

# PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—JULY 6, 1885.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, July 6th, A. D. 1885, at eight o'clock, in regular session.

**PRESENT**—Hon. John L. McMaster, Mayor, and *ex officio* President of the Common Council in the Chair, and 25 members, viz: Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

**ABSENT**—None.

The Proceedings of the Common Council for the regular session, held June 15th, 1885, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

## OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

Sealed proposals for constructing the following cisterns, and for making the following street improvement, were opened, read, and referred to the Committee on Contracts:

For the construction of one 1000-barrel cistern, at or near the corner of Hill avenue and Newman street.

For the construction of one 1000-barrel cistern, at or near the intersection of the National Road and Miley avenue.

For the construction of one 1000-barrel cistern on Willow street, between Spruce and Reid streets.

(S. O. 143, 1884) — For grading and bowldering the first alley west of Mississippi street, from Michigan street to Indiana avenue.

## COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the Mayor, presented the following communication; which was referred to the Committee on Finance and City Attorney; and on motion by Councilman Dowling, they were instructed to report on the subject-matter at the next regular meeting:

SIG. 40.

[ 369 ]

To the Common Council and Board of Aldermen :

*Gentlemen.*—On the 1st day of January, 1869, \$110,000 of city bonds were issued as follows: \$60,000 in aid of the Indianapolis & Vincennes Railroad Company, and \$50,000 in aid of the Junction Railroad Company. These bonds run for the period of twenty years, and bear interest at the rate of six per cent. per annum, payable annually, on the 1st day of April. They are made payable at the city treasury, and, as will be seen, fall due January 1st, 1889, having nearly three years and a half yet to run.

These bonds are the first to become due of the city's indebtedness, with the exception of \$9,000, which will become due January 1st, 1886, and which can be paid out of the Sinking Fund on hand. It is evident that the city will have to refund most of its indebtedness as it matures, and every condition of the money market auspicious for obtaining a more favorable rate of interest, should be improved.

The city debt, exclusive of the Belt Railroad bonds, amounts to \$1,414,500. None of this debt bears a less rate of interest than six per cent., while \$1,233,500 of it bears 7  $\frac{3}{16}$  per cent., and \$21,000 of it eight per cent.

If the indebtedness of the city were in shape so that it could now be refunded, doubt not, with the present favorable condition of the money market, and the deservedly high credit of the city, it could be done so as to make an annual saving to the city of \$40,000 or more, in the way of interest. But unfortunately for the city, none of said indebtedness matures until 1893, and thereafter, except the amount hereinbefore stated, and \$45,000 of bonds which will mature January 1st, 1890. None of the bonds representing the city's indebtedness, contain an option by which the city may call them in before their maturity.

The object of this communication is to suggest that steps be taken to ascertain a surrender of the \$110,000 of bonds maturing January 1st, 1889, and the \$45,000 maturing January 1st, 1890, can be negotiated, the holders to receive in their stead a long time bond at a very considerable reduction of interest. If the holders wish to continue the investment, the city may be able to negotiate with them for a surrender of the old bonds before maturity, and the acceptance of new ones in the stead at a rate of interest favorable to the city. By this means such holders would make sure of retaining their investment, whereas, should they wait until their bonds mature, they would have to come in with other bidders for the new refunding bonds, without any certainty of securing them.

There is some difficulty in locating the holders of these bonds; but of the \$110,000 falling due as before stated, I have succeeded in locating the holders of something over \$60,000, by correspondence, and with proper effort I think the most of them can be reached.

I would therefore suggest that your honorable bodies take some action under which negotiations may be entered upon looking to a refunding of said indebtedness soonest to become due, to the end that there may be a saving to the city in the way of interest, in case such negotiations prove successful.

Respectfully submitted,

JOHN L. McMASTER, Mayor.

His Honor, the Mayor, presented the following petition; which was received:

Indianapolis, June 27th, 1885.

To the President of the City Council:

*Dear Sir:*—Some time ago I noticed a bill passed by your honorable body, providing that the first alley west of Arsenal avenue, between Market and Washington streets, in Phipps' Springdale addition to the City of Indianapolis, to be graded and graveled. I being the owner of one-half of this property which this alley runs through, viz: the north half, I respectfully request that I be allowed to do the work adjoining my property at whatever price the contract is let at.

Yours respectfully,

J. W. GREENEN.

His Honor, the Mayor, presented the following communication; which was referred to the Councilman of the Ward (Curry) and the City Civil Engineer:

Common Council, Indianapolis:

*Gentlemen.*—I wish to call your attention to the condition of the first alley east of Eddy street, from Merrill to Norwood. It is filthy beyond endurance, and can not be kept clean until it has been graded and graveled. This is clearly one of the cases in which the Council is authorized to order improvement without petition. The dung heaps there are probably under control of the Board of Health; but the general condition of the alley is owing to the want of grade.

Respectfully,

T. A. GOODWIN.

His Honor, the Mayor, in behalf of the Building Committee of the City Hall, submitted the following report:

To the Common Council and Board of Aldermen:

*Gentlemen.*—Your Building Committee would respectfully report, that at the time of opening the bids for the new Market House and City Hall, it was unanimously resolved by the committee that bids which did not comply with the advertisement in all respects, should be thrown out. The bids which had been received were opened and read, and a tabulated statement thereof is hereto attached, and made part of this report, marked Exhibit "A."

It was found that E. F. Goble's bid was the lowest, viz, \$100,000; but he had failed to comply with the advertisement in not naming his sub contractors. To do this was deemed very important, that the city might know who was to do the different portions of the work, or under whose supervision such portions were to be done, that it might be determined whether they were men of skill in their various kinds of work.

The next lowest bidders were Salisbury & Stanley, whose bid for the whole work was \$102,224. By adding the lowest separate bids for different portions of the work, your committee found the aggregate to be \$101,556. This is only \$668.00 less than the bid of Salisbury & Stanley.

The committee being of the opinion that it was better to let the work as an entirety, because of the personal supervision thereby contracted for, the certainty that the city could be better protected by one contract, and the greater promptness in getting the work done, report in favor of awarding the contract as a whole to the firm of Salisbury & Stanley.

JOHN L. McMASTER, Ch'n.,  
BRANARD RORISON, Sec'y,  
J. H. Sheppard,  
John R. Pearson,  
Isaac King,  
Building Committee.

EXHIBIT "A."

NAMES OF BIDDERS.	Amount.	NAMES OF SUB-CONTRACTORS.							Names of Sureties.	
		Cut Stone.	Brick Work.	Iron Work.	Carpent'r Work.	Slating and Tinning.	Plastering.	Painting, etc.		
M. K. Fatout.....	\$110,800	Goddard Bros..	G. Weaver.....							Goddard Bros, H. C. Adams, J. McGarr, and R. Thomas.
Shover & Christian.....	107,685	Ittenbach & Co. or Goddard Bros.	John Martin..	Noelke.....	selves	Pursell & Son.	M. Hartman.....	selves.....		E. F. Claypool, T. G. Barry, H. Coburn, M. A. Downing.
Peter Routler .....	102,700	Ittenbach & Co. Goddard Bros, or E. F. Gobel.	John Martin..	Noelke..... or Haugh, Ketcham & Co.	self...	Pursell & Son.	M. Hartman.....	F. Fertig.		Sub-contractors.
J. A. Buchanan.....	102,595	Ittenbach & Co.	John Martin..		self...	Pursell & Son.	M. Hartman.....	self.....		P. H. Jameson, J. Martin, Purcell & Son, and others.
Kattan & Roth.....	102,300	Ittenbach & Co.	John Martin..	Noelke.....	selves	Pursell & Son.	Ernst .....	Ballman..		Defrees, John Martin, Goddard Bros.
Junglaus & Schumacher..	102,285	Ittenbach & Co. or Goddard Bros	John Martin.. or C. Welking	Noelke.....	selves	Pursell & Son.	Schultz & Lomax.	Ballman..		A. W. Ritzinger, Chas. Lauer.
Salisbury & Stanley.....	102,224	Goddard Bros.. Ittenbach & Co.	John Martin..	Noelke.....	selves	Pursell & Son.	Hartman.....	selves.....		M L. Brown, Vajen & New.
E. F. Gobel .....	100,000				Sub-contractors not named.					C. R. Cummings. Wm. B. Howard, and others.

Councilman Haugh moved that the report of the Committee be concurred in.

Councilman Cowie moved that the contract be awarded to the lowest bidder, viz: E. F. Goble.

Councilman Haugh moved the "previous question."

Councilman Thalman insisted, and again moved the "previous question."

The Chair then put the question "Shall the main question be now put?"

Which was admitted by a majority vote of the members present.

The report of the Committee was then concurred in, by the following vote:

AYES, 21—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Wharton, and Wolf.

NAYS, 4—viz. Councilmen Cowie, Edenharter, Moran, and Trusler.

#### REPORTS, ETC., FROM COMMITTEE ON CONTRACTS.

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

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

Gentlemen:—Your Committee on Contracts, to whom was referred the proposals received June 15th, 1885, have examined the same, and find them to be as follows:

1st—For grading and bowldering the gutters of Maryland street, curbing with stone and paving with brick (where not already done), the sidewalks thereof, from West street to Helen street.

Per lineal foot front on each side.

Name of Bidders.	Bowldering.	Curbing.	Paving.
Hanway & Cooper.....	50 cents.....	39 cents.....	36 cents
Fulmer & Seibert.....	45 cents.....	40 cents.....	33 cents
Robert Kennington.....	41 cents.....	39 cents.....	35 cents
James W. Hudson.....	41 cents.....	40 cents.....	33 cents
Geo. W. Buchanan.....	42 cents.....	38 cents.....	33 cents
R. P. Dunning.....	42 cents.....	39 cents.....	32 cents
Richter & Twiname.....	39 cents.....	39 cents.....	33 cents
D. A. Haywood.....	38 cents.....	40 cents.....	32 cents
J. L. Spaulding.....	38 cents.....	38 cents.....	30 cents

J. L. Spaulding being the lowest and best bidder, recommend he be awarded the contract.

2d.—For grading and bowldering the gutters of Maryland street, from Missouri street to West street.

S. W. & R. H. Patterson.....	61 cents per lineal foot front on each side.
James W. Hudson.....	56 cents per lineal foot front on each side.
Fulmer & Seibert.....	56 cents per lineal foot front on each side.
J. H. Forrest.....	55 cents per lineal foot front on each side.

J. P. Dunning.....	53 cents per lineal foot front on each side.
Geo. W. Buchanan .....	53 cents per lineal foot front on each side.
J. L. Spaulding.....	52 cents per lineal foot front on each side.
Hanway & Cooper .....	50 cents per lineal foot front on each side.
Robert Kennington .....	49 cents per lineal foot front on each side.
D. A. Haywood.....	49 cents per lineal foot front on each side.
Richter & Twiname.....	49 cents per lineal foot front on each side.

Being three bids at the same price, recommend the contract be awarded to David A. Haywood.

3d.—For grading and paving with brick, the north sidewalk of St. Clair street from Mississippi street to the Canal.

J. D. Hoss & Co.....	35 cents per lineal foot front.
D. A. Haywood.....	34 cents per lineal foot front.
R. P. Dunning.....	33 cents per lineal foot front.
Richter & Twiname.....	33 cents per lineal foot front.
Henry C. Roney .....	33 cents per lineal foot front.
J. L. Spaulding.....	32 cents per lineal foot front.

J. L. Spaulding being the lowest and best bidder, recommend he be awarded the contract.

4th.—For grading and paving with brick, the west sidewalk of Pennsylvania street, from Eighth street to the first alley south of Ninth street.

Names of Bidders.	Paving.	Walk-stones.	Wings, Sq. Yard.
R. P. Dunning .....	45 cents.....	55 cents.....	55 cents
J. L. Spaulding.....	42 cents.....	65 cents.....	60 cents
J. D. Hoss & Co.....	41 cents.....	64 cents.....	52 cents
D. A. Haywood .....	40 cents.....	60 cents.....	50 cents
Henry C. Roney.....	38 cents .....	.. cents .....	.. cents
Richter & Twiname.....	38 cents .....	55 cents.....	55 cents

Being a tie bid, and the same being low, recommend the contract be awarded to H. C. Roney.

5th.—For grading and paving with brick, the south sidewalk of Second street (where not already done), from Tennessee street to Illinois street.

George Woodfill.....	35 cents per lineal foot front.
J. D. Hoss & Co.....	34 cents per lineal foot front.
Henry C. Roney.....	33 cents per lineal foot front.
R. P. Dunning.....	33 cents per lineal foot front.
J. L. Spaulding.....	32 cents per lineal foot front.
Richter & Twiname.....	32 cents per lineal foot front.
D. A. Haywood.....	32 cents per lineal foot front.

Being three bids at the same price, recommend the contract be awarded to Richter & Twiname.

6th.—For grading, bowldering and curbing the east gutter of Wood street, and paving with brick the sidewalk thereof, from Michigan street to North street.

Per lineal foot front.

Names of Bidders.	Bowldering.	Curbing.	Paving.
Hanway & Cooper.....	40 cents .....	40 cents .....	33 cents
Geo. W. Buchanan .....	44 cents .....	39 cents .....	33 cents
Fulmer & Seibert.....	46 cents .....	38 cents .....	27 cents
Richter & Twiname.....	38 cents .....	39 cents .....	32 cents
R. P. Dunning .....	42 cents .....	39 cents .....	27 cents
D. A. Haywood .....	40 cents .....	39 cents .....	27 cents
H. C. Roney.....	40 cents .....	38 cents.....	28 cents
J. L. Spaulding.....	39 cents .....	38 cents.....	28 cents

J. L. Spaulding being the lowest and best bidder, recommend he be awarded the contract.

7th.—For grading, bowldering and curbing the south gutter of Vermont street, and paving with brick the sidewalk thereof, from Tennessee street to Indiana avenue.

Per lineal foot front.

Names of Bidders.	Bowl­dering.	Curbing.	Paving.
James W. Hudson .....	60 cents .....	40 cents .....	40 cents
Fulmer & Seibert.....	58 cents .....	40 cents .....	37 cents
Hanway & Cooper.....	54 cents .....	40 cents .....	40 cents
J. D. Hoss & Co .....	52 cents .....	39 cents .....	41 cents
Geo. W. Buchanan .....	54 cents .....	39 cents .....	39 cents
Henry C. Roney.....	55 cents .....	38 cents .....	37 cents
D. A. Haywood .....	50 cents .....	39 cents .....	39 cents
R. P. Dunning .....	57 cents .....	39 cents .....	32 cents
Richter & Twiname.....	50 cents .....	39 cents .....	38 cents
Robert Kennington.....	49 cents .....	39 cents .....	37 cents
J. L. Spaulding .....	49 cents .....	38 cents .....	37 cents

J. L. Spaulding being the lowest and best bidder, recommend he be awarded the contract.

8th.—For grading and paving with brick, the north sidewalk of Second street, from Pennsylvania street to Delaware street.

George Woodfill .....	30 cents per lineal foot front.
R. P. Dunning .....	29 cents per lineal foot front.
Henry C. Roney .....	29 cents per lineal foot front.
J. L. Spaulding .....	29 cents per lineal foot front.
Richter & Twiname.....	29 cents per lineal foot front.
J. D. Hoss & Co .....	29 cents per lineal foot front.
David A. Haywood .....	27 cents per lineal foot front.

David A. Haywood being the lowest and best bidder, recommend he be awarded the contract.

9th.—For grading and paving the west sidewalk of Delaware street, from Seventh street to Eighth street.

George Woodfill .....	35 cents per lineal foot front.
J. D. Hoss & Co .....	34 cents per lineal foot front.
R. P. Dunning .....	33 cents per lineal foot front.
Richter & Twiname.....	32½ cents per lineal foot front.
J. L. Spaulding.....	32 cents per lineal foot front.
Henry C. Roney.....	32 cents per lineal foot front.
David A. Haywood .....	31 cents per lineal foot front.

David A. Haywood being the lowest and best bidder, recommend he be awarded the contract.

10th.—For grading, bowldering and curbing the gutters of Broadway street, from the first alley north of Seventh street to Eighth street.

Per lineal foot front on each side.

Names of Bidders.	Bowl­dering.	Curbing.	Walking-stones.	Wings, Sq. Yd.
J. L. Spaulding .....	45 cents .....	39 cents .....	.. cents .....	.. cents
James W. Hudson .....	43 cents .....	40 cents .....	55 cents .....	54 cents
R. P. Dunning .....	42 cents .....	39 cents .....	55 cents .....	55 cents
Hanway & Cooper.....	40 cents .....	40 cents .....	60 cents .....	52 cents
D. A. Haywood.....	40 cents .....	40 cents .....	58 cents .....	50 cents
J. D. Hoss & Co.....	40 cents .....	39 cents .....	64 cents .....	.. cents
H. C. Roney .....	39 cents .....	39 cents .....	.. cents .....	.. cents
Richter & Twiname.....	37 cents .....	38 cents .....	55 cents .....	.. cents

Richter & Twiname being the lowest and best bidders, recommend they be awarded the contract.

11th.—For grading, bowldering and curbing the gutters of Pine street, and paving with brick the sidewalks thereof, from Washington street to the C., I., St. L. & C. Railroad.

## Per lineal foot front on each side.

Names of Bidders.	Bowldering.	Curbing.	Paving.
James W. Hudson.....	33 cents.....	40 cents.....	30 cents
Hanway & Cooper.....	29 cents.....	39 cents.....	33 cents
J. L. Spaulding.....	32 cents.....	38 cents.....	29 cents
J. D. Hoss & Co.....	30 cents.....	39 cents.....	29 cents
R. P. Dunning.....	29 cents.....	39 cents.....	26 cents
Fulmer & Seibert.....	31 cents.....	38 cents.....	25 cents
Richter & Twiname.....	28 cents.....	38 cents.....	27 cents
David A. Haywood.....	28 cents.....	39 cents.....	26 cents

Being a tie bid and the same being low, recommend the contract be awarded to Richter & Twiname.

12th.—For grading and graveling the east sidewalk of Shelby street, from Pleasant Run to the south corporate limits.

J. D. Hoss & Co.....	29 cents per lineal foot front.
J. L. Spaulding.....	21 cents per lineal foot front.
D. A. Haywood.....	20 cents per lineal foot front.
Fulmer & Seibert.....	19 cents per lineal foot front.
Robert Kennington.....	18 cents per lineal foot front.
Richter & Twiname.....	18 cents per lineal foot front.
Hanway & Cooper.....	16 cents per lineal foot front.

Hanway & Cooper being the lowest and best bidders, recommend they be awarded the contract.

13th.—For grading and paving with brick the south sidewalk of Nebraska street, from Madison avenue to East street.

R. P. Dunning.....	33 cents per lineal foot front.
Henry C. Roney.....	32 cents per lineal foot front.
David A. Haywood.....	32 cents per lineal foot front.
Richter & Twiname.....	32 cents per lineal foot front.
J. L. Spaulding.....	31 cents per lineal foot front.

J. L. Spaulding being the lowest and best bidder, recommend he be awarded the contract.

15th.—For grading and graveling the roadway of Pine street, from St. Clair street to the first alley south of St. Clair street.

David A. Haywood.....	37 cents per lineal foot front on each side.
J. L. Spaulding.....	33 cents per lineal foot front on each side.
Richter & Twiname.....	32 cents per lineal foot front on each side.
S. W. & R. H. Patterson.....	31 cents per lineal foot front on each side.
Hanway & Cooper.....	29 cents per lineal foot front on each side.
J. D. Hoss & Co.....	29 cents per lineal foot front on each side.
Fulmer & Seibert.....	28 cents per lineal foot front on each side.
Isaac C. Snyder.....	22 cents per lineal foot front on each side.

Isaac C. Snyder being the lowest and best bidder, recommend he be awarded the contract.

16th.—For grading and paving with brick, the north sidewalk of Indiana avenue, from St. Clair street to Leland street.

Richter & Twiname.....	49 cents per lineal foot front.
David A. Haywood.....	44 cents per lineal foot front.
Henry C. Roney.....	43 cents per lineal foot front.
J. L. Spaulding.....	41 cents per lineal foot front.
J. D. Hoss & Co.....	41 cents per lineal foot front.
R. P. Dunning.....	39 cents per lineal foot front.

R. P. Dunning being the lowest and best bidder, recommend he be awarded the contract.

17th.—For grading and graveling the first alley east of Ash street, from Seventh street to Eighth street.



J. L. Spaulding.....	24 cents per lineal foot front on each side.
S. W. & R. H. Patterson.....	24 cents per lineal foot front on each side.
Richter & Twiname .....	22 cents per lineal foot front on each side.
Fulmer & Seibert .....	20 cents per lineal foot front on each side.
R. P. Dunning.....	19 cents per lineal foot front on each side.
Hanway & Cooper .....	18 cents per lineal foot front on each side.
Henry C. Roney .....	17 cents per lineal foot front on each side.
David A. Haywood.....	16 cents per lineal foot front on each side.
Isaac C. Snyder.....	16 cents per lineal foot front on each side.
J. D. Hoss & Co.....	16 cents per lineal foot front on each side.

There being three bids at the same price, and the same being low, recommend the contract be awarded to J. D. Hoss & Co.

18th.—For grading and graveling the first alley east of Central avenue, from Eighth street to Ninth street.

S. W. & R. H. Patterson.....	24 cents per lineal foot front on each side.
J. L. Spaulding .....	24 cents per lineal foot front on each side.
Richter & Twiname .....	23 cents per lineal foot front on each side.
Fulmer & Seibert.....	20 cents per lineal foot front on each side.
R. P. Dunning .....	19 cents per lineal foot front on each side.
Henry C. Roney.....	18 cents per lineal foot front on each side.
J. D. Hoss & Co.....	17 cents per lineal foot front on each side.
Isaac C. Snyder .....	16 cents per lineal foot front on each side.
David A. Haywood.....	16 cents per lineal foot front on each side.
Hanway & Cooper.....	15 cents per lineal foot front on each side.

Hanway & Cooper being the lowest and best bidders, recommend they be awarded the contract.

19th.—For grading and graveling the first alley south of Spann avenue, from Linden street to Laurel street.

Fulmer & Seibert .....	19 cents per lineal foot front on each side.
Robert Kennington.....	19 cents per lineal foot front on each side.
J. L. Spaulding .....	18 cents per lineal foot front on each side.
David A. Haywood.....	16 cents per lineal foot front on each side.
Richter & Twiname .....	15 cents per lineal foot front on each side.
John Hennessie .....	15 cents per lineal foot front on each side.

There being a tie bid, and the same being low, recommend the contract be awarded to John Hennessie.

Respectfully submitted,

W. C. Newcomb,  
M. M. Reynolds,  
P. J. Doyle,  
Committee on Contracts.

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 estimates of work done according to contract:

A first and final estimate in behalf of John H. Freaney, for erecting four lamp-posts on Meridian street, between Eleventh and Twelfth streets.

1,140 lineal feet, at 7.37 cents per foot, and \$21.00 per lamp-post.....\$84 00

A first and final estimate in behalf of Fred. Gansberg, for grading and graveling Beecher street and sidewalks, from Shelby street to the first street east of Shelby street.

1,640 lineal feet, at 23 cents.....\$377 20

A first and final estimate in behalf of J. H. Forrest, for grading and graveling the first alley east of Arsenal avenue, from Market street to Arsenal avenue.

743 lineal feet, at 24 cents .....\$178 32

A third and partial estimate in behalf of A. Bruner, for constructing Geisendorf street sewer.

1,900 lineal feet, at \$4.33... ..\$8,227 00

7 man-holes, at \$40.00..... 280 00

\$8,507 00

Amount allowed in first and second estimates.. ..... 3,810 15

\$4,696 85

Less 10 per cent. reserve..... 469 68

Amount allowed in this estimate .....\$4,227 17

A first and final estimate in behalf of W. W. Loucks, for building Eddy street bridge over Pogue's Run.

Bridge.....\$920 00

A first and partial estimate in behalf of Fulmer & Seibert, for improving the State Ditch.

5,000 cubic yards, at 16 cents.....\$800 00

Less 10 per cent. reserve..... 80 00

Amount allowed.....\$720 00

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 John H. Freaney, for erecting four lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Meridian street, between Eleventh and Twelfth 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 adopted by the following vote:

**AYES**, 18—viz. Councilmen Benjamin, Doyle, Edenharter, Gallahue, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf

**NAYS**—None.

The following estimate resolution was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis.* That the accompanying first and final estimate in behalf of Fred. Gansberg, for grading and graveling Beecher street and sidewalks, from Shelby street to the first alley east of Shelby 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**, 18—viz. Councilmen Benjamin, Doyle, Edenharter, Gallahue, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

**NAYS**—None.

The following estimate resolution was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. H. Forrest, for grading and graveling the first alley east of Arsenal avenue, from Market street to Arsenal 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 adopted by the following vote:

**AYES**, 18—viz. Councilmen Benjamin, Doyle, Edenharter, Gallahue, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, Trusler, Wharton, and Wolf.

**NAYS**—None.

The City Civil Engineer submitted the following report; which was received, and the contracts and bonds approved:

To the Mayor, Common Council and Board of Aldermen:

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

Contract and bond of Freaney Brothers, for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Michigan street, between New Jersey and East streets. Bond, \$50.00; surety, J. F. Holt.

Contract and bond of Freaney Brothers, for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Agnes street, between New York and North streets. Bond, \$50.00; surety, J. F. Holt.

Contract and bond of S. W. & R. H. Patterson, for grading and graveling the first alley north of Washington street, from State street to the first alley east of Arsenal avenue. Bond, \$500.00; surety, Hamilton Bailie.

Contract and bond of S. W. & R. H. Patterson, for grading and graveling the first alley west of Noble street, from New York street to Lockerbie street. Bond, \$200.00; surety, Hamilton Bailie.

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

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

*Report of I. N. PATTISON, City Treasurer, for the month of June, 1885.*

RECEIPTS.

From benefits.....	\$	50 00
From coal licenses.....		2 00
From dog licenses.....		1,650 00
From dray licenses.....		3 70
From express licenses.....		14 60
From fines and fees.....		396 30
From hack licenses.....		12 00
From huckster licenses.....		102 00
From liquor licenses.....		6,188 00
From Market-masters' fees.....		447 48
From market rents.....		737 25
From peddlers' licenses.....		52 00
From promiscuous—(interest on Belt Railroad bonds).....		15,000 00
From sale of old material—(Street Department).....		22 00

From show licenses—(shooting gallery).....	\$	25 0
From tapping sewers.....		17 0
From taxes delinquent.....		3,826 2
<b>Total.....</b>	<b>\$</b>	<b>28,545 6</b>
Balance on hand June 1st, 1885.....		211,828 8
		<u>\$240,374 4</u>

## DISBURSEMENTS.

For Board of Health.....	\$	187 6
For City Assessor's department.....		1,193 0
For City Civil Engineer's department.....		203 0
For City Dispensary.....		301 4
For City Hall.....		107 0
For City Hospital and Branch.....		1,274 2
For Fire Department.....		8,537 6
For gas.....		5,515 0
For incidentals.....		319 7
For interest on bonds.....		120 0
For judgments and costs.....		77 6
For markets.....		2 6
For Market-Masters' fees.....		187 3
For parks.....		136 9
For police.....		4,528 6
For printing.....		384 5
For salary.....		144 7
For school fund.....		978 8
For sewers.....		742 9
For sewer fund.....		444 9
For sinking fund.....		133 4
For Station House.....		183 3
For street improvements.....		703 5
For street openings and vacations.....		42 0
For street repairs.....		2,812 8
For taxes refunded.....		36 8
For water rent.....		7,653 0
For percentage.....		1,097 9
<b>Total.....</b>	<b>\$</b>	<b>38,046 0</b>
Balance on hand July 1st, 1885, including \$60,000.00 interest.....		202,328 0
		<u>\$240,374 4</u>

## TOMLINSON ESTATE.

## Receipts.

Balance on hand June 1st, 1885.....	\$	65,256 66
Rents.....		96 90
		<u>\$ 65,353 56</u>

## Disbursements.

Repairs.....	\$	6 50
Market House and Public Hall.....		1,620 00
Balance on hand July 1st, 1885.....		63,727 06
		<u>\$ 65,353 56</u>

## ADDITIONAL CITY HALL FUND.

Balance on hand June 1st, 1885.....	\$ 45,749 94
Balance on hand July 1st, 1885.....	\$ 45,749 94

## SEWER FUND.

*Receipts.*

Balance on hand June 1st, 1885.....	\$ 47,949 49
From May taxes.....	444 91
	\$ 48,394 40

*Disbursements.*

Special Sewer.....	\$ 2,796 93
Balance on hand July 1st, 1885.....	45,597 47
	\$ 48,394 40

## SINKING FUND.

Balance on hand June 1st, 1885.....	\$ 45,995 79
From May taxes.....	133 47
	\$ 46,129 26
Balance on hand July 1st, 1885.....	\$ 46,129 26

Respectfully submitted,

I. N. PATTISON, City Treasurer.

To GEO. T. BREUNIG, City Clerk.

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

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—I herewith submit an itemized statement, showing the amount of orders drawn on the city treasury during the month of June, 1885, viz:

Board of Health.....	\$ 187 60
City Assessor's Department.....	1,141 00
City Civil Engineer's Department.....	214 37
City Dispensary.....	259 75
City Hall.....	107 07
City Hospital and Branch.....	1,493 34
City Treasurer's per centage.....	336 02
Fire Department.....	8,377 21
Gas.....	5,514 88
Incidentals.....	319 73
Interest on bonds.....	137 06
Judgments and costs.....	103 70
Markets.....	11 98
Market-Masters' fees.....	187 32
Parks.....	136 97
Police.....	4,463 66
Printing.....	384 57
Salary.....	144 75
Sewers.....	742 90
Station House.....	182 00
Street improvements.....	780 63
Street openings and vacations.....	66 00
Street repairs.....	2,836 35

Taxes refunded.....	\$	72 24	
Water rent.....		7,653 00	
			\$ 35,854 1
School fund.....	\$	978 80	
Sewer fund.....		444 91	
Sinking fund.....		133 47	
			1,557 1
SPECIAL FUNDS:			
Special sewers Fund.....	\$	2,796 93	
Tomlinson Estate Fund.....		6 50	
Market House and Public Hall.....		1,620 00	
			4,423 4
Grand total.....			\$ 41,834 7

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

The City Clerk submitted the following report:

To the Mayor, Common Council and Board of Aldermen :

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

Richter & Twiname vs. Isabella R. Munson, for.....	\$16 38
Richter & Twiname vs. Isabella R. Munson, for.....	16 38
Richter & Twiname vs. Isabella R. Munson, for.....	9 45

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

Which was received, and the precepts ordered to issue, by the following vote:

AYES, 15—viz. Councilmen Benjamin, Doyle, Gallahue, Haugh, Mack, Moran McClelland, Pearson, Kees, Reinecke, Reynolds, Sheppard, Smither, Trusler, and Wharton.

NAYS, 4—viz. Councilmen Edenharter, Newcomb, Spahr, and Thalman.

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

*Indianapolis*, June 23d, 1885.

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—The Indiana, Bloomington & Western Railway Company has this day filed in my office the written acceptance of the terms and conditions set forth in G. O. 19, of 1885, "An ordinance authorizing the Indiana, Bloomington & Western Railway Company to construct a switch in south Tennessee street, leading from the track of the Indianapolis Rolling Mill Company to Block 94."

Respectfully,

GEO. T. BREUNIG, City Clerk.

The City Clerk presented the following petition:

*Indianapolis*, June 18, 1885.

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—Dr. J. I. Lighthall hereby petitions your honorable bodies for the privilege of exhibiting a theatrical performance under canvass, on east Washington street, or other desirable location.

Respectfully,

DR. J. I. LIGHTHALL.

Councilman Pearson, in lieu of the above petition, introduced the following entitled ordinance; which was read the first time:

G. O. 23, 1885—An ordinance granting Dr. J. I. Lighthall permission to give theatrical performances.

On motion by Councilman McClelland, the rules were suspended for the purpose of placing the above ordinance on its final passage, by the following vote:

AYES, 17—viz Councilmen Benjamin, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spshr, Thalman, and Wharton.

NAYS, 1—viz. Councilman Trusler.

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

AYES, 16—viz. Councilmen Benjamin, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Spahr, Thalman, and Wharton.

NAYS, 1—viz. Councilman Trusler.

The City Attorney submitted the following report; which was received, and all of the second part referred to the Judiciary Committee and City Civil Engineer:

To the Common Council and Board of Aldermen:

*Gentlemen:*—Since the last meeting of the Council, the case of Kate H. Root vs. The City, asking judgment for \$300.00 on account of a benefit assessment collected from her in the Second street opening case, has been disposed of in favor of the city. The issues had been settled in favor of the city prior to the death of the plaintiff, which occurred recently, and the Executor allowed the action to abate. This disposes of the numerous suits recently brought, growing out of the errors made in this Second street opening, except one by Fletcher & Churchman, for about \$1,200, the facts in which are different from all the others. The Special Term of the Superior Court has recently made some rulings in settling the issues in that case, which I think practically disposes of it in favor of the city, also.

2. The Supreme Court, after a long delay, has overruled the petition of the Noble-Davidson heirs for a re-hearing in the case of *The City vs. Kingsbury et al.*, appealed from the Shelby Circuit Court. This was the suit which involved the question of the city's rights in various streets and alleys in the eastern part of the city, the heirs of Noah Noble claiming that no dedication thereof to the public for street purposes has ever been made. The opinion of the Supreme Court, as now finally entered, settles every conceivable question that can be raised, in favor of the city; and, I presume, puts an end to the threatened litigation as to the titles and rights of the parties in the many streets and alleys in Davidson's Third Addition.

I desire to call your attention to the fact that there are some streets and alleys designated on the plat of this addition, made in 1868, that have never been thrown open to the public, the original proprietors having kept them fenced up. I do not know that they are so located as to be of much utility to the public in any event; but lest the city might forfeit her rights in the same by longer delay in improving them I suggest that the matter be referred to some appropriate committee or city officer to investigate and report.

I now also call the attention of your honorable bodies to the fact that the city paid James L. Mitchell the sum of \$920.42 damages growing out of the change of grade in Highland street, which change was made on the petition of Henry Latham, Fred. Knefler and other residents on said street, and leave it to you whether assessments shall now be made against said parties, under Section 3,073 R. S., 1881,

to reimburse the city, or not. This question was referred to a committee a year ago, but action was postponed, to await the final action of the Supreme Court in the case above reported, it being the idea of the members of the committee, as I understood them, that the city should bear the loss, in case the street should be closed up

Respectfully submitted,

C. S. DENNY, City Attorney.

The City Attorney submitted the following opinion on certain ordinances to him referred; which was approved, and the City Clerk instructed to prepare a new form of ordinances accordingly:

To the Mayor and Common Council:

*Gentlemen:*—The following Special Ordinances were referred to me by your honorable body at your last meeting: No. 74, of 1883, and Nos. 47, 49, 51, 54, 55, 56, 59 and 62, of 1855, for street improvements; No. 40, of 1883, and Nos. 18 and 135 of 1884, and 1 and 52, of 1885, for lamp posts, and No. 4, of 1885, for construction of a sewer. I understand by said reference, that my opinion is desired as to the effect certain recent legislation has had upon these pending ordinances, and upon contracts for such public improvements generally.

Upon investigation, I find that but one act was passed at the last session of the General Assembly, modifying prior Statutes on these subjects. It was approved April 13th, and applies only to street improvements. It will not be necessary therefore, to amend the sewer and lamp-post ordinances.

The act in question contains an emergency clause, so that it is now, and has been since April 13th, in full force. It provides that "all contracts heretofore made of which may be made by the order and under the direction of the Common Council of any city in this State, for the grading, paving, guttering and improving of any street or alley in such city, the cost of such improvement shall be estimated according to the whole length of the street or alley, or the part thereof to be improved, per running foot," &c. It then provides, that in making the assessment for the improvement, the city shall pay for public grounds and street and alley crossings. Down to this point it is the same as the former Statute. It then follows with a provision that all *unplatted* lands abutting on such improved street, "shall be assessed \* \* \* back to the distance of one hundred and fifty feet, \* \* \* and the contractor shall have a lien thereon for the value of such improvements;" and further, that "where such lands are *subdivided*, the land lying immediately upon and adjacent to the line of the improvement, shall be primarily liable to and for the whole cost of the improvement, and, should that prove insufficient to pay such cost, then the second parcel and other parcels in their order to the rear parcel of said one hundred and fifty feet, shall be liable in their order; and if the owners of such *unplatted* lands fail to pay for such improvements within sixty days after the completion of the same, such contractor may enforce his said lien in the Circuit Court of the county where such city is situated," &c. In these quotations, I have given the material parts of the act. It does not *in terms* repeal any former Statute; but under the well settled rules of construction, it of course repeals by implication such portions of prior acts as come in conflict with its provisions.

It will be seen by comparison, that it comes in direct conflict with that part of the act of April 14, 1881, known as the "lap-over" act, (Sec. 3,163 Rev. Stats. 1881), which provides the mode of assessment. In this particular, therefore, it repeals the act of 1881, but leaves the latter part of the same in force. It will be seen, also, from the last portion of the new act quoted above, that it contains one feature which is entirely new. Just why the Legislature should provide a different mode of enforcing payment between *platted* and *unplatted* land, is not clear. I do not believe that the provision to the effect that if the owner of a piece of *unplatted* land along which an improvement is made, fails to pay his estimate within sixty days, the contractor *may* enforce his claim in the Circuit Court, is to be construed as the contractor's only remedy, although the word "may," as used in most statutes of this character, means *shall*. I think Section 3,165 R. S. 1881, providing for precepts in case the owner fails to pay for twenty days after allowance of estimate, is still in



full force as to unplatted, as well as subdivided land; and that the new provision above referred to, affords an additional remedy as to unplatted ground. The fact that much larger sums will usually be due to the contractor from the owners of large undivided tracts than from the owners of lots, and that the contractor is not so likely to get his pay in the former case as in the latter, may be reasons why it was thought proper to give the contractor the right to go into court, where he can get a more substantial lien declared than is usually obtained by a sale on a precept. But it will certainly not be held, I think, that the contractor may not proceed under the provisions of the old law providing for a precept, if he elects to do so.

The Constitution of Indiana provides that "no law impairing the obligation of contracts, shall be passed;" and I have been asked by interested parties since your reference of these questions to me, whether this clause in the Bill of Rights does not vitiate the recent Statute, in so far as it provides in terms, that hereafter, all assessments shall be made against real estate according to its provisions, including a case where the contract for the improvement was let before the taking effect of the act and the work not done until afterwards. My answer is, that I believe the Statute is valid in this, as well as other respects. In the case cited, for instance, it does not impair the obligation of any contract for the Council to allow the estimate for the improvement and assess the amount against the owner of a thirty foot lot adjacent thereto, (and other owners in turn back to the distance of 150 feet, in case the first is not sufficient to pay the assessment), as now provided by law, whereas the law in force at the time the work was originally ordered, would have made the abutting owner pay three-fifths, and his neighbor two-fifths. The owner had no contract with any one, strictly speaking. The contractor had no agreement with the city that he should receive so much a front foot for his work. That is in no way changed by the provisions of the new law. It could not be by any statute passed after its execution, so as to injuriously affect the contractor. The new law provides a somewhat different remedy for collecting the assessments—that is all. Statutes may be passed at any time which affect only the remedy; but not, to the detriment of any citizen, where they affect his contracts.

The making of the contract for a street improvement does not create the lien on the abutting land. Neither does the doing of the work. It is the making or allowance of the estimate, and that alone, that creates the lien.

See *Langsdale vs. Nicklaus*, 38 Ind. 289, and *Jones vs. Schulmeyer*, 39 *id.* 119.

I conclude, therefore, that the Statute in force at the time the estimate is allowed, must control as to the assessment; and am of the opinion that where estimates have been allowed since the passage of the act in question, the assessments and collections must be made according to its provisions, notwithstanding the ordinance for the improvement was passed and the contract to do the work was let before April 13th. Upon the questions here discussed, I refer to the further case of *Gravel Road Company vs. Sleeth*, 53 Ind., 35, and cases there cited.

I think, therefore, that the street improvement ordinances now pending, may safely be passed without amendment; but inasmuch as the old form upon which they are written makes specific mention of all the sections of the law on the subject of street improvements, except this new one under consideration, I would suggest that they all be amended by adding the title of this new act; or, which would do as well, and greatly simplify the form, by striking out all of the printed part of Section one, beginning with the words "and within fifty feet of said ....., between the limits aforesaid," to the end thereof, and inserting in lieu thereof the following: "Said ....., between the limits aforesaid, according to law," and would suggest that new blanks be printed in accordance with the latter form here given.

I return the ordinances referred to me to the City Clerk.

Respectfully submitted,

C. S. DENNY, City Attorney.

On motion by Councilman Edenharter, it was ordered that the ordinances so referred be now taken up and placed on their final passage.

The following entitled ordinance was read the third time:

§ 41.

S. O. 40, 1883—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Pleasant street, between Dillon and Linden streets.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edgerly, Harter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

The following entitled ordinance was read the third time:

S. O. 74, 1883—An ordinance to provide for grading, bowldering and curbing the north gutter of New York street, between Pennsylvania and Delaware streets.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edgerly, Harter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

The following entitled ordinance was read the third time:

S. O. 18, 1884—An ordinance to provide for the erection of three (3) lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Louisiana street, between East and Noble streets.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edgerly, Harter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

The following entitled ordinance was read the third time:

S. O. 1, 1885—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 Noble and Pine streets.

And it was passed by the following vote:

AYES, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edgerly, Harter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

The following entitled ordinance was read the third time:

S. O. 4, 1885—An ordinance providing for the construction of a brick sewer in and along McCarty street, from Delaware street to Madison avenue, connecting with the sewer now in said Madison avenue.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 47, 1885—An ordinance to provide for grading and graveling the first alley west of Arsenal avenue, from Washington street to Market street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 49, 1885—An ordinance to provide for curbing with stone the outer edges of the sidewalks of North street, from Pennsylvania street to Delaware street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 51, 1885—An ordinance to provide for re-paving with brick the north sidewalk of Massachusetts avenue, (where not already properly paved with brick), from Pennsylvania street to Delaware street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 52, 1885—An ordinance to provide for the erection of one lamp-post, lamp and fixtures (complete to burn gas, except the service pipes), on Mississippi street, between Herbert and Twelfth streets, to be located on the west side of said Mississippi street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 54, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of Eighth street, from Central avenue to the Wabash Railroad tracks.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 55, 1885—An ordinance to provide for graveling the roadway of Hall Place street, from Seventh street to Eighth street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 56, 1885—An ordinance to provide for grading and graveling the first alley north of Eighth street, from the first alley west of Illinois street to the second alley west of Illinois street.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 59, 1885—An ordinance to provide for grading and paving with brick, the west sidewalk of Douglass street, between New York and North streets.

And it was passed by the following vote:

**AYES, 21**—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The following entitled ordinance was read the third time:

S. O. 62, 1885—An ordinance to provide for grading and graveling the first alley west of West street, from Pratt street to First street.

And it was passed by the following vote:

**AYES**, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

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

July 6, 1885.—An ordinance in relation to tapping Sewers.

And it was passed by the following vote:

**AYES**, 21—viz. Councilmen Benjamin, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The City Attorney and Chief Fire Engineer submitted the following report; which was approved:

To the Mayor and Common Council:

*Gentlemen*:—In compliance with your instructions given at the last meeting, we examined the old *Ætna* Mill building on west Washington street, and found it, as intimated in the motion, a worthless structure and dangerous to adjoining property. We communicated our views to R. F. Catterson, agent, and Thomas Sullivan, attorney of Richard S. Brock, the owner of the property. At their request, we wrote to Mr. Brock, who resides in Philadelphia, informing him of the city's desires in the premises. He answered us promptly. We submit his letter herewith. Mr. Sullivan is now negotiating for the removal of the mill, and we feel sure it will be done before the next meeting of the Council.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

U. S. DENNY, City Attorney.

The Chief Fire Engineer submitted the following report; which was received:

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

*Gentlemen*:—The following hydrants have been reported to me as located and in service from date:

- 649—West side of Central avenue, between Christian avenue and Butler street.
- 650—Northwest corner West and St. Clair streets.
- 651—West side West street between Walnut and St. Clair.
- 652—Northwest corner Ash and Seventh streets.
- 653—Southwest corner Ash and Eighth streets.
- 654—West side of Ash street between Eighth and Ninth streets.
- 655—Northeast corner Butler and Broadway streets.
- 656—Southeast corner Home avenue and Broadway streets.
- 657—East side Pennsylvania, between Seventh and Eighth streets.
- 658—Southeast corner Liberty and New York streets.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

The Chief Fire Engineer presented the following estimate; which was approved, and ordered inserted in the appropriation ordinance, No. 32, 1885:

CITY OF INDIANAPOLIS,		DR.	
			<i>To Louis F. Burtin,</i>
To building engine house on Prospect street as per contract.....			\$4,749 00
		CONTRA.	
By 1st estimate.....			\$1,530 00
By 2nd estimate.....			1,800 00
			3,330 00
To balance.....			\$1,419 00

I can respectfully recommend this bill be allowed as the house will be complete this week.

J. H. WEBSTER, Chief Fire Engineer.

The Chief Fire Engineer submitted his report of the cash receipts and disbursements, and amount paid for supplies from January 1st to July 1st 1885; which was received.

The Superintendents of the City Hospital and City Dispensary submitted reports for June, 1885; which were read and received.

#### REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Reynolds, submitted the following report; which was received, and the recommendations severally concurred in:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—The Board of Public Improvements, to whom sundry papers were referred, would report thereon as follows:

1st. "That the Street Commissioner be ordered to examine the alley between Second and Third streets, and fix the same so as to allow water to flow off of West street." Recommend the work be done.

2d. "That the Street Commissioner be instructed to fill the chuck-holes on St Clair street, between Park avenue and Broadway street." Recommend the work be done.

3d. "That the Street Commissioner repair the alley crossings at Pratt street with broken stone between Tennessee and Mississippi streets." Recommend that the work be done.

4th. "That the Street Commissioner be instructed to fill the chuck-holes with gravel, on north Mississippi street from North street to Second street." Recommend the work be done.

5th. "That the Street Commissioner be instructed to repair the bowldered alley between Pendleton and Brookside avenues." Recommend the work be done.

6th. "That the Street Commissioner be, and is hereby, instructed to fill chuck-holes on Madison avenue as soon as possible." Recommend the work be done.

7th. "That the Street Commissioner be, and is hereby, instructed to fill chuck-hole on the corner of Merrill and New Jersey streets as soon as possible." Recommend the work be done.

8th. That the Street Commissioners be directed to repair the alley between Sullivan and Beaty streets, south of McCarty street, and raise the same to the proper grade to drain the same." Recommend the work be done by ordinance.

9th. "That the City Civil Engineer be directed to advertise for proposals to build a stone protection wall on both sides of Pogue's Run from Eddy street to Willow street."

Recommend said advertisement be made for building said wall on north side of Pogue's Run from Tennessee street to first alley east of Tennessee street

10th. Is "S. O. 48, 1885, to provide for bowldering and curbing the gutters, and paving with brick the south sidewalk of North street between Noble and Liberty streets."

Recommend both sides of said street be improved from Liberty street to Massachusetts avenue.

11th. Is "S. O. 28, 1885, for improving Coburn street from East street to Madison Avenue."

Find the remonstrance to represent 1,020 feet, and petition 540 feet, being such strong remonstrance against said improvement, we recommend said ordinance be not passed.

12th. "That the Street Commissioner be directed to fill the chuck-holes of Davidson street, between Ohio and North streets."

Recommend the work be done with gravel.

Respectfully submitted,

M. M. Reynolds,  
John R. Cowie,  
Wm. Curry,  
Board of Public Improvements.

Councilman Reynolds presented the following petition:

June 28th, 1885.

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

*Gentlemen:*—The petition of the undersigned citizens and tax-payers of the 21st Ward of this city, respectfully sets forth that the south end of Laurel street is in a badly damaged condition, owing to imperfect drainage; that the petitioners are all injured thereby. We respectfully ask that the damage already done be repaired as soon as possible, and that you devise a means by which the street will be properly drained.

Ernst Kattman, James Clancey, John Wright, W. H. Koons, Charles Wonnell, Albert C. Habich, John Jones, C. C. Thompson, Jacob Power, J. L. Newman, Wm. S. Hubbard.

The Board of Public Improvements, through Councilman Reynolds, as to the above petition, submitted the following report; which was concurred in;

To the Mayor and Common Council:

*Gentlemen:*—We have examined the locality designated in the accompanying petition of resident property owners, and recommend that the Street Commissioner be instructed to repair the damage without delay.

Respectfully submitted,

M. M. Reynolds,  
John R. Cowie,  
Wm. Curry,  
Board of Public Improvements.

The Board of Public Improvements and Street Commissioner, through Councilman Reynolds, submitted the following report; which was received:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—We herewith report expenditures in the Street Repair Department, for the month of June, together with total expenditures to July 1st, 1885:

Pay-rolls.....	\$ 2,576 33
Blacksmithing.....	29 05
Bowlders.....	126 00

Castings for sewers.....	\$	3 00
Cement.....		15 80
Fountain and well repairs.....		6 50
Freight on stone .....		22 90
Gravel.....		21 60
Hardware.....		28 22
Miscellaneous .....		5 95
		<hr/>
Total expenditures for June.....		\$ 2 835 3
Total expenditures per last report.....		8,646 2
		<hr/>
Total expenditures to July 1st, 1885.....		\$11,481 6

Respectfully submitted,

M. M. Reynolds,  
John R. Cowie,  
Wm. Curry,  
Board of Public Improvements.

C. S. RONEY, Street Commissioner.

The Board of Health submitted the Mortality report for the four week ending June 30, 1885; which was read and received.

The Hospital Board, through Councilman Newcomb, submitted the following report; which was approved:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—The grounds adjoining the City Hospital were in such a condition that they required grading. Some portions of the yard were much lower than others, and there never had been a grade line established or a uniform grade made. We therefore requested the City Civil Engineer to establish a grade line, set grade stakes, and prepare specifications for grading the yard. He did so, and the specifications included a gravel drive from the southwest entrance around the north side of the Hospital buildings to the east entrance. The Superintendent of the City Hospital was then authorized to advertise for bids for this work, and the following ones were received:

Fulmer & Seibert.....	\$495 00
John Graham.....	350 00
John E. Phillips.....	275 00
Samuel Eagen.....	400 00
Helm & Forest.....	785 00
Terrence Murphy.....	357 00
Richard Wells.....	415 00

As will be seen, the bid of John E. Phillips, at two hundred and seventy-five dollars, was the lowest, and he having filed a bond, with Hamilton Bailie as surety, which was drawn by the City Attorney, the contract was awarded to him. We have thought best to make a report to you of our action in this matter.

W. C. NEWCOMB, President,  
PHIL J. DOYLE, Secretary,  
Hospital Board.

## REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Markets, through Councilman Wharton, submitted the following report; which was received:

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

*Gentlemen:*—Your Committee on Markets met and made the following appraisal of East Market stands and stalls, as provided in general ordinance regulating same, viz.:



Butcher stalls, 42.....	\$720 00
Garden stands, south side, 28.....	356 00
Garden stands, north side, 28.....	359 00
Restaurants, 4.....	143 00

Total appraisal..... \$1,578 00

Your committee met at the East Market Space, on June 25, 1885, at 10 A. M., and sold at public auction the leaseholds of the stalls and stands, as follows:

Butcher stalls, 36 for .....	\$697 00
Garden stands, south side, 28 for .....	482 00
Garden stands, north side, 28 for .....	726 75
Restaurants, 1 for .....	63 00

Total ..... \$1,968 75

Respectfully submitted,

J. W. Wharton,  
John R. Cowie,  
Wm. Curry,  
Committee on Markets.

The Committee on Public Health, through Councilman Thalman, submitted the following report; which was concurred in, and the City Clerk instructed to place the same in the appropriation ordinance with the bill for the month of June:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Public Health, to whom was referred the bill of C. P. Holloway, for one month's board for horse, for May, for Board of Health, \$13.00, report, and we believe the bill to be low, and recommend that it be paid.

Respectfully submitted,

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

By consent, Councilman Trusler offered the following motion:

That the City Clerk be instructed to sell the horse and wagon now used by the Board of Health, and to turn the money into the City Treasury, and that the bill under consideration be paid from the proceeds.

Councilman Rees moved to postpone action until October 1st, 1885.

Which failed of adoption, by the following vote:

AYES, 9—viz. Councilmen Curry, Mack, Moran, Newcomb, Pearson, Rees, Reynolds, Sheppard, and Thalman.

NAYS, 12—viz. Councilmen Benjamin, Cowie, Dowling, Doyle, Edenharter, Gallahue, Haugh, McClelland, Reinecke, Smither, Spahr, and Trusler.

Councilman Trusler's motion failed of adoption, by the following vote:

AYES, 8—viz. Councilmen Benjamin, Cowie, Edenharter, Gallahue, McClelland, Reinecke, Spahr, and Trusler.

NAYS, 11—viz. Councilmen Dowling, Haugh, Mack, Moran, Newcomb, Pearson, Rees, Reynolds, Sheppard, Smither, and Thalman.

The Committee on Public Property, through Councilman Mack, submitted the following report; which was concurred in, provided the expense to the city should not exceed one hundred dollars:

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—Your Committee on Public Property, to whom was referred the proposition of the Fertilizing Company, as stated in their communication dated May 14th, 1885, would recommend that the proposition be accepted.

Respectfully submitted,

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

It being now nearly eleven o'clock, on motion by Councilman Spahr the time was extended, by the following vote:

**AYES**, 19—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Moran, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**, 2—viz. Councilmen Cowie, and McClelland.

On motion by Councilman Spahr, it was ordered that appropriation ordinances be now taken up.

#### APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances were introduced and placed upon their final passage, without a suspension of the rules.

The Chief Fire Engineer introduced the following entitled ordinance, which was read the first and second times, ordered engrossed, and read the third time :

Ap. O. 32, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$5,283.04.]

And it was passed by the following vote:

**AYES**, 22—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

The Hospital Board introduced the following entitled ordinance, which was read the first and second times, ordered engrossed, and read the third time :

Ap. O. 33, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,557.18.]

And it was passed by the following vote:

**AYES**, 22—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

By the Committee on Accounts and Claims, through Councilman McClelland, the following entitled ordinance was introduced and read the first and second times:

Ap. O. 34, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

On motion by Councilman Haugh, the claim of "Jacob Rubin, repairing desks, \$11.50," was referred to the Committee on Office Fixtures and Supplies.

The ordinance was then ordered engrossed as amended, read the third time (amount appropriated, \$24,558.21), and passed, by the following vote:

**AYES**, 22—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

By the City Clerk, on behalf of the Police Commissioners, the following entitled ordinance was introduced, read the first and second times, ordered engrossed, and read the third time:

Ap. O. 35, 1885—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$237.89.]

And it was passed by the following vote:

**AYES**, 22—viz. Councilmen Benjamin, Cowie, Coy, Curry, Dowling, Doyle, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

**NAYS**—None.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Benjamin offered the following motion; which was adopted:

That the Indianapolis Water Company be, and is hereby, instructed to remove the fire hydrant from in front of the Smith Block on Virginia avenue, to a point sixty feet either north or south, to be designated by the Chief Fire Engineer.

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

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen:*—The undersigned would respectfully show to your honorable bodies that for the year 1884 it made return of its property for taxation at the value of \$15,000 which was the full cash value thereof. That by the error of the taxing officers, its said property was carried on the city tax duplicate at the sum of \$24,500. That your petitioner had no notice or knowledge thereof until one of its officers went to pay the taxes of said company for said year. That rather than allow the

taxes to go delinquent, it paid the full amount thereof, to-wit: \$298.90, on April 20th, 1885, under protest. Your petitioner therefore asks that the taxes so paid on said overplus of \$9,500 be refunded to it.

Respectfully,

VAN CAMP PACKING CO.

Councilman Curry offered the following motion; which was referred to the Special Committee on Fire Department, and Chief Fire Engineer:

That the Chief Fire Engineer be, and is hereby, instructed to locate a fire-alarm box at the corner of McCarty and Tennessee streets.

Councilman Curry offered the following motion; which was referred to the Judiciary Committee:

To the Mayor and Common Council:

*Gentlemen.*—Your petitioner shows that Lot number 118, McCarty's second sub-division of Out-lot 120, was taxed in his name and also that of N. McCarty, for the year 1877, and that he paid the tax for said year, and the city sold said lot for the same tax in the name of McCarty, which he has since paid to clear his title. He therefore asks the city to refund him \$2 80, and interest since 1878, the amount paid on said double assessment.

JOHN W. FULTZ.

Councilman Doyle offered the following motion; which was referred to the Special Committee on Fire Department:

That the City Civil Engineer be, and is hereby, directed to advertise for bids for the construction of two 1000-barrel cisterns in Indianola, the location to be decided upon by the Chief Fire Engineer.

Councilman Doyle offered the following motion:

That the Street Commissioner be, and is hereby, directed to re-gravel the roadway of Kentucky avenue, from Missouri street to east end of the bridge on the River.

Councilman Thalman, as a substitute for the above, offered the following motion; which was adopted:

That the Street Commissioner be directed to repair the road, so far as has been improved by ordinance, and that for the other portion, the City Civil Engineer be directed to prepare an ordinance to grade and gravel the same.

Councilman Mack offered the following motions; which were referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to fill up the chuck-holes on Locust street, from McCarty to Morris street.

That the Street Commissioner be, and is hereby, directed to fill up the chuck-holes on Chestnut street, from Madison avenue to Hanway street.

Councilman Mack offered the following motions; which were severally adopted:

That the Street Commissioner be, and is hereby, directed to notify the J. M. & I. R. R. Co. to plank their tracks the full width of Hanway street.

That the Street Commissioner be, and is hereby, directed to make a proper approach at Hanway street on the west side of the J. M. I. tracks.

Councilman Moran presented the following petition; which was granted:

Indianapolis, June 24th, 1885.

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

We, the undersigned property holders on and along William street in said city, respectfully ask your honorable bodies that we may improve said William street from State street to Arsenal avenue. To be of equal grade from said streets, cutting the grade of summit street at both gutters according to the following specifications: Said street and sidewalks to be graded the width of 30 feet, and the street to be graveled the width of 18 feet, with 15 inches of gravel in the center, and 5 inches at the outside, with good bar gravel. Sidewalks to be graveled the depth of 6 inches, 5 feet wide, with good creek gravel. All work to be done at our own expense, and according to stakes set by City Civil Engineer. Said improvements to be received by City Civil Engineer. Trusting your honorable bodies will grant our petition, we remain,

Mahala Cline, G. W. H. Nolling, sr., G. W. H. Nolling, Jr.,  
El. Reasner, Thomas Collier, Winifred Wren, K. J. Mc-  
Kay, Henry Freeman, Charles Stake.

Councilman McClelland offered the following motion; which was adopted:

That L. S. Thayer be granted the privilege of placing a bowldered driveway across the sidewalk in front of his residence, at his own expense and under the direction of the City Civil Engineer.

Councilman Newcomb offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner examine the alley north of St. Mary street, between Delaware and Alabama streets, and do what repairing is necessary to put the alley in a healthy condition.

Councilman Pearson presented the following petitions; which were referred to the Judiciary Committee:

To the Common Council and Board of Aldermen, Indianapolis:

*Gentlemen:*—Your petitioner shows that on April 11th, 1880, Lot 98, J. W. King's subdivision in Bryan's addition to Indianapolis, was sold for taxes claimed by the city, for \$4.45, to H. G. Hannaman, and by him duly assigned to petitioner, who now owns said certificate No. 12,813. Said sale is void, for reason said property was never legally annexed to said city, and was not therefore liable to taxation. She therefore asks that said sum of \$4.45 be refunded, with six per cent. interest from February 11th, 1880, \$1.48; amount due and refundable, \$5.93. The Supreme Court, in case No. 11,452 Supreme Court, McWhinney vs. City, recently decided, and other cases, has held that money must be refunded.

GEORGIANA SMITH,  
By J. T. Lecklider, Att'y.

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

*Gentlemen:*—Your petitioner would respectfully represent that on the 15th day of February, 1881, he purchased at public tax sale for city taxes, the following described real estate, to-wit: Lots numbered twenty-five (25) and twenty-six (26), in Out-lot fourteen (14), west of White River, in the City of Indianapolis, Marion County, Indiana, paying to the City Treasurer for said real estate the sum of seven dollars and thirteen cents (\$7.13), being on certificate No. 17,883; and that he has since said sale, paid the following city taxes, to-wit: March 22, 1882, for 1881, \$3.21; February 28, 1883, for 1882, \$3.36; March 18, 1884, for 1883, \$3.36. That said sale was erroneous and invalid, for the reason that said lots had been condemned and

absorbed by the right-of-way of the Indianapolis, Bloomington & Western, and the Indianapolis, Decatur & Springfield Railroads, long prior to said sale. That your petitioner made all of said payments without a knowledge of said fact. Wherefore your petitioner asks that the above amounts be refunded him, with interest from dates of payments; and as in duty bound, your petitioner will ever pray.

*Indianapolis, Ind., June 22, 1885.*

CHRISTOPHER HILGENBERG.

Councilman Rees presented the following petition; which was amended to read thirty days, and then granted:

*Indianapolis, July 6th, 1885.*

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

*Gentlemen.*—We respectfully request an extension of forty days' time to finish contract on Hanna street, between Ohio and Market streets. We were unable to complete this work on account of other business that required our time.

S. W. & R. H. PATTERSON.

Councilman Rees offered the following motion; which was adopted:

That the Street Commissioner be, and he is hereby, directed to suspend action in the matter of removing the Morrell Scales, near southeast corner of Washington and West streets, until further order of the Council and Board of Aldermen.

Councilman Rees offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be instructed to at once fill all the chuck-holes on Mississippi street, from Washington street to North street, with gravel.

Councilman Reinecke offered the following motions; which were severally adopted:

That the City Civil Engineer be instructed to designate the most available location for the public fountain at the south end of Virginia avenue.

That the Street Commissioner be instructed to erect the public fountain at the south end of Virginia avenue, and to make the proper and necessary connections within thirty days after having been notified of its arrival on the ground.

Councilman Reinecke presented the following petition; which was referred to the Committee on Streets and Alleys:

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen.*—We, the undersigned, respectfully petition your honorable bodies to open out and extend the first alley west of Shelby street, from its present northern terminus through Lot number one, Dougherty's subdivision of Out-lot 99, to Coburn street. A plat of the proposed opening and extension is herewith filed, and made a part of this petition,

Respectfully,

August Richter, W. H. Carle, Ambrose Hodges, Fred.  
Burgmen, A. S. Patterson, John T. Pressley.

Councilman Reynolds presented the following remonstrance; which was ordered filed with the ordinance, S. O. 69, 1885:

*Indianapolis, June 25, 1885.*

To His Honor the Mayor and Common Council of the City:

*Gentlemen.*—We, the undersigned property owners, would respectfully remonstrate against the improvement of the sidewalks on Yandes street, between Malott

avenue and Lincoln avenue, for reasons that said pavement is yet in fair condition, and the improvement can be put off until the undersigned, who most all are common day laborers, will have a better chance to earn the means to pay for the improvement.

Conrad Sleuer, 80 feet; Wm. K. Terry, 40 feet. Henry Roesener, 40 feet; Elisabeth Deer, 40 feet; Henry Heiser, 45 feet; Wm. H. Sommer, 40 feet; C. T. Erwin, 40 feet; C. T. Erwin, 40 feet; Mrs. Mary Bowers, 40 feet; Mr. E. M. Ballinger, 45 feet; Mrs. M. R. McCutchan, 25 feet; Henry Suhre, 40 feet; D. M. Osburn, 40 feet; Tenie Woodford, 40 feet; E. M. Christy, 40 feet; Mary A. E. Woollen, 40 feet; Susan Weber, 40 feet; Cicero Seibert, 80 feet; William Hidergott, 40 feet; J. Q. A. Ringer, 93 feet; Silas A. Lee, 105 feet; Jos. A. Moore, 20 feet; Catherine Ruske, 36 feet.

Councilman Reynolds offered the following motion; which was adopted:

That W. R. Terry, A. M. DeSouchet, D. M. Bradbury, and Mrs Arbuckle be, and are hereby, granted permission to lay a brick pavement, at their own expense, on Yandes street, and under the direction of the City Civil Engineer.

Councilman Sheppard offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be directed to lay a double stone crossing on the east side of Blake street, across New York street.

Councilman Smither presented the following petition; which was referred to the Judiciary Committee and City Attorney:

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

*Gentlemen:*—Samuel Adams respectfully asks said city to pay to him the sum of three hundred dollars, on account of injuries inflicted upon him by the falling of the culvert wall at the East street crossing of Pogue's Run, on the 8th day of November, 1884, upon which payment petitioner agrees to execute such release or other instrument said city may require, in the matter of the action of petitioner numbered 33,564, now pending in the General Term of the Marion Superior Court of Indiana against said city; and such payment shall be in full of all demands whatever of petitioner against said city, the costs of said action to be paid by said city.

Respectfully,

SAMUEL ADAMS.

June 26th, 1885.

A. B. Young, Att'y. for Petitioner.

Councilman Smither offered the following motion; which was adopted:

That W. T. Covert, at 408 north West street, be allowed to change his driveway at his own expense, and under supervision of City Civil Engineer.

Councilman Spahr offered the following motion; which was adopted, and the Chair appointed Councilmen Spahr, Haugh and Benjamin to act as the members of such committee:

That three members from the Common Council be appointed, to inquire into the advisability of settling the Stem City Hall matter, and report to this Council at the next regular meeting.

Councilman Spahr offered the following resolution:

WHEREAS, It is currently reported that the Central Union Telephone Company now doing business in the City of Indianapolis, under and by virtue of a Charter Ordinance, intend and propose to charge a greater sum for the use of telephone than that fixed by law; and,

Whereas, It is currently reported that said Telephone Company has decided, in advance of our courts, that the act of the last General Assembly in relation to telephone charges is unconstitutional, and therefore null and void; and,

Whereas, It is also currently reported that said Company is notifying its patron that it will charge and collect for the use of telephones regardless of the provision of said act, and that it will resist the enforcement of said act; therefore, be it

Resolved, By the Common Council and Board of Aldermen that the City Attorney be, and he is hereby, instructed and directed to notify said Company that if said current reports be true, and said Telephone Company does collect from its patrons in the City of Indianapolis for the use of telephones a greater sum than that fixed by the General Assembly, so soon as the act in relation thereto shall go into effect, that such action on the part of said Telephone Company will be considered by the Common Council and Board of Aldermen as a usurpation of authority and power, and as a use of the streets, alleys, buildings and poles of the city for an unlawful purpose, and as extorting money from our citizens in an emergency, and such action upon the part of said Company will be considered by the Common Council and Board of Aldermen as sufficient cause for the repealing of the Charter Ordinance of said Company.

Which was adopted, by the following vote:

AYES, 21—viz. Councilmen Benjamin, Cowie, Coy, Curry, Doyle, Edenharter, Gallabue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

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

To the City Council of Indianapolis:

*Gentlemen:*—Last week Mrs. Mary L. Hammer, formerly Mary L. Wilson, of No. 151 north Illinois street, received notice from the City Treasurer, I. N. Pattison, that her taxes for the years 1883 and 1884 were delinquent. She sent receipts to the office showing that she had paid for 1883, when reference to the books of the treasurer showed that instead of paying the taxes for Mary L. Wilson, of the above address, the amount paid had been credited to Lizzie M. Wilson, of No. 209 south Illinois street. Wherefore she would petition your honorable body that an order be made authorizing the treasurer to rectify the error, and give Mary L. Wilson the proper credit for taxes paid, and for such other relief as she may be entitled to.

MARY. L. WILSON,  
By E. J. Hammer.

Indianapolis, July 6, 1885.

Councilman Thalman presented the following communication:

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

*Gentlemen:*—On the 11th day of November, 1881, an ordinance was passed investing the Indianapolis Brush Electric Light and Power Co., with the privilege of erecting masts or towers and posts for the purpose of furnishing the city and its inhabitants with electric light and power.

Under this privilege the company invested a large amount of money in their plant, and since January, 1882, have been furnishing electric light to citizens.

June 26, 1882, an ordinance was passed reading thus: "Sec. 1. No telegraph, telephone, or electric light poles shall hereafter be erected or maintained on any public street, etc., without first having procured the consent of the Common Council and Board of Aldermen of said city."



Believing we had the right, under our charter, to erect towers, but to be sure we were only doing what we had the right, we submitted the question to the law firm of McDonald, Butler & Mason, who gave the opinion we had, beyond all doubt, the right to erect electric light towers, and a short time ago made a contract with the Detroit Iron Tower Co. to erect several iron towers, in order to give your honorable bodies an opportunity, without expense to the city, to make a test of the utility of the electric light as reserved in the contract with the Gas Company. These towers to be erected one on the Circle and one at the inner terminus of the four avenues; and last week the employes of the Tower Company were at work on the foundations for the towers, and were arrested by the city authorities, charged with erecting electric light pole without your consent; and the cases were heard in the City Court, Saturday, but not decided, and yet under advisement.

We had not obtained your special consent to put up poles at these locations, but relying confidently upon the fact that the high iron structure we were erecting were towers for which we had a charter right. One of these structures is now up in the Circle. It is patented as a tower, and not as a pole; described in the manufacturers' circulars as a tower, not as a pole; and by every one engaged in erecting them as a tower, and not a pole. Our contract is for towers, and not for poles. The State law on the subject of electric lighting (see page 73 of your Ordinance Book), employs the words poles, posts, masts, or skeleton towers. In our ordinance the words masts or towers, and posts are used; and in the restricting ordinance of June, 1882, only the word pole is used, and then using it in connection with "telegraph, telephone, or electric light pole;" showing still more clearly what was meant, and it can not be reasonably construed that the use of the word pole would include all the others, but by all rules of legal construction would positively exclude them. The question is, is a tower and a pole same thing; and is the iron structure in the Circle, 150 feet high, a pole or a tower? Dictionaries and electric lighting language, all define them as something entirely different.

These towers are here and the foundations in, and the builders' men from Detroit are here idle on expense, awaiting the decision of the question. We had proceeded thus far (when the men were arrested) acting under the belief that we had the right, and also assuming that at our expense you would be pleased to test the utility of the electric light; but as delays and annoyances may occur in waiting the decision of the courts, and as we desire to proceed to erect towers and poles, with a view to lighting the entire city, not only for private lighting but for the public city lighting, on the most approved system of electric illumination; and would therefore respectfully ask your consent to proceed under the terms of the original ordinance, and after lights have been placed, and you have had an opportunity to decide upon their merits, we will propose a price for their maintainance, which, of course, you will be at perfect liberty to accept or reject.

Respectfully submitted,

INDIANAPOLIS BRUSH ELECTRIC LIGHT AND POWER Co.,

Per J. CAVEN, President.

July 6, 1885.

Councilman Cowie moved to refer the communication to the Committee on Streets and Alleys, with power to act.

Councilman Pearson moved to refer it to the Committee on Streets and Alleys, with instructions to report at the next meeting.

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

Which failed of adoption, by the following vote:

AYES, 8—viz. Councilmen Benjamin, Cowie, Gallahue, Moran, McClelland, Rees, Thalman, and Trusler.

NAYS, 11—viz. Councilmen Coy, Curry, Edenharter, Haugh, Mack, Newcomb, Pearson, Reinecke, Reynolds, Smither, and Spahr.

SG 42.

Councilman Pearson's motion was then adopted.

Councilman Thalman offered the following motions, which were severally adopted:

That the penalty of the bond to be filed by the Treasurer of Marion County Indiana, before entering upon the discharge of his duties as Treasurer of and for the City of Indianapolis, as provided for in the act of the General Assembly of the State of Indiana, entitled "An act concerning taxation for city and school purposes, in cities containing a population of over seventy thousand, as shown by the last census of the United States," etc., approved February 21, 1885, be, and the same is hereby, fixed at the sum of five hundred thousand dollars (\$500,000), the same being a sum not less than the estimated amount of all taxes, including delinquent, to be levied and collected for municipal purposes in such city for the current year.

That William H. Morrison, the owner of 195 feet of property on the south side of Vermont street, between Pennsylvania and Delaware streets, be, and is hereby granted permission of putting down, at his own expense, the curbing and a seven foot bowlder gutter in front of his property, said gutter to be placed five feet north of the present gutter by extending the curb five feet north. All of said work to be done under the direction of the City Civil Engineer.

Councilman Thalman offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, instructed to at once place in a double stone crossing on Pennsylvania street, south side, at the intersection of Vermont street.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced, and severally read the first time:

By Councilman Spahr:

G. O. 24, 1885—An ordinance to prevent the keeping or running at large of bulls in the City of Indianapolis, and fixing a penalty.

By Councilman Coy:

G. O. 25, 1885—An ordinance authorizing the Cincinnati, Hamilton & Dayton Railroad Company to lay and maintain two additional tracks across New Jersey street.

By Councilman Thalman:

S. O. 70, 1885—An ordinance to provide for re-grading and paving with stone the roadway, and curbing the gutters of Washington street, from Illinois street to Meridian street, and requiring the Citizens' Street Railway Company to pay a portion of the cost thereof, as provided for in G. O. No. 4, of 1884.

By Councilman Wharton:

S. O. 71, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Hall Place street, between Seventh and Eighth (or Williams) streets.

S. O. 72, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Eleventh street, between Meridian and Illinois streets.

By Councilman Pearson:

S. O. 73, 1885—An ordinance to provide for grading, bowldering and curbing the gutters, and widening the sidewalks of First street, from Tennessee street to Mississippi street.

By Councilman Mack:

S. O. 74, 1885—An ordinance to provide for grading and paving with brick, the east sidewalk of Union street, from Hill street to Hanway street.

On motion by Councilman Coy, the rules were suspended for the purpose of placing G. O. 25, 1885, on the final passage, by the following vote:

AYES, 17—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, and Thalman.

NAYS—None.

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

G. O. 25, 1885—An ordinance authorizing the Cincinnati, Hamilton & Dayton Railroad Company to lay and maintain two additional tracks across New Jersey street.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Coy, Curry, Edenharter, Gallahue, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Smither, Spahr, Thalman, and Trusler.

NAYS—None.

On motion, the Common Council then adjourned.

JOHN L. McMASTER, Mayor,

President of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.