

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JUNE 22, 1881.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, on Wednesday evening, June 22d, A. D. 1881, at eight o'clock, in regular session.

PRESENT—His Honor, President Layman, 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 regular session held on June 8th, 1881, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following special message was read :

To the President and Members of the Board of Aldermen :

Gentlemen:—The Common Council, in regular session, held in the Council Chamber, Monday evening, June 20th, 1881, refused to concur in your amendment to S. O. 43, 1881, recommending that the cost of re-grading said Meridian street, from Washington street to Louisiana street, be paid for by the city, but adopted a further amendment to said ordinance, herewith submitted.

I submit the same for your consideration.

For the Common Council :

JOS. T. MAGNER, City Clerk.

On motion, the former action of the Board of Aldermen was adhered to, and a Committee of Conference appointed, consisting of Aldermen Tucker, Drew and Hamilton.

Later in the session, Alderman Tucker moved to reconsider the above vote.

Which motion failed of adoption.

The following special message was read :

To the President and Members of the Board of Aldermen :

Gentlemen :—The Common Council, in regular session held in the Council Chamber, Monday evening, June 20th, 1881, adhered to their former action, asking that a Committee of Conference be appointed to consider the passage of the following entitled ordinance:

“G. O. 54, 1879—An Ordinance to prevent horses or other animals or vehicles from standing within ten feet of any drinking fountain in the city of Indianapolis, except while such horse or animal is engaged in drinking.”

I submit the same for your consideration.

For the Common Council:

Jos. T. MAGNER, City Clerk.

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

Alderman Tucker moved to lay the foregoing motion on the table.

Which motion was adopted by the following vote :

AYES, 5—viz. Aldermen Hamilton, Mussmann, Newman, Tucker, and President Layman.

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

Alderman Tucker then moved that the Board of Aldermen adhere to their former action.

Which motion was adopted by the following vote :

AYES, 4—viz. Aldermen Hamilton, Mussmann, Tucker, and President Layman.

NAYS, 3—viz. Aldermen DeRuiter, Newman, and Seibert.

The following message was read :

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, June 20th, 1881, for your action upon the same.

For the Common Council :

Jos. T. MAGNER, City Clerk.

The following report from the Committee on Contracts was read; and the favorable action of the Common Council thereon (see page 211, *ante*) was concurred in :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen :—Your Committee on Contracts, to whom was referred certain proposals presented to Council March 21st, 1881, have examined the same and find them to be as follows :

For grading and graveling the first alley west of Alabama street, from Seventh street to the State Ditch.

Henry Clay, 35 cents per lineal foot front on each side.

Charles S. Roney, 30 cents per lineal foot front on each side.

Charles S. Roney being the lowest and best bidder, we recommend he be awarded the contract.

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

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 211, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

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

A first and final estimate in behalf of James Mahoney, for grading and graveling the first alley south of Prospect street, from Olive street to Laurel street.

1631 $\frac{8}{12}$ lineal feet front at 10 cents \$293 68

A first and final estimate in behalf of James Mahoney, for grading and bowldering the east gutter, and curbing with stone the outer edge of the east sidewalk of Alabama street (where not already bowldered or curbed), from Pogue's Run to the railway tracks.

282 $\frac{6}{12}$ lineal feet front bowldering at 40 cents \$113 00
0 feet of curbing at 38 cents 0 00

Total \$113 00

A first and final estimate in behalf of Charles S. Roney, for grading and graveling Lincoln avenue and sidewalks, from Beeler street to Newman steet.

702 $\frac{9}{12}$ lineal feet front at 69 cents \$484 74

A first and final estimate in behalf of Twiname, Amos & Co., for re-grading Columbia avenue, from Malott avenue to Hill avenue.

457 $\frac{1}{12}$ lineal feet front at 20 cents \$ 91 43

A first and partial estimate in behalf of Anderson Bruner, for constructing a brick sewer in and along Washington street, from the east line of New Jersey street to and connecting with the Washington street sewer at the intersection of Pennsylvania street.

425 lineal feet front at \$11.00 \$4,675 00
Two man-holes at \$40 00 each 80 00

Total \$4,755 00

Less 15 per cent. of total amount, held from city's portion 713 25

Total amount allowed \$4,041 75

A first and final estimate in behalf of Twiname, Amos & Co (John L. Hanna, assignee), for re-graveling Hill avenue from Columbia avenue to Darwin street.

11,236 $\frac{9}{12}$ lineal feet at 20 cents \$2,247 36

A first and final estimate in behalf of John L. Hanna, for grading and paving with brick the north sidewalk of St. Mary street, from Alabama street to Central avenue.

638 $\frac{2}{12}$ lineal feet at 31 cents \$ 197 83

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

The following estimate resolution (adopted by the Common Council—see page 212, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of James Mahoney, for grading and graveling the first alley south of Prospect street, from Olive street to Laurel street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 213, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of James Mahoney, for grading and bowldering the east gutter, and curbing with stone the outer edge of the east sidewalk of Alabama street (where not already bowldered or curbed), from Pogue's Run to the railroad tracks, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 213, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Charles S. Roney, for grading and graveling Lincoln avenue and sidewalks, from Beeler street to Newman street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 213, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Twiname, Amos & Co., for re-graveling Columbia avenue, from Malott avenue to Home avenue, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote :

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 214, *ante*) was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and partial estimate in behalf of Anderson Bruner, for constructing a brick sewer in and along Washington street, from the east line of New Jersey street to and connecting with the Washington street sewer at the intersection of Pennsylvania street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote :

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 214, *ante*) was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Twiname, Amos & Co., (John L. Hanna, assignee), for re-graveling Hill avenue, from Columbia avenue to Darwin street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote :

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 214, *ante*) was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of John L. Hanna, for grading and paving with brick, the north sidewalk of St. Marys street, from Alabama street to Central avenue, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

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

NAYS—None.

The following report from the City Civil Engineer was read; and the favorable action of the Common Council thereon (see page 214, *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 Richard Carr, for grading and bowldering Eddy street, from South street to Garden street. Bond, \$500. Surety, Fred. Gansberg.

Contract and bond of Richard Carr, for grading and bowldering Garden street, from Illinois street to Eddy street. Bond, \$500. Surety, Fred. Gansberg.

Contract and bond of Richard Carr, for grading and bowldering the east sidewalk of Eddy street, from Illinois to Garden street. Bond, \$500. Surety, Fred. Gansberg.

Contract and bond of John L. Hanna, for grading, paving with brick, and curbing with stone the sidewalks, and bowldering the gutters (where not already curbed or bowldered), of Ohio street, from Pennsylvania street to Delaware street. Bond, \$1,600. Surety, Henry C. Adams.

Contract and bond of John L. Hanna, for grading and bowldering, and curbing the gutters (where not already bowldered or curbed), of Alabama street, from North street to St. Clair street. Bond, \$2,500. Surety, Ingram Fletcher and P. E. Hoss.

Contract and bond of John L. Hanna, for grading and paving with brick (where not already paved), the south sidewalk of Christian avenue, from Central avenue to the I. P. & C. R. R. Co.'s tracks. Bond, \$2,000. Surety, Ingram Fletcher and P. E. Hoss.

S. H. SHEARER, City Civil Engineer.

The following report from the City Clerk was read:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen.—I herewith submit the following entitled affidavits, for the collection of street assessments by precepts, to-wit:

Fred. Gansberg vs. Frank McWhinney, for	\$47 58
Fred. Gansberg vs. Elizabeth P. Buell, for.....	23 79
Fred. Gansberg vs. Elizabeth P. Buell, for.....	23 79

And recommend you order the precepts to issue.

Respectfully submitted,

Jos. T. MAGNER, City Clerk.

On motion, the favorable action of the Common Council on the above report (see page 216, *ante*) was concurred in, and the precepts ordered to issue by the following vote:

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

NAYS—None.

The following report from the City Clerk was read; and the action of the Common Council thereon (see page 216, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith inform your honorable bodies that John Coburn has filed in my office a deed for a certain strip of ground in square 38, for a public alley. Such dedication is made to comply with the order of the City Commissioners, as shown in their report adopted by your honorable bodies at your last sessions.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following report from the City Attorney (see page 217, *ante*) was read and received:

Indianapolis, June 20th, 1881.

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

Gentlemen:—I have examined the matters referred to in the communication of James Mahoney, and herewith submit the following report thereon:

I find that the contract for the improvement of the alley therein referred to, was awarded to Mr. Mahoney some time during last year, and that the time for the completion of the work has long since expired, and by the terms of the contract the city might now rescind. In other words, the city might avail herself of the forfeiture, and award the contract to some other party. He, however, now proposes, that if the city will extend the time until July 15, 1881, he will do the work according to contract. I am of the opinion, as no one is prejudiced by the extension, that the Council and Board of Aldermen may, if they so desire, grant the extension, and thereby waive the forfeiture.

In reference to the estimates referred to, I am of the opinion that estimates on contracts already completed, can not be refused because of the fact that the contractor may have failed to comply with other contracts awarded to him.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The following report from the Police Board (see page 218, *ante*) was read; and referred, with the bonds of the respective officers, to the Committee on Police Department:

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

Gentlemen:—The Police Board reports, as required by ordinance, the following appointments: George A. Taffe, Day Turnkey, Central Station; Horace Heston, Night Turnkey, at Central Station; George W. Cheatham, Turnkey at Sixth-street Station. And we herewith present their bonds for approval. We have also appointed A. C. Shafer cook at the Central Station, and ask that his pay be fixed at \$40 per month. Also appointed George Childs as Janitor at Central Station, and ask his pay to be fixed at \$20 per month.

Respectfully submitted,

John R. Pearson,

H. B. Stout,

Edgar Brundage,

Police Board.

The following clauses of the report from the Board of Public Improvements were read, and the favorable action of Common Council thereon, (see page 218, *ante*) was concurred in, except the 2d, 18th, 20th and 21st clauses, which were referred to the Committee on Streets & Alleys, and Sewers & Drainage:!

To the Mayor and Common Council:

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

1st. Is a motion that the Street Commissioner fill the chuck-holes on South New Jersey street. Recommend the work to be done between South and Louisiana streets.

2d. Is a motion that the Street Commissioner bowlder the Vermont street intersection of the first alley west of Alabama street, from Vermont street to Massachusetts avenue. Recommend that stone crossings be placed at the mouth of the alley on Vermont street.

3d. Is a motion that the Street Commissioner place a single stone-crossing from the north sidewalk of Cedar street across Virginia avenue. Recommend the work be not done.

4th. Is a motion that the Street Commissioner clean the fine gravel and sand off of West street, between Washington street and Kentucky avenue. Recommend the sand be not removed at present.

5th. Is a motion that the Street Commissioner fill the chuck-holes and clean the gutters where needed on Market street, between Noble street and State avenue. Recommend the chuck-holes be filled between Noble and Pine streets.

6th. Is a motion to place a foot-bridge on the southeast corner of Ohio street and Davidson street. Recommend the work be done.

7th. Is a motion that the Street Commissioner clean the gutters of Archer street from Clifford avenue to Michigan street; also, to repair the bridge over Pogue's Run. Recommend the approaches to the bridge be repaired with broken stone.

8th. Is a motion that the Street Commissioner lay double stone-crossings across Shelby street, at the intersection of Virginia avenue, from the south side of Prospect street, to the north side of Coburn street. Recommend the work be not done, as there is a crossing on Prospect street, and one on Dillon street.

9th. It a motion to lay a double stone-crossing on Illinois street, north side of Maryland street. Recommend the work be not done, as the street is block pavement.

10th. Is a motion to clean the gutters on the east side of Blake street, between Indiana avenue and North street. Recommend the work be not done.

11th. Is a motion that the Street Commissioner clean the gutters of Garden street, between Eddy street and Tennessee street. Recommend the work be done.

12th. Is a motion that the Street Commissioner clean the gutters on Shearer street, from West street to the railroad switch running to the Starch Works. Recommend the work be not done.

13th. Is a motion that the Street Commissioner clean the gutters on McCarty street, from the river to Pogue's Run. Recommend the work be done from West street to Pogue's Run.

14th. Is a motion that the Street Commissioener fill the chuck-holes and clean the gutters on McCarty street, between Illinois street and Madison avenue. Recommend the work be done.

15th. Is a motion that the Street Commissioner clean the gutters and fill the chuck-holes of Spring street, between Vermont and North streets. Recommend the work be not done.

16th. Is a motion that the Street Commissioner clean the gutters on Seventh street, from Illinois street to Tennessee street. Recommend the work be done.

17th. Is a motion that the Street Commissioner fill the chuck-holes on Market street, between East and Noble streets. Recommend the work be done.

18th. Is a motion that the Street Commissioner place double stone-crossings across Market street, west side of Noble street. Recommend the work be done.

19th. Is a motion that the Street Commissioner repair the sewer at the corner of Christian avenue and Bellefontaine avenue. Recommend the work be not done.

20th. Is a motion that the Street Commissioner remove the tree from the alley between Eighth and Ninth streets. Recommend the work be done.

21st. Is the report of City Civil Engineer, relative to putting down stone crossings on Washington street, between Pogue's Run and White River bridge. The following proposals have been received by the City Civil Engineer, to furnish the amount of stone required for said crossings, viz:

J. L. Scanlon, 30 cents per lineal foot.

O. Thompson, 25 cents per lineal foot.

Hicks, Holmes & Co., 24 cents per lineal foot.

Hicks, Holmes & Co., being the lowest and best bidder, we recommend they be awarded the contract for furnishing said stone crossings, and that the Street Commissioner place the same at the crossing mentioned in said Engineer's report.

22d. Is S. O. 50, 1881, "An ordinance to provide for grading, paving with brick, and curbing with stone the south sidewalk of Maryland street, from Missouri street to West." Recommend said ordinance be passed.

Respectfully submitted,

Edward H. Dean,

Wm. H. Morrison,

Board of Public Improvements.

The following report from the Board of Public Improvements was read; and the favorable action of the Common Council thereon (see page 220, *ante*) was concurred in:

To the Mayor and Common Council:

Gentlemen:—In accordance with your order, we herewith submit the following report relative to the compensation of employees in the Street Repairs Department, striking out the two general foreman, and making foremen of dirt cleaning and hauling gangs, the same to receive the sum of \$2.00 per day, and 50 cents per day for horse and wagon when in actual use; and foremen of gravel teams, who shall receive the sum of \$2.00 per day. Carpenters to receive from \$1.75 to \$2.25 per day, and laborers with carpenters to receive the sum of \$1.50 per day.

Respectfully submitted,

Edward H. Dean,

Wm. H. Morrison,

Board of Public Improvements.

The report of the Board of Public Improvements, (see pages 221, 222 and 223, *ante*) showing expenses of Street Repairs Department, material used, and the principal streets and avenues on which the same was expended, was read and received.

The following petition was read; and the favorable action of the Common Council thereon (see page 224, *ante*) was concurred in:

Indianapolis, Ind., June 10th, 1881.

To the Members of the Board of Public Improvements:

Gentlemen:—I desire an extension of sixty (60) days time to complete my contract on Cypress street, between Linden and Olive streets. Have used diligence in the prosecution of the work since commenced, but was unable to commence earlier, on account of having several contracts left over from last fall, by reason of the long winter.

J. L. SPAULDING.

State of Indiana, Marion County, ss:

J. L. Spaulding being duly sworn, says that matters and things set forth in the petition are true.

Sworn to, this 10th day of June, 1881.

W. C. PHIPPS, Notary Public.

The undersigned, Board of Public Improvements, have examined the foregoing petition, and recommend that the prayer of the same be granted.

Edward H. Dean,

Wm. H. Morrison,

Board of Public Improvements.

The Mortality report of the Board of Health (see page 224, *ante*) was read and received.

The following clause of the report from the Judiciary Committee, was read; and the favorable action of the Common Council thereon (see page 225, *ante*) was concurred in:

Indianapolis, June 20th, 1881.

To the Mayor and Common Council:

Gentlemen:—Your Judiciary committee, together with the City Attorney, to whom was referred sundry papers, report thereon, as follows:

The first is the petition of Sarah E. Milburn, asking the city to pay a certain judgment for the sum of fifteen hundred dollars, rendered at the January term, 1880, of the Superior Court, in her favor against the city.

This is a judgment for damages, in favor of petitioner, occasioned by her falling in a cistern left open in the line of a public street in the city. The judgment was rendered at special term, 1880. An appeal was taken by the city to the general term of Superior Court; and at the October term, 1880, the judgment of special term was affirmed, Judge Byron K. Elliott delivering the opinion.

The only point upon which the city can hope to secure a reversal of the case is upon the question of contributory negligence on part of petitioner, the fact being that she stepped into the cistern in the day time, and might have seen it, had she looked where she was stepping. The evidence, however, was, that her attention was engaged by two cows, which she thought were going to rush at her, and it was while engaged in getting away from them that she fell into the cistern. This question was fully considered by Judge Elliot, in his general term opinion, holding to the acknowledged law that a traveler has a right to presume that the corporate authorities have done their duty, and made the streets safe. The court expressly say that the failure of petitioner to look in advance of where she was going, is not in itself such negligence as will preclude a recovery. In the opinion of your committee, the chances are more than two to one in favor of the Supreme Court affirming the judgment, now amounting, principal and interest, to about sixteen hundred and twenty-five dollars.

The husband of petitioner has now brought suit against city, to recover damages which he, as a husband, has sustained by reason of his wife's injuries.

The petitioner, Mrs. Milburn, through her attorneys, has made a proposition to your committee to take fourteen hundred dollars in full satisfaction of her judg-

ment, and if accepted by the city her husband will dismiss the case now pending against the city. Furthermore, Messrs. Sims and Smithers, the men who dug the cistern, offer to your committee, through their attorney, Captain Ritter, to pay five hundred dollars of the judgment, if the city will settle it. This will let the city out with a loss of only nine hundred dollars.

Your committee recommend that the petitioner be paid the sum of nine hundred dollars; provided, however, that Mr. Milburn shall dismiss his case now pending against the city, and petitioner shall receipt the judgment docket in full on receipt of fourteen hundred dollars, which shall be in full of all demands, in favor of petitioner or her husband against the city.

Provided, further, the nine hundred dollars shall not be paid, until Sims & Smithers pay petitioner the promised sum of five hundred dollars.

The following clauses from the report of the Committee on Public Light (see pages 227 and 228, *ante*) were read, and referred to the Committee on Public Light and Education:

4th. Is a motion that the City Civil Engineer be directed to request the Gas Company to re-light lamp at entrance of alley on south side of Vermont street, between Delaware and Alabama streets.

Would report in favor of the motion, and recommend its passage.

5th. Is a motion that lamp opposite No. 565 east Seventh street, be re-lit.

Your committee find seven lamps in a distance of one square. We therefore recommend the motion be not passed. On the contrary, your committee recommend the lamp north side of Seventh street, between Peru street and Bellefontaine avenue, and the lamp on southeast corner Peru street and Seventh street, opposite Bellefontaine avenue, be dismantled and discontinued.

9th. Your committee would recommend that the lamp south of the first alley on the east side of West street, between Vermont and Michigan streets, be dismantled, and the lamp now dismantled on the west side of West street, between Vermont and Michigan streets, be re-lit, after said lamp is moved south to the corner of the first alley south, on west side.

10th. For the purpose of affording light on Wabash street, between New Jersey and Alabama streets, your committee recommend the removal of the following lamps: Move the lamp on the east side of Alabama street, south of Wabash street, between Market and Ohio streets, north to the corner of Wabash street, same side. Also, move lamp on west side of New Jersey street, between Market and Ohio streets, south to the corner of Wabash street.

11th. Your committee recommend the following lamps dismantled: 1 lamp on Plum street, between Cherry street and Christian avenue, first alley east side of Plum street; 1 lamp north side of Vine street, between Plum and Broadway streets.

The following report from the Committee of Conference was read; and the favorable action of the Common Council thereon (see page 235, *ante*) was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The Conference Committee, to whom was referred the following resolution: "That the Committee on Public Property be directed to take steps for the immediate conversion of the 'Tomlinson Estate Property' belonging to the city into cash, with a view to the speedy erection of public buildings for the use of citizens and city authorities, for market purposes, on the south half of square forty-three (43) Indianapolis, such 'public buildings' in no event to exceed in cost the amount received from the sale of said property";

Recommend that the City Clerk be directed to advertise for plans and specifications for a City Hall and Market House, to cost not to exceed \$75,000 to \$100,000 and that the sum of \$200 be paid for the plan that the city may adopt. After the adoption of some plan, we recommend that the resolution submitted be adopted and the "Tomlinson Estate Property" be advertised for sale, and sold, and the building of said Hall and Market House to commence as early as possible.

Respectfully submitted,

F. W. Hamilton,
W. H. Tucker,
Aldermanic Committee.

Isaac Thalman,
Frederick Hartmann,
Council Committee.

The following motion (adopted by the Common Council—see page 240 *ante*) was read, and concurrently adopted :

That the City Clerk be directed to advertise in the several daily papers of the city for two successive days, for plans for a new City Hall and Market House, in accordance with the report of the Committee on Conference. Said plans to be presented by July 20th, 1881.

The following resolution (adopted by the Common Council—see page 237, *ante*) was read, and referred to the Committee on Judiciary :

Resolved, That the report of the City Commissioners in the matter of the opening of Hanway street to the width of forty feet, from its present eastern terminus at Madison avenue, as presented to the Common Council on the 6th day of June, 1881, be, and the same is hereby, approved and accepted; and that the real estate necessary for the opening of said street, be, and the same is hereby, appropriated and condemned; and that the City Clerk be directed to deliver to the City Treasurer a certified copy of so much of said report as assesses benefits and damages upon real estate; and that the City Treasurer be directed to tender to the parties entitled thereto the damages assessed, and proceed to the collection of the benefits assessed as required by law.

The following motions, (adopted by the Common Council—see pages 236, 238, 239, 240, 243 and 244, *ante*) were read and concurrently adopted:

That James Mahoney be granted until July 15th, 1881, in which to complete his contract for the improvement of the first alley north of St. Mary street, from Pennsylvania street to Delaware street.

That the Adams Packing Co. be permitted to remove the lamp-post situated in front of their establishment on south Alabama street, from its present location about ten feet north, at their own expense, under direction of the City Civil Engineer.

That James Renihan be, and is hereby, allowed to curb the sidewalk, and bowlder the gutters, in front of his property northwest corner of Maryland and Tennessee streets, at his own expense, under the direction and supervision of the City Civil Engineer.

That the City Clerk is hereby authorized to put in the appropriations bill for the next month, the sum of \$1,200.00, for purchasing the Three-Notch Road.

That the Citizens' Street Railway Company be, and are hereby, ordered to remove the culverts on Tennessee street, at the crossing of Indiana avenue; and if said work is not done within twenty (20) days, that the Street Commissioner do said work, and collect cost of same from said Citizens' Street Railway Company.

That the citizens owning the property on Vermont street, between the first and second west of Illinois street and Tennessee street, be, and are hereby granted permission

to curb and bowlder the gutters on the north and south side of said street to a width of seven or nine feet, under the direction of the City Civil Engineer, at their own expense.

That Wm. Bushman & Co. be granted permission to sink a well in front of their property at the corner of Ninth street and Central avenue, under existing ordinances.

That the Street Commissioner be directed to open out the gutters on north Alabama street, between St. Clair and North streets.

To request the Street Car Company to repair the street along the line of their tracks on the square between Meridian and Pennsylvania streets, on South street; and if they fail to do so within ten days, that the Street Commissioner be instructed to make said repairs, and charge the same to said Street Car Company.

The following motions were read; and the favorable action of the Common Council thereon (see pages 239 and 240, *ante*) was not concurred in:

That Mr. Fred. Pflaeger, located and doing business at No. 401 east Washington street, be allowed to lay plank over the gutter in such manner as to not interfere with the flow of water therein, and in such manner that he can approach his place of business, under direction of the City Civil Engineer.

That E. B. Dill be granted permission to fill sprinkling wagon from water plug on corner of Illinois and Seventh streets, in accordance with existing ordinances.

The following motion (adopted by the Common Council—see page 240, *ante*) was read, and referred to the Committee on Streets & Alleys and Sewers & Drainage:

That N. N. Morris & Co., agent of Jonathan Edwards, trustee, be, and is hereby, granted permission to bowlder the gutters to a width of eight feet, in front of Lots 46, 47 and 48, L. C. & L. R. R. Co.'s subdivision of Out-lot No. 91, at their own expense, and under the direction of the City Civil Engineer.

The following motion (adopted by the Common Council—see page 243, *ante*) was read, and concurrently adopted:

That Wm. Buschman have permission to bowlder the gutter on St. Marys street, in front of his property, at his own expense; and the City Civil Engineer is hereby directed to set the grade stakes.

A motion to reconsider the adoption of the above motion was lost.

The following entitled ordinance was read the first time:

Ap. O. 40, 1881—An Ordinance appropriating the sum of Two Thousand Three Hundred and Nine Dollars, for the payment of the salaries of the members of the Common Council and Board of Aldermen, and of the City Officers.

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

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

NAYS—None.

Ap. O. 40, 1881, was then read the second and third times, and passed by the following vote:

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

NAYS—None.

REPORTS, ETC., FROM CITY OFFICERS.

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

Indianapolis, June 22d, 1881.

To the President and Members of the Board of Aldermen:

Gentlemen:—I have examined and herewith submit the following report upon sundry matters referred to me for an opinion thereon:

1st. Is a communication from the Union Railway Company, in reference to the improvement of the sidewalk on the north side of McNabb street.

I find upon examination, that the Union Railway Company is the owner of the strip of ground now used as a sidewalk on the north side of said street, yet that the same forms no part of the public street, and such being the case, there would be no impropriety in rescinding the order to improve, thus concurring in the action of the Council.

2d. Is a motion requiring me to report whether or not the official boards of the city, as now organized, are legally constituted.

The several official boards were regularly elected by Common Council and Board of Aldermen, assembled in Joint Convention on the evening of the 13th day of May, 1881, pursuant to the requirements of the late law applicable to cities of the size of Indianapolis, and the members of the various boards so chosen have since been duly commissioned and qualified.

The question as to the legality of said boards must depend upon the power vested by law and by ordinance in such Joint Convention. The ordinances of the city then in force, required the election by the Joint Convention of the several boards, and provided that they should consist of three members. The law then in force in effect required that such official boards should be chosen from the members of the Council, and that their terms of office should be during their terms as Councilmen, etc. The law further provides that such boards should be elected at the first meeting of the Joint Convention provided for in Section 4 of the act above referred to. The Joint Convention assembled pursuant to law, and proceeded to the election of said boards from the members of the Council, as required by law; and, under such circumstances, their election must be regarded as legal and binding.

Again, the power to elect said boards, both by the statute and ordinances, is vested in the Joint Convention, and when assembled for that purpose pursuant to law, it is not only its privilege, but also its duty, to proceed with the election of said boards; and the boards so chosen would be regarded as vested with all the powers incident to their appointment. In addition to this, at the time the election was held, the Council had already passed an ordinance providing for the organization of the official boards as they are now constituted, so far as the number they should each consist of, and whom they should be chosen from, is concerned. Since that time the Board of Aldermen has concurred in that action; and this, in my judgment, would be held to be a ratification and confirmation of the action of the Joint Convention in the election of said boards pending the passage of said ordinance.

I am of the opinion that said boards are legally organized, and, as such, authorized to exercise all the powers to them respectively delegated by the ordinances of the city.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The Board of Public Improvements submitted the following report; which was concurred in :

To the President and Members of the Board of Aldermen :

Gentlemen:—The Board of Public Improvements, to whom was referred several Special Ordinances, would report:

1st. Is S. O. 9, 1881, "An ordinance to provide for grading and graveling Chadwick street and sidewalks, from McCarty street to Catharine street."

Recommend the action of the Common Council, in the passage of said ordinance, be concurred in.

2d. Is S. O. 15, 1881, "An ordinance to provide for grading and paving with brick, the sidewalks of Oak street, from Massachusetts avenue to the first alley north of Cherry street."

Recommend the action of the Common Council in the passage of said ordinance, be not concurred in.

3d. Is S. O. 20, 1881, "An ordinance to provide for grading and paving with brick, the south sidewalk of St. Clair street, from Meridian street to Tennessee street."

Recommend the action of the Common Council in the passage of said ordinance, be concurred in.

4th. Is S. O. 25, 1881, "An ordinance to provide for grading and graveling Seventh street and sidewalks, from Columbia avenue to Hill avenue."

Recommend the action of the Common Council in the passage of said ordinance, be concurred in.

5th. Is S. O. 28, 1881. "An ordinance to provide for grading and paving the east sidewalk of West street, from South street to Merrill street."

Recommend the action of the Common Council in the passage of said ordinance, be concurred in.

6th. Is S. O. 29, 1881, "An ordinance to provide for paving with brick the west sidewalk of West street, from Washington street to Kentucky avenue."

Recommend the action of the Common Council in the passage of said ordinance, be concurred in.

7th. Is S. O. 37, 1881, "An ordinance to provide for grading and graveling the alley between Union and Chestnut streets, from Hanway street to Hill street."

Recommend the action of the Common Council in the passage of said ordinance, be concurred in.

Respectfully submitted,

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

The Board of Public Improvements submitted the following report; which was referred to the Finance Committee :

To the President and Members of the Board of Aldermen :

Gentlemen:—The Board of Public Improvements, to whom the following entitled ordinances were referred, report the same back, and recommend the action of the Common Council, in the passage of said ordinances, be concurred in :

1st. Is S. O. 27, 1881, "An ordinance to provide for grading, paving with brick, and curbing with stone (where not already properly paved or curbed), the north side of Maryland street, from West street to Helen street."

2d. Is S. O. 135, 1880, "An ordinance to provide for grading and graveling Pleasant street and sidewalks, from Linden street to Reid street."

3d. Is S. O. 134, 1880, "An ordinance to provide for grading and graveling the alley between Pleasant street and Lexington avenue, from Linden street to Spruce street."

4th. Is S. O. 75, 1879, "An ordinance to provide for grading and graveling the sidewalks and roadway, and bowldering and curbing with stone, the gutters of Highland street, from Washington street to the north line of Ohio street, and repealing S. O. 48, 1878."

Respectfully submitted,

Edward H. Dean,
Wm. H. Morrison,
Board of Public Improvements.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Fire Department, through Alderman Tucker, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Fire, would most respectfully report as follows, on the action of the Council to give better protection to the Sarvern Wheel Works:

1st. We report in favor of such action.

2d. We most respectfully report *against* the placing of a fire alarm bell and striker in Engine House No. 10.

3d. We report against the laying of water mains from corner of Noble street east to Davidson street, thence north to North street.

Respectfully submitted,

W. H. Tucker,
D. DeRuiter,
H. E. Drew,
Committee.

The Committee on Hospital and Dispensary, through Alderman Hamilton, submitted the annual report of the Superintendent of the City Hospital and Branch, which was received; and five hundred copies ordered printed in pamphlet form:

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

Gentlemen:—In submitting the report of the Superintendent of the City Hospital for the year ending with the 31st day of May, 1881, we wish to testify to the faithfulness and efficiency with which Dr. Wisbard has managed the affairs of said Hospital. He has been careful in the expenditures of money, attentive and kind to the inmates, and with Dr. Doan and his other assistants, is largely entitled to the credit for the successful management of this public charity.

During the year, gas has been put into the building, at an expense of about \$300 a considerable amount of repairs and general improvements made; the wood-work and floors of all the wards, except one, have been painted at an expense of about \$150, the work having been done by the convalescent patients; the anthracite coal stoves have all been repaired and refitted with castings, at an expense of about \$350; the supply of dishes is good, but bedding and clothing for patients are deficient, and considerable additions will have to be made.

The estimated expense for the institution for the past year was \$11,500. There

has been expended \$10,988.57, an average of \$915 71 per month, and a saving of 511.43, with an unusually severe winter, increased cost of subsistence and labor, increased number of suffering and diseased patients to be treated and cared for.

Small-pox patients have been treated at the branch (pest house)--one in a most virulent and alarming form, a tramp from St. Louis, who died and was buried on the creek bank, after having had all the attention possible from the resident physician of the Hospital and attendants of the branch. We leave the Hospital in as good general condition as possible. The necessity for a new Hospital, in a better location, is patent to all who have visited the place and gone through the building, and, as at present, it is no credit to the city. Patients die every year, who, in a better location and building, might have lived. The ceilings of the house are low, and ventilation bad. We recommend the building of a new Hospital, in some healthy location, on true hygienic principles, with good ventilation, drainage, &c.

We hereby tender our thanks to the members of the Hospital staff, selected by Dr. Wishard and approved by us, for the interest taken and service rendered by them during the past year.

Peter F. Bryce,
Nelson Yoke,
F. W. Hamilton,
Hospital Board.

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 and Alleys, to whom was referred S. O. 66, 1881, "An ordinance to provide for improving New York street, from Delaware street to New Jersey street, by widening the sidewalks, curbing and bowldering the gutters, together with the petition for and remonstrance against said improvements, recommend that the action of the Common Council in the passage of said ordinance, be concurred in.

Respectfully submitted,

Hiram Seibert,
D. DeRuiter,
H. E. Drew,
Committee on Streets and Alleys.

The Committee on Water, through Alderman DeRuiter, submitted the following report; which was concurred in:

To the Board of Aldermen:

Gentlemen:—The Committee on Water and Public Health, to which was referred the resolution of the Council, ordering the Water Works to make certain extensions of piping, would report. That we have received a communication from the manager of the Water Works, declining to extend the piping, as ordered by the Council.

D. DeRuiter,
H. Seibert,
D. Mussmann,
Committee on Water.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Tucker offered the following motion; which was adopted:

That the City Attorney be and is hereby requested to report to this Board if the Street Commissioner, as a chartered officer, has not the full power to employ all men employed by the city in the Street Repair Department.

Alderman Tucker offered the following motion:

That the City Attorney be and is hereby requested to prepare an ordinance, and have the same presented at the next meeting of the Council for their action, increasing the pay of the members of the Police and Fire departments 15 cents per day for each member.

And it was adopted by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Mussmann, Newman, Seibert, and Tucker.

NAYS, 3—viz. Aldermen Drew, Hamilton, and President Layman.

Alderman Tucker offered the following motion; which failed of adoption:

That the City Council be and are hereby requested to meet with the Board of Aldermen in joint convention, Tuesday, July 5th, for the purpose of fixing estimates for the several departments, for the months of July, August, September, October, November and December; and that the City Clerk notify the several boards and committees to have their estimates ready for the said joint convention.

Alderman Tucker offered the following motion:

That a special committee of three be appointed from this Board, together with the City Attorney, and that His Honor the Mayor be and is hereby requested to meet with said committee and prepare an ordinance, and have the same presented to the Council for their action, licensing all places within the corporate city limits where wine, beer and liquors are sold; also governing and regulating such places; and that such city license fee be not less than \$50 nor more than \$100, for each and every license granted; and providing penalties for all violations thereof; also designating proper authorities to grant such license.

Alderman Hamilton moved to refer to the Committee on Water and Public Health.

Which motion was adopted by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, and President Layman.

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

Alderman Tucker presented the following petition; which was ordered filed with the ordinance:

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

14 *Gentlemen*:—The undersigned, owners of the real estate fronting on the alley between Lexington avenue and Pleasant street, respectfully petition for the passage of an ordinance providing for the grading and graveling of said alley, running east and west from Linden to Spruce.

And your petitioners will ever pray, etc.,

T. R. Brackin, 80 feet; J. C. Crocker, 40 feet; W. H. Hoover, 40 feet; George Bertels, 30 feet; Andy Wempner, 30 feet; John Greiner, 40 feet; Fred. Tulb, 33 feet.

PENDING ORDINANCES.

The following entitled ordinance was read the second time :

G. O. 21, 1881—An Ordinance granting Albert G. Porter the right and privilege of constructing and maintaining a railroad switch across Pennsylvania street, connecting his lot on Pennsylvania street, between South and Louisiana streets, with the track of the Jeffersonville, Madison & Indianapolis Railroad.

Alderman Tucker offered the following amendment to the above ordinance, which failed of adoption :

Provided, That nothing contained in this ordinance shall be construed as authorizing the standing of cars upon streets crossed by said switch any longer than is necessary in moving the same to their destination; and should the party or parties using said switch allow cars to remain on said streets or alleys more than five consecutive minutes they shall forfeit to the city the sum of \$50 for each offense, and shall forfeit all their rights under this ordinance.

G. O. 21, 1881, was then read the third time, and passed by the following vote :

AYES, 5—viz. Alderman DeRuiter, Drew, Hamilton, Seibert, and President Layman.

NAYS, 3—viz. Aldermen Mussmann, Newman, and Tucker.

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

S. O. 66, 1881—An Ordinance to provide for improving New York street, from Delaware street to New Jersey street, by widening the sidewalks, curbing with stone the outer edges thereof, and bowldering the gutters.

And it was passed by the following vote :

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

NAYS, 1—viz. President Layman.

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

S. O. 9, 1881—An Ordinance to provide for grading and graveling Chadwick street and sidewalks, from McCarty street to Catharine street.

And it was passed by the following vote :

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

NAYS—None.

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

S. O. 15, 1881—An Ordinance to provide for grading and paving with brick (where not already paved), the sidewalks of Oak street, from Massachusetts avenue to the first alley north of Cherry street.

And it failed to pass by the following vote :

AYES, 3—viz. Aldermen DeRuiter, Newman, and Seibert.

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

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

S. O. 20, 1881—An Ordinance to provide for grading and paving with brick (where not already paved), the south sidewalk of St. Clair street, from Meridian street to Tennessee street.

And it was passed by the following vote :

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

NAYS—None

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

S. O. 25, 1881—An Ordinance to provide for grading and graveling Seventh street, and sidewalks, from Columbia avenue to Hill avenue.

And it was passed by the following vote :

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

NAYS—None.

The following entitled ordinance was read the second and third times .

S. O. 28, 1881—An Ordinance to provide for grading and paving with brick (where not already paved), the east sidewalk of West street, from South street to Merrill street.

And it was passed by the following vote :

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

NAYS—None.

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

S. O. 29, 1881—An Ordinance to provide for grading and paving with brick the west sidewalk of West street (where not already properly paved), from Washington street to Kentucky avenue.

And it was passed by the following vote :

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

NAYS—None.

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

S. O. 37, 1881—An Ordinance to provide for grading and graveling the alley between Union and Chestnut streets, from Hanway street to Hill street.

And it was passed by the following vote :

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

NAYS—None.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.