

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—AUGUST 14, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, August 14th, A. D. 1882, at eight o'clock, in regular session.

PRESENT—Hon. James T. Layman, President of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Seibert, and Tucker—8.

ABSENT—Aldermen Rorison, and Wood—2.

The Proceedings of the Board of Aldermen for the adjourned session, held July 19th, 1882, and for the regular session, held July 24th, 1882, 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 matter set forth therein was referred to the Finance Committee:

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council, in regular session, held in the Council Chamber, Monday evening, July 17th, 1882, concurred in the following recommendations of the Judiciary Committee:

3d. The third is the petition of the Indianapolis Rolling Mill Company, showing that they, on the 14th of April, 1882, erroneously paid \$13.37, being the tax on \$1,250, which had been previously paid, and, owing to the credit not being plain on the treasurer's books, it was calculated in the amount paid by the petitioner. The City Treasurer informs your committee that the facts stated in petition are true.

Your committee therefore recommend that the sum of \$13.37, with interest since April 14th, 1882, be refunded.

4th. The fourth is the petition of Christopher Hilgenberg, showing that, on the 10th day of February, 1880, he paid the sum of \$22.59, at tax sale, for Lot 10, Square 7, in Cushing's subdivision of Hanway & Hanna's Oak Hill addition, and has since paid the \$1.07 taxes for 1880 and 1881 on said lot. He says that the sale was void, for the reason that said lot was sold for an amount of personal tax which was not a lien on the property, in the hands of the owner of the lot at time of sale. The City Treasurer informs your committee that the facts stated in petition are true, and that the sale was void.

We therefore recommend that the sum of \$29 50, with interest from February 10th, 1880, be refunded.

Respectfully submitted,

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

C. S. DENNY, City Attorney.

I submit the same for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I herewith transmit to your honorable body certain papers, favorably passed upon by the Common Council, at its regular session, held on Monday evening, August 7th, 1882, for your action upon the same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 265, *ante*), was concurred in:

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

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

Contract and bond of R. P. Dunning, for grading and paving with brick the sidewalks of Mississippi street, from Second street to Seventh street (where not already properly paved). Bond, \$2,200; surety, Fred Gansberg.

Contract and bond of R. P. Dunning, for grading and paving with brick and curbing with stone the west sidewalk of West street, from Third street to McIntyre street. Bond, \$2,000, surety, Fred Gansberg.

Contract and bond of H. C. Roney, for grading and paving with brick (where not already done), the sidewalks of Stevens street, from East street to Virginia avenue. Bond, \$1,000; surety, A. Haywood.

Contract and bond of Henry C. Roney, for grading and paving with brick the south sidewalk of Vermont street from West street to Blackford street. Bond, \$800; surety, A. Haywood.

Contract and bond of Charles S. Roney, for grading and paving with brick the sidewalks of McCarty street, from East street to Virginia avenue. Bond, \$2,000; surety, A. Haywood.

Contract and bond of J. L. Spaulding, for grading and graveling Pratt street from Tennessee street to Mississippi street. Bond, \$800; surety, Jas. W. Hudson.

Contract and bond of Henry Clay, for grading and graveling the roadway of West street from First street to McIntyre street. Bond, \$5,200; surety, Hamilton Bailie.

Contract and bond of Fred Gansberg, for grading and graveling Pleasant street and sidewalks from Linden street to Reid street. Bond, \$4,760; sureties, James W. Hudson and H. C. Roney.

Contract and bond of August Richter, for grading and paving with brick the west sidewalk of Mississippi street from First street to Second street. Bond, \$420; surety, John Bernhart.

Contract and bond of August Richter, for grading and paving with brick the south sidewalk of New York street from Missouri street to West street. Bond, \$400; surety, John Bernhart.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following reports from the City Clerk were read (see pages 268 and 269, *ante*), and received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—In accordance with the first clause of Section 14 of G. O. 41, 1882, "An ordinance to increase the public revenues of the city of Indianapolis by licensing saloons," etc., etc., ordained May 23d, 1882, I herewith report the amount of money realized by the city from licenses issued under the provisions of said ordinance, viz:

From liquor licenses, from June 5th to August 7th, inclusive...	\$11,501 92
From Adams' Express Company, five vehicles, at \$12.00.....	60 00
From United States Express Company, five vehicles, at \$12.00..	60 00
Total.....	\$11,621 92

I have also delivered to the City Treasurer a statement showing the amount realized, as required in said ordinance.

Respectfully submitted,

August 7th, 1882.

JOS. T. MAGNER, City Clerk.

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

Gentlemen:—I herewith report that I have filed with the Recorder of Marion county, Ind., a certified copy of the assessment of benefits and damages, and a copy of the plat, in the matter of the widening of Central avenue, from St. Mary street to the State Ditch.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith report that I have filed with the City Treasurer a certified copy of the assessment of benefits and damages in the matter of the opening of Ohio street, from Hanna street to the first alley west. Also, that I have filed with the Recorder of Marion county, Ind., for record, a copy of the assessment of benefits and damages, and of the plat, in said matter.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith report that the persons benefited in the matter of the vacation of the first alley east of Missis-ippi street, from Twelfth street to the first alley south, have paid into the city treasury the amount of benefits (\$63.00) assessed against them as costs in said proceedings.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The report of the Chief Fire Engineer, showing expenses in the Fire Department for the month of July, 1882, (see page 269, *ante*), was read and received.

The reports of the Superintendents of the City Hospital and Branch, and the City Dispensary, for the month of July, 1882, (see pages 270 and 271, *ante*), were read and received.

The report of Wm. Hadley, rental agent, showing the collection of rents from the Tomlinson Estate for the month of July, 1882, (see page 271, *ante*), was read and received.

The following report from the Fire Board was read, and the favorable action of the Common Council thereon (see page 272, *ante*), was concurred in;

Indianapolis, August 1st, 1882.

To the Hon. Mayor and Common Council of the City of Indianapolis, Ind. :

Gentlemen:—At a meeting of Common Council, held on the 17th day of July, 1882, the following motions were referred to the Fire Board:

1st. "That the Indianapolis Water Works Company be, and is hereby, instructed to place a fire plug on the corner of New York and Agnes streets."

2d. "That the Street Commissioner be, and is hereby, directed to fill up all old city wells that were dug for fire purposes."

3d. "That the Fire Board be, and are hereby, instructed to locate, at the intersection of Lincoln Lane and East street, a twelve hundred barrel fire cistern, there being no fire protection within eight squares of the above."

We have examined the above motions, and recommend that they be concurred in.

Respectfully submitted,

Isaac Thalman,
N. Yoke,
Fire Board.

The following report from the Board of Public Improvements was read, and the favorable action of the Common Council thereon (see page 272, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We herewith make the following report for your consideration and action thereon:

We recommend that an increase be made in the pay of laborers in the Street Department, from \$1.35 to \$1.50 per day, from and after August 11th, 1882.

Respectfully submitted,

Edward H. Dean,
John R. Cowie,
Board of Public Improvements.

The report of the Board of Public Improvements and Street Commissioner, showing the expenses in the Street Repair, Street Cleaning, Bridge and Sewer Departments for the month of July, 1882, together with the total amount of expenditures to August 1st, 1882 (see page 273, *ante*), was read and received.

The report of the Board of Public Improvement and Street Commissioner, showing the work done on the different streets, alleys and sewers, during the month of June, 1882 (see pages 273, 274, 275, 276, 277, 278, 279, 280, and 281, *ante*), was read; and, on motion by Alderman Seibert, concurred in.

The following petition was read, and the favorable action of the Common Council thereon (see page 282, *ante*), was concurred in:

Indianapolis, August 7th, 1882.

To the Board of Public Improvements:

Gentlemen:—I desire an extension of thirty days' time for the completion of my contracts for the improvements of first alley south of Henry street from Mississippi street to Missouri street, and alley between Eddy street and Tennessee street from Garden street to Merrill street, not being able to complete all my contracts within the time specified.

J. L. SPAULDINO.

Sworn to this 7th day of August, 1882.

[Seal.]

GEO. T. BREUNIG, Notary Public.

We recommend the prayer of the petitioner be granted.

Edward H. Dean,
John R. Cowie,
Board of Public Improvements.

The mortality report of the Board of Health (see page 282, *ante*), was read and received.

The report of the City Commissioners, in the matter of opening Hanna street, to the width of fifty feet, from Ohio street to Market street, and forty-seven feet from Market street to Washington street (see pages 283, 284, 285 and 286, *ante*), was read, and, on motion, concurred in.

The following resolution (adopted by the Common Council—see page 286, *ante*), was read :

Resolved, That the report of the City Commissioners in the matter of the petition for the opening of Hanna street, from Washington street to Market street in a width of forty-seven feet, and from Market street to Ohio street in a width of fifty feet 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 described for the opening of said Hanna street, from Washington street to Ohio street be, and the same is hereby, appropriated ; that the City Clerk be, and he is hereby, directed to certify to the City Treasurer so much of said report as assesses benefits and awards damages upon real estate, giving the description thereof ; and that the City Treasurer be, and he is hereby, directed to make tender of such damages to the parties entitled thereto, and proceed to collect said benefits according to law.

And it was concurrently adopted by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Seibert, and President Layman.

NAYS, 1—viz. Alderman Tucker.

The following clause from the report of the Judiciary Committee was read, and the favorable action of the Common Council thereon (see pages 286 and 287, *ante*), was concurred in:

The fourth is the sworn petition of Maria C. Enners, showing that she is executrix of her husband's estate, and can neither read or write the English language, and understands it imperfectly. That on the 12th day of May, 1881, she gave a list to the City Assessor of her individual personal property as \$1,785.00, and paid the taxes on same. Further, through mistake and not understanding the purpose of it, she was asked to give a list as administratrix of her husband, returning \$1,800.00 as such. That both lists are for the same, and that the property at the time was not owned by her as administratrix. The same is now delinquent, and she asks that the City Assessor be ordered to certify said assessment against her as administratrix off the duplicate.

Your committee recommend the prayer of petition be granted.

The following report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 287, *ante*), was concurred in:

To the Mayor and Common Council:

Gentlemen: Your Committee on Streets and Alleys, to whom was referred the petition of E. B. Martindale, William F. Stilz and Louis Ehrmann, asking that East street be straightened where it intersects Morris street, recommend the prayer of the petitioners be granted, and that the accompanying resolution relative thereto be adopted.

Respectfully submitted,

George Weaver,
Sim. Coy,
B. W. Cole,
Committee on Streets and Alleys.

The following resolution (adopted by the Common Council—see page 287, *ante*), was read:

Resolved, That the petition of E. B. Martindale, William F. Stilz and Louis Elrman, praying for the widening and straightening of south East street where it intersects Morris street, by condemning the lots on and adjacent to the northeast corner of said streets, be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report; and that for the purposes of widening and straightening said street, as aforesaid, the Common Council and Board of Aldermen do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as a part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve, the proper notices upon the Commissioners and property owners.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following report from the Committee on Water was read, and the favorable action of the Common Council thereon (see pages 288 and 289, *ante*), was concurred in:

To the Hon. the Mayor and Common Council.

Gentlemen:—Your Committee on Water, to whom was referred the accompanying motion, would report in favor of its passage:

“That the Board of Health be directed to procure an analysis of the water from the driven wells, the expense of the same not to exceed fifty dollars.”

Respectfully submitted,

B. Ward,
E. H. Dean,
F. Hartmann,
Committee on Water.

The following report from a certain special committee (see pages 295 and 296, *ante*), was read; and, on motion by Alderman Hamilton, was referred to the City Civil Engineer, with instructions to report *kind* and *cost* of bridge:

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

Gentlemen:—Your special committee to whom the following motion was referred:

“That a committee of three, together with the City Civil Engineer and Street Commissioner, and a like committee from the Board of Aldermen, be appointed to examine and report what is best to do in reference to re-placing the bridge across Pleasant Run at Spruce street.”

Have examined said locality, and are of the opinion that the bridge should be re-built, and recommend that a new bridge, with stone abutments, be constructed at said crossing.

Respectfully submitted,

Brainard Rorison,
John Newman,
Geo. P. Wood,

Ed. Brundage,
Ernst Knodel,
John W. Fultz.

S. H. SHEARER, City Civil Engineer.

L. A. FULMER, Street Commissioner.

The following petition and motion accompanying the same, were read:

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

Gentlemen:—We, the owners of real estate fronting on South street and Fletcher avenue, respectfully petition your honorable body to have the "T" rail removed off said streets and replaced with the improved flat rail, in conformity with the Citizens' Street Railway Co.'s charter:

Peter Spitzfaden, I. S. Briggs, Mary Miller, J. W. Lunt, David D. Long, David D. Long, trustee of Fletcher Place M. E. Church, T. N. Bryan, trustee S. B. Church, John W. Thompson, C. H. Briggs, trustee South St. Baptist Church, W. D. Wilson, trustee South St. Baptist Church, Abraham H. Baker, Abraham H. Baker, trustee of Fletcher Place M. E. Church, A. C. May, A. C. May, trustee of Fletcher Place M. E. Church, Samuel Marks, P. M. Gallahue, J. E. Anderson, Chas. Ruckersfeldt, Jennings Branham, Fred J. Lang, W. M. Adams, J. M. Story, Mrs. Effie Lates, Osa Fisher, H. W. Lant, Mathilde Gauss, Francis M. Surbey, S. A. Daugherty, Dr. B. Atkinson, Louis Siersdorfe, Patrick Walsh, D. S. Poorman.

That the prayer of the petitioners be granted, and that the City Marshal be, and is hereby, directed to notify the Citizens' Street Railway Company to comply with the prayer of the petitioners within thirty days from August 31, 1882; and if the change be not made within the above-named time, that the Street Commissioner is hereby instructed to remove the "T" rails, and charge the expense of the same to the above-named company.

Alderman Tucker moved that the favorable action of the Common Council on the above motion (see page 296, *ante*), be concurred in.

Alderman Drew moved to amend by referring the petition and motion to the Committee on Railroads, to report at the next meeting.

Which amendment failed of adoption.

Alderman Hamilton presented the following communication, with the accompanying petitions; which were read:

Indianapolis, Ind., August 14th, 1882.

To the Honorable City Council and Board of Aldermen:

Gentlemen:—We respectfully submit herewith a petition gotten up in answer to a petition filed several weeks since, asking that we be required to take up the T rail, now laid in South street and Fletcher avenue, and substitute flat rail instead.

The track referred to is a part of the Irvington line, on which the cars are run but once an hour through to Irvington, and is a very unprofitable piece of track.

Believing that the people signing the petition, were only desirous of having their street put in first-class order, which we have since completed to their satisfaction, explaining to them at the same time, that the condition of the street for some time past was owing to a misunderstanding on our part, it having been represented to us that the grade of the street was to be changed, which would necessitate the lowering of our track, we intending to make the necessary repairs at the time of the alteration.

We have visited in person, every signer of the first petition, except three whom we were unable to find, all but one of whom have signed the within petition, asking

that the track be allowed to remain as it is, with the understanding expressed in the petition.

Feeling very confident that the neighborhood is perfectly satisfied with this arrangement, we earnestly hope it will likewise prove satisfactory to your honorable body.

Respectfully,

CITIZENS' STREET RAILWAY Co.,
Tom. L. Johnson.

Indianapolis, Ind., August 12th, 1882.

We, the undersigned, property owners on South street and Fletcher avenue, in front of whose property the Irvington Street Railroad track runs, petition the city government to permit the tracks to remain as they are, so long as the Street Railroad Co. carry out their present arrangement with us, viz: to our approval.

Respectfully submitted,

J. L. Fisher, 60 feet; Osa Fisher, 33 $\frac{1}{2}$ feet; W. Bryan, Trustee of Ch. B., 80 feet; John W. Thompson, 30 feet; J. E. Anderson, 40 feet; S. A. Dougherty, 30 feet; Sylvester S. Gate, 45 feet; Effie A. Gate; Patrick Walsh, 33 feet; D. S. Poorman, 30 feet; C. Ruckersfeldt, 30 feet.

Indianapolis, Ind., August 12th, 1882.

We, the undersigned, property owners on South street and Fletcher avenue, in front of whose property the Irvington Street Railroad track runs, petition the city government to permit the tracks to remain as they are, so long as the Street Railroad Co. carry out their present arrangement with us, viz: to keep the street well filled with gravel, to our approval.

Respectfully submitted,

J. A. W. Laut, 36 feet; Charley Richmann, 60 feet; F. M. Surbey, 40 feet; A. H. Baker (per F. W. Baker), 65 feet; David D. Long, 90 feet; Sam'l. Marks, 40 feet 8 in.; Peter Spitzfaden, 35 feet; I. S. Briggs, 53 feet; A. C. May, 75 feet; Louis Siersdorfer, 80 feet; Berkshire Life Ins. Co., 80 feet; W. M. Adams, 65 feet; Fred. J. Lang, 30 feet; Jennings Branham, 30 feet.

The action of the Common Council in adopting the foregoing motion, then failed to be concurred in, by a standing vote.

A motion for a reconsideration of the above action, was then carried by a unanimous vote.

The whole matter was then referred to the Committee on Railroads, to report at the next regular meeting.

The following motion (adopted by the Common Council—see page 296, *ante*), was read and concurrently adopted, and Aldermen Hamilton, Seibert and Mussmann appointed by the Chair to act as the Aldermanic members of such committee:

That the Mayor appoint a committee of three members of the Common Council, and that the Board of Aldermen be requested to appoint a like committee from their body, who shall examine and destroy the cancelled city warrants up to January 1st, 1877, which have accumulated in the office of the City Clerk.

The following motions (adopted by the Common Council—see pages 297, 300 and 302, *ante*), were read and concurrently adopted:

That the City Marshal be, and is hereby, directed to notify the I., B. & W. R. R. Co. to immediately put in repair Ohio and Pine streets, at the crossing of their tracks, as said crossing is left in bad condition.

That the City Civil Engineer be instructed to designate the proper numbers on Broadway street, College avenue and north Meridian street.

That whereas, the Young Men's Christian Association have not complied with the notice of the Street Commissioner to raise and put in good condition the sidewalk in front of their property, on north Illinois street, that the Street Commissioner be directed to do the work, and collect the cost of doing the same from the said Association.

That the Street Commissioner be directed to detail one of his men for one week, to look up ruts and chuck-holes that have been left by contractors and others; and that he be directed to give the parties one week's notice to put the same in good condition. If the order is not complied with within said time, that he be directed to file a complaint against them before the Mayor for violating an ordinance.

That the City Civil Engineer be, and he is hereby, directed to notify the Indianapolis Gas Light and Coke Company that the posts have been erected and an ordinance passed, to light Morris street, from Meridian street to Dacotah street, and that he request Mr. Fletcher to lay the mains to serve the same.

The following petition was read, and the favorable action of the Common Council thereon (see page 298, *ante*), was concurred in:

Indianapolis, Ind., Aug. 7, 1882.

To the Honorable Common Council of the City of Indianapolis.

Gentlemen:—Your petitioner, owner of Lot 15, in Blake's subdivision, corner of North and Mississippi streets, pray your honorable body to grant us the privilege of grading and paving with brick the sidewalk in front of said Lot 15, lying at the intersection of Mississippi and North streets; thence on the north side of North street along the line of said Lot 15 to the west end of said lot; to be done under the direction of the City Civil Engineer, at his own expense. DELOSS ROOT.

The following motion (referred with power to act—see page 300, *ante*) was read, and referred to the Committee on Public Property:

That fifty extra benches be placed in each of the following named Parks, namely: the Circle, University and Military Parks.

The following report from the Committee on Contracts was read, and the favorable action of the Common Council thereon (see pages 302, 303 and 304, *ante*), was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts to whom sundry proposals were referred, presented to Council this August 7th, 1882, have examined the same and find them to be as follows:

1st. For grading and paving with brick (where not already done) the north sidewalk of St. Clair street, from Park avenue to Massachusetts avenue.

J. D. Hoss & Co., 50 cents per lineal foot front.

C. S. Roney, 48 cents per lineal foot front.

John Schier 47 cents per lineal foot front.

H. C. Roney, 47 cents per lineal foot front.

There being two bids for the same price, we recommend the contract be awarded to H. C. Roney.

2d. For grading and graveling the first alley south of Christian avenue, from Park avenue to Broadway street.

C. S. Roney, 33 cents per lineal foot front on each side.

R. H. Patterson, 31 cents per lineal foot front on each side.

H. C. Roney, 27 cents per lineal foot front on each side.

J. D. Hoss & Co., 24 cents per lineal foot front on each side.

J. D. Hoss & Co. being lowest and best bidders, we recommend they be awarded the contract.

3d. For grading, bowldering the gutters and curbing the sidewalks of Alabama street (where not already done), between New York and North streets.

J. D. Hoss & Co., bowldering 75 cents, curbing 50 cents per lineal foot front on each side.

C. S. Roney, bowldering 75 cents, curbing 46 cents per lineal foot front on each side.

R. P. Dunning, bowldering 75 cents, curbing 45 cents per lineal foot front on each side.

S. W. Patterson, bowldering 69 cents, curbing 48 cents per lineal foot front on each side

H. C. Roney, bowldering 69 cents, curbing 45 cents per lineal foot front on each side.

James W. Hudson, bowldering 68 cents, curbing 43 cents per lineal foot front on each side.

August Richter, \$1.09 per lineal foot front on each side.

James W. Hudson being the lowest and best bidder, we recommend he be awarded the contract.

4th. For grading and paving the north sidewalk of the National Road (where not already paved) from Blackford street to the first alley west of Blackford street.

H. C. Roney, 95 cents per lineal foot front.

John Schier, 94 cents per lineal foot front.

J. L. Spaulding, 84 cents per lineal foot front.

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

5th. For grading and graveling Sullivan street and sidewalks, from the north line of Bismarck street to Buckanan street.

S. W. Patterson, 75 cents per lineal foot front on each side.

R. P. Dunning, 69 cents per lineal foot front on each side.

C. S. Roney, 55 cents per lineal foot front on each side.

James Mahoney, 54½ cents per lineal foot front on each side.

H. C. Roney, 53 cents per lineal foot front on each side.

Michael Flaherty, 50 cents per lineal foot front on each side.

August Richter, 44 cents per lineal foot front on each side.

Fred. Gansberg, 43 cents per lineal foot front on each side.

Fred. Gansberg being the lowest and best bidder, we recommend that he be awarded the contract.

6th. For grading, bowldering and curbing the gutters and widening the sidewalks of New York street, from New Jersey street to East street.

J. D. Hoss & Co., 75 cents per lineal foot front on each side for bowldering.

50 cents per lineal foot front on each side for curbing.

40 cents per lineal foot for walk-stone.

C. S. Rooney, 74 cents per lineal foot front on each side, for bowldering.
46 cents per lineal foot front on each side, for curbing.

S. W. Patterson, 69 cents per lineal foot front on each side, for bowldering.
48 cents per lineal foot front on each side, for curbing.
40 cents per lineal foot, for walk-stones.
64 cents per square yard, for bowldering crossings.

H. C. Roney, 69 cents per lineal foot front on each side, for bowldering.
45 cents per lineal foot front on both sides, for curbing.

J. W. Hudson, 63 cents per lineal foot front on each side, for bowldering.
43 cents per lineal foot front on each side, for curbing.
35 cents per lineal foot, for walk-stones.
68 cents per square yard, for bowldering crossings.

J. W. Hudson being the lowest and best bidder, we recommend he be awarded the contract.

7th. For bowldering wings of alley-crossings of Meridian street between McCarty street and Morris street.

Michael Flaherty, 75 cents per square yard.

H. C. Roney, 70 cents per square yard.

J. L. Spaulding, 68 cents per square yard.

James Mahoney, 67 cents per square yard.

James W. Hudson, 65 cents per square yard.

J. W. Hudson being the lowest and best bidder, we recommend he be awarded the contract.

Respectfully submitted,

Isaac Thalman,
Edward H. Dean,
E. H. Koller,
Committee on Contracts.

APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled appropriation ordinances (passed by the Common Council) were placed on their final passage, without a suspension of the rules :

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

Ap. O. 44, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$3,334.75.]

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 45, 1882—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, \$1,000.46]

And it was passed by the following vote :

AYES, 6—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Seibert, and President Layman.

NAYS, 1—viz. Alderman Tucker.

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

Ap. O. 46, 1882—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$202.24.]

And it was passed by the following vote :

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

NAYS—None.

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

Ap. O. 47, 1882—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis. [Amount appropriated, \$9,009.51.]

And it was passed by the following vote :

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

NAYS—None.

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

Ap. O. 48, 1882—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$442.92.]

And it was passed by the following vote :

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

NAYS—None.

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

Ap. O. 49, 1882—An ordinance appropriating the sum of twenty-five hundred dollars on account of the Street Department of the city of Indianapolis, for cleaning streets, etc.

And it was passed by the following vote :

AYES, 6—viz. Aldermen Drew, Hamilton, Newman, Seibert, Tucker, and President Layman.

NAYS, 1—viz. Alderman Mussmann.

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

Ap. O. 50, 1882—An ordinance appropriating the sum of fifteen hundred dollars on account of the Street Department of the city of Indianapolis, for repairing bridges, etc.

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 51, 1882—An ordinance appropriating twenty-five hundred dollars on account of the Street Department of the city of Indianapolis, for repairing streets, etc.

And it was passed by the following vote:

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

NAYS—None.

The following entitled ordinance was read the first time:

G. O. 66, 1882—An ordinance directing the City Civil Engineer to cancel contracts in certain cases.

Alderman DeRuiter moved to reconsider the action of the Board of Aldermen at the last regular meeting, by which S. O. 101, 1882, (an ordinance for the improvement of Indiana avenue), was passed.

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

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

NAYS—None.

The ordinance was then referred to the Committee on Streets and Alleys.

REPORTS FROM CITY OFFICERS.

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

Indianapolis, August 14th, 1882.

To the President and Members of the Board of Aldermen:

Gentlemen:—I have received from the City Clerk the following copy of your proceedings had at your last regular meeting:

“*Moved*, That the City Attorney be, and is hereby, requested to report to this

Board, at our next meeting, whether the five charges made in the public press, against the right of the city building the City Hall, are legal facts. The charges are herewith attached; further, that they each be reported upon separately:

1. That the Board of Aldermen is not legally constituted.
2. That the present membership of the Common Council is such that that body has not the right to make or ratify levies.
3. That the ordinance is illegal, because it anticipates the revenue.
4. That the ordinance is illegal, because there is no money in the treasury.
5. That the law does not authorize a joint commission of members of the Council and Board of Aldermen.

The first two objections are made on the ground that some of the members are not freeholders."

In answer to the first question, I have to say, that the members of the Board of Aldermen having qualified according to law, the Board is "legally constituted," even though some of the members do not possess the statutory qualifications; that is, they are *de facto* officers, and being such, their acts are valid. If, however, some of the members of the Board did not own real estate in their respective districts at the time of their election and qualification, they are subject to removal by *quo warranto* proceedings, which may be set in motion by any tax payer of the city. Such removal would not affect any of the precedent acts of the Board, however. If the members referred to were the owners of real estate in their respective districts at the time of their election and qualification, I do not think that a subsequent parting with the title thereto would render them ineligible for the balance of their terms.

In answer to the second question, I have to say, that I am not aware of any law, statutory or otherwise, requiring members of the Common Council to be freeholders as a condition prerequisite to their making or ratifying levies. I have heard no reason stated that renders any member of the Council now serving ineligible.

I will answer the third and fourth questions together: I am of the opinion that the ordinance in question is legal in all its parts; but under the provisions of Sections 220, 3,121 and 3,124, of the Revised Statutes of 1881, I do not think any valid contract can be made thereunder which shall increase the city's indebtedness beyond the present amount, or appropriation of money made, unless the money is at the time actually in the treasury. The indebtedness of the city is already more than two (2) per cent. of her taxables, and under the constitutional provision and the section of the law of 1877 on that subject above referred to, cannot, in any form, be increased. It will be seen, therefore, that if buildings to cost \$150,000 are to be erected, they can not be so erected under a single contract, because a contract so to do, would create an indebtedness beyond the amount of the special fund now on hand. In view of this fact, and of the further fact that the special revenue anticipated from the saloon tax may not be realized, it has always appeared to me that the commencement of a building to cost more than the amount of the special fund on hand, might prove to be unwise. Again, the third section of the ordinance provides that a building, according to a certain plan named, shall be erected, and that the cost thereof shall not exceed \$150,000. In as much as a valid contract cannot now be entered into for the erection of such a building as an entirety, it might prove impossible to procure contracts to do the last half of the work so as to bring it within the estimate. While these things do not render the ordinance itself *illegal*, as suggested by the third and fourth inquiries, yet I have thought it proper to suggest them as bearing upon the matters under consideration.

The fifth objection urged, viz: that the law does not authorize a joint commission of members of the Council and Board of Aldermen, accepted in the sense of the ordinary or regular committees and boards provided for, would be well taken; for the law of March 8, 1881, provides that no member of the Board of Aldermen shall be elected to serve on any board provided for by law, and that no ordinance, resolution or motion providing for joint committees of the two bodies, shall be passed. But the Commissioners on Market House and City Hall Buildings were not appointed under any of the provisions of that law, and do not take the place of any such committees or boards. The Council and Board of Aldermen having the au-

thority to erect public buildings such as are provided for in the ordinance being considered, I think they have the right to delegate certain of their powers to a committee or commission. It would be impracticable for the whole membership to look after and pass upon every little *minutia* connected with such a work. The ordinance provides that all bonds and contracts shall be approved by the two bodies, leaving only the details and minor matters in the hands of the commission, and in this respect, I think, is well guarded.

Respectfully submitted,

C. S. DENNY, City Attorney.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Streets & Alleys and Sewers & Drainage, through Alderman Seibert, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your committee to whom was referred Ordinance No. 88, for the improvement of Highland street, submit the following report:

After having examined the premises, we have come to the conclusion that no further action be taken in relation to the improvement of Highland street until the grade and water drainage is provided for by surface drainage or otherwise, which, in the opinion of your committee, can only be legally accomplished by petition of property owners interested, and referred to the City Commissioners for the assessment of benefits and damages.

Respectfully submitted,

H. Seibert,
D. DeRuiter,
H. E. Drew.

The Committee on Streets & Alleys and Sewers & Drainage, through Alderman Seibert, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Streets & Alleys and Sewers & Drainage, to whom was referred sundry papers, make the following report:

First is a motion that the sidewalk in front of the Engine House on Maryland street be re-laid by good sound blocks.

Recommend the work be done by the members of the Fire Department.

Second is the petition of Bernard Backman and others, asking for the vacation of lots, streets, avenues and alleys in Schroer's subdivision, as the proper bond has been filed for the payment of costs.

We recommend the action of Council be concurred in.

Respectfully submitted,

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

The following resolution, presented with the above report (adopted by the Common Council—see page 13, *ante*), was read:

Resolved, That the petition of Bernard Backman, William H. Seider and Joseph Baker, praying for the vacation of James Frank and William H. Seiders' subdivision of Lot No. 3, in Hermann Heinrich's (Schroer's) subdivision of 27.90 acres, in the east half of the southwest quarter of Section 13, Township 15 north, Range 3 east, which is all of the said half quarter section that lies on the west side of the

center of the Madison & Indianapolis Railroad, and east of the Madison State Road, and to vacate the lots, streets, avenues, and alleys therein, and especially to vacate Madison avenue and Webb street, and the alleys running parallel with Webb street east and west of the same, be referred to the City Commissioners, with instructions to determine what persons, if any, will be benefited thereby, and assess benefits to persons and property affected thereby.

The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve, the proper notices upon the Commissioners; and the petitioners are hereby required to serve the proper notices upon all interested parties, as may be designated by the City Commissioners.

And it was concurrently adopted by the following vote:

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

NAYS—None.

Alderman Seibert presented the following bond; which was read and approved:

KNOW ALL MEN BY THESE PRESENTS, That whereas, Patrick H. Jameson, Maria Jameson, and others, have petitioned the Common Council of the city of Indianapolis to vacate a certain alley in said city, being the first alley north of Lincoln street, between College avenue and Ash street; Now, therefore, we undertake that the said petitioners shall pay all the costs of said proceedings, and to the performance of such undertaking we hereby bind ourselves, our heirs and representatives. Witness our hands and seals, this 31st day of July, 1882.

P. H. Jameson, [Seal.]
Wm. Wallace, [Seal.]
L. C. Haughey, [Seal.]

The following resolution (adopted by the Common Council—see page 15, *ante*), was read:

Resolved, That the petition of Maria Jameson, P. H. Jameson, Ovid D. Butler, Scott Butler, and others, praying for the vacation of the first alley north of Lincoln avenue, from College avenue to Ash street, be referred to the City Commissioners, with instructions to determine what persons, if any, will be benefited thereby, and assess benefits to persons and property affected thereby.

The Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve, the proper notices upon the Commissioners; and the petitioners are hereby required to serve the proper notices upon all interested parties, as may be designated by the City Commissioners.

And it was concurrently adopted by the following vote:

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

NAYS—None.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Drew offered the following motion; which was adopted:

That the City Civil Engineer instruct the Gas Company to place a lamp at the junction of the alleys crossing from Washington to Market street, and from Mississippi street to Missouri street, as soon as possible.

Alderman Tucker offered the following motions; which were severally adopted:

That His Honor, the Street Commissioner, be, and is hereby, directed to immediately procure at least six barrels of coarse salt, and to make an attack upon the Canada Thistles in the Second Ward; (but if, like Banko's ghost, they will not down,) to get more salt, and to continue the attack until they make an unconditional surrender.

That the City Attorney be, and is hereby, directed to prepare an ordinance, and to have the same presented to the Council for their action, preventing the handling or carrying of toy pistols; and if the city has the right to suppress the sale of toy pistols, to also prohibit their sale, and making as heavy a penalty as the laws will justify for any violations of said ordinance. Further, that the City Attorney write for a copy of the ordinance on this subject at Baltimore.

Alderman Tucker offered the following motion; which was referred to the Committee on Railroads and City Attorney:

That the City Attorney be, and is hereby, requested to prepare all necessary papers for the forfeiting of the Citizens' Street Railroad charter, for not complying with the terms of their charter, as follows: by not keeping up the roadway along their tracks; by laying and keeping in use other than the improved rail; by not running cars as frequently as required, and by many other violations of said charter; and that after such papers are prepared, to present the same to the Council for their action.

President Layman offered the following motion; which was referred to the Committee on Fire Department and President Layman:

That the Fire Board are hereby instructed to purchase a suitable Fire Alarm Bell for No. 9 Engine House.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.