

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—DECEMBER 29, 1885.

The Common Council of the City of Indianapolis, met in the Council Chamber, Tuesday evening, December 29th, 1885, at seven o'clock, in adjourned session.

PRESENT—Hon. John L. McMaster, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 20 members, viz: Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wolf.

ABSENT. 5—viz: Councilmen Dowling, Downey, Doyle, Gallahue, and Wharton.

The Proceedings of the Common Council for the regular sessions held December 21st, 1885, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

REPORT FROM CITY OFFICERS.

The City Civil Engineer submitted the following report, which was concurred in, and City Treasurer directed to receive the money:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—In the estimate reported by me, November 5, 1883, in favor of George W. Seibert, Jr., for the improvement of Highland street, from Washington street to Ohio street, the assessment was made against the property as then appeared on the plats, which assessed James L. Mitchell, for 232½ lineal feet, and the city 15 feet for the crossing of the alley in rear of said Mitchell's property. On my attention being called to the matter by Mr. Mitchell himself, I find that the alley had been vacated and was in the name of Jas. L. Mitchell, by vacation and by deed; therefore, the assessment, \$16.50, for the 15 feet against the city, and paid for by the city, should have been paid for by said Mitchell, which he is now willing to do upon your directing the City Treasurer to receipt to him for said amount. The contractor was paid in full.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The contract and bond of J. W. Cooper & Co., to gravel the roadway of River street, from Kentucky avenue to White River bridge, in the penal sum of \$600.00, with Fred. Knefler as surety, was read and approved.

The following report was read and received:

Indianapolis, Dec. 29th, 1885.

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

Gentlemen:—I served as City Attorney from January 1, 1882, until the 16th inst. For an account of the work done by me during the first three years of my service, I respectfully refer your honorable bodies to my annual reports found in your printed proceedings of January 5, 1883, January 7, 1884, and January 5, 1885.

During the past year I represented the city in the trial and disposition of twenty-one (21) cases in the upper courts. Of these, seventeen (17) were decided in favor of the city and four against it. The only money judgments rendered against the city in the above cases were as follows: In favor of Frank McWhinney, for taxes erroneously assessed, in the sum of \$82.32; in favor of Amanda McCullough, for personal injuries, in the sum of \$50; and in favor of Patsey Patterson, for erroneous tax collections, in the sum of \$809. The judgment in the first named case has been paid; in the second, the plaintiff has so far refused to receive the amount awarded her; and the city has appealed from the last named judgment. The total amount paid out during the year just closing, on account of judgments and costs, is \$640.21, the bulk of which was for costs that could not be collected from the losing parties.

During my term of four years, I have represented the city in the trial and disposition of one hundred and forty-seven (147) cases in the Federal, Supreme, Circuit and Superior Courts. The damages claimed in the complaints in these cases amounted to about \$400,000. Of these 147 cases, one hundred and fifteen (115) were decided in favor of the city; twenty-eight (28) adversely in the first instance; two (2) were compromised; and two (2) were abandoned by order of the Council and Board of Aldermen. Of the cases at first decided against the city only the following have so far involved it in the payment of money (not counting many items of cost that could not be recovered from the losing parties), to-wit;

Annie Merrick vs. City, for personal injuries.....	\$317 90
Mary J. McAvoy vs. City, for erroneous tax collections.....	112 30
David Duncan vs. City, for personal injuries.....	187 90
Richard Clark vs. City, for personal injuries.....	261 80
James L. Mitchell vs. City, for damages to property	920 42
Jennie Heston vs. City, for damages to person.....	286 20
Frank McWhinney vs. City, for erroneous tax collections	82 32
Total	\$2,166 84

Included in said 28 cases, the following judgments were also rendered against the city by the lower court, and appeals are now pending therefrom in the Supreme Court:

In favor of Johnston & Erwin, injuries to property on account of overflow of Pogue's Run, in 1882, the city's part being \$2,500; Henry Emmelman, death of infant son, for the sum of \$700; John H. Vajen, erroneous tax collections, for the sum of \$508; Sophia Rhodes, street-opening assessment, a contingent judgment for \$200, the city being fully protected; Patsey Patterson, for erroneous tax collections, for the sum of \$809; and in favor of Terre Haute & Indianapolis R. R. Co., for costs. Decisions may be expected in these cases at any time.

The following number of cases remain undecided: In the Supreme Court of Indiana (enumerated above), 6; in the Marion Circuit Court, 4; and in the Superior Court of Marion County, 31. Total, 41. Many of these simply await decisions in other cases involving like questions. I believe there are none now pending about which the city need have special anxiety, unless the Supreme Court should decide the Johnston & Erwin case in such way as to practically fix a liability against the city in the other Pogue's Run cases. There are twelve of these pending. This litigation is unusual; and while I would not presume to assert with confidence what the final result of the case already tried will be, I will

venture the opinion that the decision of the Supreme Court in that case will not be of such a character as to encourage the parties in trying the other cases, particularly those in which the damage done was small; and these greatly predominate.

In closing this report, I desire to thank all the members of the Council and Board of Aldermen, and all other officials with whom I was associated during my term of service, for their kindly aid and support in all matters pertaining to my department.

Respectfully submitted,

C. S. DENNY.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Judiciary Committee, through Councilman Newcomb, submitted the following reports; which were severally concurred in:

To the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Judiciary, with the Mayor and City Attorney, to whom was referred the motion that the Police Commissioners be notified that the Council will hereafter require the City Attorney to defend certain cases, would report that they have had the same under consideration and recommend that said motion be adopted.

Respectfully submitted,

W. C. Newcomb,
Geo. F. Edenharter,
Committee on Judiciary.

JOHN L. McMASTER, Mayor,
WM. L. TAYLOR, City Attorney,

To the Hon. Mayor and Common Council:

Gentlemen:—Your Committee on Judiciary to whom was referred the petition of Frank McWhinney, asking for the refunding of certain taxes paid by him, on 38 by 117 feet east of 89 feet in southwest corner Square Five in Out-Lot 157 "Wylie's Subdivision," have considered the same, and say that said description is sufficiently accurate to pass title, although there is no "Wylie's Subdivision" in Square Five, Out-Lot 157, and recommend that no part of the taxes herein mentioned be refunded.

W. C. Newcomb,
Geo. F. Edenharter,
Judiciary Committee.

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

Gentlemen:—Your Committee on Judiciary, to whom was referred the petition of Frank McWhinney asking for the refunding of \$62.42, principal and interest of taxes paid by him on 18 feet west side of middle part of Out-Lot 160, sold in the name of C. Harris, have had the same under consideration and report that both the City Engineer and City Assessor inform them that such a part of such a lot does not exist. We recommend that said sum be refunded, less the School Board's portion, upon the surrender of his certificate.

Respectfully submitted,

W. C. Newcomb,
Geo. F. Edenharter,
Judiciary Committee.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Judiciary, to whom was referred the petition of John H. Helm, to straighten out the sale of Lot 9 in the I. & C. R. R. Company's Subdivision to Wm. Steele, as shown on Sale Book No. 4, page 61, would report that a clerical error existed in said sale, and that the same has been corrected, and that nothing further be done herein.

W. C. Newcomb,
Geo. F. Edenharter,
Judiciary Committee.

The Finance Committee, through Councilman Thalman, submitted the following report, which was concurred in :

To the Mayor and City Council :

Gentlemen:—Your Finance Committee respectfully submit to you statements as follows :

In a conference with the County Treasurer, (hereafter the custodian of the City's funds) we are informed as the Act known as the " Winter bill " does not specifically require him to make monthly statements to the city, of taxes collected, he will strictly adhere to the construction of the law, as made by his attorneys, which means *Semi annual Statements*. The first money therefore that the city can draw, under his construction, would be May 1st, no matter what amount of our funds are in his hands previous to that date. This will necessitate the borrowing of our own money from the Treasurer, at such rates of interest as can be agreed upon, in sufficient sums to carry the city through to that date ; then, again, from that date to the next settlement, six months later ; (or if not borrowed from the Treasurer, from other parties). The bill as it now stands, or as it is construed by the Treasurer, is certainly detrimental to the City's interest, and should by all means be amended by the next legislature, to more clearly define and set apart the City's money, so it can be used when in the treasury, without subjecting the taxpayers to pay thousands of dollars interest for the use of their own money.

However, in the construction of the law by the Treasurer and his attorneys, our Mayor and City Attorney disagree. We therefore think it would be well to have a friendly suit brought, and let the courts decide,

From our past experience, your committee find that a ninety cent levy, handled with care, will be ample for all general purposes, but no extraordinary improvements can be made without exceeding our revenue, on said levy.

For the past year the ninety cent tax levy, as per tax duplicate, and from license and interest from Belt Railroad, amounts to.....\$546,612 00
 Estimating as uncollectable 10,000 00

\$536,612 00

The aggregate expenses for the year including interest was 516,469 00
 Amount inside of revenue \$20,143 00

This is certainly a creditable showing for the out-going Council, in the face of so many hard things that have been said about it. While errors have been made, and things done that should not have been done, and left undone that should have been done, it shows that by a majority vote there was a careful desire to serve the City faithfully and honestly. Our Streets will compare favorably with any western city in the United States of as rapid growth and same population: Our Fire Department is second to none. Our City Buildings and City Hospital are a credit to the City. And all this under a lower tax levy than any other city in the west of like population, and with one or two exceptions, in the Union.

Respectfully submitted,

Isaac Thalman,
 John R. Pearson,
 P. C. Trusler,
 Julius F. Reinecke,
 Finance Committee.

APPROPRIATION ORDINANCES.

Councilman Thalman introduced the following entitled ordinances ; which were severally read the first time :

Ap. O. 63, 1885. An ordinance appropriating the sum of \$9,328.50, to meet certain outstanding obligations of the City, falling due January 1, 1886.

Ap. O. 64, 1885—An ordinance appropriating money for the payment of certain claims against the City of Indianapolis.

On motion by Councilman Thalman, the rules were suspended for the purpose of placing the above ordinances on their final passages by the following vote:

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

NAYS, 1—viz. Councilman Trusler.

Ap. O. 63, 1885, was then read the second time, ordered engrossed read the third time and passed, by the following vote:

AYES, 20—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler and Wolf.

NAYS—None.

Ap. O. 64, 1885, was read the second time.

Councilman Spahr moved that the ordinance be amended by inserting the claims of F. B. Walker et. al. for electrical fire apparatus, \$8,000.00.

Councilman Pearson moved as a substitute that \$2,000.00 be inserted as partial payment on the claim.

Which was adopted, by the following vote:

AYES, 10—viz. Councilmen Benjamin, Curry, Moran, McClelland, Pearson, Rees, Reinecke, Smither, Thalman, and Trusler.

NAYS, 10—viz. Councilmen Cowie, Coy, Edenharter, Haugh, Mack, Newcomb, Reynolds, Sheppard, Spahr, and Wolf.

There being a tie vote, the name of his Honor, the Mayor, was called, and he voting in the affirmative, the motion was declared adopted.

The ordinance was then ordered engrossed as amended, read the third time (amount appropriated, \$2,100.00) and passed by the following vote:

AYES, 20—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler and Wolf.

NAYS—None.

The following special message from the Board of Aldermen was read:

To the Mayor and Common Council:

Gentlemen.—The Board of Aldermen at its session held December 29th, 1885, concurred in the majority report of the Conference Committee (see page 786 *ante*), as to heating the City Hospital with steam, and adopted the following resolution:

Resolved, That the contract for furnishing steam-heating apparatus for the City Hospital be awarded to Kelly & Jones of Pittsburgh at their bid of \$6,410, and that the Mayor be directed to sign the contract on behalf of the city, when they shall have filed a bond approved by the City Attorney, 20 per cent. of the contract

price to be withheld until the work is completed and accepted, and said Kelly & Jones to keep said heating apparatus in perfect order and repair for the term of two years. I submit the same for your consideration.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

Councilman Pearson moved that the Common Council recede from their former action, and to concur in the action of the Board of Aldermen.

Which motion was adopted, by the following vote:

AYES, 10—viz. Councilmen Cowie, Haugh, McClelland, Newcomb, Pearson, Rees, Reynolds, Smither, Thalman and Trusler.

NAYS, 10—viz. Councilmen Benjamin, Coy, Curry, Edenharter, Mack, Moran, Reinecke, Sheppard, Spahr and Wolf.

There being a tie vote, and the name of his Honor, the Mayor, being called, and voting in the affirmative, the motion was declared adopted.

Councilman Pearson introduced the following entitled ordinance, which was read the first time:

G. O. 48, 1885. An ordinance granting the C., I., St. L. & C. Railroad Co. the right to lay an additional track across Walnut street, east of their elevator track.

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

AYES, 18—viz. Councilmen Benjamin, Cowie, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler and Wolf.

NAYS, 1—viz. Councilman Reinecke.

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

AYES, 19—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reynolds, Sheppard, Smither, Spahr, Thalman, Trusler, and Wolf.

NAYS, 1—viz. Councilman Reinecke.

Councilman Curry offered the following motion, which was referred to the Committee on Public Light:

That the City Civil Engineer be, and he is hereby instructed to re-advertise for the erection of three lamp-posts on Roe street, also, three on Grant street. *

Councilman Pearson offered the following resolution, which was unanimously adopted by a rising vote:

WHEREAS, This is the closing session of the present Council, and an entire new body of officers will, in the next Council, take the places of the present officers; and

WHEREAS, The present Council desires to express their sentiments concerning the retiring officers. Therefore be it

Resolved, That to the Mayor, Hon. John L. McMaster, is due the unqualified thanks of this body, for his uniform courtesy and kindness, and for his impartial rulings as presiding officer of this Council during the two years just closing.

Resolved, That to George T. Bruenig, Clerk, and Frank W. Ripley, his efficient deputy, is due the kindest remembrance of this body for their ever ready response to the wants of its members, and for the accurate and rapid manner in which they have performed their duties.

Resolved, That to Caleb S. Denny as the City Attorney, who has so zealously guarded the city's interests, this Council yields him its thanks with pleasure.

Councilman Rees offered the following motion, which was referred to the Board of Public Improvement:

That the Street Commissioner be, and he is hereby, instructed to place double stone crossings on the east side of Tennessee street at the crossing of Market street.

Councilman Rees offered the following motion, which was referred to the Committee on Bridges:

That the City Civil Engineer be and is hereby, directed to advertise for bids for the erection of an iron foot-bridge across the Canal at the north side of Wabash street, as soon as he shall have prepared plans and specifications therefor.

Councilman Spahr offered the following resolution :

Resolved, That the office of West-Market Master, for the City of Indianapolis be and the same is hereby abolished.

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

AYES, 15—viz. Councilmen Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Thalman, and Wolf.

NAYS, 3—viz: Councilmen Benjamin, McClelland, and Spahr.

PENDING ORDINANCES.

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

S. O. 114, 1885—An ordinance to provide for grading and graveling the roadway and sidewalks of Illinois (or Chicago) street, from Morris street to Wisconsin street.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wolf.

NAYS—None.

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

S. O. 120, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn, gas, except the service pipes), on Park avenue, between Ninth and Eleventh streets.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wolf.

NAYS—None.

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

S. O. 122, 1885—An ordinance to provide for grading and paving with brick, the south sidewalk of McCarty street, from Tennessee street to Ann street.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wolf.

NAYS—None.

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

S. O. 123, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of Missouri street, from Merrill street to McCarty street.

And it was passed by the following vote:

AYES, 18—viz. Councilmen Benjamin, Cowie, Coy, Curry, Edenharter, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thalman, and Wolf.

NAYS—None.

Councilman Spahr moved that the Common Council pass a vote of censure on the Indianapolis Times, for its untruthful and uncalled for editorial in this morning's issue.

Which was adopted by a unanimous vote.

On motion the Council then adjourned.

JOHN L. McMASTER, Mayor,
President of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.

PROCEEDINGS OF BOARD OF ALDERMEN.

ADJOURNED SESSION—DECEMBER 29, 1885.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Tuesday evening, December 29th, 1885, at seven o'clock, in adjourned session.

PRESENT—Hon. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, and Tallentire.—9.

ABSENT—None.

The Proceedings of the Board of Aldermen for the sessions held November 23d, 27th and 28th, 1885, and December 14th and 16th, 1885, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following special message was read, and the action of the Common Council concurred in :

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council at its session of December 14th, 1885, granted the proposition of Frank B. Walker, et al., and allowed \$8,000 as a matter of compensation to be paid by the city for the past and future use of the Bragg & Seibert patents for opening doors and releasing horses in the Fire Department by electricity, and also required the parties to give an indemnifying bond to the approval of the Mayor, to save the city harmless against loss, should any person successfully establish claims to or right in said inventions and patents, or either of them.

I submit the same for your consideration.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following special messages were read, and the action of the Common Council severally concurred in :

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council in session held December 21, 1885, adhered to their former action granting D. A. Richardson permission to use the alley between New York and Michigan streets while tearing down and rebuilding at said point.

For the Common Council,

GEO. T. BREUNIG, City Clerk.

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council, in session December 21, 1885, adhered to their former action in granting 90 days further time to Salisbury & Stanley to place the City Hall building under roof, the bondsmen filing the following:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We, the undersigned, sureties on the bond of Salisbury & Stanley, City Hall contractors, hereby consent that the city may extend the time in which said contractors are to have said City Hall under roof, ninety days from December 1st, 1885, without in anywise releasing us from liability on the bond of said contractors, executed July 27, 1885.

John Martin,
M. L. Brown,
A. L. Wright,
H. E. Drew.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council, at its sessions held December 14th and 21st, 1885.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The report from the Mayor, (see page 774, *ante*), was read and received.

The following motion (see page 777, *ante*), were read, and concurrently adopted:

That the City Civil Engineer be instructed to move the Vapor gas lamp from the corner of Pleasant and Reid streets to the northeast corner of Lexington avenue and Linden street.

The following motion (see page 775, *ante*), was read, and referred to the Committee on Judiciary and Ordinances:

That it is the sense of the Council that the bill of Denny & Elliott, for services rendered in defending various patrolmen, should be paid by the Board of Metropolitan Police Commissioners, out of their contingent fund.

On motion, the above action was reconsidered, motion called from the Committee, and then concurrently adopted.

The report from the Committee on Contracts, awarding sundry contracts (see pages 797, 798, 799, 800 and 801, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon, (see pages 811, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the contract and bond of Joseph Bernauer, for grading and paving with brick the north sidewalk of Ninth street, from Tennessee street to the first alley east of Tennessee street. Bond, \$150.00; surety, Charles C. Thompson.

Respectfully submitted,

Ś. H. SHEARER, City Civil Engineer,

The contract and bond of Levi Wright, in the penal sum of \$200, with L. A. Fulmer as surety, for graveling the sidewalks of Hall Place street from Seventh street to Eighth street (see page 801, *ante*) was read and approved.

The reports from the Street Commissioner (see page 802, *ante*), were read and received.

The report from the City Commissioners, in the case of widening Herman street, and the following resolution accompanying the same (see pages 803 and 804 *ante*), was read :

Resolved, That the report of the City Commissioners in the matter of widening Herman street, by condemning twenty feet off of the west side of Lot fourteen (14) in M. E. & W. P. Noble's subdivision of Out-lot sixty-one (61), be, and the same is hereby, in all things accepted and approved; that the benefits assessed and damages awarded by said Commissioners be, and the same is hereby, approved; that the real estate therein and above described for the widening of said street, be, and the same is hereby appropriated; that the City Clerk be, and he is hereby, directed to certify to the City Treasurer (or other officer required by law to make collections of benefits), so much of said report as assesses benefits and awards damages upon real estate, giving description thereof: *Provided, however*, That said Treasurer shall not tender or pay any part of the damages or costs occasioned by said opening, as shown by said Commissioners' report, nor shall said street be opened or widened, until the benefits assessed shall have been paid into the city treasury; the collection of which benefits and costs, the said treasurer, or other proper officer, is hereby directed to make, as soon as said certified copy of the Commissioners' report comes to his hands.

And the report was concurred in, and the resolution concurrently adopted, by the following vote :

AYES, 8—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Pritchard, Tallentire and President Rorison.

NAYS—None.

The report from the City Commissioners on the vacation of a portion of Eighth street, and the following resolution accompanying the same, (see pages 805 and 806, *ante*), was read :

Resolved, That the report of the City Commissioners in the matter of the petition of F. L. Ritzinger, Thomas C. Day, J. W. Murphy and others, asking that Eighth street, between the east line of Illinois street and the first alley west of Pennsylvania street, be reduced in width to forty feet, by vacating a strip along the north side, and a strip along the south side of said Eighth street, between said points, as indicated by the plat filed with and made a part of said petition, be, and the same is hereby, in all things accepted, adopted and approved; and that in accordance with said report, the following parts of said Eighth street be, and the same are hereby, vacated, to-wit: A strip 14 feet wide by 201.9 feet long, south of and adjoining Lot 78, of W. H. Morrison's second addition to the City of Indianapolis; also, a strip 14 feet wide by 201.9 feet long, south of and adjoining Lot 39, of said addition; also, a strip 14 feet wide by 170 feet long, south of and adjoining Lot 98, of said addition; also, a strip 6 feet wide and 170 feet long, north of and adjoining Lot 99, of said addition; also, a strip 6 feet wide and 201.9 feet long, north of and adjoining Lot 10, of W. H. Morrison's addition to the City of Indianapolis, and also a strip 6 feet wide and 201.9 feet long, north of and adjoining Lot 19, of said last named addition.

Resolved, further, That the petitioners be, and they are hereby, required to pay to the City Treasurer, or other person who by law collects and disburses the public revenues of said city, within twenty days from the adoption of this resolution, the sum of sixty dollars, the amount of expenses reported by the Commissioners as taxed in this matter; and that said petitioners also be, and they are hereby, required to procure and have recorded in the office of the Recorder of Marion County, the proper certified copies of proceedings and maps, as required by law, at their own expense; and that until such expenses are paid and proceedings and maps recorded as aforesaid, said strips shall not be closed or used, otherwise than as now,

And the report was concurred in and the resolution concurrently adopted by the following vote:

AYES, 7—viz. Aldermen Cobb, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following reports from the Committee on Streets and Alleys, accompanied with resolutions (see page 807 and 808, *ante*), were read, and referred to the Committee on Streets & Alleys and Sewers & Drainage:

To the Mayor and Common Council:

Gentlemen.—Your Committee on Streets and Alleys, to whom was referred the petition of D. Root, Peter Schoab and others, for the vacation of a certain piece of ground, or street, in Woodruff's subdivision of Morris' addition, have examined the same, and recommend the prayers of the petitioners be granted, and the accompanying resolution relative thereto, be adopted.

Respectfully submitted,

M. M. Reynolds,
Julius F. Reinecke,
Committee on Streets and Alleys.

Resolved, That the petition of D. Root, Peter Schoab and others, praying for the vacation of the plat of ground in Woodruff subdivision of Morris's addition, more fully set forth in said petition and plat accompanying the same, be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report to the Common Council and Board of Aldermen; the Commissioners to return all petitions and notices. The City Clerk is hereby required to issue the proper notices, and the Superintendent of the Metropolitan Police is hereby directed to serve the notices upon the City Commissioners and property owners.

To the Mayor and Common Council:

Gentlemen.—Your Committee on Streets and Alleys, to whom was referred the petition of J. V. McKernan, Joseph Turner and others, for the opening and extension of Darnell street from its present terminus to West street, recommend the prayers of said petitioners be granted, and the accompanying resolution be adopted.

Respectfully submitted,

M. M. Reynolds,
J. F. Reinecke,
Committee on Streets and Alleys.

Resolved, That the petition of J. V. McKernan, Joseph Turner and others, praying for the opening and extension of Darnell street from its present terminus to West street, be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report to the Common Council and Board of Aldermen; the Commissioners to return all petitions and notices. The City Clerk is hereby required to issue the proper notices, and the Superintendent of the Metropolitan Police is hereby directed to serve the notices upon the City Commissioners and property owners.

The following resolution (see page 808, *ante*), was read:

Resolved, That the action of this Council in awarding the contract for putting steam heating apparatus in the City Hospital, be reconsidered, and that the contract for putting steam heating apparatus in the City Hospital be awarded to J. S. Farrell & Co., at \$6,410.00.

Alderman Prier moved to lay the resolution on the table.

Alderman Pritchard moved as a substitute, that the action of the Common Council be non-concurred in.

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

Which failed of adoption, by the following vote:

AYES, 4—viz. Aldermen Bernhamer, King, McHugh, and Tallentire.

NAYS, 5—viz. Aldermen Cobb, Endly, Prier, Pritchard and President Rorison.

The motion to non-concur in the action of the Common Council was then adopted, by the following vote:

AYES, 5—viz. Aldermen Cobb, Endly, Prier, Pritchard, and President Rorison.

NAYS, 4—viz. Aldermen Bernhamer, King, McHugh, and Tallentire.

Alderman Pritchard offered the following resolution:

Resolved, That the contract for furnishing steam-heating apparatus for the City Hospital be awarded to Kelley & Jones of Pittsburg, at their bid of six thousand four hundred and ten dollars, and that the Mayor be directed to sign the contract on behalf of the city when they shall have filed a bond approved by the City Attorney. Twenty per cent. of the contract price to be withheld until the work is completed and accepted, and said Kelley & Jones to keep said heating apparatus in perfect order and repair for the term of two years.

Alderman Pritchard moved that the *majority* report of the Conference-Committee (see page 786, *ante*), be concurred in, and the above resolution be adopted.

Which motion was adopted, by the following vote:

AYES, 5—viz. Aldermen Cobb, Endly, Prier, Pritchard, and President Rorison.

NAYS, 4—viz. Aldermen Bernhamer, King, McHugh, and Tallentire.

The following motion (see page 811, *ante*), was read, and referred to the Committee on Streets & Alleys and Sewers & Drainage:

That the Street Commissioner be instructed to put in a crossing of broken stone at the alley-crossing of the alley on the north side of Second street, between Meridian and Pennsylvania streets.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Hospital and Dispensary, through Alderman Prier, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your committee to whom was referred certain charges against Dr. W. N. Wishard, Superintendent of the City Hospital, by H. W. Ridpath, would respectfully recommend that the report of the Hospital Board, completely exonerating Dr. Wishard be concurred in.

H. J. Prier,
Thomas E. Endly,
Will F. A. Bernhamer,
Hospital Committee.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Bernhamer presented the following, which was ordered printed in the Proceedings:

That the Clerk insert the following in the Proceedings of to-night:

The Board of Aldermen of the City of Indianapolis from January 1, 1884 to December 31, 1885, consisted of the following members and officers:

OFFICERS.

BRAINARD RORISON, President.
HENRY J. PRIER, President *pro tem*.
FRANK W. RIPLEY, Clerk.
MICHAEL O'DONNELL, Sergeant at Arms.

MEMBERS.

NAME.	POLITICS.	BORN.	PLACE.
Bernhamer Will F. A.....	Democrat...	April 18, 1849	Indianapolis, Ind.
Cobb, Samuel H.....	Republican.	Sept. 25, 1837.	Paris, Ind.
Cox, William A.....	Republican.	July 24, 1835.	Baltimore County, Md.
Endley, Thomas E.....	Republican.	Feb. 24, 1839.	Hanover, Ohio.
King, Isaac.....	Democrat...	Feb. 15, 1846.	Cincinnati, Ohio.
McHugh, James.....	Democrat...	Mar. 21, 1838.	Ireland.
Prier, Henry J.....	Republican.	April 7, 1839	Akron, Ohio.
Pritchard, James.....	Republican.	Oct. 25, 1846	Fairview, Ind.
Rorison, Brainard.....	Republican.	July 31, 1847.	Waterloo, New York.
Tallentire, Thomas.....	Republican.	Dec. 30, 1825	Newcastle on Tyne, Eng.

Alderman Endly offered the following motion, which was unanimously adopted:

WHEREAS, Frank W. Ripley has acted in the capacity of Clerk of the Board of Aldermen for the past two years, and that he has performed the duties faithfully, well and with marked ability; therefore,

Moved, That the thanks of the outgoing Aldermen be tendered him, and may his success in life be as complete as we have witnessed it in the past, and that the above be spread of record and made a part of the proceedings of this Board.

Alderman Pritchard offered the following motion, which was unanimously adopted:

That the thanks of this Board be tendered to President Rorison for his uniform kindness, his impartial rulings, and his gentlemanly bearing toward us all during the present term.

The following, favorably passed upon at the session of the Common Council held this evening, were taken up:

The contract and bond of J. W. Cooper & Co., (see page 813, *ante*), was read and approved.

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

Ar. O. 63, 1885—An ordinance appropriating the sum of \$9,328.50, to meet certain outstanding obligations of the city, falling due January 1, 1886.

Ap. O. 64, 1885—An ordinance appropriating money for the payment of certain claims against the City of Indianapolis.

On motion by Alderman Prichard, the rules were suspended for the purpose of placing the above ordinances on their final passage, by the following vote:

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

NAYS—None.

Ap. 63, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, and Tallentire.

NAYS 1—viz. President Rorison.

Ap. O. 64, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, and Tallentire.

NAYS, 1—viz. President Rorison.

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

G. O. 48, 1885—An ordinance granting the C., I., St. L. & C. R'y Company the right to lay an additional track across Walnut street, east of their Elevator track.

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

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

SIG. 80.

G. O. 48, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 114, 1885—An ordinance to provide for grading and graveling the roadway and sidewalks of Illinois (or Chicago) street, from Morris street to Wisconsin street.

S. O. 120, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Park avenue, between Ninth and Eleventh streets.

S. O. 122, 1885—An ordinance to provide for grading and paving with brick, the south sidewalk of McCarty street, from Tennessee street to Ann street.

S. O. 123, 1885—An ordinance to provide for grading and paving with brick, the sidewalks of Missouri street, from Merrill street to McCarty street.

On motion by Alderman Bernhamer, the rules were suspended for the purpose of placing the above ordinances on their final passage, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

S. O. 114, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

S. O. 120, 1885, was then read the second time, read the third time and passed; by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

S. O. 122, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

S. O. 123, 1885, was then read the second time, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

PENDING ORDINANCES.

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

S. O. 138, 1884—An ordinance to provide for grading and paving with brick, the north sidewalks of Walnut street, from East street to Park avenue.

And it was passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 86, 1885—An ordinance to provide for grading and bowldering the south gutter of North street, from Pennsylvania street to Meridian street.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 89, 1885—An ordinance to provide for grading and graveling the first alley south of Prospect street, from Olive street to the first alley west of Olive street.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 90, 1885—An ordinance to provide for grading and graveling the first alley south of Bicking street, from Davis street to the first alley west of Davis street.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

S. O. 121, 1885—An ordinance to provide for grading and graveling the first alley south of McCarty street, from Illinois street to Maple street.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

G. O. 31, 1885—An ordinance to provide for the construction of an eighteen (18) inch Akron pipe sewer, in and along Michigan street, from Massachusetts avenue to the first alley east of East street.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

S. O. 40, 1885, was ordered stricken from the files.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: **FRANK W. RIPLEY, Clerk.**