

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—OCTOBER 6, 1880.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, October 6th, A. D. 1880, at half-past seven o'clock, in regular session.

PRESENT—His Honor, Vice-President James T. Layman, in the Chair, and Aldermen Drew, Grubbs, Hamilton, Mussmann, Newman, Seibert, and Tucker—8.

ABSENT—President Coburn, and Alderman Wood—2.

The Proceedings of the Board of Aldermen, for the regular session held on September 22d, 1880, 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 October 4th, 1880, requested the President of the Board of Aldermen to appoint a special committee of two, to act with three members of the Council, to consider the report of the Fire Board in regard to the purchase of a new steam fire engine.

For the Common Council :

Jos. T. MAGNER, City Clerk.

On motion by Alderman Layman, the name of each member of the Board was placed in a hat, Alderman Grubbs and Tucker appointed as tellers. By request, George T. Breunig, Clerk of the Board, drew separately from the hat the names of Aldermen Seibert and Drew, who were then declared by the Chair as members of the Special Committee pursuant to foregoing special message.

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, which were favorably passed upon by the Common Council, at its regular session held on Monday evening, October 4th, 1880, for your action upon same.

For the Common Council :

Jos. T. MAGNER, City Clerk.

The following communication was read; which was referred to the next Joint Convention.

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

Gentlemen:—Please accept my resignation as Master of the West Market. In rendering this, I shall ever cherish the kindness shown me by your honorable bodies; but circumstances, etc., over which it seems I can not control, demands this step.

I have the honor to be, most respectfully, your servant,
Oct. 4, 1880.

EDWIN A. GUTHRIE.

The following resolution was read; which was referred to the next Joint Convention.

Resolved, That the resignation of Edwin A. Guthrie, as Market-master of the West Market, be, and is hereby, accepted; and that the Mayor be requested to call a joint meeting of the Common Council and Board of Aldermen, not later than Wednesday evening of this week, to elect his successor.

The following report from the City Civil Engineer was read; and the action of the Common Council in receiving the report and in approving the several estimates and assessments (see page 558, *ante*) was concurred in:

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

Gentlemen:—I herewith report the following estimates:

A first and final estimate in behalf of William Kown, for grading and paving with brick the south sidewalk of Louisiana street, from New Jersey street to the first alley west of New Jersey street.

195 lineal feet, at 34 cents..... \$66 30

A first and final estimate in behalf of Fred. Gansberg, for grading and paving with brick, (except where already paved,) the sidewalks of English avenue, from Harrison street to Dillon street.

2,072 $\frac{1}{2}$ lineal feet, at 34 $\frac{1}{2}$ cents..... \$715 02

A first and final estimate in behalf of James Mahoney, for grading and graveling Reid street and sidewalks, and bowldering the west gutter thereof, from Woodlawn avenue to Prospect street.

1,034 lineal feet graveling, at 90 cents..... \$930 60
597 lineal feet bowldering, at 20 cents..... 119 40

Total estimate..... \$1,050 00

A first and final estimate in behalf of J. L. Spaulding, for grading and paving with brick, (except where already paved,) the south sidewalk of North street, from Illinois street to the Indianapolis, Cincinnati & Lafayette Railway track.

464 $\frac{1}{2}$ lineal feet, at 47 cents..... \$218 28

A first and final estimate in behalf of C. T. Langhorne, for grading and graveling McKernan street and sidewalks, from Buchanan street to the south line of Out-lot No. 99.

1,115 $\frac{1}{2}$ lineal feet, at 42 $\frac{1}{2}$ cents..... \$474 32
8 $\frac{22}{100}$ yards extra excavating, at 20 cents..... 1 64
3 $\frac{74}{100}$ yards graveling connections, at 50 cents..... 1 87

Total estimate..... \$477 83

A first and final estimate in behalf of John Stumph and Lorenz Schmidt, his as-

signee, for improving Tennessee street, from First street to Seventh street, by grading and graveling the roadway, and bowldering the gutters thereof.

5,179 $\frac{1}{2}$ lineal feet, at 74 cents.....	\$3,833 08
823 $\frac{6}{10}$ lineal feet stone crossings, at 30 cents.....	247 08
2,318 $\frac{7}{10}$ square feet bowldering connections, at 4 $\frac{1}{2}$ cents.....	104 34
Total estimate.....	\$4,184 45

A second and final estimate in behalf of Murphy & Sylvester, for grading and paving with brick, (where not already paved,) the sidewalks of Michigan street, from Tennessee street to Missouri street.

79 $\frac{6}{12}$ lineal feet, at 45 cents.....	\$35 78
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Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 559, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed C. T. Langhorn, for grading and graveling McKernan street and sidewalks, from Buchanan street to the south line of Out-lot No 99, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 559, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying second and final estimate allowed Murphy & Sylvester, for grading and paving with brick, the sidewalks of Michigan street, from Illinois street to Missouri street, (except where already paved,) be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 559, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed J. L. Spaulding, for grading and paving with brick, the south sidewalk of North street.) except where already paved,) from Illinois street to the Indianapolis, Cincinnati & Lafayette Rail-

road track, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 560, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed James Mahoney for grading and graveling Reid street and sidewalks, and bowldering the west gutter thereof, from Woodlawn avenue to Prospect street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 560, *ante*,) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed William Kown, for grading and paving with brick the south sidewalk of Louisiana street, from New Jersey street to the first alley west of New Jersey street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 560, *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed John Stumph and Lorenz Schmidt, (his ass'gnee,) for improving Tennessee street, from First street to Seventh street, by grading and graveling the roadway, and bowldering the gutters thereof, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

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

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 561, *ante*,) was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate allowed Fred. Gansberg, for grading and paving with brick, (except wherē already paved,) the sidewalks of English avenue, from Harrison street to Dillon street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote :

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

NAYS—None.

The following report from the City Civil Engineer was read ; and the action of the Common Council in receiving the report, concurring in the several contracts, and approving the bonds (see page 561, *ante*) was concurred in :

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

Gentlemen:—I herewith submit for your consideration, the following contracts and bonds :

Contract and bond of Smith & Sylvester, for grading and paving with brick the east sidewalk of Tennessee street, (where not already paved,) from St. Clair street to First street. Bond, \$800; surety, S. Loftin.

Contract and bond of Fred. Gansberg, for grading and bowldering the gutters, and curbing with stone the outer edges of the sidewalks, (where not already bowldered and curbed,) of Virginia avenue, from Washington street to its southern terminus. Bond, \$10,000; surety, John Schier, Charles Danmeyer, and Richard Carr.

Contract and bond of Henry Clay and John Langsdale, for grading, bowldering and curbing the gutters of Ohio street, (where not already properly bowldered or curbed,) from Meridian street to Pennsylvania street. Bond, \$1,000; surety, John Schier.

Contract and bond of R. P. Dunning and J. W. Hudson, for grading and bowldering the gutters, and curbing with stone the outer edge of the sidewalks of Kentucky avenue, from Maryland street to Louisiana street. Bond, \$4,000. surety, John Schier.

Contract and bond of R. P. Dunning and J. W. Hudson, for grading and bowldering the southeast gutter, and curbing with stone the outer edge of the southeast sidewalk of Kentucky avenue, from Louisiana street to Sharpe street. Bond, \$1,500. surety, John Schier.

Contract and bond of R. P. Dunning and J. W. Hudson, for grading and bowldering the north gutter of South street, from Virginia avenue to New Jersey street. Bond, \$200; surety, John Schier.

Contract and bond of J. L. Spaulding, for grading and graveling the first alley east of Virginia avenue, from Grove street to Elk street. Bond, \$300; surety, A. S. Comstock.

Contract and bond of John Schier, for grading and paving with brick the sidewalks of Louisiana street, from East street to Virginia avenue. Bond, \$300; surety, R. P. Dunning.

Contract and bond of J. L. Spaulding, for grading and graveling King street and sidewalks, from Pennsylvania street to Delaware street. Bond, \$900; surety, A. S. Comstock.

Contract and bond of J. L. Spaulding, for grading and graveling Cypress street and sidewalks, from Linden street to Olive street. Bond, \$1,200; surety, A. S. Comstock.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following clause in the report of the Committee on Contracts was read; and the action of the Common Council, in awarding the contract, as recommended (see page 562, *ante*) was concurred in:

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

Gentlemen:—Your Joint Committee on Contracts, to whom was referred sundry proposals, presented to Council September 20th, 1880, find them to be as follows, to-wit:

2d. To provide for the construction of a sewer in, and along, the first alley east of Meridian street, from Maryland street to Washington street, connecting with the Washington street sewer.

John A. Whitsit, \$2.75 per lineal foot; \$30.00 man-holes; \$70.00 catch-basins.

A. Bruner, \$1.75 per lineal foot; \$35.00 man-holes, each complete; \$65 00 catch-basins, each complete.

A. Bruner being the lowest and best bidder, we recommend he be awarded the contract.

Respectfully submitted,
John Newman,
Aldermanic Committee.

Isaac Thalman,
E. H. Koller,
James A. Pritchard,
Council Committee.

The following report from the City Clerk was read:

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

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

R. P. Dunning and Jas. W. Hudson vs. Susan G. Hill, for.....	\$61 10
R. P. Dunning and Jas. W. Hudson vs. Francis P. Foster, for.....	22 08
R. P. Dunning and Jas. W. Hudson vs. Alfred Fairhurst, for	44 80

R. P. Dunning and Jas. W. Hudson vs. George P. Bissell, for..... 47 04
 R. P. Dunning and Jas. W. Hudson vs. Milton Shirk, for..... 37 14

And recommend that you order the precepts to issue.

Respectfully submitted,

Jos. T. MAGNER, City Clerk.

And the action of the Common Council, in concurring in the report and in ordering the precepts to issue (see page 565, *ante*), was concurred in by the following vote:

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

NAYS—None.

The following report from the City Clerk was read and received:

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

Gentlemen:—I herewith submit copies of advertisements for construction of certain sewers, and proof of publication of the same.

Respectfully submitted,

Jos. T. MAGNER, City Clerk.

NOTICE TO CONTRACTORS.

OFFICE OF CITY CLERK,

Indianapolis, September 9, 1880. }

Notice is hereby given, that sealed proposals will be received by the Common Council of the city of Indianapolis, on Monday evening, September 20th, as follows, to-wit:

S. O. 117, 1880—For the construction of a sewer in, and along, the first alley east of Meridian street, from Maryland street to Washington street, connecting with the Washington street sewer.

Such sewer to be built with brick, circular in form, and two (2) feet interval diameter, and in accordance with plans and specifications prepared by, and under the directions of the City Civil Engineer of said city, and in accordance with the provisions of special ordinance No. 117, 1880.

S. O. 68, 1880—For the construction of a brick sewer in, and along, Indiana avenue, from Tennessee street to, and connecting with, the Illinois street sewer.

Such sewer to be built with brick, circular in form, and two and one-half ($2\frac{1}{2}$) feet interval diameter, and in accordance with plans and specifications prepared by, and under the direction of the City Civil Engineer of said city, and in accordance with the provisions of special ordinance No. 68, 1880.

The Common Council and Board of Aldermen reserve the right to reject any and all proposals for the above work. No proposals will be entertained by the Council which may be deposited with the City Clerk after 4 o'clock P. M. on the date above given. Price of bid must be written out in full, and no erasures made.

JOSEPH T. MAGNER, City Clerk.

STATE OF INDIANA, *Marion County*, ss:

Personally appeared before the undersigned, L. G. Dynes, publisher of the Indianapolis Republican, a newspaper of general circulation, printed and published in

the city of Indianapolis, in the County and State aforesaid, who being duly sworn, upon his oath saith, that the notice, of which the attached is a true copy, was duly published in said paper for two (2) weeks successively, the first of which publication was on the 11th day of September, 1880, and the last on the 18th day of September, 1880.

L. G. DYNES.

Subscribed and sworn to before me, this 27th day of September, 1880.

[Seal.]

GEO. T. BREUNIG, Notary Public.

NOTICE TO CONTRACTORS.

OFFICE OF THE CITY CIVIL ENGINEER,
Indianapolis, September 28, 1880. }

Notice is hereby given, that sealed proposals will be received by the Common Council of the city of Indianapolis, on Monday evening, October 4, 1880, as follows, to-wit:

S. O. 93, 1880—For the construction of 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.

Such sewer to be built with brick, circular in form, and seven and one-half (7½) feet interval diameter, and in accordance with plans and specifications prepared by, and under the direction of the City Civil Engineer of said city, and in accordance with the provisions of special ordinance No. 93, 1880.

The Common Council and Board of Aldermen reserve the right to reject any all proposals for the above work. No proposals will be entertained by the Council which may be deposited with the City Clerk after 4 o'clock P. M. on the date above given. Prices of bids must be written out in full, and no erasures made.

JOS. T. MAGNER, City Clerk.

STATE OF INDIANA, *Marion County, ss:*

Personally appeared before the undersigned, Chas. E. McGuire, publisher of the Indianapolis Republican, a newspaper of general circulation, printed and published in the city of Indianapolis, in the County and State aforesaid, who being duly sworn, upon his oath saith, that the notice, of which the attached is a true copy, was duly published in said paper for two (2) weeks successively, the first of which publication was on the 25th day of September, 1880, and the last on the 2d day of October, 1880.

CHAS. E. MCGUIRE.

Subscribed and sworn to before me, this 4th day of October, 1880.

[Seal.]

GEO. T. BREUNIG, Notary Public.

The report from the City Attorney, recommending an appeal of the case of Sarah E. Milburn vs. The City of Indianapolis, to the Supreme Court, was read; and the favorable action of the Common Council thereon (see page 569, *ante*), was concurred in.

The following report from the Superintendent of the City Hospital and Branch, was read and received:

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

Gentlemen:—The following reports of the City Hospital and Branch, for the month of September, 1880, are respectfully submitted:

	First Week.	Second Week.	Third Week.	Fourth Week.	Two Days.	Monthly Totals
Number of paid Officers and Employes in Hospital	11					
Number of paid Officers and Employes in Branch.....	1					
Number of beds in Hospital	100					
Number of beds in Branch.....	10					
No. of adult patients in Hospital at beginning of week.....	46	40	34	43	43	46
No. of infant patients in Hospital at beginning of week.....	3	2	2	1	2	3
No. of adult patients received during week	7	8	15	11	.....	38
No. of infant patients received or born during week.....	.....	.....	1	2	.....	3
No. of adult patients discharged during week	12	7	5	11	4	39
No. of infant patients discharged during week.....	1	.....	2	1	.....	4
No. of adult patients who died during week.....	1	1	1	.....	.....	3
No. of infant patients who died during week.....	.....	.....	.....	.....	.....	.....
No. of patients in Branch at beginning of week.....	.....	.....	3	3	3	.....
No. of patients in Branch at end of week.....	.....	1	3	3	3	.....
No. of adult patients in Hospital and Branch at end of week	40	37	46	46	42	42
No. of inf't patients in Hospital and Branch at end of week	2	2	1	2	2	2
No. of pay-patients at beginning of week.....	.....	.....	.....	.....	.....	.....
No. of pay-patients at end of week .....	.....	.....	.....	.....	.....	.....
Aggregate number of days of patients in Hospital.....	314	290	294	346	89	1333
Aggregate number of days of patients in Branch .....	.....	1	21	21	6	49
Aggregate number of days of employes in Hospital .....	.....	.....	.....	.....	.....	441
Total.....	.....	.....	.....	.....	.....	1823

Number of prescriptions filled during the month	830
Total expenditures for month	\$884 26
Cash collected from pay-patients and other sources, and paid to City Treasurer.....	\$41 40
Aggregate number of days subsistence furnished	1823
Average daily cost of each patient .....	.64 cts.
Average daily cost for patients, officers, and employes.....	.48-5 cts.

WILLIAM N. WISHARD, M. D., Superintendent.

The following report from the Superintendent of the City Dispensary, was read and received:

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

Gentlemen:—The following reports of the City Dispensary for the month of September, 1880, are respectfully submitted:

Number of Patients treated at Dispensary.....	173
Number of Medical cases at Dispensary	118
Number of Surgical cases at Dispensary	45
Number of Disease of Nervous System.....	5
Number of Disease of Eye and Ear	5
Number of Diseases of the Throat.....	0
Number of Out-door Patients treated	92
Number at Station House	11
Number at News Boys' Home	0
Total number of Patients treated during month.....	276
Total number of Visits made during month.....	335

Total number of Prescriptions filled during month.....	886
Number of Births during month.....	0
Number of Deaths during month.....	3

EXPENDITURES FOR MONTH.

C. A. Ritter, Superintendent.....	\$ 61 66
F. A. Morrison, 1st Assistant.....	45 83
C. I. Fletcher, 2d Assistant.....	37 50
F. M. Ferree, Prescription Clerk.....	30 00
W. A. & I. N. Pattison, drugs.....	60 35
Eli Lilly, drugs.....	4 00
Indianapolis Gas Light & Coke Co.....	2 60
Oliver Simpson, repairing cistern.....	2 00

Total expenditures for month..... \$243 94

C. A. RITTER, M. D., Superintendent.

The monthly report from the Board of Public Improvements and Street Commissioner (see page 575, ante,) was read and received.

The following clauses from the report of the Board of Public Improvements were read, and the favorable action of the Common Council in concurring in the several recommendations (see page 575, ante) was concurred in:

To the Mayor, Common Council, and Board of Aldermen

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

1st Is a motion that the Street Commissioner be, and is hereby instructed to fill chuck-holes in South^hstreet, between Virginia avenue and Delaware street, and put some gravel on said street; and that the same instructions be applied to south New Jersey street, from Washington street to Merrill street.

Recommend chuck-holes be filled on South street, between Virginia avenue and Delaware street, and one square of New Jersey street from Pogue's Run to the I. C. & L. R. R. tracks.

5th Is a motion that the Street Commissioner be, and is hereby directed to fill the chuck-holes with broken stone and repair Washington street, from Noble street to east city limits.

Recommend the work be done.

Respectfully submitted,

William H. Morrison,
Edward H. Dean,
Hiram Seibert,
Board of Public Improvements.

The following report from the Board of Health was read and received:

Report of Deaths in the City of Indianapolis, from the 15th day of September, to the 30th day of September, 1880—inclusive.

Under 1 year.....	18
1 to 2 years.....	3
2 to 5 ".....	1
5 to 10 ".....	1
10 to 15 ".....	1
15 to 20 ".....	2

20 to 25	"	.....	4
25 to 30	"	.....	4
30 to 40	"	.....	3
40 to 50	"	.....	4
50 to 60	"	.....	5
60 to 70	"	.....	0
70 to 80	"	.....	1
80 to 90	"	.....	0
90 to 100	"	.....	1
100 and upwards		.....	0
Unknown		.....	0

Total..... 48

Respectfully, E. S. ELDER, M. D., President.
W. E. JEFFRIES, M. D., Secretary.

The following report from the Committee on Water was read, and the favorable action of the Common Council thereon (see page 582, *ante*) was concurred in :

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

Gentlemen:—Your Joint Committee on Water, to whom was referred the resolution requiring the Water Works Company to lay water mains in and along south Delaware street, from Virginia avenue to South street, and the placing of two fire plugs, under the direction of the Chief Fire Engineer, would recommend, after an examination of said route, that said resolution be passed.

Respectfully submitted.

Geo. P. Wood,	H. J. Mauer,
Hiram Seibert,	W. G. White,
H. E. Drew,	Council Committee.
Aldermanic Committee.	

Resolved, That the Water Works Company be, and are hereby directed to lay a 6-inch water main from the Virginia avenue main to the South street main, in and along Delaware street, and to place two fire plugs on said line, to be located under the direction of the Fire Board and Chief Fire Engineer.

And the resolution adopted by the following vote :

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

NAYS—None.

The following petition was read, and the favorable action of the Common Council thereon, in granting the prayer of the petitioner, and in canceling the contract and bond for the improvement of said street (see page 583, *ante*) was concurred in :

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—On the 2d and 4th days of August, 1880, you approved my contract and bond for grading and graveling East street and sidewalks, from Minnesota street to Raymond street. On examination I find that nearly half of the west side of the land fronting on said street, between the points named, has never been annexed to the city of Indianapolis, and some of the owners of such ground refuse to pay for such improvement. I therefore respectfully request your honorable bodies to relieve me from doing such work, and that the contract and bond may be canceled.

Respectfully,

FRED GANSBERG.

The following petition was read and received :

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

Gentlemen:—We, the undersigned, citizens of the City of Indianapolis, residing on West street, in said city, do hereby respectfully request that your honorable body will authorize the Civil Engineer of the City of Indianapolis to proceed at once to survey and lay off the sidewalk on the east side of said West street, running north from Second street; and we do hereby agree to improve and make said walk at our own expense, so far as it effects our individual estates. We have repeatedly called the attention of your honors to the condition of said street, and have not as yet received any relief. We beg that you will give this matter your immediate attention, as the winter is now approaching, and our street will soon become impassable, and our homes almost uninhabitable.

I sign on behalf of the residents of east side of street—L. P. Culloden; Wm. Gordon, R. Lake Smith, R. W. Shilling, Josiah Smith, Joseph O. Lingert, Jacob Heller, A. H. C. Page.

The following motion (adopted by the Common Council—see page 587, *ante*) was read and concurrently adopted :

That the prayer of the petition of L. P. Colloden et al. be granted, and that the property holders on the east side of West street, from second street north, be, and they are hereby authorized to grade and gravel the sidewalks in front of their property, the said work to be done at their own expense, and according to the stakes set by the Civil Engineer.

The following motions (adopted by the Common Council—see pages 588 and 589, *ante*) were read and concurrently adopted :

That the Committee on Public Property be, and are hereby requested to file with the Council a complete report of all improvements made on the Tomlinson city property, and the cost of same of all improvements made on said property for the past year, and that said report show the rate paid per month on each piece of said property, and that receipted bills be filed.

That the Telephone Company be notified to put in the city library a good, first class telephone, the one there now being worthless. This to be done in accordance with their agreement with the city—and all other places where they have previously placed instruments.

That Horace Parrott be, and is hereby, granted permission to lay a brick sidewalk in front of his property on the corner of the first alley east of Delaware and Walnut streets, and to improve the alley at said intersection, all at his own expense. And the City Civil Engineer is hereby directed to set the grade stakes of said improvement.

That C. T. Langhorn be granted a continuation of time to the first day of November, 1880, for the completion of his contract on Spruce street improvement.

The following motion (adopted by the Common Council—see page 588, *ante*) was read :

That the City Civil Engineer be directed to advertise for proposals for lettering the street corners with names of streets, (plans and specifications to be submitted with each bid,) to include plans for placing names on the four sides of the lamps, or otherwise.

Alderman Tucker moved that the motion be not concurred in.

The ayes and nays being demanded, the motion failed of adoption by the following vote:

AYES, 2—viz. Aldermen Layman and Tucker.

NAYS, 6—viz. Aldermen Drew, Grubbs, Hamilton, Mussmann, Newman and Seibert.

The foregoing motion was then concurrently adopted.

The following entitled ordinances (passed by the Common Council—see pages 584, 585, 590 and 591, *ante*) were severally read the first time:

- S. O. 105, 1880—An Ordinance to provide for the erection of a lamp-post, lamp and fixtures (complete to burn gas, except the service pipes,) on Liberty street, between Washington and Market streets; such lamp-post, etc., to be located at the northwest corner of Court and Liberty streets.
- S. O. 133, 1880—An Ordinance to provide for grading and bowldering the gutters of Columbia avenue, and curbing with stone the outer edges of the sidewalks thereof, from Malott avenue to Home avenue.
- 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.
- S. O. 135, 1880—An Ordinance to provide for grading and graveling Pleasant street and sidewalks, from Linden street to Reid street.
- S. O. 136, 1880—An Ordinance to provide for grading and graveling the first alley north of Prospect street, from Spruce street to Reid street.
- S. O. 141, 1880—An Ordinance to provide for grading and graveling the alley between Linden and Laurel streets, from Orange street to Willow street.
- Ap. O. 61, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 62, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.
- Ap. O. 63, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses.
- Ap. O. 64, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 65, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Ap. O. 66, 1880—An Ordinance appropriating the sum of Five Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.

This being the regular appropriation night, the foregoing entitled Appropriation Ordinances were placed on their passage without suspension of the rules.

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

Ap. O. 61, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of the Fire Department (amount appropriated \$664.63).

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 62, 1880—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 \$884.26.)

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 63, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of the Station Houses (amount appropriated \$140.92.)

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 64, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis (amount appropriated \$11,248.65.)

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 65, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$152.08.]

And it was passed by the following vote :

AYES, 8—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussman, Newman, Seibert, and Tucker.

NAYS—None.

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

Ap. O. 66, 1880—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repair Department of the city of Indianapolis.

And it was passed by the following vote :

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

NAYS—None.

REPORTS, ETC., FROM CITY OFFICERS.

The following report from the City Attorney was read and received :

Indianapolis, September, 1880.

To the Board of Aldermen of the City of Indianapolis :

Gentlemen.—In obedience to your instructions, I have examined the title to, and herewith submit an opinion as to the ownership of "University Square."

By an act of Congress, approved April 19, 1816, the Government of the United States granted to the State of Indiana four sections of land for a seat of government, and authorized the Legislature of the State to locate said lands. The Legislature of the State, by an act approved January 11, 1820, "appointed commissioners to select and locate a site for the permanent seat of government of the State of Indiana," and on the 7th day of June, 1820, said commissioners reported that they had selected the present site of the city of Indianapolis, and the Legislature, by an act approved January 6, 1821, accepted the report of said commissioners, and the site so selected was duly established as the permanent seat of government of said state. The said last named act further provided for the appointment of three commissioners to "lay off a town on the site selected as a permanent seat of government, and for that purpose authorizing said commissioners to employ a surveyor to assist them in laying off said town, and requiring said surveyor, after laying out said town, to prepare two copies of the plan or map of said town, with proper references or explanatory notes attached thereto, and that when said maps were approved and countersigned by said commissioners, one should be deposited with the Secretary of State and due report thereof made to the Legislature, and the other copy deposited with agent of the State provided for in said act.

The said commissioners proceeded to lay off the town of Indianapolis, and made due report thereof to the Legislature, and the said body, by an act approved November 28, 1821, legalized and approved their proceedings in the premises.

The Legislature, by an act approved January 28, 1827, authorized the additional sale of lots in Indianapolis, and section 5 of said act is as follows:

"That the square numbered twenty-two be, and the same is hereby set apart for the use of a State hospital and lunatic asylum, and square number *twenty-five* for a State university; and the alleys, so far as they extend through said blocks, are hereby vacated"

Again the Legislature, by act of February 9, 1831, (Acts 1831, p. 82,) enacted as follows:

SEC. 1. Be it enacted, etc., That the agent of State for the town of Indianapolis, be authorized and required to cause the lands around said town belonging to the State, to be accurately surveyed and divided into lots according to the plan designated on the plat presented by the said agent to the House of Representatives, and cause the corners and boundaries thereof to be distinctly marked and numbered as marked on said plan; also place some permanent monument of each corner of said town as originally laid out, and at the outside corners of each congressional section which composes the donation.

SEC. 2. It shall be the further duty of said agent, so soon as the survey is completed, to cause to be made out two complete maps or plats of the town of Indianapolis, designating the names and width of the several streets and alleys, the number and size of the several squares, designating those that are set apart for public purposes, the number and size of the several inlots and the number and size of the several outlots as now established by law, and also the form, the courses and distances of their boundaries, the content and the number of the several lots and the width and courses of the several streets and alleys by this act authorized to be laid out; which maps or plats shall be securely folded, varnished and bound, one of which shall be deposited in the office of the recorder of Marion county, who shall enter thereon a certificate of the time of depositing the same, and the plat so deposited shall be considered a public record; and the other plat shall be deposited in the office of said agent.

A map of Indianapolis was accordingly made and recorded in the office of the recorder of Marion county pursuant to the second section of said act, upon which the square in question is designated as "University Square."

Sale was made by the agent of the State of all the lots in the city, except such blocks or squares as had been dedicated for public purposes or reserved for the use of the State. I find that no sale has ever been made by the State of the square in question, nor has such sale ever been authorized by any act of the Legislature; but on the contrary, the said square has been expressly reserved for a State University.

I am therefore of the opinion that the title to the square known as "University Square," by virtue of the grant given to the State by the act of Congress, and accepted by the acts of the State Legislature, became vested in the State of Indiana, and that the said State still holds the title to said property, subject however to the dedication of the same, heretofore made, as a site or location for a State University.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Alderman Seibert, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

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

1st Is a resolution that the owners of lots 181 and 182, Spann & Co.'s Woodlawn addition, be required to fill or drain the same.

Recommend that said resolution be adopted.

2d Is a resolution that the owners of lot 148 in Spann & Co.'s Woodlawn addition, be required to fill or drain the same.

Recommend that said resolution be adopted.

3d Is a resolution that the owners of that part of the west half of the northwest quarter of section 7, township 15 north, range 4 east of the second principal meridian, which lies south of the track of the C. I. St. L. & C. R. R. Co. east of Dillon street, north of the first alley north of Deloss street, and west of Laurel street, be required to fill or drain the same.

Recommend that said resolution be adopted.

Respectfully submitted,

Wm. H. Morrison,
Hiram Seibert,
Board of Public Improvements.

The following resolution was then read :

Resolved, That the owners of the following described real estate, to-wit: that part of the west half of the northwest quarter of Section 7, Township 15, north of Range 4 east, of the second principal meridian, which lies south of the track of the C., I., St. L. & C. R. R. Co., east of Dillon street, north of the first alley north of Deloss street, and west of Laurel street, in the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

And it was adopted by the following vote :

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

NAYS—None.

The following resolution was also read :

Resolved, That the owners of the following described real estate, to-wit: Lot 148 in Spann & Co.'s Woodlawn addition to the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled: "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed

to fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent, of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

And it was adopted by the following vote:

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

NAYS—None.

The following resolution was also read:

Resolved, That the owners of the following described real estate, to-wit: Lots 181 and 182 in Spann & Co.'s Woodlawn addition to the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance, and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled "An ordinance providing for the drainage and filling up of Ponds, Excavations and Holes, and prescribing Penalties for the failure to fill up or drain the same;" and that, in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, *provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

And it was adopted by the following vote:

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

NAYS—None.

REPORTS, ETC., FROM COMMITTEES.

The Judiciary Committee, through Alderman Grubbs, submitted the following report; which was concurred in:

Indianapolis, October 6th, 1880.

To the Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred S. O. No. 70, 1879, would report that they have had the same under consideration, and would recommend that said ordinance do pass.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

D. W. Grubbs,
Jas. T. Layman,
W. H. Tucker,
Judiciary Committee.

The Judiciary Committee, through Alderman Grubbs, submitted the following further report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen.—Your Judiciary Committee, to whom was referred G. O. 34, 1880, entitled "An Ordinance fixing the amount of license to be paid by the Academy of Music Theatre," report that they have examined the same, and recommend its passage.

D. W. Grubbs,
W. H. Tucker,
James T. Layman,
Aldermanic Committee.

MISCELLANEOUS.

Alderman Tucker offered the following motion; which was adopted:

That the City Clerk be directed not to issue any notices in the opening of Hanway street, until a proper bond shall have been filed by the parties applying for said opening, indemnifying the city against any losses.

PENDING ORDINANCES.

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

S. O. 70, 1879—An Ordinance to provide for grading and paving with brick, and curbing with stone, (where not already paved and curbed,) the east sidewalk, and bowldering the east gutter of West street, between First and Second streets.

And passed by the following vote:

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

NAYS—None.

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

S. O. 29, 1880—An Ordinance to provide for grading and graveling the first alley west of East street, from McCarty street to Bicking street.

And passed by the following vote:

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

NAYS—None.

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

G. O. 34, 1880—An Ordinance fixing the amount of license to be paid by Academy of Music Theatre.

And passed by the following vote:

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

NAYS—None.

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

- G. O. 37, 1880—An Ordinance to repeal “An ordinance to prohibit the Erection or Maintenance of Bill-boards in the City of Indianapolis, unless the consent of the adjoining property owners shall be first obtained,” ordained May 21st, 1878.

And passed by the following vote :

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

NAYS—None.

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

- S. O. 59, 1879—An Ordinance to provide for grading and graveling the west sidewalk of Reid street, from Prospect street to Cypress street.

And failed of passage by the following vote :

AYES—None.

NAYS, 8—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, and Tucker.

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

- S. O. 126, 1880—An Ordinance to provide for improving Massachusetts avenue, from New Jersey street to the intersection of Clifford avenue, by removing the bowlders, forty (40) feet in the centre of the street, and graveling the same with raked river gravel.

And failed of passage by the following vote :

AYES, 1—viz. Alderman Hamilton.

NAYS, 7—viz. Aldermen Drew, Grubbs, Layman, Mussmann, Newman, Seibert, and Tucker.

The following entitled ordinance was read the second time, and referred to the Board of Public Improvements:

- S. O. 89, 1880—An Ordinance to provide for grading and graveling the first alley west of Virginia avenue, from Buchanan street to Dougherty street.

The following entitled ordinance was read the second time, and referred to the Committee on Public Light:

- S. O. 110, 1880—An Ordinance to provide for the erection of Lamp-posts, Lamps, and Fixtures (complete to burn gas, except service pipes,) on Elizabeth street, from Blake street to Locke street, and thence north on Locke street to the City Hospital grounds.

On motion by Alderman Tucker, the report of the Joint Committee on Streets and Alleys recommending the passage of a certain resolution (see page 306, *ante*) providing for the laying out and opening of Wilson street, and also the indemnifying bond for same, (see page 386, *ante*) was called up, and said bond approved and resolution adopted by the following vote:

AYES, 8—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussman, Newman, Seibert, and Tucker.

NAYS—None.

On motion, the rules were suspended for the purpose of placing S. O. 105 and S. O. 133, 1880, on their final passage, by the following vote:

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

NAYS—None.

S. O. 105, 1880—An Ordinance to provide for the erection of lamp-posts, lamps' and fixtures, (complete to burn gas, except the service pipes,) on Liberty street between Washington and Market streets; such lamp-posts, etc., to be located at the northwest corner of East and Liberty streets.

And passed by the following vote:

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

NAYS—None.

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

S. O. 133, 1880—An Ordinance to provide for grading and bowldering the gutters of Columbia avenue, and curbing with stone the outer edges of the sidewalks thereof, from Malott avenue to Home avenue.

And passed by the following vote:

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

NAYS—None.

On motion, the Board of Aldermen then adjourned.

Attest: Geo. T. Brumig, Clerk.

Laurel Layman, President.
Protein.