

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MAY 28, 1883.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 28th, A. D. 1883, at eight o'clock, in regular session.

PRESENT—Hon. Daniel W. Grubbs, Mayor, and *ex officio* President of the Common Council, in the Chair, and 19 members, viz: Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Egger, Fultz, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

ABSENT, 6—viz. Councilmen Bedford, Cole, Cowie, Dean, Hartmann, and Stout.

The Proceedings of the Common Council for the regular session, held May 14th, 1883, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Grubbs, presented the following communication; which was received, and Councilmen Reichwein, Caylor and Dowling appointed as members of a special committee on arrangements;

Hon. D. W. Grubbs, Mayor, and Members of Board of Aldermen

and Common Council of the City of Indianapolis, Ind.:

Gentlemen:—The Decoration Day Committee of the Geo. H. Thomas Post, G. A. R., have instructed me to respectfully invite you to join with the Post in the observance of Decoration Day, May 30th, next.

Horace McKay, Esq., is Chairman of our Committee. He will be pleased to give you any information you may desire in the premises.

Very respectfully,

CHRIS. L. HOLSTEIN, Sec'y of Com.

REPORTS, ETC., FROM CITY OFFICERS.

The City Assessor submitted the following report; which was received, and the time extended as prayed for:

Indianapolis, May 28, 1883.

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

Gentlemen:—You are respectfully requested to extend the time of making the assessment report from the 2d Monday in June to the 2d Monday in July. The time allotted by law being too short to perform the work in cities of this size. Provision was made by the Legislature, by special act, for the Township Assessor, the same circumstances existing as in this case.

Respectfully submitted,

M. F. CONNETT, City Assessor.

REPORTS, ETC., FROM OFFICIAL BOARDS.

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

Report of Deaths in the City of Indianapolis, from the 11th day of May, to the 25th day of May, 1883.

Under 1 year.....	5
1 to 2 years.....	3
2 to 5 ".....	4
5 to 10 ".....	5
10 to 15 ".....	3
15 to 20 ".....	3
20 to 25 ".....	5
25 to 30 ".....	2
30 to 40 ".....	10
40 to 50 ".....	9
50 to 60 ".....	5
60 to 70 ".....	3
70 to 80 ".....	1
80 to 90 ".....	1
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0
Total.....	59

J. A. SUTCLIFFE, M. D., Pres't.,
 E. S. ELDER, M. D., Sec'y.,
 M. S. RUNNELS, M. D.,
 Board of Health.

Councilman Ward, in behalf of the Board of Health, submitted the following report, accompanied with analysis; which was received, and ordered printed in the proceedings:

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

Gentlemen:—Enclosed herewith, please find the report of Prof. T. C. Nuys, in regard to the analysis of samples of water, sent him on the 8th inst., 1883.

From the report you will see that the water proved to be of a good quality; very much better than the water ordinarily furnished or used for culinary and potable purposes. This fact is a very gratifying one, the former supply having proven unsatisfactory and unsuited for use, and the controversy upon the subject having attracted very general attention. The Water Company, by laying a solid iron pipe from their works to the reservoir, and constructing an impervious well at the works, have practically insured against any contamination of the supply. We cheerfully recommend the water as being of a superior quality, and much better than that of a majority of the wells of the city.

J. A. SUTCLIFFE, President,
 E. S. ELDER, Secretary,
 JOHN W. MURPHY.

To the Board of Health of the City of Indianapolis, Indiana:

Gentlemen:—I have completed the chemical analysis of the four samples of water received from you of the 8th inst., and hereby make the following report:

Each specimen of water was clear, odorless, and without sediment. The numbers given in Table No. 1 are parts in 100000 parts of the water, and the degrees of

hardness are number of parts of calcium oxide (Ca O) or its equivalent of magnesia (Ma O) in 100000 parts of the water. Degrees of permanent hardness indicate the parts of calcium oxide or its equivalent of magnesia remaining in solution in the water after having been boiled, therefore in the form of sulphates or chlorides. The degrees of temporary hardness refer to the same quantity of calcium oxide or its equivalent of magnesia which precipitates by boiling. Table No. II. gives the number of grains in one imperial gallon, and the degrees of Hardness refer to the grains of calcium oxide or its equivalent of magnesia in one imperial gallon.

TABLE No. I.
Parts in 100000 parts of the water.

Description.	Solids.	Chlorine.	Organic Matter.	Nitric Acid anhydride. (N ₂ O ₅)	Ammonia. (N H ₃)	Total Hardness.	Permanent Hardness.	Temporary Hardness.
No. I.....	25.9	0.29	2.3	0.41	trace.	6.88	5.60	1.28
No. II.....	27.8	0.56	1.8	0.29	"	7.57	5.76	1.81
No. III.....	27.6	0.63	2.3	0.53	"	7.04	5.60	1.44
No. IV.....	27.5	0.35	2.4	0.40	"	7.25	5.33	1.82

TABLE No. II.
Grains in one imperial gallon.

Description.	Solids.	Chlorine.	Organic Matter.	Nitric Acid anhydride. (N ₂ O ₅)	Ammonia. (N H ₃)	Total Hardness.	Permanent Hardness.	Temporary Hardness.
No. I.....	18.1	0.2	1.6	0.28	trace.	5.5	4.4	1.1
No. II.....	19.4	0.39	1.26	0.2	"	6.	4.5	1.5
No. III.....	19.3	0.44	1.6	0.37	"	5.6	4.4	1.2
No. IV.....	19.2	0.24	1.68	0.20	"	5.7	4.2	1.5

No. I.—Collecting Reservoir. No. II.—Wells at Water Works. No. III.—Hydrant, corner South and East streets. No. IV.—Hydrant, corner Noble and St. Clair streets.

An estimation of all the bodies held in solution was not made, as it was not necessary to do so in order to ascertain the properties of the water for drinking purposes. It will be seen that the bodies estimated are in small quantities, consequently as the amount of water sent was only one gallon of each, duplicate estimates in many cases were not made, there being insufficient quantity of water after concentrating enough by evaporation to ascertain the amount of chlorine and nitric acid, but as the work was carried on with the greatest care duplicate estimations would not have made any changes except within narrow limits.

The numbers in the tables show that there is no essential difference in the water. In fact errors which arise in analytical work, such as measuring and weighing at different temperatures yielding difference in results within certain limits, would give a difference in the analysis of a single specimen of water at different times, perhaps as great as observed in the results of the four samples of water as shown in the above tables.

These results show that the water is remarkably pure, and the small quantity of chlorine, nitric acid and ammonia prove that the water is not suspicious—that is,

there is no evidence of the admission of any of the products or constituents of sewage in the water. The water is peculiar in its *hardness* being to a great extent permanent.

Very respectfully,

T. C. VAN NUYS.

Indiana University Laboratory, Bloomington, Ind., May 19, 1883.

REPORTS FROM STANDING COMMITTEES.

The Judiciary Committee, through Councilman Pritchard, submitted the following report; which was concurred in, and G. O. 25, 1883, ordered stricken from the files:

Indianapolis, May 28, 1883.

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:

First, is a communication from Huston Solomon, contractor, for paving with brick the sidewalks of Blake street, from National Road to Indiana avenue showing that he has assigned his contract to G. W. Moore. Mr. Moore is the bondsman, and accepts the contract to complete the work as per bond and contract.

We recommend the city consent to arrangement.

Second, is the petition of James Clancy, showing that he is the owner of lots 27, 28 and 29, in Hubbard, Martindale et al's subdivision in block 13, southeast addition. That twenty five feet of one end of each lot has been washed away by Pleasant Run. He asks that the City Assessor make proper deduction upon each lot for taxation in future.

We recommend the prayer of petitioner be granted.

Third, is petition of Daniel R. Brown, showing that as owner of lots in Francis' addition, he has paid the following taxes, from 1875 to 1881:

Paid April 6, 1876, 1 to 9, 12 to 16, 18, 19, 21 to 25, for 1875.....	\$33 75
Paid March 21, 1877, 1 to 9, 12 to 16, 18, 19, 21 to 27, for 1876.....	34 88
“ “ 15, 1878, 1 to 9, 12 to 19, 21 to 27, for 1877.....	61 60
Paid April 2, 1879, 1 to 7, 9, 12 to 19, 21 to 27, for 1878.....	45 98
Paid April 6, 1880, 1 to 7, 9, 12 to 19, 21 to 27, for 1879.....	26 04
Paid April 8, 1881, 1 to 7, 9, 12 to 19, 21 to 27, for 1880.....	19 26
Total.....	\$221 51
Taxes paid for 1875-6, \$68.63, is barred by the statute of limitation,	68 63

Balance..... \$152 88

This addition was never a part of the city. Therefore, the tax paid within six years, to-wit, \$152.18, must be refunded, with interest, and we so recommend.

Fourth, is petition of Isaac N. Sims, showing that as owner of lots 9 and 46, Staunton's addition, he paid the following taxes, for the years 1876, 1877, 1878 and 1879..... \$22 88
For 1876, which is barred by the statute..... 2 80

Balance..... \$20 08

This \$20.08, with interest, must be refunded for same reason given in No. 3 of this report. We so recommend.

Fifth, is petition of Eleazer Bales, showing thus as owner of lots 27 and 30, in Stanton's addition, he paid taxes for the years 1875 to 1880, inclusive, the total sum of..... \$18 25
Taxes of 1875 and 1876, barred by statute..... 6 77

Balance..... \$11 48

This \$11.48, with interest, must be refunded, for same reason given in item No. 4, this report. We so recommend.

Sixth, is the petition of Esther C. Bales, showing that as owner of lot 29, Staunton's addition, she paid as taxes for the years 1875 to 1880, inclusive, the total sum of..... \$8 97

Taxes of 1875-6 barred by statute... 3 38

Balance..... \$5 59

This balance, \$5.59, with interest, must be refunded for same reason given in other items of this report. We so recommend.

Seventh, is G. O. 25, providing for a tax of \$30.00 per car upon any produce sold from the car.

Your committee are unable to find any provision of the city charter giving the Council and Board any power to pass such an ordinance. We have just as much authority to impose a tax of \$30.00 upon each car load of hogs, cattle, horses, coal, dry goods, or groceries, as upon a car load of potatoes or watermelons.

We recommend the ordinance be stricken from the files.

Respectfully submitted,
C. S. DENNY, City Attorney.

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

The Committee on Streets and Alleys, through Councilman Weaver, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:--Your Committee on Streets and Alleys, to whom the following motion was referred, viz: "That the Street Commissioner be, and is hereby, instructed to remove all obstructions from New York street, west of Blake street, according to plans prepared by the City Civil Engineer." On investigation find that the obstructions mentioned are some small houses extending out on the sidewalk from 6 to 10 inches.

We recommend that the Street Commissioner be directed to notify the owners thereof to set their buildings and other obstructions back to the proper line, and if not done within 30 days from the date of service of said notice, to take the proper action compelling them to remove said obstructions.

Respectfully submitted,

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

The Committee on Streets and Alleys, through Councilman Weaver, submitted the following report, accompanied with the resolution:

To the Mayor and Common Council:

Gentlemen:--Your Committee on Streets and Alleys, to whom was referred the petition of John Roberts, Francis A. Coffin, and H. I. Barnet, asking that a certain portion of Wheeler street be vacated, would report that we have examined the locality of said proposed vacation, and recommend the prayer of the petitioners be granted, and that the accompanying resolution relative thereto be adopted.

Respectfully submitted,

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

Resolved, That the petition of John Roberts, Francis A. Coffin and H. I. Barnet, praying for a vacation of all that portion of Wheeler street south of the south line of the first alley south of Hill avenue and the C., C., C. & I. Railroad, and twenty feet of the east side and twenty feet of the west side of said Wheeler street, leaving enough of the center of said Wheeler street to make a twenty-foot alley from

Hill avenue, to the first alley south of Hill avenue, be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report. The said Commissioners are instructed to return, as a part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the Superintendent of the Metropolitan Police to serve, the proper notices upon the Commissioners, and petitioners are hereby required to serve the proper notices upon all interested parties as may be designated by the City Commissioners.

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

AYES, 19—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Egger, Fultz, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

The Committee on Streets and Alleys, through Councilman Weaver, submitted the following report; which was received, and on motion by Councilman Yoke, action was postponed until the next meeting:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom the following motion was referred: "That the City Civil Engineer be, and is hereby, instructed to advertise for bids for the erection of a stone wall for the protection of the west bank of Pogues Run, between Cathraine and Merrill streets," recommend said motion be adopted.

Respectfully submitted,

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

Councilman Weaver, in behalf of the Committee on Streets and Alleys, offered the following resolution:

Resolved, That the petition of E. C. Sewall, John Wocher, Jr., Louis Newberger and George T. Breunig, praying for the vacation of the 7½-foot alley on the south side of lot 7, in John Wocher, Jr.'s, subdivision of part of southeast ¼, section 36, township 16, north range 3 east, in Indianapolis, be referred to the Commissioners, with instructions to make due report. 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 Superintendent of the Metropolitan Police to serve, the proper notices upon the Commissioners, and the petitioners to serve the proper notices upon the interested property owners.

And it was adopted by the following vote:

AYES, 19—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Egger, Fultz, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

Councilman Weaver, in behalf of the Committee on Streets and Alleys, submitted the following:

To the Mayor and Common Council:

Gentlemen:—We also recommend that the report of the City Commissioners, in reference to the vacating of fifteen feet of Water street, be taken up and now passed.

Sim. Coy.
George Weaver.
Committee.

Councilman Pearson moved to recall the report of the City Commissioners, as to the above vacation, from the Judiciary Committee and City Civil Engineer (see pages 1, 190 and 1, 191, *ante*); which was adopted.

The report of the City Commissioners was then adopted by the following vote:

AYES, 12—viz. Councilmen Brundage, Bryce, Coy, Dowling, Fultz, Knodel, Mauer, Morrison, Pearson, Reichwein, Thalman, and Weaver.

NAYS, 6—viz. Councilmen Caylor, Egger, Harrold, Koller, Pritchard and Ward.

By consent, Councilman Mauer presented the following communication; which was referred to the Committee on Markets:

Messrs. Henry Mauer, Allen Caylor, and others, Committee on West Market Space:

Gentlemen:—As you already know, the lease to the city of the ground southwest corner Missouri and Washington streets, will expire on the 8th of August next. We desire to make you the following proposition, looking to a new lease on said ground:

We will cause to be executed to you a lease for a term of one or three years, as you may elect, on these terms: The city, as heretofore, to pay all assessments of every kind against said ground, including taxes, and in addition pay an annual rental of three hundred (\$300) dollars, payable quarterly at the end of the quarter. The lease, however, to be subject to the following condition: That in case said ground or any part of it shall be sold during the continuance of the lease, then the whole of said ground, or such part as may be sold, shall be surrendered to us upon sixty (60) days notice, to be served upon such city officers, as you may elect. The lease to prohibit sub-leasing, and contain such general conditions as obtained in the former lease. This proposition to be accepted or rejected by the 1st of July, 1883.

Very respectfully,

C. E. COFFIN & Co., Ag'ts.

Indianapolis, May 25, 1883.

Councilman Weaver presented the following communication; which was referred to the Committee on Public Charities:

To the Honorable Members of the Common Council of the City of Indianapolis:

Gentlemen:—The Board of Managers of the "Home for Friendless Women" respectfully represent that this institution is constantly receiving and caring for persons who would otherwise be an expense to the city. They therefore petition your honorable body to appropriate to the aid of this institution the same amount granted last year.

Mrs. JOHN S. NEWMAN, President.

Mrs. C. N. TODD, Treasurer.

Mrs. N. A. HYDE, Secretary.

Indianapolis, May 28, 1883.

Councilman Yoke offered the following resolution:

Resolved That the following named persons be, and are hereby, appointed as Inspectors and Judges of the election to be held in the following School Commissioner Districts:

Third District—Inspector, P. H. Fitzgerald; Judges, Henry Voight, James G. Douglass.

Fourth District—Inspector, Amos Clifford; Judges, James S. Hinton, Oscar B. Hord.

Seventh District—Inspector, Joseph Morris; Judges, Thomas F. Quill, Isaac King.

Eighth District—Inspector, John L. McFarland; Judges, Jas. M. Buchanan, Geo. W. Buchanan.

And it was adopted by the following vote:

AYES, 18—viz. Councilmen Brundage, Bryce, Caylor, Coy, Egger, Fultz, Harold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read, and the action of the Board of Aldermen concurred in.

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at its session, held this evening, May 28th, 1883, adopted the following motion:

“That the question as to whether the city should abandon further defense of the case of Osgood, Trustee, vs. James A. Bruce and The City, in regard to the North Park property, be referred to the President of this Board, the City Attorney and the Judiciary Committee of the Council, and that said committee have power to act in said matter.”

I submit the foregoing for your further consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at the session held May 21st, 1883, amended the following motion, adopted by you, May 7th:

“That the City Civil Engineer be, and is hereby, directed to advertise for bids to lower the crown of the fire cistern on Tennessee street, between McCarty and Ray streets, to conform to the grade of the street,” by directing the Street Commissioner to do the work.

I submit the same for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG Clerk.

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

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at the session held May 21st, 1883, amended the following motion, adopted by you, May 7th:

“That the Street Commissioner be directed to repair the old National Road bridge, and that he be directed to receive bids for putting the same in good order,” by requiring the Street Commissioner to make the repairs.

I submit the above for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at its session held May 21st, 1883, in reference to the report of the Chief Fire Engineer, relative to the purchase of 3,000 feet of new hose, amended your action in referring such report to the Fire Board, with instructions to advertise for bids, as follows:

“That no purchase of hose be made until such hose shall be approved by the Fire Committee of this Board, and that no purchase be made until ten days after the bids shall be received and the selection of hose made.”

I submit the foregoing for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and on motion by Councilman Pearson, the action of the Common Council was concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at its session held May 21st, 1883, amended your action in adopting the following motion:

“That the Committee on Public Property be, and is hereby, directed to repair the gates of Garfield Park so that the public may have easy access thereto; also, that said committee are hereby empowered to make such changes in the permanent occupant of the park as they may deem that the best interests of the city demand,” by adding the Aldermanic Committees on Markets & Public Property, and Finance and Accounts & Claims. The motion, as amended, was then adopted.

I submit the above for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, at its session, this evening, May 28th, 1883, adopted the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committees on Hospital and Finance, to whom was referred the matter of appointment of Dr. L. S. Henthorne as “Pest House” physician, at a salary of \$500.00 per year, would recommend that the action of Council thereon be not concurred in by this Board. We recommend, however, that W. N. Wishard, the Hospital Superintendent, if he deems it necessary, employ a suitable and competent physician to attend upon smallpox cases at the said Pest House, and other

places in the city, when such disease prevails to any considerable extent; such employment to continue only while such disease prevails, and at reasonable price, not to exceed the sum of \$500 for one year.

Respectfully submitted,
Hiram Seibert,
Hospital Committee,

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

I submit the same for your consideration and action.

For the Board of Aldermen.

GEO. T. BREUNIG, Clerk.

Councilman Weaver presented the following petition; which was received, and ordered filed with the ordinance, S. O. 42, 1883:

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

Gentlemen:—The undersigned, owners of real estate fronting on Liberty street, between Michigan street and Massachusetts avenue, respectfully petition for the passage of the ordinance now pending, providing for the improvement of said Liberty street by curbing the sidewalks and bowldering the gutters, and that the remonstrance be not considered.

John C. Brinkmeyer, 45 feet; Anthony Schrader, 45 feet; Bernhard Koehring, 49½ feet; H. C. Boese, 23 feet; Henry Vondergotten, 24 feet; Henry Klefker, 22½ feet; J. F. Holt, 35 feet; K. F. Wilhelm Rosbach, 22½ feet; N. Schierling, 45 feet; Ben. F. Gresh, 24½ feet.

Councilman Weaver, in behalf of a certain select committee, submitted the following report; which was referred back to the committee, with instructions that they have prepared by the City Civil Engineer a large map, showing boundaries according to the report, and present the same to the Common Council for approval:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Boundaries, herewith submit a map showing the city boundary lines, according to our report presented May 14th, 1883.

Respectfully submitted,

George Weaver,
Edward H. Dean,
F. Hartmann,
Committee.

The following entitled ordinance was read the second time, ordered engrossed, and read the third time:

Ap. O. 41, 1883—An ordinance appropriating One Hundred and Thirty Dollars, for Cow Pound.

And it failed of passage by the following vote:

AYES, 7—viz. Councilmen Bryce, Knodel, Morrison, Reichwein, Thalman, Ward, and Yoke.

NAYS, 12—viz. Councilmen Brundage, Caylor, Coy, Dowling, Egger, Fultz, Harold, Koller, Mauer, Pearson, Pritchard, and Weaver.

Councilman Pritchard offered the following resolution:

Resolved That the resolution which passed the Common Council, March 19th, and passed the Board of Aldermen, March 26th, be amended so as to read that the Indianapolis Water Company are hereby directed to extend their line of mains north on Pennsylvania street from Home avenue to Tinker street, thence east on Tinker street to Delaware street, thence south on Delaware street to Home avenue.

And it was adopted by the following vote:

AYES, 19—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Egger, Fultz, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS—None.

Councilman Ward offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, directed to re-advertise to grade and gravel the first alley east of Delaware street, from St. Clair street to Pratt street.

The following entitled ordinance was read the second time, ordered engrossed, and read the third time:

G. O. 31, 1883—An ordinance to amend Section seven (7) of an ordinance entitled "An ordinance providing for the erection of Public Buildings for the use of the citizens and city authorities of Indianapolis, creating a committee to take charge of and direct said work, and repealing all ordinances, resolutions and motions coming in conflict with the provisions of this ordinance;" ordained and established the 26th day of March, 1883.

And it was passed by the following vote:

AYES, 15—viz. Councilmen Brundage, Bryce, Caylor, Coy, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Pearson, Reichwein, Thalman, Ward, and Weaver.

NAYS, 3—viz. Councilmen Fultz, Morrison, and Pritchard.

Councilman Brundage offered the following resolution:

Resolved, That the Citizens' Street Railway Company be, and is hereby, directed to lay a line of tracks from the Union Depot to South street, in and along east South street to Fletcher avenue, in and along Fletcher avenue to Dillon street, south on Dillon street to Hoyt avenue, east on Hoyt avenue to Linden street, south on Linden street to Prospect street, east on Prospect street to Reid street.

Councilman Thalman moved to lay the above resolution on the table; which failed of adoption by the following vote:

AYES, 6—viz. Councilmen Caylor, Fultz, Pritchard, Thalman, Ward, and Weaver.

NAYS, 13—viz. Councilmen Brundage, Bryce, Coy, Dowling, Egger, Harrold, Knodel, Koller, Mauer, Morrison, Pearson, Reichwein, and Yoke.

On motion by Councilman Dowling, the resolution was referred to the Committees on Judiciary, and Streets and Alleys.

The following entitled ordinance was read the second time:

G. O. 27, 1883—An ordinance prohibiting cows, horses and other animals from running at large within the corporate limits of the City of Indianapolis, and to provide for the impounding, keeping, sale and redemption thereof, and providing penalties for the violation thereof.

Councilman Morrison offered the following amendment:

Amend section 1 by adding after the word "city," at the end of the first sentence, the following words: "from 6 o'clock P. M. to 6 o'clock A. M."

Also, section 2, by adding after the words "limits of said city" the following words: "between 6 o'clock P. M. and 6 o'clock A. M."

Councilman Dowling moved to lay the above amendment on the table

Which failed of adoption by the following vote:

AYES, 4—viz. Councilmen Coy, Dowling, Fultz, and Harrold.

NAYS, 15—viz. Councilmen Brundage, Bryce, Caylor, Egger, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

The amendment was then adopted by the following vote:

AYES, 12—viz. Councilmen Brundage, Bryce, Caylor, Knodel, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS, 3—viz. Councilmen Coy, Egger, and Mauer.

It being now nearly eleven o'clock, Councilman Thalman moved an extension of time.

Which failed of adoption by the following vote (requiring a two-thirds vote):

AYES, 12—viz. Councilmen Brundage, Bryce, Harrold, Knodel, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS, 7—viz. Councilmen Caylor, Coy, Dowling, Egger, Fultz, Koller, and Mauer.

Councilman Dowling moved that the Common Council do now adjourn; which failed of adoption by the following vote:

AYES, 7—viz. Councilmen Caylor, Coy, Dowling, Egger, Fultz, Harrold, and Mauer.

NAYS, 12 - viz. Councilmen Brundage, Bryce, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

G. O. 27, 1883, was then ordered engrossed as amended, read the third time, and passed by the following vote:

AYES, 11—viz. Councilmen Brundage, Bryce, Knodel, Morrison, Pearson, Pritchard, Reichwein, Thalman, Ward, Weaver, and Yoke.

NAYS, 6—viz. Councilmen Caylor, Coy, Egger, Fultz, Harrold, and Mauer.

It now being nearly eleven o'clock, Councilman Morrison moved an extension of time.

Which failed of adoption by the following vote (requiring a two-thirds vote):

AYES, 12—viz. Councilmen Brundage, Bryce, Harrold, Knodel, Koller, Morrison, Pearson, Pritchard, Reichwein, Thalman, Weaver, and Yoke.

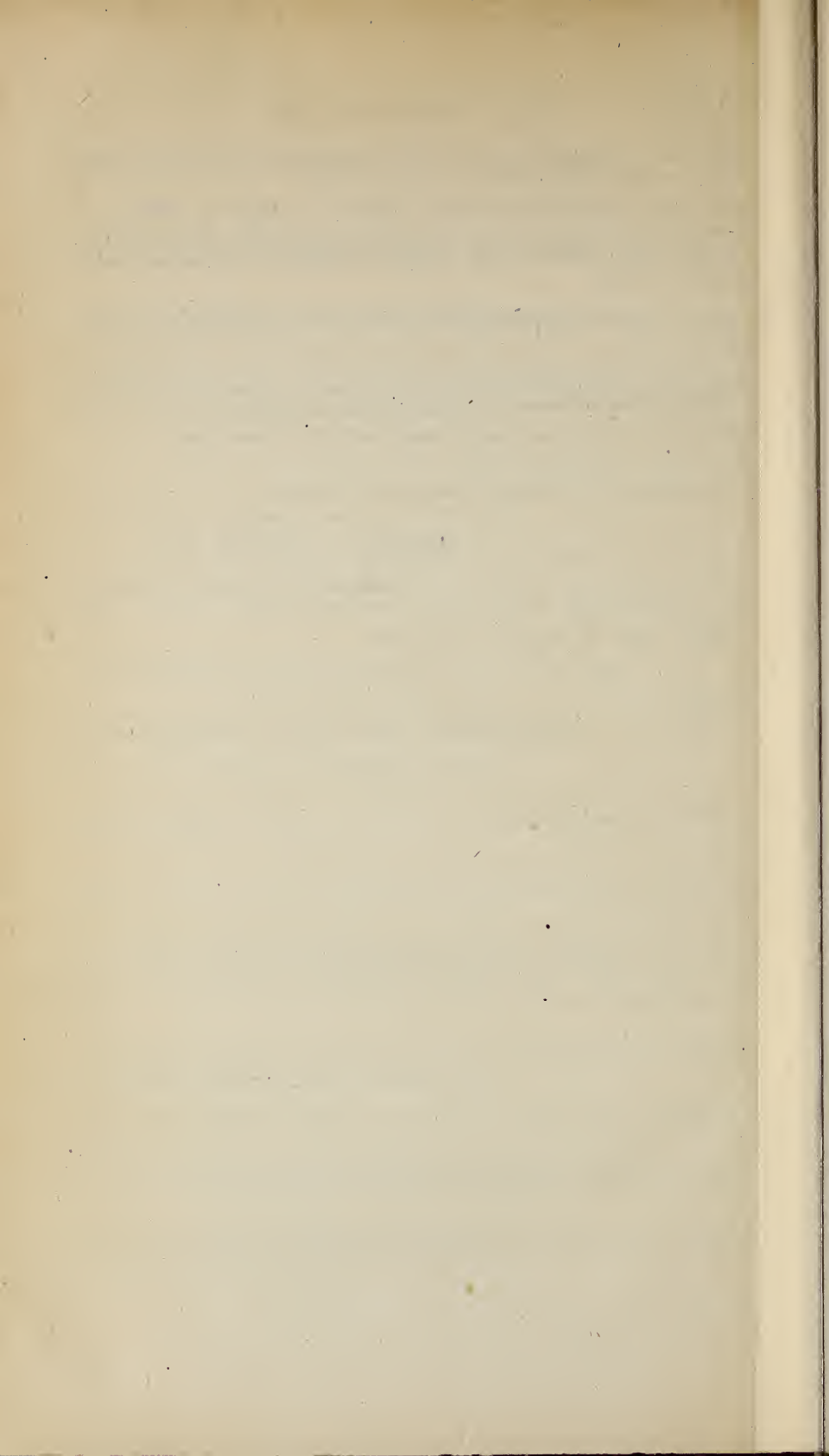
NAYS, 5—viz. Councilmen Caylor, Egger, Fultz, Mauer, and Ward.

On motion, the Common Council then adjourned.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.



PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—MAY 28, 1883.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, May 28th, A. D. 1883, at eight 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, Rorison, Seibert, Tucker, and Wood—9.

ABSENT—Alderman Newman—1.

The Proceedings of the Board of Aldermen for the regular sessions, held May 14th and May 21st, 1883, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

Alderman DeRuiter, as a question of privilege, moved to take up G. O. 33, 1883, and place it on its final passage, and on that demanded the previous question.

The previous question was seconded, and admitted by a majority of the members present, and the motion was adopted.

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

G. O. 33, 1883—An ordinance providing for the compensation of the Officers of the City of Indianapolis, and the officers and members of the Fire Department of said city, from June 1st, to December 31st, 1883.

And it was passed by the following vote:

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

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

Alderman Rorison moved to reconsider the above vote, and further moved to lay the motion to reconsider, on the table.

Which was adopted by the following vote:

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

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

By unanimous consent, Alderman Rorison was granted the privilege to record his vote in the *affirmative* on the adoption of a certain motion at the last meeting, directing the City Attorney to take no further action in the case of Osgood, Trustee, vs. James A. Bruce, et al.

On motion by Alderman Rorison, the action of the Board of Aldermen, in adopting the motion, was reconsidered, by the following vote:

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

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

Alderman Rorison offered the following motion; which was adopted:

That the question as to whether the city should abandon further defense of the case of Osgood, Trustee, vs. James A. Bruce and the city, in regard to the North Park property, be referred to the President of this Board, the City Attorney and the Judiciary Committee of the Council, and that said committee have power to act in said matter.

The following special message was read:

To the President and Members of the Board of Aldermen :

Gentlemen:—The Common Council in regular session, held in the Council Chamber, Monday evening, May 21st, 1883, adhered to their former action in passing Ap. O. 42, 1883, an ordinance appropriating one thousand dollars on account of the Street Department of the City of Indianapolis, for the cleaning of streets, etc., with the proviso. "That no work be done by the Street Commissioner except upon the express order of the Council and Board of Aldermen, except upon streets and alleys properly bowldered," thereby non-concurring in your action by inserting the proviso: "*Provided*, That the Street Commissioner use the amount of money appropriated in this ordinance throughout the city wherever he may deem it necessary."

For the Common Council:

JOS. T. MAGNER, City Clerk.

Alderman Tucker moved that the Board of Aldermen adhere to their former action; which failed of adoption.

Alderman DeRuiter moved that the Board recede from their former action; which was adopted.

The action of the Common Council was then concurred in.

The ordinance was then taken up, read the second and third times, and passed by the following vote:

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

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

The following message was read:

streets, along the Blind Asylum property. The State authorities inform me that I will have to wait for an appropriation from the State Legislature for the assessment against the State property, and as I took the contract at very low figures, I cannot afford to wait two years for my pay. The City Civil Engineer informs me that he desires to make a change in the grade of the street. I respectfully request your honorable bodies to release me from said contract. The contract and bond has not been filed.

Respectfully,

FRED GANSBERG.

The following motions (adopted by the Common Council—see pages 1, 242, 1, 243 and 1, 244, *ante*), were read, and concurrently adopted:

That Mr. Harper be allowed to put down a brick sidewalk, at his own expense, in front of his property, corner Vine street and Park avenue, the same to be done according to stakes set by City Civil Engineer.

That the Street Commissioner be, and is hereby, directed to open the gutters on Meek street, from Dillon to Pine street, so as to drain said street at its intersection with Dillon street.

That the Street Commissioner is hereby directed to clean the gutters and culvert on Chestnut street.

That John Trindie be, and is herewith, granted permission to pave the sidewalk with brick, bowlder and curb the gutters in front of his house, No. 288 Union street, at his own expense, under the direction of the City Civil Engineer.

That the Street Commissioner be, and is hereby, instructed to raise the brick sidewalk on the north side of Washington street, between Noble and Pine streets, where the same is below the curb, so that the water will run off the same.

The following motions (adopted by the Common Council—see pages 1, 243 and 1, 244, *ante*), were read, and on motion, laid on the table:

That the Metropolitan Police Commissioners be instructed, or requested, to assign a patrolman to duty to enforce the Railroad ordinances.

That the Superintendent of Police be, and is hereby, ordered to have the Superintendent of the C., I., St. L. & C. Railroad instruct the flagman at the crossing of Indiana avenue to put in operation the safety gates on said avenue at once.

Alderman Tucker offered the following resolution:

Resolved, That the pay of the several members of the Fire Department be increased \$5.00 per month, said increase to take effect June the 1st, 1883; excepting the Chief and the Telegraph Superintendent and the Clerk at Headquarters, and that the amount be taken from the several Departments in their estimates for the fiscal year; and that said estimates, after the reduction is made, not to exceed the revenues for the fiscal year.

Which was referred, on motion by Alderman Rorison, to the Committees on Finance and Accounts & Claims, and Judiciary and Ordinances, to report at the next meeting.

The following resolution (adopted by the Common Council—see page 1, 245, *ante*), was read:

WHEREAS, Various pieces of the school property of Indianapolis stand in the name of the city; and,

WHEREAS, The title to said real estate should be in the name of the present school corporation of said city, viz., the Board of School Commissioners of the City of Indianapolis; and,

WHEREAS, Said Board of School Commissioners is desirous of disposing of some of said real estate, and desires that the title to all of said property be transferred to it; now, therefore, be it

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the City Attorney be, and is hereby, instructed to prepare a deed from the City of Indianapolis to said Board of School Commissioners of the City of Indianapolis for all property now held in the name of said city for school purposes, and the Mayor is hereby instructed to execute such deed, for and on behalf of said city and board.

And it failed of adoption by the following vote:

AYES, 4—viz. Aldermen DeRuiter, Drew, Rorison, and Wood.

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

The following petition and motion was read, and the favorable action of the Common Council thereon (see page 1,245, *ante*), concurred in:

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

Gentlemen:—The undersigned would respectfully pray that you would permit him to improve and make a sidewalk on Sciota street adjacent to his property, being the west end of lot 6, square 36, by curbing with stone and paving with brick to such width as the profile of the city provides for streets of the width of said street; that the City Engineer set stakes for the same, so that the undersigned may have credit for the same in the future improvement of said street.

Respectfully,

JAMES M. TOMLINSON.

Moved, The prayer of the petitioner be granted, and that the Engineer be directed to set the grade stakes.

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

G. O. 84, 1882—An ordinance to prohibit the sounding of gongs on the streets of the City.

On motion, the above ordinance was referred to the Committees on Streets and Alleys, and Judiciary.

G. O. 2, 1883—An ordinance requiring the Cincinnati, Indianapolis, St. Louis and Chicago Railroad Company to station and maintain a flagman at the intersection of said company's track and Pine street.

G. O. 17, 1883—An ordinance to regulate the sprinkling of streets, and fixing penalties for the violation of its provisions.

On motion, the above ordinance was referred to the Committees on Streets and Alleys, and Water.

G. O. 24, 1883—An ordinance making the Indianapolis Water Company liable for all damages occasioned by reason of openings made in the streets, and requiring all such openings to be made by or under the direction of said company, and providing penalties for the violations thereof.

To the President and Members of the Board of Aldermen :

Gentlemen:—The Common Council, in regular session, held in the Council Chamber, Monday evening, May 21st, 1883, adhered to their former action in passing the following entitled ordinance, thereby non-concurring in your action in passing the ordinance with the amendment "Common Council and Board of Aldermen:":

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.

For the Common Council :

Jos. T. MAGNER, City Clerk.

On motion by Alderman Hamilton, the Board of Aldermen receded from their former action, and concurred in the action of the Common Council.

The ordinance was then taken up, read the second and third times, and passed by the following vote:

AYES, 8—viz. Aldermen DeRuitter, Drew, Hamilton, Musmann, Rorison, Seibert, Wood, and President Layman.

NAYS, 1—viz. Alderman Tucker.

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 May 21, 1883.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the Street Commissioner (see page 1,219, *ante*), was read and received:

To the Mayor and Common Council:

Gentlemen:—As per your instruction, I have examined all of the city driven wells, and find all but two in apparent good order, and have notified R. R. Rouse, and he has agreed to repair and place them in good order.

Respectfully submitted,

L. A. FULMER, Street Commissioner.

The following petitions were read, and the favorable action of the Common Council thereon (see page 1,231, *ante*), was concurred in:

STATE OF INDIANA, *Marion County, ss:*

The undersigned, contractor for paving the sidewalks of Broadway street, from Seventh street to Twelfth street, respectfully petition the Council and Board of Aldermen to extend his time, thirty days from June 1st, 1883, for the completion

of said contract, and he says that the reason he cannot complete the contract in the time fixed is, that he has been unable to procure the bricks early enough.

R. P. DUNNING.

Subscribed and sworn to this 21st day of May, 1883.

[Seal.]

GEO. T. BREUNIG, Notary Public.

We have considered the above petition, and recommend the request be granted.

Edward H. Dean,

John R. Cowie,

Wm. H. Morrison,

Board of Public Improvements.

STATE OF INDIANA, Marion County, ss:

The undersigned, respectfully petition the Common Council and Board of Aldermen of the City of Indianapolis, to extend the time for the completion of his contract for bowldering and curbing Tennes-ee street, from Georgia street to the Union Railway tracks. The contract and bond was not approved until November 27, 1882, and on account of my work on South Illinois street, I have been unable to complete the contract, and therefore respectfully ask for sixty day's additional time.

JAMES W. HUDSON.

Sworn and subscribed to this 21st day of May, 1883.

(Seal.)

GEO. T. BREUNIG, Notary Public.

We have considered the above application, and recommend the request be granted.

Edward H. Dean,

John R. Corwie,

Wm. H. Morrison,

Board of Public Improvements.

The following resolution (adopted by the Common Council—see pages 1,240 and 1,241, *ante*), was read:

Resolved, That the Superintendent of the Metropolitan Police notify the electors of the third, (3d,) fourth (4th,) seventh, (7th,) and eighth, (8th,) School Commissioner Districts, that the election for a School Commissioner in each of said Districts will be held on the second Saturday in June, 1883, being the 9th day of said month, at the following places:

District No. 3.—At the school house on Meridian street, between New York and Ohio streets.

District No. 4.—At the school house on the corner of Michigan and Blackford streets.

District No. 7.—At the school house on the corner of Bates and Renton streets.

District No. 8.—At the school house on the corner of Virginia avenue and Huron street.

And it was concurrently adopted by the following vote:

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

NAYS, 1—viz. Alderman DeRuiter.

The following petition was read, and the favorable action of the Common Council thereon (see pages 1,242 and 1,243, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—A few weeks ago a contract was awarded to me for curbing and bowldering the gutters of North street, between Pennsylvania and Meridian

- G. O. 29, 1883—An ordinance making it unlawful for any person over the age of ten years, to throw orange or banana peels on any of the sidewalks of the City of Indianapolis.
- Ap. O. 38, 1883—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Central Station House.
- Ap. O. 39, 1883—An ordinance appropriating the sum of Seventeen Hundred and Forty-two Dollars, (\$1,742.00) in favor of Peter Routier, on account of work done by him on the East Wing of the City Hospital.
- S. O. 26, 1883—An ordinance to provide for grading and graveling the first alley west of Pine street, from Meek street to Bates street.
- S. O. 34, 1883—An ordinance to provide for grading and graveling the second alley south of Seventh street, from Garfield Place to Peru street.
- S. O. 35, 1883—An ordinance to provide for grading and graveling Peru street and sidewalks, from Eighth street to Ninth street.
- S. O. 46, 1883—An ordinance to provide for grading, and paving with brick, the north sidewalk of McCarty street, from Chadwick street to West street.
- S. O. 47, 1883—An ordinance to provide for grading, and paving with brick, the east sidewalk of West street, from McCarty street to the first alley north of McCarty street.

REPORTS FROM CITY OFFICERS.

The City Attorney and City Civil Engineer submitted the following report; which was concurred in:

Indianapolis, May 28th, 1883.

To the President and Members of the Board of Aldermen:

Gentlemen:—By your reference to us of the ordinance for the improvement of Highland street, from Washington street to Ohio street, we understand that you desire information on three points, viz.: (1) Has any grade ever been established on Highland street; (2) if a grade *has* been established, can it be changed without first causing the damages, if any, suffered by property owners along the line, to be assessed and tendered; and (3) can the grade of any street which has once been established, be changed by the improvement of a cross street at the point of intersection, if resisted by any person interested?

The first is a question of fact, and upon examination of the records, your Engineer answers that no grade has ever been established for Highland street by the city.

Your Attorney, in answer to the other questions, says, that section 27 of the charter, explicitly provides that "when the city authorities have once established the grade of any street or alley, * * * such grade shall not be changed until the damages occasioned by such change shall have been assessed and tendered to the parties injured or affected by such change, and such damages shall be collected by the city from the party or parties asking such change of grade in the manner provided for the collection of street improvements."

The Supreme Court has construed this section to mean just what its language plainly imports, in the case of Logansport vs. Pollard, 50 Ind. 151. Hence, I answer your second question in the negative.

Third: If, in the contemplated improvement of Highland street, the fixed grade of any other street will be changed, a reference of the petition asking the improvement must be first made to the City Commissioners, whose duty it will be

to give the proper notice to all owners of property along the line, and, after hearing evidence, to fix the amount of damages, if any, to the persons affected. Then, upon tender thereof by the city, the improvement could *legally* proceed, but not before. If grades have already been established on Washington, Market and Ohio streets, that fixes the grade of Highland street at those points.

Respectfully submitted,

C. S. DENNY, City Attorney.

S. H. SHEARER, City Civil Engineer.

On motion by Alderman Hamilton, the following entitled ordinance was taken up and read the second and third times:

S. O. 48, 1883—An ordinance to provide for grading and graveling Highland street and sidewalks, from Washington street to Ohio street.

And it was passed by the following vote:

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

NAYS—None.

Alderman Hamilton moved to take up the matter relating to the employment of L. S. Henthorne, M. D., as Pest House physician; and that the Board of Aldermen recede from their former action.

Which motion was adopted, and the action of the Board reconsidered.

Alderman Hamilton offered the following amendment to their former report (see page 1, 179, *ante*), which was adopted:

After the words "reasonable price," insert "not to exceed the sum of \$500 for one year. After "Pest House," add "or other places in the city."

The report, as amended, was then concurred in.

Alderman Hamilton offered the following resolution, and moved the previous question:

Resolved, That the pay of each Fireman be increased fifty dollars in addition to that allowed by the salary ordinance, and that the estimates for the fiscal year be reduced in a corresponding aggregate amount and within the receipts.

The main question was then put, and failed of a second, by a standing vote.

Alderman Seibert moved that the resolution be adopted.

Which failed of adoption by the following vote:

AYES, 4—viz. Aldermen Hamilton, Mussmann, Seibert, and Tucker.

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

REPORTS FROM STANDING COMMITTEES.

Alderman Hamilton, in behalf of the Committee on Finance and Accounts & Claims, submitted the following reports; which were severally concurred in:

Indianapolis, Ind., May 22d, 1883.

To the President and Members of the Board of Aldermen :

Gentlemen: Your Committee on Finance to whom was referred the following motion :

“ That the Street Commissioner be, and is hereby, ordered to place in double stone crossings at all the alley intersections on Mississippi street, from North street to Pratt street, as said street has been properly bowldered, curbed and sidewalks made, and some of said intersections are dangerous ; ”

Respectfully recommend that the action of Council herein be concurred in as to three alley crossings only.

May 28, 1883.

F. W. Hamilton,
H. Seibert,
Finance Committee.

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Finance Committee, to whom was referred the 2d, 3d, 4th and 5th clauses of the report of the Council Judiciary Committee (on page 908, ante), recommend that the action of the Council be concurred in; further, that interest be paid as petitioned for.

Respectfully,

F. W. Hamilton,
H. Seibert,
Finance Committee.

By consent, Alderman Hamilton introduced the following entitled ordinance, which was read the first time:

G. O. 35, 1883—An ordinance requiring a permit to be taken out by every person or company proposing to open any street or alley for the purpose of putting in or repairing any gas or water pipe.

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

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Judiciary, to whom was referred the following clauses of the Council Judiciary report (see page 1,181, ante), respectfully recommend that the action of Council be concurred in with respect to the 1st, 4th and 9th petitions. When the 1st and 9th are amended so as to give the corrected figures stated under each.

Very Respectfully,

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

Alderman Drew, in behalf of the Committees on Railroads and Public Charities, Streets & Alleys and Sewers & Drainage, and Judiciary and Ordinances, submitted the following report:

To the President and Members of the Board of Aldermen :

Gentlemen:—The undersigned Committees on Railroads, Streets & Alleys, and Judiciary, to which was referred General Ordinance No. 18, of 1883, and amendment proposed thereto, “striking out all after the ordaining clause, and also the title, and insert in lieu thereof the title and all after the ordaining clause of the

"ordinance authorizing the construction, extension and operation of the Metropolitan Railway line in and upon the streets of Indianapolis," respectfully recommend that said ordinance as proposed to be changed by said amendment be adopted by including the following changes, alterations and modifications, to-wit:

In section two of proposed amendment, third line, second paragraph, strike out the words "the Circle," at the end of the line, and insert the words, "the Union Depot," and strike out the third paragraph of said section two—all relating to second route—and insert the following in lieu thereof, to-wit:

"From the Union Passenger Depot on south Meridian street north on and along said Meridian street to Circle street, and around the east side of Circle street to Market street; thence east on and along said Market street to New Jersey street; thence north along and upon said New Jersey street to Massachusetts avenue; thence northeast along and upon said Massachusetts avenue to East street; thence north along and upon said East street to Cherry street; thence east on said Cherry street to Broadway street; thence north on said Broadway street to Eighth street; thence east on Eighth street to Newman street; thence north on Newman street to the Atlas Machine Works; also a track to run westerly from Broadway street along and upon Seventh street to Central avenue, and from thence north along and upon said Central avenue to the Exposition and State Fair Grounds."

In section 3 of 14th line, after the word "terms," add "only as may be ordered and directed by the Common Council and Board of Aldermen of the City of Indianapolis."

In section 4, add after the word "regulations," "and such railway company shall be governed and controlled by this, and all other ordinances that may hereafter be passed and adopted by the Common Council and Board of Aldermen in relation to street railways."

In section 5, strike out the first and second lines to and including word "width," and insert the words "the track of any such railway shall be laid with the newest and most approved style of girder-rail, having the joints bolted together with the tram turned in, the rail to be four and one-half inches on top"; also after the word "therein," in the 21st line, strike out the remainder of the first paragraph and insert "and said company shall be liable for all legal damages which may be sustained by any person or persons by reason of the carelessness, negligence or misconduct of any of the officers, agents or servants of said company, in the construction or use of said railway track and the cars thereon; and in the event that the city shall be sued for any such damages, such company or some officer thereof shall be notified, and it shall be the duty of the company to appear and defend the same, and should a judgment be recovered against the city, the said city shall recover the amount, together with all costs, from said company, and the record of such judgment shall be final and conclusive evidence in the case"; also strike out the last five lines of said section five, second paragraph, and insert "the tracks of said company shall be laid in the center of any street or alley, the right of way over which is granted by this ordinance, or that may hereafter be granted; and where a double track is laid on any street the center line of such street shall be two feet from the nearest rail, making the space between the tracks four feet, and in no case shall there be laid, under this or any other grant, more than four rails on any street or alley without further order of the Common Council and Board of Aldermen."

In section 9, after the word "than," in the second paragraph, strike out "five miles an hour," and insert "a walk"; after the 12th paragraph, insert "13th, each driver shall be provided with a seat, and a whistle to warn drivers of teams and others obstructing the tracks. 14th. When any conductor or driver is clearly signalled by any person wishing to ride, and fails or refuses to stop the car, upon proper notification he shall at once be dismissed from service by said railway company."

Section 11—Strike out all after the words "to-wit," in the second line, and insert "That said company shall have one route of railway built and equipped, and cars running upon the same within nine (9) months, and commenced within sixty days, from the date of the passage of this ordinance; one other route to be completed

within one year from completion of the first route, and the last route to be completed within one year from completion of the second route.

Change section 13 to section 15, and add to section 14, "This grant shall be for the period of twenty years."

Section 14. The Common Council and Board of Aldermen reserve the right to repeal this ordinance at any time upon the failure of said company to comply with any of the provisions thereof.

H. E. Drew, F. W. Hamilton,
Committee on Railroads.

H. Seibert, D. DeRuiter,
Committee on Streets and Alleys.

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

I sign the foregoing report and fully consent thereto, except that where the words "animals or animal" occur in said ordinance, the same should be stricken out and "good horses" substituted. "Animals," in the connection with "street cars," is uncertain, equivocal, and indefinite.

F. W. Hamilton.

Alderman Hamilton moved that the ordinance, with the amendments, reported upon, and all new amendments, be printed, and sent to the members as soon as possible; which was adopted.

Alderman Hamilton offered the following amendment; which was adopted:

Strike out word "animal," and insert "good horses or mules."

Alderman Seibert moved to make said ordinance the special order for the next regular meeting; which motion was adopted.

Alderman Tucker moved to reconsider the above action.

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

AYES, 4—viz. Aldermen Rorison, Seibert, Tucker, and President Layman.

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

Alderman Tucker moved that when this Board adjourns, it adjourn to meet again next Monday evening, June 4th, 1883, and that G. O. 18, 1883, be made the special order; which was adopted.

Alderman Rorison offered the following motion; which was laid on the table:

That the following remark of Mr. Tucker, made before this Board, "As an Alderman, legislating for the city, I am not a Republican," be placed of record in the proceedings.

Alderman Seibert offered the following motion; which was adopted:

SIG. 106.

That the City Attorney and City Engineer report to this Board at its next regular meeting, if the tracks being laid by the I., P. & C. R. R., are in accordance with the agreement made between the city and said railroad company.

Alderman Wood was excused for the remainder of this session.

Alderman Tucker offered the following resolution:

Resolved, That the new street sweeping machine be named "Rorison's Meridian Street Jumbo;" and that T. V. Cook be employed to paint the name on the machine.

And it failed of adoption by the following vote:

AYES, 3—viz. Aldermen Drew, Mussmann, and Tucker.

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

Alderman Tucker offered the following motion; which was adopted:

That the City Engineer be, and is hereby, requested to examine the block pavement on North Meridian street, that part from St. Clair street north, and to report to this Board at its next meeting the cause for the forming of chuck holes or depressions in said pavement; and that he examine and report on the condition of the old wooden bridge over White River.

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, held this evening, May 28th, 1883.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following resolution (adopted by the Common Council—see page 1,277, *ante*), was read:

Resolved, That the resolution which passed the Common Council March 19th, and passed the Board of Aldermen March 26th, be amended so as to read that the Indianapolis Water Company are hereby directed to extend their line of mains north on Pennsylvania street from Home avenue to Tinker street, thence east on Tinker street to Delaware street, thence south on Delaware street to Home avenue.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following resolution (adopted by the Common Council—see page 1,274, *ante*), was read:

Resolved, That the following named persons be, and are hereby, appointed as Inspectors and Judges of the election to be held in the following School Commissioner Districts:

Third District—Inspector, P. H. Fitzgerald; Judges, Henry Voight, James G. Douglass.

Fourth District—Inspector, Amos Clifford; Judges, James S. Hinton, Oscar B. Hord.

Seventh District—Inspector, John L. McFarland; Judges, Jas. M. Buchanan, Geo. W. Buchanan.

Eighth District—Inspector, Joseph Morris; Judges, Thomas F. Quill, Isaac King.

And it was concurrently adopted by the following vote:

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

NAYS—None.

Alderman Tucker moved to take up G. O. 31, 1883, suspend the rules, and place it upon its final passage.

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

AYES, 6—viz. Aldermen Drew, Mussmann, Rorison, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Hamilton.

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

G. O. 31, 1883—An ordinance to amend Section seven (7) of an ordinance entitled "An ordinance providing for the erection of Public Buildings for the use of the citizens and city authorities of Indianapolis, creating a committee to take charge of and direct said work, and repealing all ordinances, resolutions and motions coming in conflict with the provisions of this ordinance;" ordained and established the 26th day of March, 1883.

And it was passed by the following vote:

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

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

The following invitation was read (see page 1,267, *ante*), and accepted, and on motion, the Chair appointed Aldermen Tucker and Rorison to act as the members of a committee to procure conveyances for the members of the Board:

Hon. D. W. Grubbs, Mayor, and Members of the Board of Aldermen
and Common Council of the City of Indianapolis, Ind:

Gentlemen:—The Decoration Day Committee of Geo. H. Thomas Post, G. A. R., have instructed me to respectfully invite you to join with the Post in the observance of Decoration Day, May 30th, next.

Horace McKay, Esq., is Chairman of our Committee. He will be pleased to give you any information you may desire in the premises.

Very respectfully,

CHRIS. L. HOLSTEIN, Sec'y. of Com.

The following communication from the City Assessor was read, and the favorable action of the Common Council thereon (see page 1,267, *ante*), was concurred in:

Indianapolis, May 28, 1883.

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

Gentlemen:—You are respectfully requested to extend the time of making the assessment report from 2d Monday in June to 2d Monday in July. The time allotted by law being too short to perform the work in cities of this size. Provision was made by the Legislature, by special act, for the Township Assessor, the same circumstances existing as in this case.

Respectfully submitted,

M. F. CONNETT, City Assessor.

On motion, the Board of Aldermen adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.