

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—DECEMBER 22, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 22d, A. D. 1884, at seven o'clock, in adjourned session.

PRESENT—Hon. John R. Pearson, Vice President of the Common Council, in the Chair, and 19 members, viz: Councilmen Benjamin Curry, Dowling, Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wolf.

ABSENT, 6—viz. Councilmen Cowie, Coy, Downey, Moran, Rees, and Wharton, and the Mayor.

The Proceedings of the Common Council for the regular session, held December 15th, 1884, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

REPORTS, ETC., FROM CITY OFFICERS.

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

To the Mayor, Common Council and Board of Aldermen:

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

A first and final estimate in behalf of Henry Clay, for grading and graveling Guffin street, from Seventh street to Eighth street.

1,232 lineal feet, at 28 cents..... \$344 96

Respectfully submitted, S. H. SHEARER, City Civil Engineer.

The following estimate resolution was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Henry Clay, for grading and graveling Guffin street, from Seventh street to Eighth street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

AYES, 14—viz. Councilmen Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

sig. 106.

[1065]

The City Civil Engineer submitted the following report; which was received:

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

Gentlemen.—At your last meeting, you directed me to make plat of the south side of Massachusetts avenue, from Peru street to Clifford avenue. I desire to report that I have made a plat which will answer the purpose of the motion; and as the same is quite large, have left the same in the hands of the City Clerk, where it can be had at your pleasure.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The City Clerk presented the following communication; which was referred to the Committee on Accounts and Claims:

Indianapolis, Ind., Dec. 17, 1884.

To the Honorable City Council of Indianapolis, Ind :

Gentlemen:—I herewith present your honorable body with a number of bills for material used and work done on city wells or pumps. Where the work is done, has not been for any fault of work, or caused by imperfect material, but maliciously broken or got out of order—handles broken or debris put inside, which cause plungers, rods or links to break. In all cases when I have found, by being notified by any one (or if I saw) a pump was out of repair, I have at once repaired it, and not once in ten times have I charged anything, but only in cases as above.

I am now told no bills can be paid unless ordered by some certain man, and bill O. K'd by him; therefore, I present these bills in this way, and ask you to pass upon them, thinking I am not asking anything but which is right, if put before you properly. I am very respectfully yours,

R. R. ROUSE.

S. A.

The City Clerk presented the following petition; which was received, and the time extended thirty days:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I ask for an extension of time for 120 days, on the following contracts, on account of the extreme cold weather:

1st. For grading and graveling the first alley west of Illinois street, from Maryland to Georgia streets.

2d. For grading and paving with brick, the east sidewalk of Madison avenue, from Nebraska street to Lincoln Lane.

Respectfully,

D. A. HARWOOD.

The City Attorney submitted the following report:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Since the last regular meeting of the Council, the General Term of the Superior Court has reversed the judgment of the Special Term in the case of Frank E. Benjamin et al. vs. Joseph H. Webster. The plaintiffs have prayed an appeal to the Supreme Court.

The judgment of \$2000.00 against the city in favor of Nancy E. Cook, rendered by the Superior Court in June, 1883, has been reversed by the Supreme Court, and remanded, with instructions to the lower court to enter final judgment in favor of the city. I stated the facts in this case and the novelty of the verdict of the jury, in my report after the trial, which may be found in the Proceedings of June 18, 1883.

The Supreme Court has also granted the city a re-hearing in the case of Frank McWhinney against her, the adverse result in which case I reported to your honorable bodies last June. What the final result may be, I can not of course tell; but I hope not only to now get the judgment of the lower court affirmed, but also

to get a modification of the decision in the McAvoy case in one important particular, which is of much *more* importance to the city.

The same court has reversed the judgment of the Superior Court in the case of Charles Bauer vs. John H. Baker and The City. This case was tried before my term, and I only know generally, that Mr. Bauer claimed damages for injuries received in a fall on a defective sidewalk in front of Mr. Baker's residence, on South street. There was a verdict and judgment for both defendants, and the judgment is reversed on errors of the lower court in the admission of incompetent evidence. The case will now be tried over.

The case of Dr. Francis George against The City and the W., St. L. & P. Railway Co., asking \$5,000 damages for injuries to his person and property in a runaway, caused by the overturning of his carriage on a bank of snow and ice, on the night of January 24, 1884, at the crossing of Massachusetts avenue and the Railroad tracks, has been tried in the Superior Court before a jury. It resulted in a verdict for the city and against the Railway company. After the heavy snows of December last, the employes of the Railroad companies threw the same off of their tracks into ridges across the street. Before the freeze, vehicles beat down a passage way near the center of the avenue, leaving high banks remaining three-fourths of the way across the street. If these Railroad companies obstructed this crossing (as the evidence clearly showed was true), it is reasonable to suppose that they are in the habit of doing the same thing at all their other crossings in the city. I have thought, therefore, that I would be justified in suggesting to your honorable bodies the propriety of passing an ordinance providing a heavy penalty, for any one to throw snow into ridges on any street or foot crossing.

While it is impossible to get rid of snow, or to prevent throwing it into heaps on some parts of the streets in many instances, it is possible to at all times find room for it in some other place than on street crossings. The Street Commissioner can not, in the very nature of things, clear the streets of all such obstructions usually made during the snowy season, and yet the city is legally liable for all damages occurring on account thereof, as a general rule. This, as well as the convenience and safety of the citizens, seems to me to demand that some stringent measures should be adopted, giving protection to the city and her citizens, in this matter.

Respectfully submitted,

C. S. DENNY, City Attorney.

Councilman Newcomb offered the following motion; which was adopted:

That the City Attorney be instructed to report an ordinance to prevent the blocking of the streets by piling up snow thereon.

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

To the Common Council and Board of Aldermen:

Gentlemen:—I have served notice on the Board of Police Commissioners to pay over the special funds in their hands to the City Treasurer, as directed by your honorable bodies, and have the assurance that your request will be complied with in a few days. It is but just to the Commissioners for me to say, that several weeks ago the President of the Board asked my opinion as to the proper disposition to be made of said funds, and when informed that I thought the law contemplated the payment thereof into the city treasury, that he stated to me that a full report thereof would be made to the Council at the beginning of the new year, and that any balance then remaining in the hands of the Property Clerk, would be paid into the city treasury.

I have prepared the ordinance requiring the C., I., St. L. & C. R. R. Co. to erect and maintain safety-gates at the crossing of its track with west Washington street, as directed by the Council at its last meeting, and have handed the same to Councilman Dowling for introduction.

Respectfully submitted,

C. S. DENNY, City Attorney.

The Board of Health submitted the Mortality report, showing the deaths for the two weeks ending December 15th, 1884; which was read and received.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Judiciary Committee, through Councilman Newcomb, submitted the following report; which was concurred in, and the bonds approved:

To the Mayor and Common Council:

Gentlemen:—The Judiciary Committee, to whom the bonds of the city officers elect were referred, with instructions to see if the bondsmen are good, would report that we have examined the same, and would recommend that the bonds be accepted, as we deem the bondsmen good.

Respectfully submitted,

W. C. Newcomb,
P. M. Gallahue,
Geo. F. Edenharter,
Judiciary Committee.

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

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the matter of painting Shelby and Olive street bridges, would recommend that the City Civil Engineer advertise for bids for the same, and that the bids be referred to this committee.

Respectfully submitted,

W. C. Newcomb,
M. M. Reynolds.
Committee on Contracts.

The Committee on Public Health, through Councilman Thalman, submitted the following report; which was concurred in, and on the passage of the ordinance, the Common Council adhered to their former action:

To the Mayor and City Council:

Gentlemen:—Your Committee on Public Health, to whom was referred an ordinance known as the "Board of Health ordinance," and an amendment made to the same by the Board of Aldermen, naming the parties who shall serve as health officers, respectfully report that we have considered the same, and are of the opinion that such appointment should rest solely with the Board of Health, who have direct control of the men. We believe the Board will be more efficient and can and will use the men to better advantage when the Council and Board of Aldermen hold them responsible for the work of their appointees. We therefore recommend that the amendment by the Board of Aldermen be not concurred in, and that the ordinance stand as originally passed by this Council.

Respectfully submitted,

Isaac Thalman,
R. H. Rees.
Geo. F. Edenharter,
Committee on Public Health.

The Committee on Public Property, through Councilman Mack, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—The undersigned, to whom was referred the question of the right of the city to authorize John R. Fohl to use certain lamp posts and Railroad bridges for advertising purposes, under his contract with the city, would respectfully report

that we have carefully considered the same. We do not believe the Council has any right to give such authority, except as to blind lamp-posts on or around the city's public grounds. As to all such posts, we would recommend that the Street Commissioner include the same in his schedule of public property referred to in the former proceedings in reference to the Fohl contract. Of course the city can not contract as to Railroad bridges, and we make no recommendation as to that matter, leaving all questions on this subject to the parties interested.

Respectfully submitted,

Fred. J. Mack,
Theo. F. Smither,
Wm. Curry,
Committee on Public Property.

C. S. DENNY, City Attorney.

Councilman Dowling introduced the following entitled ordinance; which was read the first time:

G. O. 79, 1884—An ordinance requiring the C., I., St. L. & C. Railroad Company to erect and maintain safety-gates on each side of its track where it crosses Washington street.

Councilman Newcomb moved a suspension of the rules for the purpose of placing the above ordinance on its final passage.

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

AYES, 15—viz. Councilmen Benjamin, Curry, Dowling, Edenharter, Gallahue, Mack, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS, 4—viz. Councilmen Doyle, Haugh, Spahr, and Wolf.

The Committee on Accounts and Claims, through Councilman McClelland, submitted the following reports; which were severally concurred in:

To the Mayor and Common Council:

Gentlemen:—The under-signed, to whom was referred the petition of John Carlisle, recommend that he be paid the fifteen dollars paid by him for repairs of Scales at West Market.

Respectfully submitted,

Robert McClelland,
Wm. Curry,
P. M. Gallahue,
Committee on Accounts and Claims.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Accounts and Claims, have investigated the claim of Henry L. Smith, asking seventy-five dollars for injuries to horse and buggy in falling through bridge on east Market street, in September last. We think the facts warrant us in recommending an allowance. We can not agree to the amount demanded, however, and recommend the payment of thirty dollars, if a receipt in full be given.

Respectfully submitted,

Robert McClelland,
P. M. Gallahue,
Wm. Curry.
Committee on Accounts and Claims.

To the Mayor and Common Council:

Gentlemen:—We have examined the claim of A. Bruner, for seven hundred and twenty-five dollars, for damages as set forth in his itemized statement presented October 6th, found on page 891 of the printed Proceedings. We have some doubt as to the legal liability of the city, but feel that there is some equity in the claim

under the facts presented to us; and as a compromise, we recommend the payment of two hundred and seventy-five dollars, provided the same be accepted in full of all demands.

Respectfully submitted,

Robert McClelland,
P. M. Gallahue,
Wm. Curry,
Committee on Accounts and Claims.

Councilman Pearson offered the following motion; which was adopted:

That the Committee on Public Property be instructed to confer with Dr. Tomlinson, and report to this body the advisability of selling or leasing him the ground in the rear of the City Dispensary.

Councilman Pearson presented the following petition; which was granted:

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

Gentlemen:—I hereby apply for a license to conduct and carry on a Variety Theatre, at Nos. 12 and 14 north Mississippi street, Indianapolis, Indiana, at the place known as the Zoo Theatre. The character of the performance proposed to be given, will be a general variety, burlesque, comic opera, gymnastic, athletic, sparring and wrestling exhibitions, &c. The undersigned is the sole proprietor of said Theatre, with Charles T. Gilmore, manager.

MARY A. GILMORE.
Charles T. Gilmore, Manager.

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

To His Honor, the Mayor, Members of the Common Council and Board of Aldermen:

Gentlemen:—Your petitioner would respectfully represent that on July 9, 1883, he paid to the City Treasurer the sum of one dollar and sixty-two cents (\$1.62), being the amount of his city tax for 1882. By an error in not noting the credit for the 1882 tax, the same was carried to his tax for 1883, which was paid September 23, 1884, which erroneous carrying of his tax for 1882, which had been paid, caused him to pay \$1.62 again. On account of above error, your petitioner would respectfully ask and demand that the sum of \$1.62 be refunded; and as in duty bound, your petitioner will ever pray.

HENRY F. DAVID, Petitioner.

Councilman Thalman offered the following motion:

That the Chief of Police be requested to suspend the enforcement of the ordinance against fast driving on Meridian street during the sleighing season, between the hours of 3 to 5 P. M. daily.

Which failed of adoption, by the following vote:

AYES, 9—viz. Councilmen Benjamin, Dowling, Gallahue, Pearson, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS, 10—viz. Councilmen Curry, Doyle, Edenharter, Haugh, Mack, McClelland, Newcomb, Reinecke, Reynolds, and Wolf.

Councilman Trusler offered the following motion:

That the City Clerk be, and is hereby, directed not to insert in the next appropriation ordinance, any sum of money or monies in payment to William Griffin for any service claimed or may be claimed for acting as sanitary officer of this city.

Which was laid on the table, on motion by Councilman Benjamin, by the following vote:

AYES, 11—viz. Councilmen Benjamin, Dowling, Haugh, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Spahr, and Thalman.

NAYS, 8—viz. Councilmen Curry, Doyle, Edenharter, Gallahue, Mack, Reineeke, Trusler, and Wolf.

No further business being before the Common Council, Samuel Love was permitted to address the Council as to his proposition to turn the waters of Pogue's Run into a subterranean river, thus preventing the frequent overflow of the Run.

Mr. Love addressed the members of the Common Council to some length, accompanying his statement with charts and maps.

On motion by Councilman Thalman, Mr. Love was allowed to withdraw his proposition.

On motion, the Common Council then adjourned.

JOHN R. PEARSON, Vice-President,
of the Common Council.

Attest: GEC. T. BREUNIG, City Clerk.

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 22, 1884.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, December 22d, A. D. 1884, at seven o'clock, in regular session.

PRESENT—Hon. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, and Tallentire—10.

ABSENT—None.

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, December 15th, 1884, adhered to their former action in adopting the following motion:

“That the contractor for making brick walks on Michigan street be, and is hereby, directed to lay double stone crossings on Michigan street, across Pine street.”

For the Common Council:

GEO. T. BREUNIG, City Clerk.

On motion by Alderman Cox, the above motion, as set forth in the message, was amended by requiring the Street Commissioner to do the work, and then concurrently adopted.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council at its regular session held December 15th, 1884.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following report from the Committee on Contracts was read, and the favorable action of the Common Council thereon (see page 1050, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Committee on Contracts, to whom was referred the proposal of John H. Freaney to erect lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Meridian street, between Eleventh and Twelfth streets, for \$21.00 each, would recommend that he be awarded the contract.

Respectfully submitted,

W. C. Newcomb,
M. M. Reynolds,
Committee on Contracts.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1050, *ante*), was concurred in:

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

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

A first and final estimate in behalf of John H. Freaney for erecting nine lamp posts, lamps and fixtures (complete to burn gas, except the service pipes), on Dorman street, between John and Campbell streets.

2,002 $\frac{6}{12}$ lineal feet at 9.66 cents (\$21.50 per post)..... \$193 50

Also on John street, between Dorman street and Massachusetts avenue, six lamp-posts.

1,586 $\frac{8}{2}$ lineal feet, at 8.13 cents per foot (\$21.50 per post)..... .. \$129 00

Also on Shelby street, between Prospect and Willow streets, ten lamp posts.

3,044 $\frac{2}{12}$ lineal feet, at 6.10 per lineal foot, (\$21.50 per post)..... \$215 00

A second and final estimate in behalf of William J. Freaney for erecting five lamp posts, lamps and fixtures (complete to burn gas, except the service pipes), on Greer street, between Stevens and Buchanan streets.

2,564 $\frac{5}{2}$ lineal feet, at 3.30 cents per lineal foot (\$17.00 per post).....\$85 00

A first and final estimate in behalf of J. L. Spaulding for grading and paving with brick the east sidewalk of Mississippi street, from Seventh street to Twelfth street.

2,294 $\frac{20}{100}$ lineal feet paving, at 39 $\frac{1}{2}$ cents..... \$906 23

65 lineal feet double walkstone, at 66 cents..... 42 90

40 $\frac{72}{100}$ square yards bowldered wings, at 60 cents..... 24 43

Total \$973 56

A first and final estimate in behalf of David A. Haywood for grading and paving with brick the east sidewalk of Tennessee street, from Merrill street to McCarty street.

756 $\frac{80}{100}$ lineal feet, at 40 cents.. \$302 55

3 yards extra gravel at alley, at 50 cents..... 1 50

Total..... \$304 05

Respectfully submitted, S. H. SHEARER, City Civil Engineer.

The following estimate resolution (see page 1051, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Freaney, for erecting lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Dorman street, between John and Campbell streets, 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1051, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Freaney, for erecting lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on John street, between Dorman street and Massachusetts avenue, 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1051, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Freaney, for erecting lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Shelby street, between Prospect and Willow streets, 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1051, *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 Wm. J. Freaney, for erecting lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Greer street, between Stevens and Buchanan streets, 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1052, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. L. Spaulding, for grading and paving with brick the east sidewalk of Mississippi street, from Seventh street to Twelfth 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1052, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of David A. Haywood, for grading and paving with brick the east sidewalk of Tennessee street, from Merrill street to McCarty 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 Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1052, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

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

Contract and bond of David A. Haywood for grading and bowldering the first alley west of Liberty street, from New York street to Miami street.

Bond, \$500. Surety, R. P. Dunning.

Contracts and bonds of J. L. Spaulding for grading and paving with brick the sidewalks of Lord street, from Noble street to Pine street.

Bond, \$1,200. Surety, James W. Hudson.

Also, for grading and paving with brick the sidewalks of New Jersey street, from McCarty street to Coburn street.

Bond, \$1,500. Surety, James W. Hudson.

Also grading and paving with brick the south sidewalk of Michigan street, from Blackford street to Blake street.

Bond, \$800. Surety, James W. Hudson.

Contracts and bonds of George W. Seibert, Jr., for grading and graveling the first alley north of Woodlawn avenue, from Linden street to Laurel street.

Bond, \$500. Surety, Hiram Seibert.

Also, first alley west of West street, from Maryland street to Chesapeake street.

Bond, \$300. Surety, Hiram Seibert.

Contract and bond of Hanway and Cooper for grading and graveling Tennessee street and sidewalks, from Ray street to Morris street.

Bond, \$1,500. Surety, Fred Knefler.

Respectfully submitted, S. H. SHEARER, City Civil Engineer.

The following report from the City Civil Engineer, accompanied with a motion (see page 1053, *ante*), were read, and on motion by Alderman Cox, were referred to the Committee on Fire Department:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—On July 21st and 28th, 1884, you instructed me to procure plans and advertise for proposals for the erection of an Engine House on the city's Prospect

street lot; the total cost of said building to be within \$4,300, "Provided, however, that no money shall be expended for any plans, until the same shall be accepted by the Common Council and Board of Aldermen, and used in the construction of said Engine House."

By request of the author of the above motion, I did not proceed to carry out the provisions of the same until since your last meeting, when I was instructed to carry out my original instructions in regard to the above plans.

I find that I can procure said plans and specifications, complete for letting contract, exclusive of superintendence, for \$75 00; but not with the conditions mentioned in said motion, to-wit: Provided that said plans shall not be paid for until adopted and used by the city in the construction of said Engine House.

I ask for instructions as to whether I shall order said plans or not.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

That the City Civil Engineer and Chief Fire Engineer be directed to procure plans for building the new Engine House contemplated, at a cost not to exceed seventy-five dollars.

The following report from the City Clerk was read:

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

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

David A. Haywood vs. Elizabeth J. Heiskel for.....	\$13 92½
David A. Haywood vs. Thomas F. Quill for.....	48 60
Charles S. Roney vs. Mary Youtsey for.....	3 30

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

And the favorable action of the Common Council thereon (see page 1053, *ante*), was concurred in, and the precepts ordered to issue, by the following vote:

AYES, 7—viz. Aldermen Bernhamer, Cobb, Endly, McHugh, Prier, Pritchard, and Tallentire.

NAYS, 3—viz. Aldermen Cox, King, and President Rorison.

The report of the City Attorney (see page 1054, *ante*), was read and received.

The following report from the Fire Board was read, and the favorable action of the Common Council on the first clause (see page 1054, *ante*), was concurred in, and action on the second clause was non-concurred in:

To the Mayor and Members of Common Council:

Gentlemen:—We recommend the adoption of the motion, "That the Fire Board be, and they are hereby, directed to place a fire-alarm box at or near Newman and Ninth streets."

Also recommend the adoption of the motion as to the Circle, "That a fire-alarm box be placed on the west side or center of Circle street," to be placed in whichever place the Chief thinks advisable.

Respectfully submitted,

F. E. Benjamin,
J. W. Wharton,
Geo. W. Spahr,
Fire Board.

The monthly report of the Board of Public Improvements (see pages 1054 and 1055, *ante*), was read and received.

The following report from the Judiciary Committee (see page 1056, *ante*), was read, and referred to the Committee on Judiciary and Ordinances:

To the Mayor and Common Council:

Gentlemen:—Your committee recommend that the petition of the Indiana Farmer Company (see page 542 *ante*) be allowed.

Respectfully submitted,

W. C. Newcomb,
P. M. Gallahue,
Geo. F. Edenharter,
Judiciary Committee.

The following resolution (see page 1063, *ante*), was read:

Resolved, That the street next north of Tenth street, adjoining the Exposition ground on the north side, extending from Hill avenue to White River, and which is variously designated as Anderson, Reagan, Twelfth and (south side of Davis' Sugar Grove addition) without any name, shall hereafter be known as Eleventh street, thereby conforming to the numbering of the streets from First street northward.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 65, 1884—An ordinance appropriating money for the payment of the salaries and compensation of the Members of the Common Council and Board of Aldermen, of the City Officers, and Officers and Members of the Fire Department of the City of Indianapolis.

The rules were suspended for the purpose of placing the above ordinance on its final passage, by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The ordinance was then read the second time, read the third time and passed, by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

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

Gentlemen:—Your petitioner, Henry Hahn, represents to your honors, that on the 15th of June, 1864, he received of one John Little and wife, a warranty deed for Lot 19, Little's subdivision, in Out-lot 85. That afterwards, to-wit, on the 28th day of April, 1868, your petitioner conveyed to the Junction Railway Company all of said Lot 19 except 50 by 18 feet in the northwest corner thereof; and that your petitioner has paid taxes on said fraction of said lot from 1865 to 1882, inclusive. That a short time since your petitioner procured an abstract of title to said Lot 19, and for the first time discovered that on the 27th day of March, 1852, said John Little conveyed to the Indiana Central Railway Co. the right-of-way across the northwest corner of Lot 19, aforesaid, to-wit: Across said 50 by 18 feet of said northwest corner of Lot 19; and that your petitioner has further lately discovered that the Indianapolis Union Railway Co., in the year 1851, years prior to the conveyance of John Little to your petitioner, procured the right-of-way across said northwest corner of Lot 19, by condemning her right-of-way before one Esquire Sullivan, under the then laws of the State of Indiana; so that in truth and in fact, said John Little had no title to said 50 by 18 feet of the northwest corner of Lot 19; and the truth is that your petitioner, and the Central Pan-Handle and Union Railway Companies have been paying taxes on said fraction of said lot for the whole period of time which your petitioner has been paying taxes thereon; and that therefore there has been a double assessment and double payment of taxes on said fraction by said railways and your petitioner; and your petitioner submits herewith a statement drawn up by the City Treasurer, marked Exhibit "A," showing the amount of taxes which your petitioner has paid on said fraction of said lot, and your petitioner prays that the amount of taxes paid by him as shown by said statement, may be refunded to him by the order of your honors, and your petitioner prays for all other proper relief.

Respectfully submitted,

HENRY HAHN,

By Rooker & Hatch, his Atty's.

EXHIBIT "A."

Southeast Corner of Lot 19, Out-Lot 85.

Year.	Value of Lot.	Rate.	Date of Payment.	Tax.
1865	\$200 00	\$1 50	March 7, 1866	\$3 00
1866	200 00	1 50	Feb'y 5, 1867	3 00
1867	200 00	1 15	Feb'y 12, 1868	2 30
1868	200 00	1 25	Feb'y 19, 1869	2 50
1873	300 00	1 10	Feb'y 6, 1874	3 30
1874	350 00	1 10	Feb'y 3, 1875	3 85
1875	300 00	1 50	Feb'y 16, 1876	4 50
1876	300 00	1 40	Mar. 12, 1877	4 20
1877	250 00	1 12	Feb'y 7, 1878	2 80
1878	200 00	1 08	Mar. 7, 1879	2 16
1879	Not taxed, used by R. R. Co.			Mar. 3.
1880	200 00	1 07	Mar. 30, 1881	2 14
1881	200 00	1 07	Mar. 31, 1882	2 14
1882	200 00	1 12	Mar. 23, 1883	2 24

Total..... \$38 13

I hereby certify that the above statement of the city taxes assessed and paid on the southeast corner of Lot 19, Out-lot 85, for the years above written, is true and correct, as shown by the City Tax Duplicates for those years, and assessed in the name of Henry Hahn, with the value of the lot, rate of taxes, and time of payment, and showing a total of \$38.13 paid by Henry Hahn.

I do not find the above described property taxed to Henry Hahn for the year 1863, 1864, 1869, 1870, 1871 and 1872.

F. A. BLANCHARD,
Deputy City Treasurer.

Your Judiciary Committee, at the last meeting, recommended that only about seven dollars be refunded on the above account. We did so under the belief that it was a void annexation, and interposed the Statute of limitation on all paid prior to six years ago. But it is clearly a case where Henry Hahn has paid the tax under a mistake, on a certain part of Lot 19 above described, which belonged to the Railroad company, which company paid the taxes upon the same part of Lot 19. We recommend the sum of \$38.13 be paid to Henry Hahn on the above account.

Respectfully submitted,

James. A. Pritchard,
S. H. Cobb,
Will F. A. Bernhamer,
Judiciary Committee.

PENDING ORDINANCES.

The following entitled ordinance was referred to the Committee on Streets & Alleys and Sewers & Drainage:

G. O. 70, 1884—An ordinance providing for the construction of a brick sewer in and along Massachusetts avenue, from Bellefontaine street to Alabama street.

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

S. O. 116, 1884—An ordinance to provide for grading and graveling the first alley west of West street, from Michigan street to North street.

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 127, 1884—An ordinance to provide for grading and graveling the first alley south of North street, from West street to California street.

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 144, 1884—An ordinance to provide for grading and paving with brick the sidewalks of California street, from Pratt street to First street.

And it was passed by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 146, 1884—An ordinance to provide for grading and graveling Orange street and sidewalks, from Spruce street to Reid street.

And it was passed by the following vote :

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugher, Pritchard, Tallentire, and President Rorison.

NAYS—None.

On motion by Alderman Pritchard, the following entitled ordinance was called from the Committee on Public Light and Education:

S. O. 109, 1884—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service-pipes), on Michigan street, between New Jersey and Noble streets.

The above ordinance was read the second time, amended by striking out "Noble street" and inserting "East street," ordered engrossed as amended, read the third time and passed, by the following vote:

AYES, 8—viz. Aldermen Cobb, Cox, Endly, King, Prier, Pritchard, Tallentire, and President Rorison.

NAYS, 1—viz. Alderman McHugh.

Alderman Bernhamer moved to reconsider the action of the Board of Aldermen (at the last session), in passing S. O. 140, 1884.

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

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following message was read and received :

To the President and Members of the Board of Aldermen :

Gentlemen:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council at its adjourned session, held this evening, December 22d, 1884.

For the Common Council:

GEO. T. BREWMIG, City Clerk.

The following report from the Judiciary Committee was read, and the favorable action of the Common Council thereon (see page 1068, *ante*), was concurred in:

To the Mayor and Common Council:}]

Gentlemen:—The Judiciary Committee, to whom the bonds of the city officers elect were referred, with instructions to see if the bondsmen are good, would report that we have examined the same, and would recommend that the bonds be accepted, as we deem the bondsmen good.

Respectfully submitted,

W. C. Newcomb,
P. M. Gallahue,
Geo. F. Edenharter,
Judiciary Committee.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 1065, *ante*), was concurred in:

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

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

A first and final estimate in behalf of Henry Clay, for grading and graveling Guffin street, from Seventh street to Eighth street.

1,232 lineal feet, at 28 cents \$344 96

Respectfully submitted, S. H. SHEARER, City Civil Engineer.

The following estimate resolution (see page 1065, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Henry Clay, for grading and graveling Guffin street, from Seventh street to Eighth street, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following petition was read, and the action of the Common Council thereon (see page 1066, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I ask for an extension of time of 120 days, on the following contracts, on account of the extreme cold weather:

1st. For grading and graveling the first alley west of Illinois street, from Maryland to Georgia streets.

2d. For grading and paving with brick, the east sidewalk of Madison avenue, from Nebraska street to Lincoln Lane.

Respectfully, D. A. HAYWOOD.

The following report from the Committee on Contracts was read, (see page 1068, *ante*), and referred to the Committee on Contracts and Bridges:

To the Mayor and Common Council:

Gentlemen:—Your Committee to whom was referred the matter of painting Shelby and Olive street bridges, would recommend that the City Civil Engineer advertise for bids for the same, and that the bids be referred to this committee.

Respectfully submitted,
W. C. Newcomb,
M. M. Reynolds,
Committee on Contracts.

The following report from the Committee on Accounts and Claims was read, and the favorable action of the Common Council thereon (see page 1069, *ante*), was non-concurred in:

To the Mayor and Common Council;

Gentlemen:—The undersigned, to whom was referred the petition of John Carlisle, recommend that he be paid the fifteen dollars paid by him for repair of Scales at West Market.

Respectfully submitted,
Robert McClelland,
P. M. Gallahue,
Wm. Curry,
Committee on Accounts and Claims.

The following report from the Committee on Accounts and Claims (see page 1069, *ante*), was read, and referred to the Committee on Judiciary and Ordinances:

To the Mayor and Common Council:

Gentlemen.—Your Committee on Accounts and Claims have investigated the claim of Henry L. Smith, asking seventy-five dollars for injuries to horse and buggy in falling through bridge on east Market street, in September last. We think the facts warrant us in recommending an allowance. We can not agree to the amount demanded, however, and recommend the payment of thirty dollars, if a receipt in full be given.

Respectfully submitted,

Robert McClelland,
P. M. Gallahue,
Wm. Curry,
Committee on Accounts and Claims.

The following report from the Committee on Accounts and Claims (see pages 1069 and 1070, *ante*), was read:

To the Mayor and Common Council:

Gentlemen.—We have examined the claim of A. Bruner, for seven hundred and twenty-five dollars, for damages as set forth in his itemized statement presented October 6th, found on page 891 of the printed Proceedings. We have some doubt as to the legal liability of the city, but feel that there is some equity in the claim under the facts presented to us; and as a compromise, we recommend the payment of two hundred and seventy-five dollars, provided the same be accepted in full of all demands.

Respectfully submitted,

Robert McClelland,
P. M. Gallahue,
Wm. Curry,
Committee on Accounts and Claims.

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

On motion by Alderman Rorison, the report was referred to the Committees on Streets & Alleys and Sewers & Drainage, and Judiciary and Ordinances.

The following petition was read, and the favorable action of the Common Council thereon (see page 1070, *ante*), was concurred in:

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

Gentlemen.—I hereby apply for a license to conduct and carry on a Variety Theatre, at Nos. 12 and 14 north Mississippi street, Indianapolis, Indiana, at the place known as the Zoo Theatre. The character of the performance proposed to be given, will be a general variety, burlesque, comic opera, gymnastic, athletic, sparring and wrestling exhibitions, &c. The undersigned is the sole proprietor of said Theatre, with Charles T. Gilmore, manager.

MARY A. GILMORE,
Charles T. Gilmore, Manager.

The following special message was read:

To the President and Members of the Board of Aldermen:—

Gentlemen.—The Common Council, in session held this evening, December 22d, 1884, adhered to their former action in passing G. O. 76, 1884, "An ordinance providing for the appointment of assistants to the Board of Health."

I submit the same for your consideration.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

Alderman Cox moved that the ordinance be received and laid on the table for future consideration; which was adopted.

Alderman Bernhamer moved that the Board of Aldermen recede from their former action.

Alderman Prier moved to lay the above motion on the table; which failed of adoption, by the following vote:

AYES, 4—viz. Aldermen Cox, Endly, Prier, and Pritchard.

NAYS, 6—viz. Aldermen Bernhamer, Cobb, King, McHugh, Tallentire, and President Rorison.

Alderman Bernhamer's motion was then adopted, by the following vote:

AYES, 6—viz. Aldermen Bernhamer, Cobb, King, McHugh, Tallentire, and President Rorison.

NAYS, 4—viz. Aldermen Cox, Endly, Prier, and Pritchard.

President Rorison moved to take the ordinance from the table.

Alderman Prier moved to lay the above motion on the table; which failed of adoption, by the following vote:

AYES, 5—viz. Aldermen Bernhamer, Cox, Endly, Prier, and Pritchard.

NAYS, 5—viz. Aldermen Cobb, King, McHugh, Tallentire, and President Rorison.

President Rorison's motion was then adopted, by the following vote:

AYES, 6—viz. Aldermen Bernhamer, Cobb, King, McHugh, Tallentire, and President Rorison.

NAYS, 4—viz. Aldermen Cox, Endly, Prier, and Pritchard.

The ordinance was then read the third time and passed, by the following vote:

AYES, 6—viz. Aldermen Bernhamer, Cobb, King, McHugh, Tallentire, and President Rorison.

NAYS, 4—viz. Aldermen Cox, Endly, Prier, and Pritchard.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: FRANK W. RIPLEY, Clerk.