

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—OCTOBER 23, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, October 23d, 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, Tucker, and Wood—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the regular session, held September 25th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

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, the following papers for your consideration, favorably passed upon by the Common Council, at its session held October 16th, A. D. 1882.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from His Honor, the Mayor, (see page 534, *ante*), was read and received :

Indianapolis, Ind., Oct. 16, 1882.

To the Common Council and Board of Aldermen :

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

Policemen's witness fees.....	\$ 96 00
Mayor's fees.....	102 15
Fines.....	8 85
Total.....	\$207 00

Which amount I have this day paid to the City Treasurer, and deposited his receipt therefor with the City Clerk.

Respectfully,

D. W. GRUBBS, Mayor.

The following report from the City Civil Engineer was read :

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

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

Contract and bond of J. D. Hoss, for grading and graveling the first alley east of Beeler street, from Hill avenue to Lincoln avenue. Bond, \$500.00; surety, D. R. Marshall.

SIG. 44.

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Contract and bond of S. W. Patterson, for grading and bowldering the first alley south of New York street, from Missouri street to Columbia street. Bond, \$350.00; surety, S. J. Patterson.

Contract and bond of James Mahoney, for grading, bowldering and curbing the gutters of Maryland street, (where not already done), from Mississippi street to Tennessee street. Bond, \$1,200.00; surety, James Renihan.

Contract and bond of Henry Clay, for grading and paving with brick, the west sidewalk of College avenue, from Twelfth street to Clyde street. Bond, \$200.00; surety, Fred. Gansberg.

Contract and bond of John Schier, for grading and re-paving the east sidewalk of Illinois street, (where not already properly done), from Washington street to Louisiana street. Bond, \$2,000.00; surety, Fred. Gansberg.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

On motion, the favorable action of the Common Council on the above report (see page 538, *ante*), was concurred in by the following vote :

AYES, 8—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, 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 pages 535 and 536, *ante*), was concurred in :

To the Mayor and Common Council :

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

A first and final estimate in behalf of Fred. Gansberg, for grading and graveling Sullivan street and sidewalks, from the north line of Bismarck street to Buchanan street.

843 lineal feet, at 43 cents..... \$362 47

A first and final estimate in behalf of James Mahoney, for grading and graveling the first alley south of English avenue, from Linden street to Laurel street.

1,050 lineal feet, at 17 cents..... \$178 50

A first and final estimate in behalf of H. C. Roney, for grading and bowldering the first alley south of Michigan street, from Delaware street to the first alley west of Delaware street.

390 lineal feet, at 42 cents..... \$160 80

A first and final estimate in behalf of R. P. Dunning, for grading, and paving with brick, the sidewalks of Mississippi street, from Second street to Seventh street, (where not already properly done.)

3,876.75 lineal feet, at 44 cents..... \$1,705 77

70.40 lineal feet re-setting curb, at 6 cents..... 4 22

30.50 lineal feet re-paving, at 20 cents..... 6 10

\$1,716 09

A first and final estimate in behalf of C. S. Roney, for grading, and paving with brick, the north sidewalk of Michigan street, from East street to Liberty street.

382.70 lineal feet, at 41 cents..... \$156 89

A first and final estimate in behalf of H. C. Roney, for grading, paving with brick, and curbing with stone, the west sidewalk of Pine street, from St. Clair street to the first alley south of St. Clair street.

192 lineal feet curbing, at 46 cents.....	\$ 88 32
175 lineal feet paving, at 48 cents.....	84 28
	\$172 60

A first and final estimate in behalf of S. W. Patterson, for grading and bowldering the first alley south of New York street, from Missouri street to Columbia street.

390 lineal feet, at 54 cents.....	\$210 60
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A first and final estimate in behalf of John Stumph & Son, for building one two thousand barrel cistern on Eddy street, between Merrill street and Pogue's Run.

1,917.42 barrels, at 54½ cents.....	\$1,044 99
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Respectfully submitted,
S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 536, *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 Fred. Gansberg, for grading and graveling Sullivan street and sidewalks, from the north line of Bismarck street to Buchanan 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, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 536, *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 James Mahoney, for grading and graveling the first alley south of English avenue, from Linden street to Laurel 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, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 537, *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 H. C. Roney, for grading and bowldering the first alley south of Michigan street, from Delaware street to the first alley west of Delaware 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 DeRuitter, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 537, *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 R. P. Dunning, for grading and paving with brick, the sidewalks of Mississippi street, from Second street to Seventh street, (where not already done), 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 DeRuitter, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 537, *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 C. S. Roney, for grading and paving with brick, the north sidewalk of Michigan street, from East street to Liberty 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 DeRuitter, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 537, *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 H. C. Roney, for grading, paving with brick, and curbing with stone, the west sidewalk of Pine street, from St. Clair street to the first alley south of 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 DeRuitter, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 538, *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 S. W. Patterson, for grading and bowldering the first alley south of New York street, from Missouri street to Columbia 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, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following report from the City Clerk was read:

To the Common Council and Board of Aldermen :

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

August Richter vs. Grisby Morris, for.....	\$16 16½
August Richter vs. Henry Stanton, for.....	16 16½

And recommend you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

On motion, the favorable action of the Common Council on the above report (see page 459, *ante*), was concurred in, and the precepts ordered to issue, by the following vote:

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

NAYS, 1—viz. Alderman Hamilton.

The following petition was read, and the favorable action of the Common Council thereon (see page 539, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—The undersigned petitions your honorable bodies for an Auctioneer's license; the said license to be issued for a year, or for one or more quarters of a year.

ROBERT ELLIS.

The following report from the Board of Public Improvements (see page 539, *ante*), was read; and on motion by Alderman Tucker, was referred to the Finance Committee :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—We recommend that the Street Commissioner and City Civil Engineer be authorized to purchase a street sweeping machine, for the purpose of sweeping north Meridian and other streets. Cost not to exceed the sum of \$400.00.

Respectfully submitted,

Wm. H. Morrison,
E. H. Dean,
Board of Public Improvements.

The following clauses from the report of the Board of Public Improvements were read :

1st. Is that the Street Commissioner be instructed to clean the gutters of Liberty street, between Massachusetts avenue and New York street.

Recommend the work be done.

3d. Is that the Street Commissioner be, and is hereby, requested to replace bowlders at the mouth of the alley on Broadway street, between Christian avenue and Butler street, west side.

Recommend the work be done.

4th. Is that the Street Commissioner be directed to clean the Illinois street gutters, between Washington and Ohio streets, and repair the same so the water will flow thereof.

Recommend the work be done.

8th. Is that the Street Commissioner be instructed to clean the gutters on the following streets, to-wit: Coburn, Buchanan, Daugherty, and Bradshaw streets.

Recommend the work be done.

10th. Is that the Street Commissioner be, and is hereby, instructed to clean the gutters and fill the chuck-holes on Kentucky avenue, from Missouri street to White River bridge.

Recommend the work be done.

14th. Is that the Street Commissioner be, and is hereby, directed to clean the gutters on Agnes street.

Recommend the work be done.

16th. Is that the Street Commissioner be, and is hereby, directed to put foot-bridges across the gutters at the crossings of Eight street, on College avenue.

Recommend the work be done.

17th. Is that the Street Commissioner be directed to put in a stone crossing across Seventh street, on west side of Pennsylvania street; also, to gravel the first alley-crossing north of Seventh street and Eighth street crossing, all on west side of Pennsylvania street.

Recommend the work be done.

19th. Is that the Street Commissioner be, and is hereby, requested to put a stone crossing at Pennsylvania street and Home avenue, south side.

Recommend the work be done.

20th. Is that the Street Commissioner be, and is hereby, instructed to repair the sidewalks on southeast side of Massachusetts avenue, at Liberty street crossing, the same being in a very bad condition.

Recommend the work be done.

21st. Is that the Street Commissioner be, and is hereby, directed to clean the gutters on Church street, from Ray street to Morris street.

Recommend the work be done.

22d. Is that the Street Commissioner, be, and is hereby, directed to clean the gutters and fill the chuck-holes on Tennessee street, from Pogue's Run to Ray street.

Recommend the work be done.

23d. Is that the Street Commissioner be, and is hereby, directed to clean the gutters on Chadwick street, from McCarty street to Ray street.

Recommend the work be done.

25th. Is that the Street Commissioner be, and is hereby, instructed to place a double stone crossing on Russell avenue and Illinois street.

Recommend the work be done.

26th. Is that the Street Commissioner be directed to fill with gravel the holes on Illinois and Meridian streets, from Seventh street to Tenth streets.

Recommend the work be done.

28th. Is that the Street Commissioner be, and is hereby, requested to lay stone crossing at corner of Fifth and Pennsylvania streets.

Recommend the work be done.

31st. Is that the Street Commissioner be, and is hereby, directed to fill up sink-holes on Wabash and Miami streets, from Alabama street to Noble street.

Recommend the work be done.

32d. That the Street Commissioner be, and is hereby, requested to lay a stone crossing at the crossing of Pennsylvania and Second streets.

Recommend the work be done.

33d. Is that the Street Commissioner be, and is hereby, instructed to lay stone crossings across the streets and alleys from English avenue to Prospect street, on Dillon street.

Recommend the Street Commissioner be authorized to do this work by contract.

34th. Is that the Street Commissioner be, and is hereby, requested to cut the weeds and Canada thistles on the following named streets: On Ray street, from Tennessee street to West street; on Church and Carlos streets, between Ray and Morris streets.

Recommend the work be done.

35th. Is that the Street Commissioner be directed to clean the gutters on Market street, between Noble and State streets.

Recommend the work be done.

37th. Is that the Street Commissioner be directed to raise the bowldered gutter on the east side of New Jersey street, just south of St. Clair street, so as to cause the water to run off at that point; said work to be done under the direction of the City Civil Engineer.

Recommend the work be done.

41st. Is that the Street Commissioner be instructed to place double stone crossings at the alley-crossing of McCarty street, between East street and Virginia avenue, as the sidewalks on said street have been lately improved with new brick walks.

Recommend the Street Commissioner be authorized to do the work under contract.

42d. Is that the Street Commissioner be, and is hereby, instructed to repair California street, from Washington street to Maryland street, with coarse gravel.

Recommend the work be done.

43d. Is that the Street Commissioner be, and is hereby, instructed to clean the gutters and fill the chuck-holes on Maryland street, from Missouri street to Helen street.

Recommend the work be done.

44th. Is that a double stone crossing be placed on Mississippi street, south side, crossing of First street.

Recommend the work be done.

45th. Is that a double stone crossing be placed on Mississippi street, at the crossing of Pratt street, north side, as the gutters have been bowldered and curbed, and sidewalk paved.

Recommend the work be done.

46th. Is that the Street Commissioner be instructed to put stone crossing on south side of Michigan street, across Bright and Douglass streets.

Recommend the Street Commissioner be authorized to do the work under contract.

47th. Is that a stone crossing be laid across Seventh street, on west side of Mississippi street; also, one at short Fourth street, on Illinois street, new brick sidewalks having been made on Mississippi street.

Recommend the work be done on Mississippi street, but not on short Fourth street.

49th. Is that the Street Commissioner be directed to put down a stone crossing across Circle street, at Market, east and west side of Circle; also, at Meridian street, on north side.

Recommend the work be done.

50th. Is that the Street Commissioner place a stone crossing across Fort Wayne avenue, on the west side of New Jersey street; also, one from the west side of New Jersey street across Fort Wayne avenue, to the south sidewalk of St. Joseph street, with power to act.

Recommend the work be done.

51st. Is that the Street Commissioner be, and is hereby, directed to clean the north gutter of Ohio street, from Noble street to Harvey street.

Recommend the work be done.

On motion, the favorable action of the Common Council on the above report (see pages 540, 541, 542, 543 and 544, *ante*), was concurred in, *except* clauses 17, 19, 25, 28, 32, 33, 41, 44, 45, 46, 47, 49 and 50, which, on motion by Alderman Tucker, were referred to the Committees on Finance and Streets and Alleys; and on further motion the Board of Aldermen concurred in the action of the Common Council on the 34th clause, by the following vote:

AYES, 2—viz. Aldermen Mussmann and Newman.

NAYS, 6—viz. Aldermen DeRuiter, Hamilton, Rorison, Seibert, Tucker, and President Layman.

The following resolution (adopted by the Common Council—see page 544, *ante*), was read:

Resolved, That it is the sense of the members of this Council and Board of Aldermen, that no valuable franchises shall hereafter be granted to any person or corporation in the use of the streets and alleys of the city, without just compensation be paid to the city therefor, and that such compensation be made a condition, to be expressed in the ordinance granting such franchise.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following report from the Committee on Printing (see page 545, *ante*), was read:

To the Mayor and Common Council:

Gentlemen.—Your Committee on Printing, would report that we have considered the matter of printing and binding the codified ordinances and laws, and believing that the contract with the Journal Printing Co covers all of said work, except the cost of paper, and that they propose to furnish the same at a fair and reasonable price, we would recommend the work be given to said Journal Printing Co.

Very respectfully submitted,

C. T. Bedford,
Edgar Brundage,
Committee.

Alderman Rorison moved that the favorable action of the Common Council on the above report be concurred in.

Alderman Hamilton moved to amend the above motion, by referring the report to the Committee on Finance; which was adopted, and the report referred by the following vote:

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

NAYS, 3—viz. Aldermen Drew, Rorison, and Wood.

The following clause from the report of the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 545, *ante*), was concurred in:

6th. Is the petition of W. A. Bell, John B. Elam, et al., asking that the City Marshal have the fences removed out of the streets and alleys in "Bruce Place."

Recommend the prayers of the petitioners be granted.

The following report from the Committee on Contracts was read:

Gentlemen.—Your Committee on Contracts respectfully report the following bids for bowldering the south gutter of Ohio street, from Meridian to Illinois street:

C. S. Roney, 81 cents per lineal foot.

Henry Clay, 71 cents per lineal foot.

James Mahoney, 78 cents per lineal foot.

J. L. Spaulding, 94 cents per lineal foot.

Richter & Twiname, 85 cents per lineal foot.

S. W. Patterson, 81 cents per lineal foot.

H. C. Roney, 80 cents per lineal foot.

Henry Clay being the lowest and best bidder, we recommend that he be awarded the contract.

Respectfully submitted,

Isaac Thalman,

E. H. Koller,

Committee.

On motion, the favorable action of the Common Council on the above report (see page 546, *ante*), was concurred in by the following vote:

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The mortality report of the Board of Health (see page 544, *ante*), was read and received.

The following motion (adopted by the Common Council—see page 548, *ante*), was read, and on motion by Alderman Tucker, was referred to the Committee on Streets & Alleys and Sewers & Drainage;

That the Street Commissioner be directed to place a double row of stone crossings on Alabama street, at the intersections of the alleys and streets between North and New York streets, where not already laid.

The following motion (adopted by the Common Council—see page 548, *ante*), was read:

That the City Marshal be directed to have the plank crossing on the west side of Delaware street, between Ohio and New York streets, repaired, so they will not prove an obstruction, or removed.

Alderman Tucker moved to amend the above motion by striking out the words "City Marshal," and insert in lieu thereof the word "Police."

Alderman Drew moved to amend Alderman Tucker's motion, by concurring in the action of the Common Council, which failed of adoption by the following vote :

AYES, 5—viz. Aldermen DeRuiter, Drew, Rorison, Wood, and President Layman.

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

Alderman Tucker's motion then failed of adoption by the following vote :

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

NAYS, 5—viz. Aldermen DeRuiter, Drew, Rorison, Wood, and President Layman.

The motion was then referred to the Committees on Streets & Alleys and Sewers & Drainage, on Finance and Accounts & Claims, and on Markets and Public Property.

The following motion (adopted by the Common Council—see page 549, *ante*), was read :

That the Street Commissioner is hereby instructed to repair the wash-out in Locust street, at the intersection of the third alley south of Ray street, so as to prevent the water on said street from draining into, and flooding private property.

Alderman Rorison's motion to refer the above to the Committee on Public Light and Education, was ruled as out of order by the Chair.

The motion was then concurrently adopted.

The following motion (adopted by the Common Council—see page 549, *ante*), was read, and referred to the Committee on Contracts and Bridges :

That the City Marshal be, and is hereby, directed to notify the C., C., C. & I., Wabash, and I., B. & W. R. R. Companies, to plank the crossings of the first alley north of Market street, between Railroad and Davidson streets; also, to notify said companies to enlarge the culverts under their tracks on Davidson street, between Market and Ohio streets, and on Market street.

The following petition was read :

Indianapolis, October 16, 1882.

To the Board of Public Improvements:

Gentlemen:—We, the undersigned, contractors for the paving of north Meridian street, from New York street to St. Clair street, would respectfully ask your honorable body to grant us an extension of time for the completion of the work until November 20th, 1882.

We hereby state the cause of our delay in getting at the work, was due to the extreme scarcity of cedar, and the failure of persons making contract to furnish the same to us.

J. F. & H. L. TALBOT,
per H. L. Talbot.

Subscribed and sworn to by H. L. Talbot, of the firm of J. F. & H. L. Talbot, as true in substance and in fact, this 16th day of October, A. D. 1882.

Witness my hand and official seal.

[Seal.]

JAMES A. PRITCHARD, Notary Public.

Alderman Hamilton moved to refer the above petition to the Committee on Judiciary, Ordinances & Rules and City Attorney; which failed of adoption by the following vote :

AYES, 2—viz. Aldermen Hamilton and Rorison.

NAYS, 8—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Seibert, Tucker, Wood, and President Layman.

Alderman Seibert moved to concur in the action of the Common Council.

Alderman Hamilton offered the following amendment to the action of the Common Council; which was adopted :

Provided, That there shall be no liability whatever in any event against the City of Indianapolis, on account of this extension of time, except for street and alley crossings.

The action of the Common Council on the above petition (see page 550, *ante*), with the foregoing proviso, was then concurred in by the following vote :

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

REPORTS FROM STANDING COMMITTEES.

The Committee on Finance and Accounts & Claims, through Alderman Hamilton, submitted the following report; which was concurred in :

At a meeting of the Board of Aldermen of the City of Indianapolis, held on the 9th day of October, 1882, the following report was referred to the Finance Committee (concurred in by Council October 2, 1882):

Indianapolis, Oct. 2, 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, to-wit :

1. The first is the petition of F. McWhinney, showing that on August 19th, 1880, he purchased Lot 2, Square 3, Myer's subdivision, for \$55.45, and paid additional taxes of \$2.68; also, Lot 1, Square 3, same subdivision, for \$55.45, and paid additional tax of \$2.68; also, Lot 3, Myer's subdivision D. & M.'s second addition, for \$19.75, and paid additional tax of \$1.60, at city tax sale.

At time of sale, all the above real estate had been forfeited, under the School fund, to the State, and title was in State of Indiana before the above tax sale. For this reason petitioner asks that above amounts, with interest, be refunded.

The City Treasurer informs your committee that the facts stated in petition, are true. Our Supreme Court, in case of Grovvn, Auditor of Tipton County vs. The State, on relation of Bowlin, 24 Ind. 255, decide that where lands are taken by the State for non-payment of mortgage debt, the State takes the land free from all assessments and taxes made and levied between the date of the mortgage and date of the deed.

The above sales were therefore void, and therefore recommend that above sums, with interest, be refunded to petitioner.

2. The second is the petition of Frank McWhinney, showing that on February 9th, 1880, he purchased at tax sale Lots 21, 22, 26 and 28, in Bell's subdivision of Square 26, Johnson heirs' addition, for \$50.29. The sale was void, that said lots were taxed double on the duplicate; property sold in name of Edwin A. Benedict, and taxes paid in name of Brown, before sale.

City Treasurer informs your committee that facts stated in petition, are true. We therefore recommend that \$50.29 be refunded, with interest.

3. The third is the petition of I. N. Pattison, City Treasurer, showing that he issued two receipts for the same tax, to-wit: Nos. 7,913, 2,532 a., each receipt for \$8.03—total, \$16.06. In making his report to the Council, both receipts have been credited, and stubs show that both have been received to the city, in the return of taxes for April, 1882.

We are satisfied a mistake has been made, and therefore recommend that \$8.03 be refunded to the City Treasurer.

Respectfully submitted,

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

C. S. DENNY, City Attorney.

To the President and Board of Aldermen:

Gentlemen:—We respectfully recommend that action of Council be concurred in, excepting section (2) second.

F. W. Hamilton,
Hiram Seibert,
Committee on Finance

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

Indianapolis, Oct. 23d, 1882.

To the President and Members of the Board of Aldermen:

*Gentlemen:*The undersigned, to whom was referred S. O. No. 113, 1882, respectfully report, that the same ordinance was referred to the City Attorney by the Council, before action was taken on the same by that body, together with a communication of Edward King in reference thereto, with a view of ascertaining said Attorney's opinion as to the legality of the passage of the ordinance now pending and Mr. King's rights in the premises. The City Attorney reported thereon, Sept. 4th, 1882, which may be found in the printed proceedings of that date, on page 388. We approve of the views there stated, and report the ordinance back on that opinion without recommendation.

Respectfully submitted,

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

C. S. DENNY, City Attorney.

On motion by Alderman Rorison, the action of the Common Council as to the appointment of an attorney in the case of Malinda Murphy vs. City of Indianapolis (see page 490, *ante*), was concurred in.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following resolution :

Resolved, That the City Attorney prepare and have presented to the Common Council, an ordinance repealing the ordinances creating the Fire Board, Police Board, Hospital Board, and Board of Public Improvements; providing therein that the Fire Chief, Chief of Police, Superintendent of Hospital, and Street Commissioner, shall perform the duties of said boards respectively, subject, always, to the approval of the Common Council and Board of Aldermen; be directly responsible for the conduct and management of their several departments, for the appointment, faithfulness and efficiency of the men, and the prompt execution of the laws and all ordinances of the city; to give bond, be subject to removal for inefficiency, etc.

And it was adopted by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Hamilton, Rorison, Seibert, Tucker, Wood, and President Layman.

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

Alderman Mussmann offered the following motion; which was adopted :

That the Street Commissioner be, and is hereby, directed to clean the gutters on Wilkens street between Chestnut and Mulberry streets, so as to carry off the water on said street.

Alderman Rorison offered the following motion; which was adopted :

That the City Attorney be requested to report at the next meeting of this Board, whether the Union Railway Company have the absolute right to exclude any railroad company from the use of the Union Depot.

Alderman Rorison offered the following motion :

That the Police Board be, and are hereby, instructed to detail a policeman at once to perform the duties of Coal Inspector, under the ordinance governing the same.

Alderman Tucker moved as an amendment to the above motion, that one of the sanitary police be appointed, and that he be instructed to make monthly report, which was adopted.

The motion as amended was then adopted.

Alderman Tucker offered the following motion; which was adopted :

That the Chief of Police be, and is hereby, directed to notify the Police Department that they must notify all property owners throughout the city, where sidewalks are in a dangerous condition, that the same must be repaired at once, and if not done, to file against such person or persons, within 24 hours after said notice shall have been served; further, that the police make memoranda of all dangerous places in the streets and alleys, of bridges, crossings, culverts, and all brakes in the streets, and that said memoranda be put on file in the Chief's office each day, and that the Chief, upon receipt of such notices, send the same to the Street Commissioner's office for his immediate attention; further, that the Chief be, and is hereby, requested to report to this Board, at the first regular meeting in each month the number of notices received and sent to the Street Commissioner.

Alderman Tucker offered the following motion :

That the City Engineer be, and is hereby, directed to report to this body the number of stone crossings put down in the Twelfth Ward during the past two years, commencing October 1st, 1880, and ending October 1st, 1882; and also to report how many of said crossings were put in by order of the Council and Board of Aldermen; further, that said report be made at our next regular meeting.

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

The motion, as offered by Alderman Tucker, was adopted.

PENDING ORDINANCES.

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

S. O. 96, 1882—An ordinance to provide for grading and graveling the first alley north of Home avenue, from Broadway street to College avenue.

And it was passed by the following vote :

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

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

S. O. 134, 1882—An ordinance to provide for grading, and paving with brick the sidewalks of Broadway street, from Seventh street to Twelfth street.

And it was passed by the following vote :

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following entitled ordinance was re-called from the Committee on Streets & Alleys and Sewers & Drainage, and read the second and third times :

S. O. 161, 1882—An ordinance to provide for grading, graveling, and curbing with wood, the west side of Missouri street, from North street to St. Clair street.

And it was passed by the following vote :

AYES, 10—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

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

S. O. 113, 1882—An ordinance to provide for grading, paving with brick, and curbing with stone, the north sidewalk of Maryland street, from the alley on the west line of Out-lot number 143, to a point 105 feet east of said alley.

And it was passed by the following vote :

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

NAYS, 1—viz. Alderman Hamilton.

President Layman gave notice that the right to make a motion for the reconsideration of the action by which the above ordinance (S. O. 113, 1882,) was passed, would be reserved until the next regular meeting.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.