

# PROCEEDINGS OF BOARD OF ALDERMEN.

## REGULAR SESSION—MARCH 12, 1883.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, March 12th, A. D. 1883, 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 February 26th, 1883, and for the special session held March 6th, 1883, 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 submit the following papers for your consideration, favorably passed upon by the Common Council, at its regular session, March 5th, 1883.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from His Honor, Mayor Grubbs, (see page 915, *ante*), was read and received:

Indianapolis, March 5, 1883.

To the Common Council and Board of Aldermen:

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

Policemen's witness fees .....	\$69 30
Mayor's fees.....	52 70
Total.....	\$122 00

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

Respectfully,

D. W. GRUBBS, Mayor.

The following resolution (adopted by the Common Council—see page 916, *ante*), was read:

WHEREAS, The contract and bond of J. H. Forrest, approved December 4th and 11th, 1882, for improving Delaware street, between Massachusetts avenue and St. Clair street, was approved before the awarding of the contract was concurred in by the Board of Aldermen; therefore,

*Resolved*, That said contract and bond of J. H. Forrest be annulled and declared void.

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 City Civil Engineer was read, and the favorable action of the Common Council thereon (see pages 915 and 916, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen*:—On December 4th, 1882, I submitted the contract and bond of J. H. Forrest, for grading and graveling the roadway of Delaware street, and bowldering the gutters thereof, from the north line of Massachusetts avenue to the north line of St. Clair street. At that time (as I have since learned), the awarding of said contract had not been concurred in by the Board of Aldermen. The Board have since concurred in said award, and I herewith submit a new contract and bond. Bond, \$1,100.00; sureties, Samuel H. Cobb and George F. Branham.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The report from the City Civil Engineer, showing the collection of ten dollars, (see page 916, *ante*), was read and received.

The following report from the City Attorney was read, and the action of the Common Council thereon (see page 919, *ante*) was concurred in:

*Indianapolis*, March 5, 1883.

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen*:—Since the last meeting of the Council, the case of Thomas Wren vs. The City, et al, has been decided by the Supreme Court, affirming the judgment of the lower court, in favor of the city. The character of this suit is well known to you all, and need not be repeated here.

The case of David Duncan against the city, has been tried before Judge Howe and a jury, and resulted in a verdict for the plaintiff for \$250.00. It was an action for damages on account of injuries received in falling into a ditch in an alley on Ohio street, between Noble and Liberty, in the night, in the winter of 1881. The verdict was evidently a compromise one, as the loss of time alone amounted to considerably more than the sum awarded, as shown by the evidence. I have filed a motion for a new trial, with a view of urging it, unless otherwise instructed, for I believe a verdict for the city can be procured on another trial. I served the owner of the abutting property with notice to defend, and in any event, expect to make him pay any loss the city may sustain in the first instance. He is now considering the question as to whether he had not better pay the present verdict and end the case.

The cases of Weghorst, Leonard and Jeck, which I was instructed to no longer defend, have been finally disposed of, more than two-thirds of all the costs in the cases having been paid by the plaintiffs themselves, under an arrangement I succeeded in making with them, thus giving the city within a few dollars of the amount due under the law.

Respectfully submitted,

C. S. DENNY, City Attorney.

The report of the Board of Public Improvements and Street Commissioner, showing expenditures in the Street Department (see pages 920 and 921, *ante*), was read and received.

The following report from the Board of Public Improvements (see page 921, *ante*), was read:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Public Improvements herewith submit an ordinance for the appropriation of money on account of the Street Department, for sewer repairs. At the last session of this Council, an appropriation ordinance for \$1,000,00, street repairs, was passed, but the Board of Aldermen, at their last meeting, failed to pass said ordinance. The appropriation for street repairs has been exhausted, and the Department is without means to do even such work as we believe to be absolutely necessary. There has been work ordered done by the Council and Board of Aldermen in different parts of the city, that should be done; also, some streets have been improved under ordinance, gutters bowldered and curbed, leaving in many places a shoulder at the outer edge of the gutter, not only leaving the street in a bad condition, but in many places dangerous to travel. Streets so improved heretofore, have been completed by the city, and the property owners making and paying for such improvement, have understood that their streets would be finished likewise.

There seems to exist some difference of opinion between the Council and Board of Aldermen as to where and how said appropriation should be expended. We would recommend that His Honor, the Mayor, appoint a committee of three members of the Common Council, and that the President of the Board of Aldermen be requested to appoint a like committee from the Board of Aldermen, together with the City Attorney, that they may agree and come to some understanding relative to the expenditure of said appropriation, and report to this body.

Respectfully submitted,

Edward H. Dean,  
W. H. Morrison,  
Board of Public Improvements.

Alderman Tucker offered the following motion; which was adopted:

That the City Attorney be, and is hereby, requested to report to this Board at our next regular meeting, if the *powers* granted by ordinance to the Board of Public Improvements do not exceed the rights granted by the *charter*; and if the duties being performed by said Board, are not *solely* the duties of the Street Commissioner; further, to report if the hiring of all teams and men, and the purchasing of all supplies of every kind, for the street and sewer departments, is not the duties of the Street Commissioner, and can such duties be taken from him while he remains in office; also to report the legal duty of the Board of Public Improvements.

Alderman Tucker moved that a conference committee be appointed.

Which motion was adopted, and Aldermen Seibert, DeRuiter and Drew, were appointed by the Chair to act as the Aldermanic members of such committee, as provided for by the foregoing report.

The whole matter was then referred to the Conference Committee.

The mortality report of the Board of Health (see page 922, *ante*), was read and received.

The following report from the City Hall Commissioners (see papers 923 and 924, *ante*), and the following motion accompanying the same (see page 926, *ante*), were read:

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

*Gentlemen*.—Your Commissioners on City Hall and Market House, submit the following findings and recommendations:

1. Your honorable bodies can not, in honor, use one cent of the "Tomlinson Estate Fund," now in the city treasury or hereafter realized, in the erection of a *Market House* on said East Market Space. The intention and desire of the testator, Stephen D. Tomlinson, in our judgment, is plainly expressed in the second item of his will of April 18th, 1870. Said will (by copy) is on deposit in the office of the City Clerk, and has been spread, at large, on pages 827 and 828 of the Journals of the Common Council for years 1870-71. Item second of the will will also be found on page 144 of Indexical Digest of Journal of Common Council and Board of Aldermen for 1877-8. To substantiate the finding of your Commissioners, we will here quote the language of Stephen D. Tomlinson:

"Item second. The residue of my estate which may remain after her [his then wife, Mary T. Tomlinson] decease, whether the same be acquired by exchange or purchase, I bequeath to the City of Indianapolis, to be used in the erection of buildings for the use of citizens and city authorities (what are commonly termed 'Public Buildings'), on the west end of the East Market *House*, fronting on Delaware street, and next north of Market street. And I further direct that there be no unnecessary delay in converting the property hereby bequeathed, to the uses designated, as I do not wish to *endow the city* with a property to be held indefinitely for rent."

2. We introduce and recommend the immediate passage of "An ordinance to repeal Sections four (4) and ten (10) of an ordinance entitled 'An ordinance to provide for the erection of City Buildings,'" (ordained July 19th, 1882).

3. We recommend the prompt sale of the residue of the Tomlinson Estate (appraised at \$25,000).

4. We call your attention to that portion of our report on 19th ultimo, to be found on page 893 of current Journals. There we state the bid of M. K. Fatout (the lowest and best), at \$134,460. The bids exhibited on said page are in keeping with the Tomlinson bequest. We recommend that a contract be awarded M. K. Fatout for the erection of a City Hall and Assembly Hall on the East Market Space, "at the west end of the East Market House," at above figures, when the Tomlinson Estate Fund and the Additional City Hall Fund shall aggregate \$105,000.

Respectfully submitted,

D. W. Grubbs, Pres't.  
James T. Layman, Sec'y.,  
George Weaver,  
D. Mussmann,  
W. H. Tucker,  
E. H. Koller,  
E. H. Dean.

That the report be concurred in, and that the matter be fully considered by the City Attorney, before any contract is signed, and should there be any doubt as to the legality of any point in the matter, that the same be reported back to this Council for consideration.

President Layman offered the following resolution:

*Indianapolis*, March 12th, 1883.

WHEREAS, As there is now existing a board known as City Hall and Market House Commissioners, comprised of members of the City Government; and believing it to be not more than right and just that the tax payers and citizens should be

directly represented on said Board of City Hall and Market House Commissioners; therefore, be it

*Resolved*, That a committee of citizens, consisting of V. T. Malott, E. B. Martindale, John C. S. Harrison and Franklin Landers, are hereby appointed and requested to accept and serve with said Board of City Hall and Market House Commissioners, and that said Citizens' Committee are to have the same rights and privileges, by voice and vote, as the present members of the City Hall and Market House Commissioners.

On the passage of this resolution, Council concurring, the Mayor will officially notify said citizens of their appointment as Commissioners; and said newly appointed Commissioners to serve without pay.

Which was adopted by the following vote:

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

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

President Layman presented the following petition:

Indianapolis, March 5, 1883.

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

*Gentlemen*:—The undersigned, resident tax payers, would hereby respectfully and urgently request your honorable bodies to speedily commence the erection of the City Office Building and Public Assembly Hall, on the west end of the East Market Space, in accordance with the plan by you heretofore adopted, at a cost not exceeding \$135,000.00

Your memorialists understand the following schedule shows the present condition of the erection fund:

Tomlinson Estate Fund, cash.....	\$ 56,999 87
Additional City Hall Fund, cash.....	18,604 17
	\$ 75,604 04
Total cash now in city treasury.....	\$ 75,604 04
Add City Dispensary property, sold to city.....	4,800 00
	\$ 80,404 04
Unsold Tomlinson Estate property.....	25,000 00
	\$105,404 04

We are informed that it will require about two and one-half years to complete the building. The income from liquor and other licenses which are to be applied to the erection of this building, will be about \$17,000.00 per annum, which, at the end of 2½ years, will swell the building fund to say, \$148,000.00. We believe it to the interests of the city to commence the building without further delay.

It being understood by the signers hereto, that in the erection of said building, there shall be no increase in the rate of taxation, and no increase of the city debt.

Signed: William Mansur, A. & J. C. S. Harrison, Hervey Bates, J. H. Vajen, N. McCarty, John C. Wright, J. M. Kitchen, Jas H. Baldwin, G. B. Carey, Geo. B. Yandes, William S. Hubbard, A. M. Fletcher, H. Coburn, William H. Jones, Henry Schnull, August Schnull, Wiles, Coffin & Co, A L. Wright, Hildebrand & Fugate, William Wallace, Jos. A. Moore, Chas. E. Coffin, Chas. Mayer, S. Yandes, J. E. Robertson, W. H. Talbott, Franklin Landers, E. B. Martindale, V. T. Malott, J. F. Pratt, J. W. Mur-

pley, E. C. Atkins, C. E. Geisendorff & Co., E. C. Miller, agent; Joshua M. W. Langsdale, Joseph T. Elliott, J. L. Bieler, J. L. Mothershead, Wm. A. Pfaff, Geo. W. Johnston, Charles Krauss, David Macy, F. P. Woollen, F. L. Ritzinger, S. K. Fletcher, Vajen & New, Albert Gall, Christian Brink, for Henry Rushbaugh's heirs; Roache & Lamme, J. C. Adams, T. M. Bassett, G. H. Shover, R. H. McCrea, Fred Fahnley, A. B. Conduitt, *provided* no money raised by taxation shall be expended thereon; Gordon, Kurtz & Co., Wiles & Moore, Berg, Applegate, Amelia B. Mansur, Barnard & Sayles, S. H. Cobb, John Coburn, David Kregelo, Chas. Kregelo, M. G. McLain, W. O. Patterson, John T. Pressley, Jacob Cox, Fred. Knefler, J. A. Wildman, J. C. Ferguson, M. H. Spades, Deloss Root, Geo. W. Stout, Griffith Bros., R. K. Syfers, Geo. W. Snider, Ed. Raschig, Chas. Koehne, O. H. Hasselman, J. M. Ridenour, N. R. Ruckle, A. Jones, Sr., & Co., Geo. C. Webster, Peter Gramlin, Charles M. Raschig, A. B. Meyer, Paul H. Krauss, Thomas Davis, Alex. Metzger, John Huegele, J. S. Carey, Ingram Fletcher, A. E. Fletcher, H. C. G. Bals, J. P. Frenzal, John Grosch, John Nicklaus, Ad. Hereth, E. F. Claypool, Newton Claypool, A. M. Stoddard, Danl. Monninger, Henry Frank, Fred. P. Rush & Co., Geo. E. Townley, R. C. J. Pendleton, H. R. Allen, W. P. Johnson, Horace McKay, A. Bruner, Joseph Becker, Silas T. Bowen, F. M. Herron, Wm Haerle, David Nicholson, John Schaffner, Daniel Stewart, Geo. K. Share & Co., V. K. Hendricks, Lewis Dessar, Geo. R. Sullivan, Wm. H. Hubbard, Daggett & Co., P. H. Fitzgerald, John R. Nickum, J. W. Hess, Wm. Zumpfe, Herman Lieber, Wm. G. Krauss, William Smith, King & Elder, S. Merrill, Henry Day, S. C. Hanna, R. B. Duncan, C. W. Smith, P. Lieber & Co., P. Lieber, Julius Bottler, Otto E. Beck, L. W. Hasselman, Anderson Hardware Co., Frank M. Due, C. F. Rafert, A. S. Comstock, Wm Henderson, M. V. McGilliard, W. H. Allen, W. C. Grubb, J. M. Judah, I. C. Walker, C. F. Schmidt, John W. Schmidt.

The action of the Common Council in concurring in the foregoing report, and adopting the motion (see page 926, *ante*), was concurred in by the following vote:

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

NAYS, 3—viz. Aldermen DeRuiter, Hamilton, and Rorison

During the above roll-call, Alderman Rorison presented the following:

The bids of the contractors who competed for the work, clearly indicate that the work cannot be completed for the sum named. In view of the probability of an unfinished building, with the funds exhausted, and the tax levy as it now is, up to the limit of the law, I am in favor of investing the Tomlinson Fund in Government bonds, and deferring action on the proposed ordinance for the present. I vote No.

RORISON.

## APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances (passed by the Common Council), were placed upon their final passage without a suspension of the rules.

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

Ap. O. 15, 1883—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

On motion by Alderman Tucker, the claim of "E. Chandler, \$150.00," was stricken from the ordinance, and referred to the Committee on Fire Department.

The ordinance was then read the third time (amount appropriated \$574.98) and 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 first and second times, and read the third time:

Ap. O. 16, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,143.64.]

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 first and second times, and read the third time:

Ap. O. 17, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Station House. [Amount appropriated, \$209.01.]

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 first and second times, and read the third time:

Ap. O. 18, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$21,293.71.]

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.

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

Ap. O. 19, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$273.45.]

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 first and second times, and read the third time:

Ap. O. 20, 1883—An Ordinance appropriating the sum of Two Thousand Dollars, on account of Street Department of the City of Indianapolis, for the repairing streets, etc.

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 first and second times, and read the third time:

Ap. O. 21, 1883—An Ordinance appropriating the sum of one thousand dollars on account of the Street Department of the City of Indianapolis, for sewer repairs.

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 first time:

G. O. 9, 1883—An ordinance granting Charles S. Roney, contractor for the construction of a vitrified stoneware pipe sewer in and along New York street, from the east line of Mississippi street to and connecting with the Indiana avenue sewer at the intersection of New York street and Indiana avenue further time in which to complete his contract.



The following was read and received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I hereby consent to the time being extended Charles S. Roney for the construction of the vitrified stone pipe sewer in New York street, and ask no relief as his bondsman on account of said extension. A. HAYWOOD.

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

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

NAYS—None.

G. O. 9, 1883, was then read the second and third times, and 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 message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I herewith submit the following papers, for your consideration, favorably passed upon by the Common Council, at its session, held March 8th, 1883. For the Common Council:

JOS. T. MAGNER, City Clerk.

The following communication was read, and the favorable action of the Common Council thereon (see page 937, ante), was concurred in.

Indianapolis, March 5, 1883.

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

Gentlemen:—I propose to look up property and credits omitted and not returned for taxation, in the City of Indianapolis, for fifteen (15) per cent. of the amount of taxes actually realized by means of such investigations, no part of said fifteen per cent. to be paid me until the taxes are actually paid into the City Treasury.

Respectfully,

I. N. PATTISON, City Treasurer.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see pages 937 and 938, ante), was concurred in:

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

Gentlemen:—I herewith report a second and final estimate in behalf of J. H. Forrest, for constructing a brick sewer, three feet internal diameter, in and along Delaware street, from North street to and connecting with the Massachusetts avenue sewer at New York street:

2,377 7-12 lineal feet property line, at \$1.50 .....	\$3,555 88
2,370 7-12 lineal feet property line, city portion, at 10c .....	\$ 237 05

372 8½-12 lineal feet street and alleys crossings at \$3.20.....	\$ 1,192 67	
12 catch-basins at \$75.....	900 00	
6 manholes at \$37.50 .....	225 00	
38 feet 18-inch gutter pipe, at \$1 50 .....	57 00	
270 feet 15-inch gutter pipe, at 1.00.....	270 00	
1,600 brick for gutter pipe facing, at \$13.50 per 1,000...	21 60	
Total city portion .....	\$ 2,903 32	
Total estimate .....		\$6,459 20
Ten per cent. of total estimate reserved from city portion...\$	645 92	
City portion, less ten per cent. reserved .....		\$2,257 40

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 938, *ante*), was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying second and final estimate in behalf of J. H. Forrest, for constructing a brick sewer, three feet internal diameter, in and along Delaware street, from North street to and connecting with the Massachusetts avenue sewer at New York 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, 10—viz. Aldermen DeRuitter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

The following motions (adopted by the Common Council—see pages 943 and 944, *ante*), were read and concurrently adopted:

That the Street Commissioner be, and is hereby, instructed to repair and complete the sidewalk on Massachusetts avenue and Liberty street, as it is almost impassable whenever it rains, the same being the city's portion.

That the Street Commissioner be, and is hereby, instructed to examine the Reid street bridge over Pleasant Run, and to take such action as will secure the bridge from falling down, until it is properly repaired.

That the City Civil Engineer be, and is hereby, directed to designate the house numbers on East street, between Morris street and the south corporation line.

That Frederick Noelke and John Schnitker be, and are hereby, granted permission to grade and gravel the alley between their property, being the first alley west of Pine street, running from Georgia street south to first alley; work to be done at their own expense, and under the direction of the City Civil Engineer.

The following entitled ordinance was read the first time:

G. O 11, 1883—An Ordinance authorizing the issuance of a license to Samuel Rosengarten to exhibit an Incubator, and fixing the amount of license money to be paid by said Rosengarten.

## REPORTS FROM CITY OFFICERS.

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The following question has been referred to me by your Board, for my opinion:

When the Mayor is absent from the city, and the President of the Board of Aldermen is at home, has any other person than said President, a *legal right* to preside over the Mayor's court?

The only provision of the act creating the Board of Aldermen, which provides for the President of said Board occupying the position of Mayor, in any case, is as follows: "Sec. 10. That in case of removal, death, resignation or non election of Mayor, the duties of the office of Mayor shall devolve on the President of the Board of Aldermen until a Mayor is chosen and qualified according to the provisions of this act."

It will thus be observed that there is no provision of law for the President of this Board acting as Mayor in any capacity or under any circumstances, where there is a Mayor of said city legally holding his office.

Section 18 of the general act for the incorporation of cities, etc., provides for the calling of some Justice of the Peace to preside in his court in his absence or during sickness, etc. This I understand to have been the practice heretofore.

I therefore conclude that the President of this Board cannot legally preside in the Mayor's court while there is a Mayor in office, and that the only person other than the Mayor, who can, is a Justice of the Peace.

Respectfully submitted,

C. S. DENNY, City Attorney.

The Clerk of the Board of Aldermen presented the following communication; which was received:

Indianapolis, March 12, 1883.

To the Board of Aldermen:

*Gentlemen:*—The Manufacturers and Shippers' Association, at their meeting March 9, 1883, passed the following resolution, which I hereby submit to your honorable body:

"Believing that the locating of a new Street Railway would be of great benefit to our city, and would add to the welfare and convenience of our citizens; be it

*Resolved*, That the Manufacturers and Shippers' Association respectfully request the Board of Aldermen and City Council to grant the Metropolitan Street Railway right of way through the streets of our city, providing same can be done without legal complications."

Very respectfully,

OTTO STECHHAN, Secretary.

## REPORTS FROM STANDING COMMITTEES.

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Committee on Public Light report in favor of passage of Special Ordinances Nos. 149, 1882, and 139, 1882.

Respectfully submitted,

W. H. Tucker,  
F. W. Hamilton,  
D. Mussmann,  
Committee.

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

S. O. 139, 1882—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Home avenue, between Delaware and Pennsylvania streets.

And it was passed by the following vote:

**AYES**, 10—viz. Aldermen DeRuitter, 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. 149, 1882—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on English avenue, between Dillon street and Reid street.

And it was passed by the following vote:

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

**NAYS**—None.

## INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following resolution; which was referred to the Committee on Railroads and Public Charities:

*Resolved*, That where railroad tracks or switches have been laid within the city limits without authority from the Common Council and Board of Aldermen, the Street Commissioner is directed to at once notify the individuals or companies operating and using such tracks and switches, in each case to remove the same; and if at the end of six months from the adoption of this resolution any such track or switch remains, unauthorized by ordinance, said Street Commissioner shall take up and remove the same without further delay.

Alderman Hamilton offered the following motion; which was adopted:

That the Committee on Fire Department of this body, Chief Fire Engineer and City Attorney, examine at once, each hotel, theatre, public building and hospital of the city, and report within thirty days, whether or not said buildings have for cases of sudden emergency, from fire or panic, proper escapes by stairway and otherwise, for the safe and speedy exit of all persons therein; *further*, that said committee frame an ordinance and have it presented to the Common Council, that will compel the owners and lessees of all such buildings to properly provide for the safety of lives and property of all the inmates thereof.

Alderman Hamilton offered the following motion:

That the Board of Public Improvements and Committee on Streets and Alleys of this body report, within thirty days, a satisfactory plan and ordinance for improvement of Highland street.

Which was laid on the table, on motion by Alderman Seibert, by the following vote:

**AYES**, 8—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, Seibert, Tucker, and Wood.

**NAYS**, 2—viz. Alderman Hamilton, and President Layman.

Alderman Mussmann offered the following resolution:

*Resolved*, That the Jeffersonville, Madison & Indianapolis Railroad Company be, and it is hereby, directed to repair the road bed of Minnesota street, where the track of said company crosses the same, so as to make the same conform to the balance of said street, and so that vehicles can cross said track.

*Resolved, further*, That the Street Commissioner serve a copy of this resolution on said company at once; and if said work is not done within fifteen days from date of said service, that he do the same, and cause the cost thereof to be collected from said company.

Alderman Hamilton moved to refer the above resolution to the Committee on Railroads and Public Charities; which was laid on the table, on motion by Alderman Mussmann, by the following vote:

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

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

The resolution was then adopted by the following vote:

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

**NAYS**—None.

Alderman Rorison presented the following communication:

*Indianapolis, Ind., March 12, 1883.*

To the Hon. Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—I am informed that at the last meeting of your honorable body, through concurrence in a report of your Committee on Finance, you authorized the City Clerk to award a contract for printing the annual department reports. My

contract for City Printing includes said reports, under the head of "Annual Reports and other work." I submit that it would be only just and fair conduct toward me if you would reconsider above action at this meeting, and I respectfully ask that my demand be granted.

Yours,

O. H. HASSELMAN,  
Indianapolis Journal Co.

Alderman Drew moved to reconsider the action of the Board of Aldermen in concurring in so much of the report of the Committee on Finance and Accounts & Claims (see page 910, *ante*), as relates to printing the annual reports in book form.

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

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

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

The matter was then referred to the Committee on Judiciary and Ordinances and City Attorney.

Alderman Rorison offered the following motion:

That the Chief of Police be, and is hereby, instructed to see that the ordinance as to fast driving, be enforced, particularly on north Tennessee and Meridian streets.

Alderman Hamilton's motion to include "all city ordinances," failed of adoption.

The motion was then adopted.

Alderman Rorison offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby, instructed to clean Meridian street, from New York street to Seventh street, within twenty days.

Alderman Tucker offered the following motion; which was referred to the City Attorney.

That the City Marshal is hereby directed to turn over to the Metropolitan Police, when they shall take possession, the *cow pound*, with full instructions to the proper officers of said department which may be *necessary* for a continuing of the same rigid enforcements of the impounding ordinance as in the past, and with a request to kindly find and care for all animals which may be unfortunate enough to get *pulled*.

Alderman Tucker presented the following proposition; which was referred to the Special Committee on Cemeteries and City Attorney.

To the Board of Aldermen and Common Council, Indianapolis, Indiana:

*Gentlemen:*—The undersigned offer to lease to you for a cemetery, or any other purpose, the 100 acres of land located on Shelby street, just south of the corporation line, and which is marked on the city map, "W. M. Wheatley."

The soil in this land is in every respect similar to that embraced in Crown Hill Cemetery.

We will lease it to you for the term of fifteen years at a semi annual rental of \$1,500, payable in taxes.

Upon your acceptance of this proposition, we will execute a clear warranty deed (save for taxes and assessments made after this date), which deed shall be placed in escrow and delivered to you upon the receipt of the thirtieth semi-annual payment of rent.

S. A. FLETCHER & Co.

Indianapolis, Ind., March 6, 1883.

#### PENDING ORDINANCES.

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

S. O. 155, 1882—An ordinance to provide for grading, and bowldering the roadway, and curbing the gutters, of Indiana avenue, from West street to Fall Creek.

And it was passed by the following vote:

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

NAYS, 1—viz. Aldermen Drew.

S. O. 101, 1882, was referred to the Committee on Streets & Alleys and Sewers & Drainage, and S. O. 119, 1882, was referred to the Aldermen of the district, viz., Aldermen Hamilton and Layman.

President Layman offered the following motion; which was referred to the Committee on Public Light and Education.

That the Indianapolis Gas Co. are hereby directed to re-mantle two gas lamps, and light the same, on north Alabama street, between Home avenue and Tinker street.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.