from Linden street to Spruce 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, 16—viz. Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Egger, Fultz, Knodel, Koller, Morrison, Pritchard, Reichwein, Thalman, Ward, and Yoke.

NAYS—None.

The City Civil Engineer submitted the following report; which was referred to the Board of Public Improvements and Committee on Finance:

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

Gentlemen:—According to your instructions, I have made an examination of the west bank of White River, at the point of its washing, south of Michigan-street bridge, and find that it needs protecting for nearly one-half mile—2,400 feet. The following are the amounts and cost of each kind of protection:

Temporary cinder rip rap, 5,000 yards at 75c.....	\$3,750 00
Piling, 20,000 feet at 30c 108,000 feet lumber, at \$25... ..	8,700 00
Stone rip-rap, heavy, 3,600 yards, at \$4.25.....	15,300 00
Revetment, 10,000 yards in mortar, at \$5.....	50,000 00

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Clerk submitted the following report:

To the Mayor and Members of the Common Council:

Gentlemen:—At the last regular meeting of your honorable body, a message from the Board of Aldermen was presented, submitting various amendments to the Mutual Union Telegraph ordinance, and contained, through error, the following clause:

"And in case said telegraph company shall sell, lease, consolidate, or in any way dispose of its line or lines passing into or through, or upon any of the streets or alleys of the city of Indianapolis, to any company, corporation or individuals, then the rights and privileges vested by this ordinance, shall revert to such city and cease, and be of no effect, as if the same had not been granted."

The above clause was pending before the Board of Aldermen, but not adopted; was presented to your honorable body as if the same had been adopted, and the action of the Board of Aldermen was concurred in, including said clause.

Would recommend, for the purpose of correcting the record, that you reconsider your action, or so much thereof as relates to the adoption of said clause.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

Councilman Pritchard moved that the above report be concurred in, and that the Common Council reconsider so much of their former action (see page 1054, *ante*) as relates to clause presented by the foregoing report.

Which motion was adopted, and the action of the Common Council reconsidered by the following vote:

**AYES**, 18—viz. Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Egger, Fultz, Harrold, Knodel, Koller, Morrison, Pritchard, Reichwein, Stout, Thalman, Ward, and Yoke.

**NAYS**—None.

On further motion, the action of the Board of Aldermen, in adopting the amendments to G. O. 66, 1881, (see pages 982 and 983, *ante*) was concurred in, and the ordinance re-passed by the following vote:

**AYES**, 16—viz. Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Egger, Knodel, Koller, Morrison, Pritchard, Reichwein, Stout, Thalman, Ward, and Yoke.

**NAYS**, 2—viz. Councilmen Fultz, and Harrold.

The City Clerk submitted the following report:

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

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

Charles S. Roney vs. William T. Smith, for .....	\$12 00
Henry C. Roney vs Sarah J. Watson, for.....	51 73
Henry C. Roney vs. William Watts, for.....	13 50
Henry C. Roney vs. William Watts, for.....	13 50

And recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

On motion, the above report was concurred in, and the precepts ordered to issue by the following vote:

**AYES**, 16—viz. Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Egger, Fultz, Harrold, Knodel, Koller, Morrison, Pritchard, Stout, Ward, and Yoke.

**NAYS**, 1—viz. Councilman Thalman.

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

Indianapolis, Jan. 16, 1882.

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

*Gentlemen:*—I beg leave to report that I have prepared blank forms of street improvement ordinances and contracts, so as to make the same conform to the provisions of the late amendments to the laws on that subject, and have turned the same over to the City Civil Engineer, as he requested and you instructed.

Respectfully submitted,

C. S. DENNY, City Attorney.

The City Attorney submitted the following report; which was received, except the clause relative to Geo. W. Scott, lessee of Garfield Park, which was referred to the Judiciary Committee:

Indianapolis, Jan. 16th, 1882.

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

*Gentlemen:*—Since the last meeting of the Council, the case of Thomas Wren against the city has been decided by the General Term of the Superior Court, affirming the judgment of the Special Term, in favor of the city. This was an act on for a writ of mandate against the city to compel her to make a full and final estimate of the work done in improving South Tennessee street, many years ago, his work having been destroyed by high water before the same was accepted. The plaintiff has prayed an appeal to the Supreme Court, but it is hoped that the judgment just rendered will end this troublesome matter, which has been in the courts in one form or another almost continuously for a dozen years or more.

The case of Leroy D. Christy against E. S. Alvord, The City, et al., for damages sustained in falling into a coal hole, in front of the St. Charles Block, claiming damages on account of the alleged negligence of defendants, in permitting the cover of said coal hole to become and remain loose and out of repair, has also been disposed of in favor of the city, the other defendants in the case having compromised the same with the plaintiff, and he allowing judgment to be entered in favor of the city for costs.

I found, on assuming my duties, a judgment already in favor of the city against George W. Scott and Samuel W. Patterson for \$216, rent due and for possession of the Garfield Park property. An execution and writ of possession are now in the hands of the constable, and possession can be enforced at any time. Mr. Scott claims to have a just cause of action against the city for damages growing out of the contract, but proposes as a final settlement of all matters of difference, to surrender immediate peaceable possession, release any claims to damages he may have against the city, pay the accrued costs in the possession case, and turn over to the city a certain road-scraper used at the park, if the city will satisfy the personal judgment of \$216 against him. I understand that Mr. Patterson will also agree to such a settlement. Being unacquainted with the facts connected with this contract, and the responsibility of the parties liable to the city, I submit the matter for your action and instruction without recommendation.

I also report that I have appealed the cases in which judgments were rendered by default against the city as garnishee defendant before Esquire Schmidts in favor of four of A. Naltner's personal creditors. The case of Robert C. Sturm, another of Mr. Naltner's personal creditors, against him, and the city, as garnishee before Esquire Pease, has been disposed of, resulting in a judgment in favor of the city, the justice holding that the city can not be required to answer as garnishee.

Respectfully submitted,

C. S. DENNY, City Attorney.

## REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Cowie, submitted the following report; which was concurred in, except clauses 6, 33, 38, and 47, which were objected to, and it was ordered, on motion by Councilman Pritchard, that any clause objected to by any Councilman, should be referred back to the Board of Public Improvements, without debate.

To the Mayor and Common Council:

*Gentlemen:*—The Board of Public Improvements, to whom the following motions were referred, would report thereon as follows:

1st. That the Street Commissioner be, and is hereby, instructed to fill the chuck-holes on South Delaware street.

Recommend the work be not done.

2d. That the Street Commissioner be, and is hereby, directed to clean the gutters and repair the sidewalks on Merrill street, between Tennessee street and Missouri street, in such manner that the street may be properly drained, and that he have power to act.

Recommend the work be done.

3d. That the Street Commissioner be, and is hereby, instructed to clean the gutters on Ray street, between Meridian and Illinois streets.

Recommend the work be not done.

4th. That the Street Commissioner be, and is hereby, directed to clean the gutters of Vermont and Michigan streets, between Noble and Pine streets.

Recommend the work be not done.

5th. That the Street Commissioner be directed to clean west gutter of north Mississippi street, from Seventh street to a point one hundred feet north of Williams street, the water now being one foot deep in places.

Recommend the work be done.

6th. That the Street Commissioner be, and is hereby, ordered to clean gutters on Liberty street, between Washington and New York streets.

Recommend the work be not done.

7th. That the Board of Public Improvements be directed to examine Central<sup>R</sup> avenue, and report at the next meeting of Council whether the street should be rebuilt or repaired.

Recommend the street be improved by ordinance.

8th. That the Street Commissioner be, and is hereby, directed to replace the loose bowlders at the crossing of Butler and Broadway streets.

Recommend the work be done.

9th. That the Street Commissioner be, and is hereby, ordered to repair culvert at the crossing of Bellefontaine and Lincoln avenues.

Recommend the work be done.

10th. That the Street Commissioner be directed to fill the chuck holes on south Illinois street, between Washington and South streets.

Recommend the work be not done.

11th. That the Street Commissioner be, and is hereby, directed to take up and re-lay the northeast gutter of Virginia avenue, from Elk street to Prospect street, and that the City Civil Engineer is hereby directed to set the necessary grade stakes.

Recommend the City Civil Engineer be directed to have the work done under contract.

12th. That the Street Commissioner be, and is hereby, directed to fill the chuck-holes on Dillon street, from English avenue to Prospect street.

Recommend the work be done.

13th. That the Street Commissioner be, and is hereby, directed to clean the gutter on Fletcher avenue, at the first alley east of Dillon street.

Recommend the work be done.

14th. That the Street Commissioner fill the chuck-holes on Indiana avenue with good river gravel, from West street to Fall Creek.

Recommend the work be done.

15th. That the Street Commissioner be directed to raise the stone crossings on east side of north Illinois street, at the crossing of Fifth street, so as to be out of mud.

Recommend the culvert at said crossing be removed.

16th. That the Street Commissioner be directed to cover with gravel the wooden blocks, from Ohio street south to Market street, on Tennessee street.

Recommend the work be not done.

17th. That the Street Commissioner be, and is hereby, ordered to at once fill the chuck-holes on Mississippi street, from North street to Washington street, as a portion of said street is in a dangerous condition for public travel.

Recommend the work be done.

18th. That the Street Commissioner be, and is hereby, ordered to clean and repair the first alley west of the Bates House, running north and south from Washington street to Ohio street.

Recommend the work be done.

19th. That the Street Commissioner be instructed to put a coat of gravel on Linden street, from Prospect street to Fletcher avenue.

Recommend the work be done.

20th. That the Street Commissioner be instructed to clean the east gutter of Dillon street, between Spann and Fletcher avenues.

Recommend the work be done.

21st. That the city furnish A. Caylor fifty loads gravel, to be hauled at his own expense, and used in the fourth ward.

Recommend the work be done under the direction of the Street Commissioner.

22d. That the Street Commissioner be directed to repair, with gravel, east Georgia street, between New Jersey and East streets.

Recommend the work be done.

23d. That the Street Commissioner be instructed to clean the gutters on Coburn, Dougherty, and Buchanan streets, between Virginia avenue and East street.

Recommend the work be done.

24th. That the Street Commissioner be, and is hereby, directed to bridge the gutter in front of the second alley west of Tennessee street on McCarty street, north side.

Recommend the work be not done.

25th. That the Street Commissioner be, and is hereby, instructed to repair west Washington street, from White River to I., B. & W. Railroad crossing, by filling chuck-holes and other bad places with gravel.

Recommend the work be done.

26th. That the Street Commissioner be directed to place gravel or cinders on the sidewalks crossing Bates street, from Noble street to Leota street, as the sidewalks of said Bates street have been paved with brick and the crossings are in a bad and muddy condition.

Recommend the work be done.

27th. That the Street Commissioner be directed to repair Georgia street, between East street and Noble street.

Recommend the work be done.

28th. That the Street Commissioner be, and is hereby, directed to repair the culvert and drain along the P., C. & St. L. Railroad tracks, from Summit street to Oriental street, so the water may run off.

Recommend that this matter be referred to the City Civil Engineer for examination.

29th. That the Street Commissioner be directed to lay a coat of gravel on Pine street, between Washington street and Bates street, and open the gutters of said Pine street, so as to allow the water to run off; for said street is now almost impassable.

Recommend the chuck-holes be filled.

30th. That the Street Commissioner be directed to open the gutters on Benton street, so as to allow the water to run off, and fill the chuck-holes on said street, between Washington and Georgia streets.

Recommend the work be not done.

31st. That the Street Commissioner be, and is hereby, instructed to fill the chuck-holes on Market street, between Highland street and Arsenal avenue.

Recommend the work be done.

32d. That the Street Commissioner clean the bowldered gutters on north Mississippi street, from North street to Second street.

Recommend the work be done.

33d. That the Street Commissioner be directed to place a coat of gravel on Sixth street, from Mississippi street west to Canal.

Recommend the work be not done.

34th. That the Street Commissioner be directed to place one stone (single) crossing on north Illinois street, at short Fourth street.

Recommend the work be not done.

35th. That the Street Commissioner be, and is hereby, directed to repair stone-crossing on north side of Washington street, at the crossing of Alabama street.

Recommend the work be done.

36th. That the Street Commissioner be, and is hereby, directed to lay a stone-crossing across Washington street, on east side of alley between Alabama and New Jersey streets.

Recommend the work be done.

37th. That the Street Commissioner be, and is hereby, instructed to clean the gutter (bowldered) of Park avenue, from Christian avenue to Lincoln avenue.

Recommend the work be done.



38th. That the Street Commissioner be directed to repair Market street, and put it in a good passable condition, between Delaware and Pennsylvania streets.

Recommend the work be not done.

39th. That the Street Commissioner be directed to clean the gutters of the alley between Circle and Illinois streets, from Market street to Ohio street.

Recommend the work be done.

40th. That the Street Commissioner be directed to put the alley crossing on the north side of New York street, between Meridian and Illinois streets, in good passable condition.

Recommend the work be done.

41st. That the Street Commissioner be directed to put down stone crossings across Circle street, at the entrance of the three gates, north, west, and east.

Recommend the work be not done.

42d. That the Street Commissioner be instructed to clean the gutters and fill the chuck-holes on Fort Wayne avenue, the entire length of the street.

Recommend the chuck-holes be filled.

To the Mayor and Common Council:

43d. *Gentlemen*.—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, October 24th, 1881, adopted the following motion:

That the Street Commissioner be, and is hereby, directed to lay foot crossings at the intersection of St. Marys street and Delaware street.

Recommend the work be not done.

44th. That the Street Commissioner remove obstructions to free passage of water in gutters of Pine street, north of North street.

Recommend the work be not done.

45th. To clean the gutter and culvert on Lincoln avenue, from the first alley west to Columbia avenue, including the crossing on the above avenues.

Recommend the work be not done.

46th. To clean the gutter on Peru street, between Christian and Home avenues.

Recommend the work be not done.

47th. That the Street Commissioner be, and is hereby, directed to scrape and clean the gutters on north Alabama street, between Fort Wayne avenue and Home avenues. Adopted by the Board of Aldermen, November 17, 1881.

Recommend the work be not done.

48th. That the Street Commissioner be directed to fill the chuck-holes in Park avenue, between St. Clair street and Christian avenue.

Recommend the work be done.

49th. *Resolved*, That the Board of Public Improvements be authorized to have a double row of stone crossings be placed on each side of Delaware street at the intersections of all the streets and alleys between Walnut and Market streets, where not already laid.

Recommend the work be done when the street is re-improved.

50th. That the Street Commissioner be, and is hereby, directed to place a durable crossing across Washington street at State avenue; also, across Arsenal avenue and Highland street, north side of Washington street.

Recommend the crossings be put in on Arsenal avenue and Highland street.

51st. That the Street Commissioner be, and is hereby, directed to clean the gutters on Michigan street, between Noble street and the first alley east of Pine street.

Recommend the work be not done.

52d. That the Street Commissioner be, and is hereby, directed to clear the drift wood and such rubbish as may obstruct the flow of water from the channel of Pogues Run between Washington street and the United States Arsenal grounds.

Recommend this matter be referred to the City Civil Engineer for examination.

53d. That the Street Commissioner be instructed to fill the chuck-holes on New York street, west of Blake street.

Recommend the work be done.

54th. That the Street Commissioner be instructed to clean the gutters and fill the chuck-holes on Pine street, from North street to Peru avenue. Also, clean the gutters of Vine street from Park avenue to Ash street. Also, clean the gutters on Arch from Park avenue to Plum street. Also, clean the gutters and fill chuck-holes on North street, from East street to Noble street.

Recommend the chuck-holes be filled.

55th. That the Street Commissioner be directed to clean gutter on west side of north Mississippi street, from Seventh street to Tenth street.

Recommend the work be done.

56th. That the Street Commissioner be, and is hereby, directed to fill chuck hole at the corner of Central and Christian avenues, which is now in a dangerous condition.

Recommend the work be done.

57th. That the Street Commissioner be directed to repair Ohio street between Meridian and Illinois streets.

Recommend the work be done.

58th. *Resolved*, That the City Civil Engineer be instructed to place a double row of stone crossings across New York street, at the intersection of Alabama street.

Recommend the work be done under contract.

59th. That the Street Commissioner be directed to clean the gutters of Tennessee street, between Washington street and South street.

Recommend the work be done.

60th. That the Street Commissioner be directed to clean the gutters of Mississippi street, between Washington street and Georgia street.

Recommend the work be not done.

61st. That the Street Commissioner be directed to fill the chuck-holes on Illinois street, between Washington and South streets, with cinders or broken stone, so as to make the said street passable.

Recommend the work be not done.

62d. That the Street Commissioner be instructed to mend Illinois street, from Washington street to South street, in the best and cheapest manner which may appear to him.

Recommend the work be not done.

63d. That the Street Commissioner be, and is hereby, directed to fill the chuck-holes on West street, between Vinton and Shearer streets.

Recommend the work be not done.

64th. That the Street Commissioner be, and is hereby, instructed to fill chuck-holes on Washington street, between California street and White River bridge.

Recommend the work be done.

65th. That the Street Commissioner be, and is hereby, instructed to clean the mud and dirt off of West street, between Washington and Georgia streets.

Recommend that the work be done.

66th. That the Street Commissioner be, and is hereby, directed to clean the gutters and fill the chuck-holes on North street, between Noble and Pine streets; also, to place a railing on north end of the culvert over Pogue's Run, on east Washington street, as a protection to the public.

Recommend the chuck-holes be filled and the City Civil Engineer report estimate cost of said railing.

67th. That the Street Commissioner be instructed to place a single stone-crossing on Illinois street, at the crossing of St. Jo. street.

Recommend the work be done.

68th. That the Street Commissioner be, and is hereby, directed to fill mouths of alleys with gravel, on line of sidewalk on east side of West street, between South and Merrill streets.

Recommend the work be done.

69th. That the Street Commissioner be directed to protect with suitable railing the bridge across Pogue's Run on East street.

Recommend the work be done.

70th. That the Street Commissioner be directed to clean the first alley east of Illinois street, between Market and Ohio streets. Also, the first alley east of Pennsylvania street, between Market and Wabash streets.

Recommend the work be not done.

Respectfully submitted.

Wm. H. Morrison,  
John R. Cowie.

Board of Public Improvements.

The Board of Public Improvements, through Councilman Cowie, submitted the following report; which, on motion by Councilman Thalman, was received:

To the Mayor and Common Council:

*Gentlemen:*—We, the undersigned, members of the Board of Public Improvements of the city of Indianapolis, deem it our duty, and in the interest of the city, to recommend to the several Councilmen in which the following named streets are located: South Illinois, north Meridian, and north Delaware streets, that they consult the citizens as to the character of improvements they may desire on said streets, and that ordinances be then introduced for the improvement of said streets as follows:

South Illinois street, from South street to Washington street; north Delaware street, from market space to Tinker street, and north Meridian street, from New York street to Tinker street.

We would recommend that said streets be improved during next spring and summer, and that when the improvements are made, that they be made in as durable and substantial a manner as possible; and we would further suggest that the Council and Board of Aldermen establish some kind of an improvement that shall be known as a permanent improvement, and when streets are improved in this manner, that it shall be the duty of the city to keep said streets in repair for at least twenty (20) years.

And we would further recommend that the citizens and tax payers petition the Legislature to allow the Council and Board of Aldermen to make an annual tax

levy, not to exceed ten cents on each one hundred dollars of the taxable property of the city, for street repairs, as something should be done in order that citizens may not be called upon to pay for street improvements, as now established—in some cases three and four times; and to further petition the Legislature to give the Common Council and Board of Aldermen the power to levy a special tax on all vehicles used for public or private uses within the city limits.

Respectfully submitted,

WM. H. MORRISON,  
JOHN R. COWIE.

The Board of Public Improvements and Street Commissioner, through Councilman Cowie, submitted the following report; which was received:

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

*Gentlemen.*—We herewith report expenditures of the Street Repairs Department for the month of December, 1881, together with the total amount of expenditures to January 1st, 1882:

Pay-rolls.....	\$1,778 18
Blacksmithing.....	18 85
Bowlders.....	8 00
Brick.....	16 00
Cement.....	6 48
Gravel.....	103 90
Hardware.....	22 86
Lumber.....	716 35
Rubber Boots.....	13 50
Stone crossing.....	145 20
Total expenditures for December, 1881.....	\$2,828 82
Total expenditures per last report.....	16,071 88
Total expenditures to January 1st, 1882.....	\$18,900 70

Respectfully submitted,

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

L. A. FULMER, Street Commissioner.

The Board of Health submitted the following report; which was received:

*Report of Deaths in the City of Indianapolis, from the 31st day of December, 1881, to the 15th day of January, 1882, inclusive.*

Under 1 year.....	11
1 to 2 years.....	3
2 to 5 ".....	3
5 to 10 ".....	1
10 to 15 ".....	0
15 to 20 ".....	6
20 to 25 ".....	0
25 to 30 ".....	11
30 to 40 ".....	5
40 to 50 ".....	4
50 to 60 ".....	4
60 to 70 ".....	3
70 to 80 ".....	2

80 to 90 " .....	2
90 to 100 " .....	0
100 and upwards.....	0
Unknown.....	1
Total.....	56

Respectfully, E. S. ELDER, M. D., President.  
W. E. JEFFRIES, M. D., Secretary.

#### REPORTS, ETC., FROM STANDING COMMITTEES.

The Judiciary Committee, through Councilman Pritchard, submitted the following report; which was concurred in:

*Indianapolis, Ind., Jan. 16th, 1882.*

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:

The first is the petition of C. C. Koerner, asking pay for horse and buggy damaged by No 5 Hose Reel, on 9th of November last. He asks for \$65 00 on buggy and \$60.00 on horse, total \$125.00. The accident occurred on Tennessee street, in front of third house south of the residence of Governor Porter. At this point it is between eight and nine feet from curbstone to the edge of the beaten track. The Reel was coming south about 9 o'clock at night, going to a fire, on track above mentioned, the petitioner was going north on same track with sister in his buggy. The following accounts were given to your committee by the parties: The men upon the Reel, three in number, say they saw an object in front of them when forty feet away, and they turned to the right, going two feet to the right of the beaten track, into the soft ground. The object seen was the petitioner, and when within fifteen or twenty feet of them, the petitioner pulled his horse squarely to the left, with his horse's head nearly directly west, and immediately in front of the Reel horse. The distance was so short the Reel could not be stopped, and he struck the petitioner's horse about the shoulder, knocking it down, the Reel horse falling over him upon its knees. The distances at the point of the accident were as follows, by actual measurement made the next morning. The east wheel of the Reel was seventeen feet from the curbstone, and two feet west of the beaten track. Here was room for three buggies to have passed to the right of the Reel abreast, without harm, and petitioner's buggy was given the entire track, and could have passed upon it missing the reel two feet.

The petitioner's statement was as follows: Tennessee street has been lately graded, and two tracks have been made, one on west side and other on east side of street, with some twenty feet of soft ground in center of street. The petitioner had been on the west side of the street, when he saw the Engine coming he says he drove to the east side of the street, to a point within two or three feet of the curbstone, and stopped. That he did not see the Reel until it was but a few feet away and that he called out "ho" That the Reel horse struck his horse on the right shoulder, perhaps with the shaft of the Reel, and turned him around with his head to the west and towards the center of the street, where his horse fell. At the time he says his horse's head was facing north. Petitioner's sister makes the same statement as to the facts.

By reference to the measurements made, it will be seen that a buggy standing within two or three feet of the curbstone, is east of the beaten track on each side of the street, and another vehicle may pass upon the track and miss from one to two feet.

Again, a horse standing hitched to a buggy that stands within two or three feet of the curbstone, to be struck on the right shoulder (which would be the shoulder

next the curb in this case) by a Reel horse, would indicate that the wheel of the Reel was running against or upon the curbstone. From all the facts, your committee are of the opinion that the city is not legally liable for damage done in this case.

But in view of the fact that the accident occurred in the night time, and at a point between the lamp posts; and further, upon the statement of Prof. Koerner and his sister, that on account of the darkness they did not see the Reel until it was right upon them, and what was done was necessarily upon the moment, without thought, it would be just at least, for the city to bear a portion of the loss. The damage claimed upon the buggy, is \$65.00, and \$60.00 for the horse. The horse is now about well; at least the petitioner is using it daily, and has been for some time.

As a compromise, your committee think it would be fair to pay \$65.00 on the buggy, and \$10.00 on the horse; provided the petitioner will give receipt in full of any and all causes of action he may claim to have against the city.

The second is the petition of Frank McWhinney, showing that at different times he purchased at tax sale Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, in Myers & McClain's southeast addition to the city. Also, Lot 1, Staunton's addition. Also, Lot 12, Square 13; Lots 10, 10, 10, in different Squares; 11 and 12, in Myer's subdivision southeast addition.

He says the sales were void, for the reason that said property does not lie within the corporate limits of the city, and therefore not liable for city taxation.

If this petition be granted, more of the same kind—amounting to several thousand dollars—will immediately follow; and your committee desire that the Court may decide whether or not the payments thus made were not *voluntary*. If so, the money cannot be recovered.

Your committee recommend that the prayer of petition be not granted; and that a test case be made of this first petition to refund taxes in Stanton's addition and Myers & McClain's addition, both of which were not contiguous territory, at the time of their annexation.

Respectfully submitted,

James A. Pritchard,  
N. Yoke,  
John W. Fultz,  
Committee.

C. S. DENNY, City Attorney.

The Committee on Streets and Alleys, through Councilman Weaver, submitted the following report; which was referred back to the committee:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Streets and Alleys, together with the City Civil Engineer, to whom was referred the report of the City Civil Engineer, relative to the expiration of certain contracts:

First is the contract of James Mahoney, for grading and graveling Pearl street and sidewalks, from Benton to Pine street. We find that said contractor has not completed said improvement according to contract, and that he has been repeatedly notified of the fact by the City Civil Engineer, and has failed to comply with the order of said city official.

We recommend that his time for completing said contract be extended until the 30th day of April, 1882, and that no estimate be allowed for said improvement until the work is done to the entire satisfaction of said City Civil Engineer.

The second is the contract of John Stumph & Son, for building a cistern on Eddy street. The contractors on this work, we find, have not been as expeditious as they might have been, or the contract would have been completed; yet the work is un-

finished, and can not be completed until spring time. We recommend their time be extended until May 31st, 1882.

Respectfully submitted,

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

#### MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read ; and, on motion by Councilman Bryce, action thereon was postponed until the next regular meeting :

To the Mayor and Members of the Common Council :

*Gentlemen:*—The Board of Aldermen in adjourned session, held in the Aldermanic Chamber, Friday evening, December 30th, 1881, non-concurred in your action in concurring in the report of the Board of Public Improvements recommending the re-opening and continuing the Stone Yard.

I submit the same for your consideration.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

The following message was read, and, on motion, the Common Council adhered to their former action :

To the Mayor and Members of the Common Council :

*Gentlemen:*—The Board of Aldermen, in adjourned session, held in the Aldermanic Chamber, Friday evening, December 30th, 1881, non-concurred in your action in adopting the following motions :

WHEREAS, The gas post on the east side of Tennessee street, between Ohio and Market streets, is about sixty feet south of the alley ; therefore,

*Moved,* That the City Civil Engineer be, and is hereby, instructed to at once have said lamp post removed to the northeast corner of the first alley north of said post.

That the gas post on the north side of New York street, and east of Ellsworth street, be, and is hereby, ordered to be removed to the corner of Ellsworth and New York streets.

I submit the same for your consideration.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk,

The following message was read :

To the Mayor and Common Council :

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, January 9th, 1882, adopted the following resolution :

*Resolved,* That the street car company 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 company of the passage of this resolution.

I submit the same for your consideration.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

On motion, the above resolution was concurrently adopted by the following vote:

**AYES, 21**—viz. Councilmen Bedford, Bryce, Caylor, Cole, Cowie, Coy, Dowling, Egger, Fultz, Hartmann, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, Ward, Weaver, and Yoke.

**NAYS, 1**—viz. Councilman Harrold.

Later in the session, Councilman Dowling moved to reconsider the vote by which the above resolution was adopted.

Which motion to reconsider failed for want of a second.

The following message was read; and, on motion, so much thereof as relates to Pogue's Run, was referred to the Board of Public Improvements; and so much as relates to the Steet Railway Company, was referred to the Committee on Railroads:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, January 9th, 1882, adopted the following resolutions:

*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.

**WHEREAS**, Complaints are general that the street car company 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 the flanges on outside, in all these respects violating its charter; therefore,

*Resolved* That the Indianapolis Street Car Company be required to comply with all the provisions of its charter. to the satisfaction of the City Street Commissioner, City Civil Engineer and City Attorney, and that he 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.

I submit the same for your consideration.

For the Board of Aldermen.

GEO. T. BREUNIG, Clerk.

#### REPORTS FROM SELECT COMMITTEES.

Councilman Caylor, in behalf of a certain select committee, submitted the following report:

To the Mayor, and Common Council:

*Gentlemen:*—Your special committee, appointed to investigate and report whether or not the Watson Coal and Mining Company have an office in the city, and doing business as retailers of coal, we report that from all the information we can get, the Watson Coal and Mining Company have no office in the city, and are not retailing coal here; they have no carts registered, as required by ordinance; and that contracts awarded to them are being filled by the firm of Drew & Wasson; and as Mr. Drew is an Alderman, and under the facts as learned by your committee, we are of the opinion that contracts are void, and therefore recommend that the contracts made with the City Hospital and Dispensary, be cancelled.

Respectfully submitted,

Allen Caylor,  
B. W. Cole,  
Special Committee.



Councilman Dowling moved to lay the above report on the table.

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

AYES, 13--viz. Councilmen Bryce, Cowie, Coy, Dowling, Egger, Fultz, Knodel, Koller, Morrison Pearson, Reichwein, Stout, and Thalman.

NAYS, 9--viz. Councilmen Bedford, Caylor, Cole, Harrold, Hartmann, Pritchard, Ward, Weaver, and Yoke.

Councilman Weaver, in behalf of a certain select committee, submitted the following report; which was referred to the Fire Board, with power to act:

To the Mayor and Common Council :

*Gentlemen:*--The Committee on Insecure Buildings, beg to call your attention to the condition of Engine house No. 7, situated on east Maryland street:

We find that the stone pier in front end has settled, so as to loosen the key-stones in the arches over the large doors, which were once before trimmed off, making an even surface, but still continues to drop, and the outer one is likely to fall at any time, and would cause much injury to the building, as the joists (which are a thirty feet span), rest on this wall. Since the erection of the building, an iron column has been placed under the center of the truss which supports the other end of the joists, and the partition above this, has taken the strain off the east and west walls at this point. The other end of this floor rests on the wall above the strained arch, which is shaken by the vibrations from the striking of the bell, the swinging of the large door, the shaking of a thirty foot span of joist, and the continual strain from the guy wires which fasten from the building to the telegraph pole on the Meridian street corner. To take out the whole of the arch, would necessitate the removing of moulded sill course, and the whole of the wall above, at an estimated cost of \$750 00. The cheapest way would be to lift up and re-key the inner arch, take out the outer key-stone and replace it with a larger one, put an iron rod through the building from east to west walls, place a 12 by 14 inch truss beneath the floor about midway, putting an iron column under the centre, in line with that one already in. This would make the building secure, at an estimated cost not to exceed \$225.00.

All of which we respectfully submit for your consideration.

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

Councilman Thalman offered the following motion; which was adopted :

That the latter part of the report of the Committee on Insecure Buildings, be adopted, and the City Clerk be directed to advertise for proposals for doing said work; also, that the telegraph company be directed to remove the wires from the building.

Later in the session, action on the above was reconsidered.

By consent, Councilman Morrison presented the following petition

STATE OF INDIANA, *Marion County:*

To the Honorable the Mayor, Common Council, and Board of Aldermen  
of the City of Indianapolis, in the County of Marion, and State of Indiana :

The undersigned, being reputable freeholders of said city, respectfully represent that the Cincinnati, Indianapolis, St. Louis and Chicago Railway Company, is the owner of the real estate situate in said city, included within the following boundaries, to-wit :

Commencing at the intersection of the north line of the first alley north of Deloss street, running east and west along the north line of a part of Allen, Root & English's addition and the old donation line; thence along the old donation line in a northerly direction five hundred and twenty feet, more or less, to the main track of the Cincinnati, Indianapolis, St. Louis and Chicago Railway Company; thence along said main track in an easterly direction to the center of Allen street; thence westerly along the center of Allen street to the center of Laurel street; thence in a southerly direction along the center of Laurel street, to the north line of the alley first above mentioned; thence along the north line of said alley in a westerly direction, 1,690 feet, more or less, to the point of beginning. All that portion of the above described lands east of Grant street is in Allen, Root & English's addition.

Your petitioners are advised that said railway company desires to erect its railway shops upon the real estate included within said boundaries, and that all of said real estate is needed by said railway company for its shops and appurtenances, and without the whole of said real estate, its shops and appurtenances can not and will not be erected and maintained at that place; that to enable said railway company to utilize said real estate for the purpose named, it is necessary that the streets and alleys included within said boundaries, shall be vacated.

Your petitioners represent that the streets within said boundaries are Leota, Allen and Laurel, and that Allen and Laurel streets have never been opened or used by the public as streets, and that the alleys embraced within said boundaries have never been opened or used by the public as alleys, and that Leota street, where it passes through said boundaries, is but little used by the public, and has comparatively but little public utility.

Your petitioners, therefore, pray that so much of Leota and Allen streets as lies within said boundaries be vacated, and that so much of Laurel street as lies between its intersection with the alley hereinbefore described and the main track of said railway company be vacated; and that all the alleys situated within said boundaries be vacated.

Your petitioners file herewith a map showing the real estate included within said boundaries, the streets and alleys proposed to be vacated, and also the locality surrounding the real estate proposed to be vacated.

And your petitioners will ever pray, etc.

John S. Spann, P. Hoppner, William Koepper, Ernst  
Fuchring, Emilia Kunz.

*Indianapolis* Jan. 16th, 1882.

*Indianapolis*, Jan. 16th, 1882.

The Cincinnati, Indianapolis, St. Louis and Chicago Railway Company acknowledges service of a copy of the foregoing petition and notice that it will be presented to the Common Council of the city of Indianapolis at their meeting on Monday night, January 16th, 1882.

BAKER, HORD & HENDRICKS,  
Attorneys for C., I., St. L. and C. R'y Co.

Councilman Morrison, in relation to the above petition, offered the following motion, which was adopted, and Councilmen Morrison, Brundage and Yoke were appointed by the Chair to act as the members of such special committee:

To refer the above petition and plat to the Committee on Streets and Alleys, together with a special committee of three.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following entitled ordinances were introduced and severally read the first time:

By the Mayor:

- G. O. 2, 1882—An Ordinance repealing an ordinance entitled "An ordinance preventing frauds in the sale of wood, and providing for wood measurers," ordained November 23, 1863; and all ordinances amendatory thereof, and supplementary thereto.
- G. O. 3, 1882—An Ordinance regulating the issuing of building permits, and repealing all ordinances in conflict therewith.

By the Mayor, at the request of the Board of Aldermen:

- G. O. 4, 1882—An Ordinance repealing an ordinance entitled "An ordinance granting E. W. Gleason and his associates, under the name and style of The Indiana District Telephone Company, the privilege of using the streets and alleys of the city of Indianapolis, in constructing, operating and maintaining lines of telephone in said city," ordained February 17, 1879, providing that said company shall pay ten per cent of its gross receipts into the city treasury; and granting said company the right to use the streets and alleys of said city under certain restrictions and conditions.

By Councilman Bedford:

- G. O. 5, 1882—An Ordinance requiring flagmen to be stationed at the intersection of the Jeffersonville, Madison & Indianapolis Railroad Company's tracks with Madison avenue north, Ray street, Morris street, and Madison avenue, near the Hominy Mills.

By Councilman Cole:

- S. O. 2, 1882—An Ordinance to provide for grading and paving with brick the north sidewalk of Michigan street (except where already properly paved), between East and Noble streets.

The above entitled ordinance was accompanied by the following petition:

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

*Gentlemen:*—The undersigned, owners of real estate fronting on the north side of Michigan street, between East street and Noble street, respectfully petition for the passage of an ordinance providing for grading and paving with brick the north sidewalk of Michigan street, to the width of six feet (except where already properly paved), between East street and Noble street..

Maria Milburn, 195 feet; Thomas Huggins, 195 feet.

By Councilman Pritchard:

- S. O. 3, 1882—An Ordinance to provide for paving with wooden blocks the roadway of Meridian street, and bowldering the wings of street and alley crossings thereof, from New York street to St. Clair street.

S. O. 4, 1882—An Ordinance to provide for the paving with wooden blocks, the roadway of Meridian street, from St. Clair street to Seventh street.

By Councilman Stout:

S. O. 5, 1882—An Ordinance to provide for grading and graveling the roadway of Central avenue, from Ft. Wayne avenue to Tenth street.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Bryce offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be instructed to put down a double stone crossings across Meridian street, on the north side of South street.

That the Street Commissioner be instructed to raise the stone crossing across Georgia street, on the west side of Pennsylvania street.

That the Street Commissioner be instructed to put down a double stone crossing across Pennsylvania street, on north side of South street.

Councilman Bryce offered the following motions; which were adopted:

That the property owners be instructed to raise the grade of the first alley south of South street, running east, to a level with the sidewalk, under direction of the City Civil Engineer.

That the City Marshal be, and is hereby, directed to notify the Superintendent of the J., M. & I. R. R., to make the necessary culverts under their tracks, in accordance with the instructions of the City Civil Engineer; and should they fail to construct said culverts within five days from said notice, the Street Commissioner be, and is hereby, directed to make said culverts at the expense of said company.

Councilman Caylor offered the following motions; which were adopted:

That the City Attorney be directed to report at the next meeting of the Council, what is the duty or duties to be performed by the city Board of Health, when notified by a physician that there is a case of small-pox at a given street and number.

That the Board of Health be instructed to see that when small-pox are reported to their office, that the parties display a red flag immediately.

Councilman Cole offered the following motion; which was adopted:

That the Street Commissioner be directed to repair the stone crossings on New Jersey street, at the crossing of Michigan street.

Councilman Dowling offered the following resolution; which was referred to the Fire Board:

*Resolved*, That the Chief of the Fire Department, together with the Fire Board and the Aldermanic Committee on Fire, be, and are hereby, directed to examine the necessities for further fire protection at or near Reid street and English avenue; and if, in their opinion, further protection is necessary, that the Chief and Fire Board be, and are hereby, directed to have a fire cistern built at or near the streets above named.

Councilman Egger offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be instructed to clean gutters on McCarty street, between Virginia avenue and East street.

That the Street Commissioner be instructed to clean the gutters on Beatty street, between McCarty and Buchanan streets, to enable the school children to reach their school house.

Councilman Egger presented the following petition; which was referred to the Committee on Ordinances:

*Indianapolis, Ind., Jan. 14, 1882.*

Some of the owners of cows, of the twenty-second ward, met on Coburn street, to consider the best means to release them from the unjust and oppressive so-called "Cow Ordinance," and especially from the illegal order of the Marshal, offering the boys twenty-five cents for each cow they bring to the pound, which leaves us entirely at the mercy of the hoodlums of the city.

*Resolved,* That we petition His Honor, the Mayor, the Common Council and the Board of Aldermen of the city of Indianapolis to so amend said ordinance as to allow cows that are not breachy, to run at large from sun rise to sun set.

Bernard Boyle, J. Fitzgibbon, J. Downey, C. Clappey,  
C. F. Hill, C. Weiland, Fr. Nimz, R. Fritsche, J. J.  
Wenner, and 100 others.

Councilman Egger presented the following petition; and, on motion, the prayer of the petition was granted for three months:

*Indianapolis, Jan. 16, 1882.*

To the Honorable Council of the City of Indianapolis:

*Gentlemen:*—The undersigned, auctioneers of the city, humbly petition your honorable body for an auction license for one year. Our place of business is No. 88, east Washington street.  
HUNT & McCURDY.

Councilman Fultz offered the following motion:

That the Council, in future, do not entertain a report from any committee, when there is any member of such committee who has not been notified to meet with the committee of which he is a member.

Councilman Thalman offered the following as a substitute for the above motion; which was adopted:

That the chairman of each committee be instructed to notify every member of each and every meeting of such committees.

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

That the Street Commissioner repair Merrill street, between Illinois and Missouri streets, in such a manner as to properly drain said street, and make it passable.

Councilman Fultz offered the following motion; which was referred to the Fire Board:

That the Fire Board be, and are hereby, directed to procure gongs, and place the same on the Hose Reels; the same to be wrung to give an alarm when going to fires, so that in future accidents may be avoided.

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

That the Street Commissioner be, and is hereby, directed to fill mud holes with gravel on Georgia street, between Missouri and West streets.

Councilman Harrold offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, directed to notify the contractor for placing street guides upon lamp-posts, to put the same upon lamp-posts and street corners in West Indianapolis in proper manner, and that the Engineer give the contractor the correct names of the streets, and locate the same.

Councilman Harrold presented the following petition:

To the Members of the Common Council and Board of Aldermen of the City of Indianapolis:

*Gentlemen:*—I would respectfully represent that I have completed a contract for the improvement of a sidewalk on Maryland street, about the legality of a certain portion of which there seems to exist some doubt; and until such doubt is removed, I do not deem it prudent to ask you to issue precepts for the collection of assessments made against any of the property abutting on said street.

I therefore ask for instructions as to the proper course to be pursued in order to collect the assessments for said improvement.

J. L. SPAULDING,  
Contractor.

*Indianapolis, Jan. 16th, 1882.*

Councilman Harrold, in relation to the foregoing petition, offered the following motion; which was adopted:

That the above communication be referred to the City Attorney, together with the City Civil Engineer, with instructions to examine the ordinance, contract and estimate passed and allowed by this body for said improvement, and report what means, if any are necessary, should be adopted for the enforcement and collection of assessments made in pursuance thereof.

Councilman Hartmann offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be directed to pave with bowlders, the alley entrance on Bates street, between Noble and Leota streets.

That the Street Commissioner be directed to pave with bowlders, the alley entrances on Georgia street, between Noble street and Dillon street.

That the Street Commissioner be directed to lay stone crossings on the intersections of the several street crossings on Georgia street, east of Noble street.

Councilman Hartmann offered the following motions; which were adopted:

That the Street Commissioner be, and is hereby, directed to repair the ruts and chuck-holes on Oriental street, between Washington street and the Michigan Road.

That the officers of the C., I. & St. L. R. R. Co. be notified by the City Marshal to repair and re-plank their crossing on East street, as the said crossing is in a very bad condition.

Councilman Koller offered the following motion; which was referred to the Committee on Streets and Alleys:

WHEREAS, The flow of water from the gutters of Highland street is washing out and destroying the sidewalks of Market street; therefore,

*Moved*, That the Street Commissioner be, and is hereby, directed to examine said locality, and open the gutters, and make the proper repairs to prevent the destruction of said street and sidewalk.

Councilman Morrison offered the following motion; which was referred to the City Attorney:

That the City Attorney be, and is hereby, ordered to examine the statute of the State, and the ordinances of the city, and report if, in his opinion, the Belt Railroad Directors now representing the city's interest, have been, for the past year, elected according to law; and also report whether the Council and Board of Aldermen should not elect said Directors in the month of February of each year, for one year. And that the City Attorney meet with the Belt Railroad Directors representing the city, and that said Directors be requested to report as to the condition of the city's interest; and that they also report what steps will be necessary looking to the completion of said Belt Railroad around the northern portion of the city.

Councilman Morrison offered the following resolution; which was referred to the Finance Committee:

WHEREAS, The last Legislature of the State appropriated the sum of forty thousand dollars for the purpose of constructing a sewer from the State institutions for the education of the Deaf and Dumb, and from the Reformatory for Women and Girls, and said sum of forty thousand dollars was appropriated in the nature of a contract, "providing that said city of Indianapolis shall, by an ordinance, first accept the terms and provisions of said law," and agree to construct such sewer within the period of twelve months from the passage of said law; and ordinances have been prepared by the City Civil Engineer, and other members of the city government, looking to the construction of said sewer, and the city by the several members of the Legislature from this county, and a large number of the Council and Board of Aldermen, were instrumental in the passage of said act, and by the pledge made to the committee of the Legislature by a committee of the Council and Board of Aldermen of this city, the time has come for some positive action by the city government; therefore,

*Resolved*, That all ordinances providing for the construction of sewers in the city of Indianapolis, be, and are hereby, referred to the City Attorney for his inspection with instructions to report whether said ordinances comply with the law as now in force, and in proper form; and that he be requested to call to his aid the City Civil Engineer. Said report to be made at the next regular meeting of this Council, and that said ordinances be made the special order for the next regular meeting of the Council.

Councilman Morrison offered the following motions; which were adopted:

That the City Civil Engineer, together with the Committee on Contracts, be, and are hereby, ordered to have the contractor (S. W. Patterson) for the improvement of north Meridian street, put down the stone crossings and bowlder the intersections, as provided in said ordinance; *Provided* said contractor will do the work according to the specifications of the City Civil Engineer, and at the same price as stated in his bid for said work.

That the ordinance now on file, G. O. 68, 1881, providing against injury by fire, be referred to the City Attorney for his examination, to ascertain if in proper form, and for his opinion as to the power of the Council to enforce its provisions; and if not found in proper form, that he be, and is hereby, instructed to prepare an ordinance carrying out the intentions of said law.

Councilman Morrison offered the following motion; which was referred to the Board of Public Improvements, with power to act:

That the Street Commissioner be, and is hereby, ordered to place a double stone crossing at the intersection of the first alley west of Illinois street, on New York street, as said alley crossing is east of School House No. 12, and should be put in good condition, on account of the school children in said school.

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

That the Street Commissioner be, and is hereby, instructed to place the stone crossings crossing Indiana avenue and Mississippi streets, in proper condition, under the direction of the City Civil Engineer, as said crossings are now below the grade of said streets.

Councilman Morrison presented the following petition; which was referred to the Judiciary Committee:

*Indianapolis, Oct. 17th, 1881.*

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

*Gentlemen:*—Your petitioner respectfully represents and shows that at the time he made the contract for the transfer to the city of Lot 7, Routh's subdivision of Square 21, Johnson heir's addition, (being the property upon which the No. 9 Engine House is erected), it was expressly agreed that the city should remit the city taxes thereon for the year 1880; that the property was conveyed upon that understanding, but the city having failed to remit said taxes, by mistake in paying other taxes, he paid the taxes for said year to the City Treasurer, amounting to the sum of \$10.16. He therefore prays that the amount be refunded to him.

Respectfully submitted,

M. B. RUDESILL, per W. H. Allen.

*Indianapolis, Oct. 13th, 1881.*

I hereby certify, that the city taxes for the year 1880, on Lot 7, Routh's subdivision of Square 21, Johnson heir's addition, were \$10.16. Value of Lot 950, rate \$1.07—\$10.16.

I. N. PATTISON, City Treas'r.

Councilman Bryce offered the following motion; which was referred to the Committee on Railroads, to report at the next regular meeting:

That the owner or owners of the switch at the east side of Pennsylvania street, at the north side of the crossings of railroad tracks, should be removed from the sidewalk, or in some way put in order.



Councilman Pearson presented the following petitions; which were referred to the Judiciary Committee:

Indianapolis, Dec. 14th, 1881.

To the Honorable, the Boards of Council and Aldermen, City of Indianapolis:

Your petitioner represents that on the 10th day of February, 1880, he purchased at city tax sale, six feet and three inches off west side Lot 14, in Square 45, said city, under tax certificate No. 9,866, for \$1,007.26, which sum he then paid into said city treasury and says the sum is void sale for reason that the real estate was sold for the personal tax of a person not the owner of said real estate at time taxes accrued; and says that the said tax for which sale occurred, was not a lien on said realty, wherefore he prays the same be refunded with six per cent interest, and all proper relief.

WILLIAM ROWE.

The real estate was sold by Sheriff, on foreclosure of mortgage, 20th October, '77, to Lewis W. Hasselman and Wm P. Fishback, and certificate of Sheriff assigned sales equally to Ott. H. Hasselman; no deed ever taken, the realty passing under a prior mortgage, the personal property was sold by Ridennour, Receiver, 20th Nov. '78, to Ott H. Hasselman. The real estate was never delinquent. The personal was delinquent for 1878, but was sold 20th Nov. '78, and the tax duplicate did not reach hands of treasurer till Dec. 15, '78; hence by 19th Ind., 146, never became a lien on realty; and realty never having been delinquent, could not have been sold. Judge Holman so held on the above facts in case 26,611, R. 1, Superior Court.

We therefore ask you to refund, and oblige,

WM. ROWE.

The Hon. Boards of Councilmen and Aldermen of the City of Indianapolis:

Your petitioner says that on the 18th of October, 1879, he purchased at private sale, of the then City Treasurer, Lot 4, Ray's subdivision of Out-lot 159, in said city, and paid into the treasury of said city, the purchase price thereof (\$151.25) one hundred and fifty-one dollars and twenty-five cents, and received on such payment from said City Treasurer tax certificate No. 15,629, as evidence of his said purchase, but says that notwithstanding he made said payment, and received said certificate of purchase, the said certificate was not sufficient to, and did not transfer the lien which the city had thereon for taxes to petitioner, and did not vest any interest in, lien on, or title to, said lot in petitioner; but said sale is and was, void, wherefore he asks that his money be refunded, with interest from Oct. 18th, 1879, and for all proper relief.

F. McWHINNEY.

*Memorandum.*—In case 27,472, R. 2, Judge Howe held, in suit on above purchase, that the original lien never was transferred from the city, and that the purchaser had and acquired no lien on said lot, and expressly reserved the right of McWhinney to proceed against the city to recover the purchase money, with interest.

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

*Gentlemen:*—Your petitioners, Catharine Ruschhaupt and Chancey L. Turner, are the present owners, and have sold, 30 feet off south side of Lot 17, and 20 feet off north side of Lot 18 and Lot 20, and ten feet off of the south side of Lot 17, in Haugh & Churchman's subdivision of Lot 3, St. Clair's addition to the city of Indianapolis, Ind. They represent further, that there is what appears to be a street assessment lien for benefits for opening Second street, amounting to \$420 00 on said property. This assessment is null and void, as a matter of fact, the city having instituted a suit for its collection, and having dismissed same at city's cost. See Record 77, page 423, cause No 11,745, Superior Court Marion County, Ind. Order book 34, page 63. They further represent that your honorable bodies have passed on this same matter last June. See Council proceedings, page 523, in which report your Judiciary Committee ordered satisfaction in full. They ask that you order and direct the City Clerk to satisfy the record on said property. For which they

CATHARINE RUSCHHAUPT,  
CHANCEY L. TURNER,

By W. H. Hobbs, Agent.

Indianapolis, Ind., Jan. 16th, 1882.

Councilman Pearson offered the following motion; which was adopted:

That the City Attorney be instructed to prepare an ordinance regulating the granting of auctioneer's licenses.

Councilman Pearson offered the following motion; which was referred to the Committee on Bridges:

That the Committee on Bridges be instructed to inquire into the advisability of erecting a bridge on Willard street, across Pogue's Run, between Tennessee and Mississippi streets.

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

That a stone crossing be placed at short Fourth street, on north Illinois street.

Councilman Pritchard presented the following petition; which was referred to the Committee on Streets and Alleys:

*Indianapolis, Jan. 13th, 1882.*

To the Common Council and Board of Aldermen:

*Gentlemen:*— We, the undersigned, property holders and owners of real estate on the first alley running from Twelfth street south to first alley south of Twelfth street, being the first alley east of Mississippi street, petition your honorable bodies to vacate the same, as it is of no use to any of the adjacent property holders.

We file a plat of said alley with this our petition. The short alley in plat with a marked at each end, is the alley we desire vacated. It has never been improved.

Respectfully submitted, W. REEL.

Councilman Reichwein offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, ordered to repair the stone crossing on Alabama street, on North side of Washington street.

That the Street Commissioner be, and is hereby, ordered to lay a stone crossing across Washington street on east side of alley between Alabama and New Jersey streets.

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

That the lamp-post on the corner of Noble street and first alley south of Market street be removed to the corner of Noble and Court streets, the same to be lighted as usual.

Councilman Reichwein offered the following motion; which was adopted:

That the C., C., C. & I. R. R., and Wabash, St. Louis & Pacific R. R. Co.'s be requested to place a flagman on Market street crossing.

Councilman Stout offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to fill chuck-hole at the corner of Delaware and Seventh streets.

That the Street Commissioner be, and is hereby, directed to scrape the ground from the gutters on College avenue into the wagon ruts in the center of the street, between Ninth and Clide streets.

That the Street Commissioner be, and is hereby, directed to fill chuck-holes on Central avenue.

Councilman Thalman offered the following motion; which was referred to the Committee on Streets and Alleys:

That the first alley west of California street, between Washington and Maryland streets be named Hellen street.

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

That the Street Commissioner be directed to place wooden foot-crossings at the crossings of Meridian and Circle streets.

Councilman Ward offered the following motion; which was referred to the Board of Public Improvements, with power to act:

That the Street Commissioner be instructed to fill with gravel a low place in the alley between New Jersey and East street, just south of St. Clair street, as there is a pond of water stands there several months in the year.

Councilman Weaver offered the following motion; which was referred to the City Civil Engineer, with power to act:

That the City Civil Engineer shall have a street sign placed on the lamp-posts situated on each end of Garfield Place.

Councilman Weaver offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner build a culvert across Hillside avenue, at the intersection of Darwin street.

That the Street Commissioner be instructed to clean the gutters on Fort Wayne avenue, its entire length.

Councilman Weaver offered the following motion; which was referred to the Fire Board:

That the Fire Board report to this Council the cost of supplying each hose-reel and each hook and ladder truck and engine with a suitable gong, for the purpose of giving the public sufficient notice, that they can keep out of their way.

Councilman Yoke offered the following motion; which was referred to the Board of Public Improvements, with power to act:

That the Street Commissioner be, and is hereby, directed to place a stone crossing across Harrison street, at the intersection of Noble and Harrison streets; also, across Lord street, at the intersection of Noble and Lord streets. Between 150 and 200 school children pass the above crossings four times each day. Street is low and usually muddy at these crossings.

Councilman Yoke offered the following motion:

That the City Marshal be, and is hereby, authorized to use the Stone Yard as a pound, for the impounding of cattle and other animals, as provided for by G. O. 48, 1881; also, that the City Marshal is hereby empowered to place said Stone Yard in a suitable condition for the proper care and confinement of stock impounded under said ordinance.

On motion by Councilman Cowie, the above motion was laid on the table by the following vote:

**AYES, 14—viz.** Councilmen Caylor, Cole, Cowie, Coy, Dowling, Egger, Fultz, Harrold, Hartmann, Koller, Morrison, Stout, Ward and Weaver.

**NAYS, 8—viz.** Councilmen Bedford, Bryce, Knodel, Pearson, Pritchard, Reichwein, Thalman, and Yoke.

Councilman Yoke offered the following motion:

That the City Marshal be, and is hereby, authorized to use Circle Park as a pound for the impounding of cattle and other animals as provided for by G. O. 48, 1881.

On motion, the Common Council then adjourned.

**DANIEL W. GRUBBS, Mayor,**

President of Common Council.

**Attest: JOS. T. MAGNER, City Clerk.**