

# PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—APRIL 24, 1882.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, April 24th, A. D. 1882, at half-past seven o'clock, in adjourned session.

PRESENT—Hon Daniel W. Grubbs, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 21 members, viz: Councilmen Brundage, Bryce, Caylor, Cole, Cowie, Coy, Dean, Dowling, Egger, Harrold, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Thalman, and Weaver.

ABSENT—Councilmen Bedford, Fultz, Ward, and Yoke—4.

## REPORTS FROM CITY OFFICERS.

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

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 Richard Carr, for grading and bowldering South street, and curbing with stone the outer edges of the sidewalks, from Meridian street to Illinois street.

856 44 lineal feet of bowldering, at \$2.15. ....	\$1,841 35
727 70 lineal feet curbing, at 42 cents .....	305 63
Total .....	\$2,146 98

A first and final estimate in behalf of Henry C. Roney, for grading and paving with brick the west sidewalk of Broadway street, from Christian avenue to St. Clair street.

1,112 $\frac{1}{2}$ lineal feet, at 55 cents.....	\$612 05
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Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution was read:

[ 1891 ]

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of Richard Carr, for grading and bouldering South street and curbing with stone the outer edges of the sidewalks, from Meridian street to Illinois 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, 14**—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Harrold, Knodel, Koller, Pritchard, Reichwein, Stout, and Thalman.

**NAYS**—None.

The following estimate resolution was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of Henry C. Ronex, for grading and paving with brick, (where not already paved), the west sidewalk of Broadway street, from Christian avenue to St. Clair 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, 14**—viz. Councilmen Brundage, Bryce, Caylor, Cole, Coy, Dowling, Egger, Harrold, Knodel, Koller, Pritchard, Reichwein, Stout, and Thalman.

**NAYS**—None.

The City Civil Engineer submitted the following report; which was received, the contract concurred in, and bond approved:

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

*Gentlemen:*—I herewith report the following contract and bond of William Petrie, for building a wooden bridge, with stone abutments, over Pogue's Run, on Willard street. Bond, \$2,000.00; sureties, M. K. Fatout and Samuel Keers.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

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

Indianapolis, April 24, 1882.

To the Mayor and Common Council:

*Gentlemen:*—You ask me to report whether or not the Council and Board of Aldermen have power to suppress the vices now being carried on in this city known as the "Vincennes Lottery" and "bucket shops."

I was just as clear before investigation as I am now, that the city can do nothing in this matter. What jurisdiction she had in criminal cases where the State also has jurisdiction, was taken away by the legislation of 1881; so that, if any ordinance had ever been passed meeting this class of cases, it would now be inoperative.

A test case is now being prepared for the Supreme Court, against the lottery scheme, by the Prosecuting Attorney, and it is believed that the remarkable decision in the case of *Kellum vs. The State*, 66 Ind., 588, where it is held that under

the fundamental law of the government of Indiana Territory, the Territorial Legislature had power to incorporate the Vincennes University with perpetual succession, and to endow it with lottery privileges, for the purpose of raising money to procure a library and the necessary experimental apparatus for said University, will be overruled.

I have no doubt but that the case now in course of preparation, will be ably presented on behalf of the people; and if so, I do not believe the Supreme Court will allow the present decision to stand. At all events, the only relief the people of our city can hope for, must come through the criminal courts of the State.

Respectfully submitted,

C. S. DENNY, City Attorney.

The City Attorney submitted the following report; which was concurred in, and G. O. 31, 1882, stricken from the files:

Indianapolis, April 24, 1882.

To the Mayor and Common Council:

*Gentlemen:*—There was introduced at your last session, G. O. No. 31, amending Section 4 of an ordinance approved May 31, 1869, on the subject of moving buildings along public streets. I prepared said ordinance under instructions from the Board of Aldermen, thinking that said ordinance of 1869 was the last one on the subject. I now find, however, that there is a later one, ordained September 2, 1878, which in part repeals the former ordinance by implication. I therefore suggest that you strike said G. O. No. 31 from the files. I have prepared a new one, amending certain sections of the later ordinance referred to, which I believe is what the Board of Aldermen called for.

Respectfully submitted,

C. S. DENNY, City Attorney.

The following entitled ordinance, presented with the above report, was read the first time:

G. O. 36, 1882—An Ordinance to amend Sections 22, 23 and 24, of an ordinance entitled "An ordinance relative to the streets, alleys, sidewalks and public places of the city of Indianapolis; restraining the making of excavations therein, or in lands adjacent thereto; prohibiting the placing of unauthorized obstructions in or upon the same; securing the public in the free and safe use thereof; revising and re-enacting ordinance provisions now in force, and prescribing penalties for violations of its regulations and requirements;" ordained September 2d, 1878.

Councilman Brundage, in behalf of a certain special committee, submitted the following report; which was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Special Committee, together with the City Civil Engineer and Street Commissioner, to whom was referred the matter of drainage of the country in the vicinity of English avenue and Reid street, would report:

We have made thorough examination of said locality, and find that there is great need of some system of drainage for the relief of resident property owners in Woodlawn addition. A large portion of the country for some distance east of the Deaf and Dumb Asylum, is drained west through said addition through the gutters of English avenue into Fletcher avenue sewer, which has not sufficient capacity to carry off the water fast enough during heavy rainfalls, causing the water to back up and overflow the property east of Dillon street.

We believe the most practicable and best manner of relief for said section of country, would be to construct a sewer in Reid street, from English avenue to Pleasant Run. We recommend that the City Civil Engineer be instructed to prepare

an estimate of the cost of a brick sewer of sufficient capacity, on the above proposed line, and report the same to this body as soon as possible

Yours respectfully,

Edgar Brundage,  
W. H. Tucker,  
F. W. Hamilton,  
John Newman,  
Peter F. Bryce.  
Committee.

S. H. SHEARER, City Civil Engineer.  
L. A. FULMER, Street Commissioner.

The Board of Public Improvements, through Councilman Dean, presented the following petition; which was approved, and the prayer of the petition granted:

Indianapolis, April 24th, 1882.

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

*Gentlemen:*—I desire to have the time extended for grading and graveing the first alley east of Benton street, between Meek street and Georgia street, for forty days from March 31st, 1882. I would further state that reasonable diligence has been exercised to comply with the terms of the contract.

R. H. PATTERSON.

STATE OF INDIANA, *Marion County. ss:*

R. H. Patterson, upon oath, says that the matters set forth in the above, are true.

R. H. PATTERSON.

Sworn to this 24th day of April, 1882.

[Seal.]

WM. C. PHIPPS, Notary Public.

The undersigned, members of the Board of Public Improvements, having considered the above petition, recommend that the prayer thereof be granted.

Respectfully submitted,

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

The Committee on Sewers and Drainage, through Councilman Morrison, submitted the following report; which was concurred in:

Indianapolis, April 24, 1882.

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

*Gentlemen:*—The Committee on Sewers and Drainage, to whom was referred the motion of April 5th, "that Henry C. Zimmerman have permission to tap the sewer in Railroad street at No 137 Railroad street, for surface drainage," have considered the matter, and recommend that the permission be granted, provided the said Zimmerman put in pipe for drainage only, allowing waste water only to run in, and put in proper cage, etc., pipe to be of 3 inch diameter.

Respectfully submitted,

Wm. H. Morrison,  
E. H. Koler,  
Committee on Sewers and Drainage.

#### SPECIAL ORDER.

The following entitled ordinance having been made a special order for this session, it was taken up on its second reading:

G. O. 19, 1882—An Ordinance authorizing the Indiana, Bloomington & Western Railway Company to construct certain tracks within and through a certain portion of the city of Indianapolis, Indiana.

The following amendment to Section two of the above ordinance, was read:

"I move to amend Section 2 of the ordinance by adding the following: 'Provided that said Indiana, Bloomington & Western Railway Company shall not use said track or switch for any other purpose except that of connecting said Out-lot 94 with the main track of the L., D. & S. Railway, and shall not connect or use the same with any track in Tennessee street and shall not connect the same with any track or system of tracks to obtain any right of way in or through the city, south or east of said Lot 94, or allow said track to be so used by others; and if said company shall violate any of the conditions or provisions of this section, they shall at once forfeit any and all rights granted by this ordinance, and the city shall have the right to order said switch or track removed.'"

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

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

AYES, 10--viz. Councilmen Bryce, Caylor, Coy, Dowling, Harrold, Hartmann, Knodel, Koller, Pritchard, and Stout.

NAYS, 8--viz. Councilmen Brundage, Cole, Cowie, Egger, Morrison, Reichwein, Thalman, and Weaver.

Councilman Dowling moved to *strike out* Section two of the above ordinance.

Councilman Pritchard moved the *previous question*.

Councilman Cowie moved to postpone action on the above ordinance until the next regular meeting.

By consent, Councilman Dowling presented several petitions, remonstrating against the passage of an ordinance granting a right of way to any railroad company to lay any track or tracks for railroad purposes, across Missouri street, Kentucky avenue and Louisiana street.

Councilman Cowie's motion to postpone, then failed of adoption by the following vote:

AYES, 9--viz. Councilmen Cole, Cowie, Egger, Mauer, Morrison, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 10--viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Harrold, Hartmann, Knodel, Koller, and Pritchard.

Councilman Stout having paired with Councilman Fultz, he was excused from voting on the above ordinance, and also excused for the remainder of this session.

Councilman Pritchard moved the *previous question*; which failed of being ordered by the following vote:

**AYES, 10**—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Harrold, Hartmann, Knodel, Koller, and Pritchard.

**NAYS 8**—viz. Councilmen Cole, Egger, Mauer, Morrison, Pearson, Reichwein, Thalman, and Weaver.

Councilman Dowling then moved to strike out Section two.

Councilman Weaver moved to lay the above motion on the table.

Which motion to lay on the table, failed of adoption.

Councilman Weaver presented the following communication; which was received:

*Indianapolis, April 24, 1882.*

To the Common Council and Board of Aldermen of Indianapolis :

*Gentlemen:*—Some time during the early part of March, this company applied to the Common Council for the right to construct a track across certain streets crossed by the C., C., C. & I. R'y., between a point near east Washington street and the point where our line diverges from the C., C., C. & I. R'y. towards Newcastle. The company also desired the right to construct a switch from a point near the intersection of Kentucky avenue and Missouri street, to its freight depot grounds, south of the Vandalia freight depot. This switch would be a few feet south of the switches leading into the Vandalia freight depot, and would cross Kentucky avenue and Missouri street near the point of their intersection, and would also cross Mississippi street, including a small unoccupied street between Missouri and Mississippi.

We desire to reach our grounds, which are immediately south of the Vandalia freight depot, for the purpose of constructing thereon our local freight depot. We desire to approach the depot from the west end, and to use it simply for local business.

As it has been confidently stated by interests unfriendly to this enterprise, that among other things, we desired, after reaching this depot ground, to force our way through to east Washington street, or south along Tennessee street to the Belt Railway, thence along the right of way of the latter to our line near Brightwood, we desire to say that all such statements are erroneous. We only have one purpose in view, in reaching our grounds south of the Vandalia, and that is to construct and maintain thereon our local freight depot.

We are advised that an amendment is proposed to the ordinance, preventing, in express terms, the extension of this switch to a point east of the depot grounds in question, and desire to say that we cordially acquiesce in such amendment. We have never presumed that the right to reach this ground would carry with it the right to occupy streets east thereof.

By the first of May, the main line of this road will be connected between Indianapolis and Springfield, Ohio, and soon thereafter will be open for the reception of traffic.

We respectfully ask of your honorable bodies early consideration of the matter in question.

Very respectfully,

C. E. HENDERSON, General Manager.

C. W. FAIRBANKS, General Solicitor.

Councilman Egger was excused temporarily.

Councilman Morrison moved that action on the ordinance be postponed.

Councilman Bryce moved the *previous question*; which failed of being demanded by the following vote:

AYES, 9--viz. Councilmen Bryce, Caylor, Coy, Dowling, Harrold, Hartmann, Knodel, Koller, and Pritchard.

NAYS, 10--viz. Councilmen Brundage, Cole, Cowie, Dean, Mauer, Morrison, Pearson, Reichwein, Thalman, and Weaver.

Councilman Thalman then moved to lay Councilman Dowling's motion to strike out Section two, on the table.

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

AYES, 10--viz. Councilmen Brundage, Cole, Cowie, Dean, Egger, Morrison, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 10--viz. Councilmen Bryce, Caylor, Coy, Dowling, Harrold, Hartmann, Knodel, Koller, Mauer, and Pritchard.

There being a tie vote, the name of His Honor, the Mayor, was called, and he voting in the affirmative, the motion to lay on the table, was declared as adopted.

Councilman Dowling moved that the Common Council do now adjourn.

Councilman Weaver moved that the ordinance be referred to a special committee of five.

Which motion was adopted, and the Chair appointed Councilmen Thalman, Morrison, Dowling, Pritchard and Bryce, to act as members of said special committee.

Councilman Harrold was excused for the remainder of this session.

The following message was read, and the action of the Board of Aldermen, as set forth therein, concurred in; and the Chair appointed as members of such committees, Councilmen Dean, Morrison and Cowie; for north Meridian street, Hons. E. T. Claypool, Theo. P. Haughey and Geo. W. Sloan; for south Illinois street, Hons. V. T. Malott, Henry Schnull and William Haerle.

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen in regular session, held in the Aldermanic Chamber, Monday evening, April 24th, 1882, adopted the following motion:

"WHEREAS, The improving of north Meridian and south Illinois streets has become an absolute necessity; therefore,

*Moved,* That a committee of three from this Board, and that the Council appoint a committee of three, together with the Street Commissioner and Engineer, and that His Honor, the Mayor, select from the property owners on each of the above streets three from each, to go to Cleveland for the purpose of examining the sev-

eral street improvement's of that city; and that upon their return, they report to the Council what kind of an improvement will, in their opinion, be the best to adopt; further, that His Honor, the Mayor, designate the time to go, and notify the several members of the committee."

Aldermen Tucker, Korison and Drew, were appointed by the Chair to act as the Aldermanic members of such committee.

I submit the same for your consideration.

For the Board of Aldermen.

GEO. T. BREUNIG, Clerk.

The following message was read, and the action of the Board of Aldermen, as set forth therein, was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, April 10th, 1882, amended the following motion by striking out the words "in conjunction with," and inserting the words "be directed to notify." The motion, as amended, was then adopted.

"That the Street Commissioner, in conjunction with the Citizens' Street Railway, immediately and without delay, improve the condition of the Illinois street tunnel."

I submit the same for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion by Councilman Weaver, the Common Council adjourned, by the following vote:

AYES, 11—viz. Councilmen Brundage, Cole, Cowie, Dowling, Egger, Hartmann, Knodel, Mauer, Pearson, Reichwein and Weaver.

NAYS, 5—viz. Councilmen Bryce, Koller, Morrison, Pritchard, and Thalman.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.



# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—APRIL 24, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, April 24th, A. D. 1882, at half-past seven o'clock, in regular session.

**PRESENT**—Hon. James T. Layman, President of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker—9.

**ABSENT**—Alderman Wood—1.

The Proceedings of the Board of Aldermen for the regular session, held April 10th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following special message was read, and the action of the Common Council, as set forth therein, was concurred in:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The Common Council, in regular session, held in the Council Chamber, Monday evening, April 17th, 1882, amended the following motion so that sealed proposals will be received up to the time of the meeting of the Council, May 15th, 1882:

“That the City Clerk advertise for ten days from the first day of May, 1882, that sealed proposals will be received by the Board of Aldermen and Common Council, till 12 o'clock, noon, of the 15th day of May, 1882, for furnishing the city, for one year from June 1st, 1882, with books and stationery, and to do the necessary printing, advertising and bill posting for the same length of time.”

The motion, as amended, was then adopted.

I submit the same for your consideration.

For the Common Council:

JOS. T. MAGNER, City Clerk.

By consent, Alderman Tucker offered the following motion; which was adopted, and Aldermen Tucker, Rorison and Drew, appointed by the Chair to act as members of such committee:

WHEREAS, The improving of north Meridian and south Illinois streets has become an absolute necessity; therefore,

*Moved*, That a committee of three from this Board, and that the Council appoint a committee of three, together with the Street Commissioner and Engineer, and

that his Honor, the Mayor, select from the property owners on each of the above streets three from each, to go to Cleveland for the purpose of examining the several street improvements of that city; and that upon their return they report to the Council what kind of an improvement will, in their opinion, be the best to adopt; further, that his Honor, the Mayor, designate the time to go, and notify the several members of the committee.

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, favorably passed upon by the Common Council, at its regular session, held on Monday evening, April 17th, 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 1368, *ante*), was concurred in:

To the Mayor, City 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 David A. Haywood, for grading and graveling the alley between Park and Central avenues, from Seventh street to Eighth street.

1,230  $\frac{1}{2}$  lineal feet, at 22 cents..... \$270 74

A first and final estimate in behalf of J. D. Hoss & Co., for grading, paving with brick, and curbing with stone, the east sidewalk of Pine street, from St. Clair street to the first alley south.

166.50 lineal feet paving, at 50 cents..... \$ 83 25

185.53 lineal feet curbing, at 47 cents..... 87 20

\$170 45

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 1368, *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 David A. Haywood, for grading and graveling the alley between Park and Central avenues, from Seventh street to Eighth 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,** 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Seibert, Tucker, and President Layman.

**NAYS**—None.

The following estimate resolution (adopted by the Common Council—see page 1368, *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. D. Hoss & Co., for grading, paving with brick, and curbing with stone, the east sidewalk of Pine street, from St. Clair street to the first alley south, 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, 8—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Seibert, Tucker, and President Layman.

NAYS—None.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1369, ante), was concurred in:

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

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

Contract and bond of William McClintock, for placing a double row of stone crossings across Alabama street, north and south sides of New York street. Bond, \$200.00; surety, Robert Skelley.

Contract and bond of Aneshaensel & Strong, for erecting two lamp-posts, lamps and fixtures, complete to burn gas, except the service pipes, on Merrill street, between Delaware and Pennsylvania streets. Bond, \$50.00; surety, Adolph Schearer.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1369, ante), was concurred in:

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

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

An ordinance was passed and contract let, for grading and graveling the first alley north of McCarty street, from the first alley east of Alabama street to the first alley west of New Jersey street.

On examination, I find that said alley is of irregular widths, and has never been properly opened and laid out. Mr. Patterson, my predecessor, made report of this fact January 19, 1880. (See Council Proceedings, page 809, 1880.)

I would recommend that the contractor be relieved of said contract, and that said alley be not improved until it is properly opened to a uniform width.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from the City Clerk was read:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith report the following entitled affidavit, now on file in my office, for the collection of street assessment by precept, to-wit:

James Mahoney vs. Charles C. Williams, for..... \$8 00

And recommend you order the precept to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

On motion, the favorable action of the Common Council on the above report (see page 1369, *ante*), was concurred in, and the precept ordered to issue by the following vote:

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

**NAYS, 1**—viz. Alderman Hamilton.

The following report from the City Clerk (see page 1370, *ante*), was read and received:

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

8 *Gentlemen*:—I herewith report that S. A. Fletcher & Co., J. F. Holt and S. J. Fletcher, who were assessed the sum of fifty-one dollars on account of the vacation of part of Columbia street, and part of 15 foot alley in Stanley's subdivision in Outlot No. 8, west of White River, and which vacation was ordered conditioned on the payment of the aforesaid sum, have paid into the city treasury such sum, and filed the Treasurer's receipt therefor in my office.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following report from the City Attorney was read, and the action of the Common Council thereon (see pages 1370 and 1371, *ante*), was concurred in:

Indianapolis, April 17th, 1882.

To the Mayor and Common Council:

*Gentlemen*:—You ask me "whether or not the funds in the city treasury known as the Tomlinson Estate fund, can be invested in Government bonds, to be used for the erection of a City Hall and Market House, when needed?"

Stephen Tomlinson left all his property, both real and personal, to his wife, "to be by her used for her maintenance and convenience, and to be by her consumed in any degree or to any extent, according to her desires and necessities;" his will further providing, that any residue of such property remaining after her death, including any acquired by her by exchange or purchase, should go to the city of Indianapolis, for the purpose of erecting a public building on the Market House space—specially directing that "there be no unnecessary delay in converting the property \* \* bequeathed to the uses designated," etc.

It will be seen by the first quoted clause from the will above, that Mrs. Tomlinson was empowered to do what she pleased with the estate. Under this power she entered into a contract with the city, on the 27th day of April, 1874, by which she relinquished all her interest in the estate of her late husband to the city, in consideration that the city would pay her an annuity of \$7,000 during her life. The full text of said agreement may be found in the Proceedings of the Council of 1874-'75, page 150. It will be seen by said agreement, that it was not contemplated that the buildings provided for in Stephen Tomlinson's will and said agreement, should be erected before the death of Mrs. Tomlinson, unless the city should so desire. It was not clear from said agreement, that Mrs. Tomlinson intended to authorize the city to invest the funds on hand and any thereafter realized from the rents or sale of said property, into bonds or other securities prior to the building of the City Hall, although it was her intention to give such authority. Therefore, on the 30th day of July, 1880, she executed a supplementary agreement, in which she declares, that "for the purpose of giving effect to the true intent and meaning of said contract, as well as to enable the said city of Indianapolis to carry out the intention of the testator (Stephen D. Tomlinson), I, the said Mary T. Tomlinson, do hereby consent to, and fully authorize said city of Indianapolis, should the Common Council and Board of Aldermen of said city deem it advisable, to sell said real estate in said

contract described, and invest the proceeds thereof, *as well, also, the funds now on hands,* in bonds, mortgage, or other securities, until such funds and the accumulations of interest thereon shall be deemed by the Common Council and Board of Aldermen sufficient to erect a suitable building on said space. And I hereby waive any and all right which I might have to claim a rescission of said contract on account of the temporary investment of said funds."

Mrs. Tomlinson had the right to make this agreement, and she is bound by it. It follows, therefore, that the city has a right to invest any and all funds now on hands, in Government bonds, or any other securities she desires, and that she may safely do so. But while this is true, she (the city) must invest said funds, and keep said property in such a shape as to be able to use the same in the erection of the contemplated buildings without unreasonable delay, after Mrs. Tomlinson's death, should that occur before said estate is used for that purpose; for unless said estate shall be used in the erection of such buildings as are specified in Mrs. Tomlinson's first agreement above referred to, and that, too, without unreasonable delay, after her death, (if not done before,) it is not certain that the whole estate would not descend to her heirs.

I take the liberty of stating to your honorable body, that Mrs. Tomlinson has never executed any deed to the city for the real estate, which I think ought to be done. I doubt whether any one would take a conveyance from the city when she desires to sell, with this broken link, simply on this agreement referred to from Mrs. Tomlinson.

Respectfully submitted,

C. S. DENNY, City Attorney.

The following report from the Fire Board was read, (see page 1372, *ante*), and on motion by Alderman Tucker, was referred to the Committee on Fire Department:

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

*Gentlemen:*—Our recommendation for the purchase of a new Hook and Ladder Truck, having been concurred in by your honorable bodies, we respectfully report that we received bids from various parties, and found that the Chicago Fire Extinguisher Manufacturing Company's was the best. We therefore contracted with them for the same, at a cost of \$1,350, f. o. b., to be delivered within 60 days.

Your Board are of the opinion that a reserve of at least 3,000 feet of hose should always be kept on hand, and in store at Headquarters of the Fire Department for use in case an emergency should arise. We recommend that you authorize us to receive bids and to purchase that amount of good, first-class hose.

Respectfully submitted,

Isaac Thalman,  
Phil. Reichwein,  
N. Yoke,  
Fire Board.

The report of the Board of Public Improvements and Street Commissioner, showing the expenses in the Street Repair Department (see page 1372, *ante*), was read and received.

The mortality report of the Board of Health (see page 1373, *ante*), was read and received.

The following clauses of the report of the Judiciary Committee (see page 1374, *ante*), were read; and on motion by Alderman Hamilton, were referred to the Finance Committee:

The first is the petition of Wm. H. Lyons, showing that on the 21st day of June, 1880, he was allowed by the city \$29.55, amount paid to him as a refunder on a void tax sale. He now asks for the interest. The sale occurred March 10th, 1873. He received the amount of principal, \$29.55, August 5th, 1880.

We recommend that interest be allowed him on \$29.55 from March 10th, 1873, to August 5th, 1880.

The second is the petition of Wm. C. Anderson, that Lots 51 and 53, in Kappes & Frank's Meridian street addition, for taxes of 1876-'7-'8 and '9, to M. E. Vinton, for \$14.68. The sale was void, for the reason that the lots intended to be sold were 51 and 53, in Kappes & Frank's south addition.

We recommend the sum of \$14.68, with interest, be refunded, and the amount be carried against the proper lots by the City Treasurer.

The third is the petition of F. H. Harris, that he be given auctioneer's license to sell general merchandise. We recommend the license be granted.

The fifth is the petition of Ann Allen, showing that she is the owner of 67½ feet by 100 feet deep, off of the north end of Lot 9, in Square 65, in city, and The City of Indianapolis is the owner of 33 feet 9 inches, by 80 feet deep, on south end of same lot. Upon this lot stands No. 7 Engine House, on Maryland street. Between petitioner's lot and the Engine lot, is a fifteen (15) foot alley. The city has secured in the deed to the lot, the right to use this private alley forever. This right has been secured in several deeds prior to the city's deed.

But from 1867 to 1881, inclusive, the petitioner has paid taxes to the city on this alley-way, 15 by 33 feet, amounting to \$48.44. This she has done without knowing it, until last summer, when a sewer assessment in the alley running from Maryland street to the first street north, was presented to her for payment. She then noticed she was assessed for the 15 feet in alley, in rear of the Engine House, and on examination, found she had been paying taxes also. This sewer assessment amounts to \$18.95. She asks in petition, that \$48.44 of taxes so paid be refunded, and that she be relieved from the sewer assessment.

We recommend that the sum of \$48.44 be refunded, and the city pay the \$18.95 sewer assessment on said alley.

The following report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 1375, *ante*), was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Streets and Alleys, to whom the petition in the matter of opening Central avenue to a uniform width of sixty-five feet from St. Marys street to the State Ditch was referred, would report:

We have made thorough examination of the premises and find that the property owners have set their fences back thirty feet on the west side of said avenue, and the greater portion of the ground donated to the public; while on the east side most of the property owners have set their fences and shade trees to conform to a width of thirty-five feet, as far north as Eighth street, and a large portion of that amount has been donated to the public. Said petition asks that the street be opened sixty-five feet wide to the State Ditch; but in consultation with the petitioners at our meeting, we believe it best to only open the street to a width of sixty feet from Eighth street to the State Ditch. This would obviate the necessity of moving back some buildings, and, in the opinion of your committee, be more satisfactory to those persons owning property above Eighth street. The proposed opening does not materially change any part of the street as now thrown out by the property owners for public use, but merely to properly locate the street of uniform width, according to law, that the street may be properly improved by ordinance.

We recommend that the street be opened a uniform width of 65 feet from St. Marys street to Eighth street, by condemning the ground not already properly

donated, to a width of thirty-five feet on the east side, and to a width of thirty feet on the west side of said avenue, between St. Marys street and Eighth street, and thirty feet on each side between Eighth street and the State Ditch; and that the accompanying resolution relative thereto, be adopted.

Respectfully submitted,

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

The following resolution (adopted by the Common Council—see page 1375, *ante*), was read:

*Resolved*, That the petition of W. A. Taylor, R. S. Dorsey, C. Karle, J. C. Karle, O. S. Gillette, M. O'Conner, B. F. Witt and W. C. Van Arsdal, praying for the widening and opening of Central avenue to a width of sixty-five (65) feet from St. Marys street to Eighth street, and to a width of sixty (60) feet from Eighth street to the State Ditch, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report; and that for the purpose of such opening and widening of said Central avenue, the Common Council and Board of Aldermen do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following report of the Police Board (see pages 1376 and 1377, *ante*), was read:

To the Mayor and Common Council:

*Gentlemen*:—Your committee to whom was referred the motion from the Board of Aldermen in reference to improving the efficiency of the Police force, beg leave to report that they are in favor of some of the recommendations contained therein; and after a careful consideration of the subject, report that they are in favor of adding to the present force four men, two of whom shall be and remain at the Central Station during the day time, and two during the night; said men to be furnished with a horse and wagon for service at all times, for the purpose of going on call to any portion of the city to convey prisoners in charge of officers to said Central Station. We would further report that telephone service to carry out the above proposed changes in the force, has been arranged for at a slight cost.

Respectfully submitted,

H. B. Stout,  
Ed. Brundage,

Alderman Tucker offered the following motion:

That the purchase of a vehicle, and the appointing of four men to take charge of said vehicle, be made, subject to the approval of the Committee on Police from this body.

Alderman Drew moved that the whole matter be referred to the Committee on Police Department.

Alderman Seibert moved to amend Alderman Drew's motion by adding the Committee on Finance.

Which amendment was accepted by Alderman Drew.

Alderman Tucker then moved to amend the motion by adding the Committee on Public Light.

Which amendment was adopted.

Alderman Drew's motion, as amended, was then adopted.

The following motion (adopted by the Common Council—see page 1378, *ante*), was read; and on motion by Alderman Seibert, was laid on the table:

That the Judiciary Committee, together with the City Attorney, be, and is hereby, instructed to revise and have printed, two hundred copies of the rules and regulations governing the Common Council and Board of Aldermen.

The following motions (adopted by the Common Council—see pages 1379 and 1380, *ante*), were read and concurrently adopted:

That John Gustin be, and is hereby, granted an auctioneer's license for the city of Indianapolis, for eight (8) months from the 1st day of May, 1882.

That the City Marshal notify the owners of Bacon's Block, on Ft. Wayne avenue, to repair the sidewalk in front of said block, at their own expense; and in case of their failure to repair the said sidewalk within twenty days, the Street Commissioner shall do the work, and collect the expense thereof from the owners of said block.

The following motion (adopted by the Common Council—see page 1379, *ante*), was read; and on motion by Alderman Seibert, was referred to the Committee on Water and Public Health:

That the Committee on Water be, and are hereby, instructed to have the water connections on Michigan street, between Mississippi street and the Canal, removed to a more suitable location, as said connections are now made in front of a business house which causes a great nuisance and inconvenience to said business house.

The following petition was read, and the favorable action of the Common Council thereon (see page 1380, *ante*), was concurred in:

*Indianapolis*, April 1, 1882.

The Hon. Council of the City of Indianapolis:

Is hereby respectfully petitioned to permit the building of a coal vault of the size from out to out 23½ feet by 5 feet, and 8 feet deep, under the sidewalk in the rear of store 184 and 186, east Washington street—say on Court street—according to the existing city ordinance. And your petitioner will ever pray.

CLEMENS VONNEGUT.

The following motion (adopted by the Common Council—see page 1380, *ante*), was read:

That the Street Commissioner be directed to repair Market street, between Delaware and Pennsylvania streets, where there are dangerous chuck-holes; also, to repair the stone crossing on Washington street, between Pennsylvania and Delaware streets.



On motion by Alderman Tucker, the above motion was laid on the table, by the following vote :

AYES, 5—viz. Aldermen Hamilton, Mussmann, Newman, Seibert, and Tucker.

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

The following motion (adopted by the Common Council—see page 1381, *ante*), was read:

That the City Treasurer be, and is hereby, directed to advertise the several pieces of property known as the Tomlinson Estate, in the daily papers for ten days, and that after said ten days the property shall be sold to the highest bidder, at the south door of the Court House, by the City Treasurer; that no bid be received below the amount of appraisement on said property, which is now on file in the City Clerk's office; that the said sale take place within five days after the ten days of advertising.

And it was concurrently adopted by the following vote :

AYES, 5—viz. Aldermen Drew, Mussmann, Newman, Rorison, and Tucker.

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

Alderman Rorison gave notice that he would make a motion to reconsider the above action at this or the next regular meeting.

Alderman Tucker moved to reconsider the above action for the purpose of amending the motion.

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

AYES, 7—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Seibert, Tucker, and President Layman.

NAYS—None.

Alderman Hamilton moved that action on the above motion be indefinitely postponed.

Alderman Tucker moved to lay the above motion on the table.

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

AYES, 5—viz. Aldermen Drew, Mussmann, Newman, Tucker, and President Layman.

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

On motion by Alderman Tucker, the matter was then referred to the Committee on Judiciary and City Attorney.

The report of the City Clerk, recommending certain precepts to issue, (see page 1280, *ante*), was taken up, and the action of the Common Council, ordering the precepts to issue (see page 1252, *ante*), was concurred in by the following vote:

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

**NAYS**—None

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

- S. O. 166, 1881—An Ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes) on Wabash street, between Delaware and Pennsylvania streets.
- S. O. 31, 1882—An Ordinance to provide for grading and graveling the alley between Meridian and Pennsylvania streets, from Seventh street to Eighth, or Williams street.
- S. O. 33, 1882—An Ordinance to provide for grading, bowldering and curbing the gutters of Fletcher avenue, from Dillon street to Linden street.
- S. O. 34, 1882—An Ordinance to provide for grading and paving with brick, the east sidewalk of Dillon street, from Prospect street to English avenue, where not already properly paved.
- S. O. 35, 1882—An Ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Spann avenue, between Dillon and Linden streets.
- S. O. 36, 1882—An Ordinance to provide for grading and graveling the alley between Eddy and Tennessee streets, from Garden street to Merrill street.
- S. O. 37, 1882—An Ordinance to provide for grading and graveling the first alley south of Henry street, from Mississippi street to Missouri street.
- S. O. 38, 1882—An Ordinance to provide for grading and graveling the first alley west of Illinois street, from Eighth street to the first street north of Eighth street (where not already done.)
- S. O. 39, 1882—An Ordinance to provide for grading and graveling the first alley north of Fifth street, from Tennessee street to the first alley east of Mississippi street.
- S. O. 40, 1882—An Ordinance to provide for grading and graveling the first alley south of Third street, from Illinois street to Tennessee street.
- S. O. 41, 1882—An Ordinance to provide for paving with cedar 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. 42, 1882—An Ordinance to provide for the paving with cedar blocks the roadway of Meridian street, from St. Clair street to Seventh street.
- S. O. 43, 1882—An Ordinance to provide for grading, bowldering, and curbing the gutters, and widening the sidewalks of New York street, from New Jersey street to East street.
- S. O. 44, 1882—An Ordinance to provide for grading, bowldering and curbing the gutters (where not already curbed) of New York street, from East street to Noble street.

On motion, S. O. 166, 1881, and S. O. 35, 1882, of the above ordinances, were referred to the Committee on Public Light and Education, and S. O. 38, 39, 40, 43 and 44, 1882, were referred to the Committee on Streets & Alleys and Sewers & Drainage.

Alderman Hamilton presented the following remonstrance:

To the Honorable the Mayor, Common Council, and the

Board of Aldermen of the City of Indianapolis:

We the undersigned, property owners along the line of north Meridian street, between New York and Seventh street, respectfully remonstrate against the laying wooden block pavement along said street, at the expense of said property owners.

Wm. S. Hubbard and Mary M. Hubbard, 465 feet; M. A. Vandoren, 35 feet; Amelia B. Mansur, for herself and as guardian for Joseph B. and Cecelia Mansur, minors, by John S. Spann & Co., agents, 205 feet; Oscar B. Hord, 100 feet; M. E. Jordan, 61 ft; Charles Mayer, 200 feet; John H. Ohr, 31 $\frac{1}{4}$  feet; V. T. Malott, 67 $\frac{1}{2}$  feet; Thomas Davis, 80 feet; George D. Staats, 37 $\frac{1}{2}$  feet; Hannah L. Kennedy, 51 feet; A. M. Dukeminer, 33 $\frac{1}{2}$  feet; H. W. Ballard, 34 feet; J. M. Maxwell, 65 feet; Geo. Crozier, 22 $\frac{1}{2}$  feet; Mrs. K. Y. Vinnedge and Lillie M. Vinnedge, 101 feet; E. H. Ferguson, 62 $\frac{1}{2}$  feet; John S. Spann, 62 $\frac{1}{2}$  feet; Marietta A. Davis, by J. S. Spann & Co., agents, 61 feet; Robert B. Duncan, 80 $\frac{6}{12}$  feet; Alice T. Barbour, 208 feet; Mrs. Isaac Pattison, 110 feet; Louise A. Tousey, for estate of Geo. Tousey, 250 feet; Kate M. Bowles, 40 feet; Julia A. Root, 65 $\frac{1}{2}$  feet; Mrs. Ella Radcliffe, 40 feet; Jas. C. Ferguson, 80 feet; Mrs. S. L. Hall, 142 $\frac{1}{2}$  feet; Mary A. Parry, 67 $\frac{1}{2}$  feet; John C. Shoemaker, 62 $\frac{1}{2}$  feet; Mrs. B. Morrison, et al., 50 feet; John C. Wright, 41 $\frac{6}{12}$  feet; W. M. and E. Tout, 120 feet; Margaret Copeland, 59 $\frac{1}{2}$  feet; J. D. Carmichael, against a cedar block, 62 $\frac{1}{2}$  feet; Wm. Sullivan, 130 feet; Fred. Goepfer, 157 feet.

Alderman Rorison moved to suspend the rules for the purpose of placing S. O. 31, 33, 34, 36, 37, 41 and 42, 1882, on their final passage.

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

**AYES**, 7—viz. Aldermen DeRuitter, Drew, Mussmann, Newman, Rorison, Seibert, and President Layman.

**NAYS**, 2—viz. Aldermen Hamilton, and Tucker.

S. O. 31, 1882, was then read the second time, read the third time, and passed by the following vote:

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

**NAYS**—None.

S. O. 33, 1882, was then read the second time, read the third time, and passed by the following vote:

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

NAYS—None.

S. O. 34, 1882, was then read the second time, read the third time, and passed by the following vote:

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

NAYS—None.

S. O. 36, 1882, was then read the second time, read the third time, and passed by the following vote:

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

NAYS—None.

S. O. 37, 1882, was then read the second time, read the third time, and passed by the following vote:

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

NAYS—None.

S. O. 41 and 42, 1882, were read the second time, and on motion by Alderman Rorison, were referred to the Committee on Judiciary, Ordinances and Rules, with the remonstrance.

The following entitled ordinance (passed by the Common Council) was read the first time:

G. O. 35, 1882—An Ordinance requiring the Wabash, St. Louis & Pacific, and Cleveland, Columbus, Cincinnati & Indianapolis Railway Companies in the city of Indianapolis to erect and maintain safety gates, for the protection of the public, at the crossing of said roads and Noble street.

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

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

NAYS—None.

G. O. 35, 1882, was then read the second time, read the third time, and passed by the following vote:

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

NAYS, 1—viz. Alderman Seibert.

The following entitled ordinance was presented by the Clerk, the accounts having been approved by the Police Board, and read the third time:

Ap. O. 22, 1882—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis on account of Station Houses. [Amount appropriated, \$131.44.]

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 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, favorably passed upon by the Common Council, at its adjourned session, held this evening, April 24th, 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 1391, *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 Richard Carr, for grading and bowldering South street, and curbing with stone the outer edges of the sidewalks, from Meridian street to Illinois street.

856.44 lineal feet of bowldering, at \$2.15.....	\$1,841 35
727.70 lineal feet curbing, at 42 cents.....	305 63
Total.....	\$2,146 98

A first and final estimate in behalf of Henry C. Roney, for grading and paving with brick the west sidewalk of Broadway street, from Christian avenue to St. Clair street.

1,112 $\frac{1}{2}$ lineal feet, at 55 cents.....	\$612 05
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Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 1392, *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 Richard Carr, for grading and bouldering South street, and curbing with stone the outer edges of the sidewalks, from Meridian street to Illinois 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, 8—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

The following estimate resolution (adopted by the Common Council—see page 1392, *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 Henry C. Roney, for grading and paving with brick, (where not already paved), the west sidewalk of Broadway street, from Christian avenue to St. Clair 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, 8—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 1392, *ante*), was concurred in:

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

*Gentlemen:*—I herewith report the following contract and bond of William Petrie, for building a wooden bridge, with stone abutments, over Pogue's Run, on Willard street. Bond, \$2,000.00; sureties, M. K. Fatout and Samuel Keers.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from a certain special committee was read; and the favorable action of the Common Council thereon (see pages 1393 and 1394, *ante*), was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Special Committee, together with the City Civil Engineer and Street Commissioner, to whom was referred the matter of drainage of the country in the vicinity of English avenue and Reid street, would report:

We have made thorough examination of said locality, and find that there is great need of some system of drainage for the relief of resident property owners in Woodlawn addition. A large portion of the country for some distance east of the

Deaf and Dumb Asylum, is drained west through said addition through the gutters of English avenue into Fletcher avenue sewer, which has not sufficient capacity to carry off the water fast enough during heavy rainfalls, causing the water to back up and overflow the property east of Dillon street.

We believe the most practicable and best manner of relief for said section of country, would be to construct a sewer in Reid street, from English avenue to Pleasant Run. We recommend that the City Civil Engineer be instructed to prepare an estimate of the cost of a brick sewer of sufficient capacity, on the above proposed line, and report the same to this body as soon as possible

Yours respectfully,

Edgar Brundage,  
W. H. Tucker,  
F. W. Hamilton,  
John Newman,  
Peter F. Bryce,  
Committee.

S. H. SHEARER, City Civil Engineer.  
L. A. FULMER, Street Commissioner.

The following petition was read; and the favorable action of the Common Council thereon (see page 1394, *ante*), was concurred in:

Indianapolis, April 24th, 1882.

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

*Gentlemen:*—I desire to have the time extended for grading and graveling the first alley east of Benton street, between Meek street and Georgia street, for forty days from March 31st, 1882. I would further state that reasonable diligence has been exercised to comply with the terms of the contract.

R. H. PATTERSON.

STATE OF INDIANA, *Marion County*, ss:

R. H. Patterson, upon oath, says that the matters set forth in the above, are true.

R. H. PATTERSON.

Sworn to this 24th day of April, 1882.

[Seal.]

WM. C. PHIPPS, Notary Public.

The undersigned, members of the Board of Public Improvements, having considered the above petition, recommend that the prayer thereof be granted.

Respectfully submitted,

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

The following report from the Committee on Sewers and Drainage was read; and the favorable action of the Common Council thereon (see page 1394, *ante*), was concurred in:

Indianapolis, April 24, 1882.

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—The Committee on Sewers and Drainage, to whom was referred the motion of April 5th, "that Henry C. Zimmerman have permission to tap the sewer in Railroad street, at No. 137 Railroad street, for surface drainage," have considered the matter, and recommend that the permission be granted, provided the said Zimmerman put in pipe for drainage only, allowing waste water only to run in, and put in proper cage, etc., pipe to be of 3 inch diameter.

Respectfully submitted,

Wm. H. Morrison,  
E. H. Koler,  
Committee on Sewers and Drainage.

## REPORTS FROM CITY OFFICERS.

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—In accordance with your instructins of April 10th, I herewith submit statement showing amount of expenditures, and estimates, on account of the public parks for the years 1875 to date, viz.:

	Estimates.	Expenditures.
For fiscal year 1875-6.....		\$1,365 25
For fiscal year 1876-7.....		1,717 29
For fiscal year 1877-8.....		781 17
For fiscal year 1878-9.....	\$1,500 00	1,435 20
For fiscal year 1879-80.....	900 00	969 25
For fiscal year 1880-1.....	800 00	1,450 75
For fiscal year 1881-2 (11 months).....	1,300 00	1,339 48
Garfield Park, for fiscal year 1881-2 (11 months).....	1,500 00	1,434 15
Total expenditures.....		\$10,492 5

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

## REPORTS FROM STANDING COMMITTEES.

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

*Indianapolis*, April 24th, 1882.

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The undersigned, members of your committee to whom was referred the report of the Council Judiciary Committee in reference to a settlement with A. Naltner for his alleged services for the month of December under his garbage contract with the city, beg leave to submit thereon the following report:

We deem it necessary to a full understanding of the facts connected with this controversy, to submit the following brief statement of the proceedings heretofore had concerning this matter.

A resolution was introduced in the Council October 3, 1881, to rescind Naltner's contract, his pay thereunder to cease November 1st. Referred to Judiciary Committee and City Attorney. (Page 685.)

November 7th, 1881, said committee reported, recommended that the resolution be passed if amended so as to pay Naltner for month of November. (Page 787.)

November 17th, said resolution, as amended, was reported to Board of Aldermen and referred to the Finance Committee. (Page 832.)

November 28th, reported, recommending the following amendment: "That, provided Naltner will offer to this Board and Common Council, in writing, properly worded, to surrender his contract and release the city from all claim or demands, then, that the time be changed from November 30th, 1881, to December 31st, 1881, so as to give said contractor time to wind up his affairs; but if said Naltner does not make said offer in writing, then we concur in the action of Council, ending said contract at once." (Page 883.)

December 5th, the Council concurred in said amendment and recommendation of the Board. (Page 905.)

Mr. Naltner claims not to have received the notice of these proceedings until December 26th, and to have gone on in good faith performing the labor under his contract during the month of December, for which he now claims compensation.



Mr. Naltner claims to have continued the work under his contract during the entire month of December; and inasmuch as Mr. Naltner had already worked a portion of December before the city took its action; and as the proposition on the part of the city was intended simply to bring about a compromise and cancellation of the five year contract, and not expecting that much work would be done during said month by the contractor, and it being uncertain that the courts would not construe said proposition of the city as binding it to pay said \$450.00 for the month of December as soon as complied with by Mr. Naltner, regardless of whether any work was done during said month or not, we recommend that the report of the Council Judiciary Committee be concurred in.

Respectfully submitted,

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

C. S. DENNY, City Attorney.

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

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

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

The Committee on Public Light, through Alderman Tucker, submitted the following report; which was concurred in:

Your Committee on Public Light, to whom the "cow" and "goose" question was referred, respectfully make the following report and recommendation: That the Council appoint a special Cow and Goose Committee, and that said committee be fully authorized to let the contract to some responsible party to take charge of the impounding of all animals, as provided for in the general impounding ordinance, the "goose" of course included, and that the said party provide the impounding grounds at his or their own expense, and that the full receipts of the business, as provided for in the ordinance, go to the party authorized to carry out the impounding ordinance; further, that the City Marshal deputize to such party selected, official powers to fully carry out the impounding ordinance.

Respectfully submitted,

W. H. Tucker,  
F. W. Hamilton,

Alderman Rorison moved that when the Board of Aldermen adjourns, it adjourn to meet every Monday evening during the month of May.

Which motion was adopted.

The Committee on Railroads, 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 Railroads, to whom was referred sundry papers, respectfully report as follows:

- 1st. Is G. O. 30, 1879. Recommend the ordinance be passed.
- 2d. Is G. O. 54, 1881. Recommend the ordinance be not passed.
- 3d. Is G. O. 57, 1881. Recommend that the ordinance be passed.
- 4th. Is G. O. 5, 1879. Recommend it be not passed.

Respectfully submitted,

H. E. Drew,  
John Newman,  
F. W. Hamilton,  
Committee.

The Committee on Railroads, through Alderman Drew, submitted the following *majority* report:

SIG. 119.

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Committee on Railroads, to whom was referred the report of F. W. Hamilton, from the Committee on Railroads, on the resolution in reference to the "Market House and City Hall," do report that as the matter is now in the hands of the Commissioners, and until they make a report the resolution is premature; therefore respectfully recommend that it be not adopted.

H. E. Drew,  
John Newman,  
Committee.

Alderman Hamilton, in behalf of the same committee, submitted the following *minority* report:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The undersigned, Committee on Railroads and Public Charities, to whom was referred the following resolution:

"Resolved, That the City of Indianapolis does not at present, or in the immediate future, need a \$150,000 central 'Market House and City Hall,' or any other expensive improvement; but that said city *does require*, for its permanent prosperity, an economical administration of its affairs, within its income; a system of substantial and durable streets, a low rate of taxation, a reduction of its bonded debt, and the formation of a 'sinking fund' for the entire payment of such debt."

Respectfully recommend that it be adopted by the Board of Aldermen and the Common Council, and that the Finance Committee, with the City Attorney, prepare an ordinance to be introduced in Council, providing for the creation of a sinking fund to liquidate the bonded debt of the city, as it matures.

Respectfully submitted,  
F. W. HAMILTON,  
Committee on Railroads and Public Charities.

On motion<sup>1</sup> by Alderman Rorison, the *majority* report was concurred in by the following vote:

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

NAYS, 1—viz. Alderman Hamilton.

Alderman Drew moved to take up the following motion (see page 1123, *ante*); which failed of being taken up:

"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."

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.