

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 20, 1880.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, December 20th, A. D. 1880, at seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the chair, and 23 members, viz.: Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, Thalman, Van-Vorhis, White and Yoke.

ABSENT—Councilmen Lamb, and Downey—2.

The Proceedings of the Common Council, for the regular session held on December 6th, 1880, having been printed, and placed on the desks of the Councilmen, said Journals were approved as published.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, submitted the following report; which was received:

Indianapolis, Ind., Dec. 20, 1880.

To the Common Council and Board of Aldermen:

Gentlemen.—The amount of Mayor's fees collected by me during the month of November, 1880, was \$145.05; of Police witness fees \$135.17; of fines due the City Treasury, \$25 90—total, \$306.12; which amounts I have paid to the City Treasurer, and filed his receipt with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimate and assessment (presented therewith) approved:

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

Gentlemen.—I herewith report the following estimate:

A first and final estimate in behalf of Fred. Gansberg, for grading and bowldering the gutters, curbing with stone the outer edges of the sidewalks (except where

already properly curbed or bowldered,) of Mississippi street, from Ohio street to First street.

9,029	$\frac{8.0}{10.0}$	lineal feet bowldering, at 42 cents.....	\$3,786 11
8,182	$\frac{8.2}{10.0}$	lineal feet curbing, at 36 cents.....	2,801 70
438	$\frac{5.8}{10.0}$	lineal feet re-setting curb, at 5 cents.....	21 93
917	$\frac{6.0}{10.0}$	lineal feet stone crossing, at 30 cents.....	275 28
Total.....			\$6,885 02

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Fred. Gansberg, for grading and bowldering the gutters, curbing with stone the outer edges of the sidewalks (except where already properly curbed or bowldered,) of Mississippi street, from Ohio street to First street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote :

AYES, 16—viz. Councilmen Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Kahn, Koller, Mauer, Morrison, McKay, Pearson, Prier, VanVorhis, White, and Yoke.

NAYS—None.

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

To the Mayor, Common Council and Board of Aldermen :

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

Contract and bond of Henry Clay, for grading and graveling the first alley north of Prospect street, from Spruce street to Reid street. Bond, \$500.00; surety, Hamilton Bailie.

Contract and bond of Henry Clay, 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. Bond, \$400.00; surety, Hamilton Bailie.

Contract and bond of Henry C. Roney, for grading, bowldering and curbing the gutters, of the first alley south of Ohio street, from Pennsylvania street to Delaware street. Bond, \$1,200.00; surety, C. S. Roney.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

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

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

Gentlemen:—The following affidavits are now on file in my office for the collection of street assessments by precepts, to-wit:

John Stumph and Lorenz Schmidt, his assignee, vs. John O. D. Lilly,	
for	\$219 04
John Stumph and Lorenz Schmidt, his assignee, vs. the Trustees	
Indianapolis Orphan Asylum, for	45 14

John Stumph and Lorenz Schmidt, his assignee, vs. the Trustees Indianapolis Orphan Asylum, for.....	45 14
John Stumph and Lorenz Schmidt, his assignee, vs. the Trustees Indianapolis Orphan Asylum, for.....	45 14
John Stumph and Lorenz Schmidt, his assignee, vs. Henrietta E. Jordan, for.....	31 94
Henry C. Roney vs. Henry Busher, for.....	20 25
Henry C. Roney vs. Henry Busher, for.....	10 05

And recommend you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

And the precepts ordered to issue by the following vote :

AYES, 17—viz. Councilmen Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Frier, VanVorhis, White, and Yoke.

NAYS—None.

The City Attorney submitted the following report; which was concurred in;

Indianapolis, Dec. 20th, 1880.

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

Gentlemen:—I have examined the temporary agreement of William Henderson, Trustee of the Water Works Company, referred to me, and herewith submit the following report thereon:

The evident intention of the agreement was to provide that the bills rendered by said company in pursuance of said agreement, should be in full of all claims for water furnished during the periods covered by said bills. But the contract contains clauses which might be open to a construction which would authorize the company to claim pay for the extra hydrants. Upon conference with Mr. Henderson, the Trustee, I ascertained that such was not the intention; and in order to obviate any doubt upon the subject, the Trustee has added a clause to the agreement which provides that the bills rendered shall be in full of all claims. With this additional clause, I recommend that the agreement be approved.

I would further suggest that in the future, the vouchers of the company be prepared to show a receipt in full of all demands for water during the period covered by their bills.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The City Attorney presented the following agreement; which was approved:

I, WILLIAM HENDERSON, Trustee of the Water Works Company of Indianapolis, hereby agree, as such Trustee, that for the time being there will be no change in the bills of said Company as rendered to the city, and the quarterly payments shall be, until further notice from said Company by me, as Trustee, the same per quarter as for the past year, except where additional hydrants are ordered subsequent to this agreement; and it is understood that I, as such Trustee, waive no legal right under this temporary agreement; and that, in any event, there is to be no extra charge for the hydrants to Sept. 1st, 1880.

6th Sept, 1880.

W. HENDERSON, Trustee
for Water Works Co.

It is understood and agreed that the bills of Water Works Co. rendered in pursuance of the above agreement, shall be in full of all claims or demands for water furnished said city during the periods covered by said bills.

W. HENDERSON, Trustee.

By consent, Councilman Morrison offered the following motion; which was adopted:

That the City Clerk be, and is hereby, instructed to insert in the next warrant for water furnished the city by the Water Works Company, the following:

"That this warrant is payment in full for all demands against the city of Indianapolis up to date."

And that the warrant be made payable to the Water Works Company's order, that the city may hold said warrant as payment in full for all water up to date.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Morrison, submitted the following report; which was received, and the several recommendations 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 directed to place broken stone and gravel around the cistern at the corner of Pennsylvania and Fifth streets.

Recommend the work be done.

2d. Is a motion that the Street Commissioner fill with gravel the chuck-holes on Spring street, from Market street to New York street.

Recommend filling chuck-holes as soon as the weather will permit.

3d. Is a motion that the Street Commissioner be instructed to put bridges at the intersection of Woodlawn avenue and Reid street.

Recommend the work be done.

Respectfully submitted,

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

The Board of Health submitted the following report; which was received:

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

Under 1 year.....	15
1 to 2 years.....	3
2 to 5 ".....	4
5 to 10 ".....	1
10 to 15 ".....	3
15 to 20 ".....	0
20 to 25 ".....	3
25 to 30 ".....	3
30 to 40 ".....	4
40 to 50 ".....	5
50 to 60 ".....	3
60 to 70 ".....	5
70 to 80 ".....	4
80 to 90 ".....	1
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	0

Total..... 54

Respectfully,

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

The Board of City Commissioners submitted the following report; which was concurred in:

To His Honor, Joseph T. Magner, City Clerk, Common Council and Board of Aldermen:

Gentlemen:—In pursuance of the call issued by you on the petition of the Indianapolis Rolling Mill, et al., by the direction of the City Council and Board of Aldermen, the following Commissioners met on the 18th day of October, 1880, viz: James C. Yohn, Michael Steinhauer, Newton Kellogg, and William Hadley; and having viewed the ground, adjourned to meet October 23d, 1880.

On that date, there being no quorum, on account of the sickness of one of the members, and the absence from the city of another, adjourned to meet at the call of the Clerk.

In pursuance of such call, the following Commissioners met on the 1st day of November, 1880, viz: J. C. Yohn, Michael Steinhauer, Geo. W. Hill, and William Hadley, and entered into the further consideration of the subject, and agreed that the property holders effected by said vacation, as contained in our report to you on 8th day of November, 1880, should be notified to meet the Commissioners at the City Clerk's office, November 29th, 1880.

On that date the following Commissioners met, viz: J. C. Yohn, Michael Steinhauer, and Wm. Hadley. The return of service on the interested parties was made, properly sworn to, and is herewith filed, and made a part of these proceedings.

The names of all the parties being called, the following were present, in person or by attorney, viz: Susan McKernan, David S. McKernan, Lewis H. McKernan, Joseph V. McKernan, William E. McKernan, Leo. A. McKernan, Henry McKernan, Mary McKernan, Samuel C. Hanna, Aquilla Q. Jones, Jr., (Trustee,) Bridget Riley Keefe, John Riley, T. W. Arnholter, Charles and Ann Brown, Laura Decker, James Conniff, James Rainey, Bridget O'Neil, (nee Shea,) Margaret Shea, Patrick Ward, Timothy Falrey, Andrew J. Kane and Catharine Kane, Jacob Shatz, and John Monehan.

Then came the following parties in person or by their attorneys, objecting to the vacation, viz: Andrew and Catharine Kane, owners of and in possession of Out-lots 35 and 36, McKernan and Pearce's subdivision of Out-lot 125, fronting on Ann street.

Also, that Bridget Riley Keefe is the owner of and in possession of Lot 6, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that Bridget O'Neil and Margaret Shea are the owners of and in possession of 30 by 90 feet east of 10 feet southwest corner of Lot 31, of McKernan and Pearce's subdivision of Out-lot 126, fronting on McCarty street.

Also, that Patrick Ward is the owner of and in possession of $6\frac{3}{4}$ by 90 feet southeast corner of Lot 31, McKernan and Pearce's subdivision of Out-lot 126, and $23\frac{4}{12}$ by 90 feet southwest corner of Lot 30, in McKernan and Pearce's subdivision of Out-lot 126.

Also, that Timothy Falrey is the owner of and in possession of $6\frac{5}{12}$ by 90 feet of southeast corner of Lot 30, Out-lot 126, and $23\frac{7}{12}$ by 90 feet of southeast corner of Lot 29, Out-lot 126, in McKernan and Pearce's subdivision of Out-lot 126, fronting on McCarty street.

Also, that Fred. W. Arnholter is the owner of and in possession of Lot 9, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that James Rainey is the owner of and in possession of Lot 13, McKernan and Pearce's subdivision of Out-lot 125, and 5 feet south side of Lot 12, McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street, McCarty street, and the alley west of Tennessee street.

Also, that Charles and Annie M. Brown are the owners of and in possession of Lot 10, McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street, and the alley west of Tennessee street.

Also, that James Conniff is the owner of and in possession of 25 feet of north side of Lot 12, McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that James Riley and Hester Beckman are the joint owners and in possession of Lot 8, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that Laura Decker is the owner and in possession of Lot 11, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that John and Margaret Clune are the owners and in possession of Lot 7, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

Also, that John Monehan and Mary Monehan, his wife, are the owners and in possession of Lot 14, in McKernan and Pearce's subdivision of Out-lot 125, fronting on Tennessee street.

In consideration of the above objections and protests against the petition for the vacation of the streets and alleys prayed for, the Commissioners were agreed that unless said objections were removed by the 13th day of December next, further proceedings in the case must cease.

In pursuance of an adjournment, the Commissioners met on the 13th day of December. The interested parties being present in person or by attorney, and the objections still remaining, it was agreed that further proceedings in the matter should cease, and the Secretary was directed to report to the City Clerk the facts as shown in their proceedings.

William Hadley,
M. Steinhauer,
James C. Yohn,
Geo. W. Hill,
City Commissioners.

REPORTS, ETC., FROM COMMITTEES.

The Committee on Finance, through Councilman Kahn, submitted the following report; which was concurred in:

Indianapolis, Dec. 20th, 1880.

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

Gentlemen:—The reports of the City Treasurer and City Clerk, referred to your Committee on Finance, had our careful consideration, and we find them in regular form and correct—the Treasurer's report showing a balance on hand, Nov. 30th, of \$109,263.48, out of which amount has to be taken, Jan. 1st, \$62,722.75, for interest on bonds, leaving only \$46,540.73 for current expenses.

You will perceive the necessity for the strictest economy in every department of the city government, in order not to encroach too much upon the revenue of our successors in Council.

Your committee has prepared a revised estimate of the expenses for the year, which we hope will prove satisfactory to the respective committees, who are urgently requested to live within these estimates.

Respectfully submitted,
James T. Layman,
F. W. Hamilton,
D. Mussmann,
Aldermanic Committee.

Leon Kahn,
M. H. McKay,
Jas. T. Dowling,
John P. Pearson,
E. H. Koller,
Council Committee.

We also examined the quarterly report of J. G. Pendergast, Chief Fire Engineer, and found no errors in his account.

Respectfully,
Leon Kahn,
Jas. T. Dowling,
M. H. McKay,
John R. Pearson,
E. H. Koller,

Councilman Kahn presented the following estimates with the above report; which was received:

ESTIMATE EXPENSE FOR THE YEAR ENDING MAY, 1881.

Board of Health.....	\$ 3,000 00
Bridges.....	3,500 00
City Assessor's Department.....	3,200 00
Civil Engineer's Department.....	1,800 00
City Commissioners.....	375 00
City Dispensary.....	3,000 00
City Hall.....	2,000 00
City Hospital and Branch.....	11,500 00
City Treasurer's per centage.....	9,500 00
Cisterns.....	300 00
Coal oil light.....	200 00
Damages and costs.....	12,000 00
Elections.....	700 00
Fire Department.....	86,104 00
Fountains.....	300 00
Gas.....	62,500 00
Incidentals.....	1,000 00
Insurance.....	300 00
Interest on bonds.....	140,469 50
Markets.....	500 00
Market-master's fees.....	1,750 00
Parks.....	800 00
Police.....	50,000 00
Printing.....	5,800 00
Salary.....	19,763 75
Sewers.....	5,000 00
Station Houses.....	3,000 00
Street improvements.....	12,000 00
Street repairs.....	50,000 00
Taxes refunded.....	500 00
Tomlinson annuity.....	7,000 00
Tunnels.....	150 00
Water rent.....	26,500 00
Tomlinson's estate repairs.....	300 00
Total estimates.....	\$525,312 25
Last years expense.....	465,564 24
Increase estimate over last years expense.....	\$ 59,748 01

LEON KAHN, Chairman Finance Committee.

The Committee on Contracts, through Councilman Thalman, submitted the following report; which was concurred in, and the several contracts awarded as recommended:

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

Gentlemen.—Your Committee on Contracts, to whom sundry proposals were referred, presented to Council, December 6th, 1880, have examined the same, and find them to be as follows, to-wit:

1st. For the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service pipes,) on Ash street, between Ninth and Twelfth streets. Five lamp-posts to be erected on said line.

M. F. Clarke, \$18 00 each, complete.

M. F. Clarke being the only bidder, and believing the same to be low, we recommend he be awarded the contract.

2d. For the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes,) on Eddy street, from South street to Norwood street. Seven lamp-posts to be erected on said line.

M. F. Clarke, \$18.00 each.

M. F. Clarke being the only bidder, and believing the same to be low, we recommend he be awarded the contract.

Respectfully submitted,

Isaac Thalman,
E. H. Koller.
Committee.

The Committees on Public Light, through Councilman Prier, submitted the following report; which was concurred in;

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

Gentlemen:—Your Joint Committees on Public Light, and Streets and Alleys, to whom was referred the matter relative to lettering the street corners with the names of the streets, etc.;

After careful examination of all the plans submitted, together with proposals for doing said work, we are of the opinion that the strip of frosted glass, with the name of the streets painted thereon, is the most practicable guide for placing upon the street lamps, and heavy tin for street corners, when to be placed upon buildings.

We would recommend that the City Civil Engineer be directed to re-advertise for sealed proposals to be presented to the Common Council, at their next regular session, for placing the names of streets on street corners on strips of glass and tin, according to plans and specifications on file in the office of the City Civil Engineer.

Respectfully submitted,
Jas. T. Layman,
W. H. Tucker,
F. W. Hamilton,
Aldermanic Committee.

H. J. Prier,
Peter F. Bryce,
Jas. T. Dowling,
John A. Lang,
Council Committee.

The Joint Committees on Public Property, Finance, and Board of Public Improvements, submitted the following report; which was concurred in:

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

Gentlemen:—Your Joint Committees on Finance and Public Property, together with the Board of Public Improvements, to whom was referred a communication of Samuel J. Patterson, relative to the city purchasing a certain piece of property known as Patterson's Bar, would report:

On examination, we find that under the present existing indebtedness of the city, we are precluded from action by the following Act, passed by the Legislature Feb. 13, 1877, viz:

"An Act regulating the indebtedness of Cities, &c.

Sec. 2. *Be it further enacted,* That when the aggregate indebtedness, funded or otherwise, of any city of this State, having a voting population of over sixteen thousand, as shown by the votes cast for Governor at the last preceding election, amounts to, or exceeds two per cent. upon the taxables borne upon the city tax duplicate for the current year, it shall not be lawful to increase such indebtedness in any manner or form whatever, except only by temporary loans in anticipation of the revenue of the then current year, and not exceeding two-thirds of the amount of the city tax duplicate for the preceding year, payable out of said revenue, and within the current year; and no temporary, or other loan upon the revenue of any year thereafter, shall be made, until all temporary loans upon the revenue of any

preceding year have been fully paid; and any ordinance or resolution, warrant, certificate, obligation, note, contract, or other evidence of indebtedness, by whomsoever made, or in whatsoever form, to increase the indebtedness of any such city, except as herein provided, shall be absolutely null and void."

Respectfully submitted,
F. W. Hamilton,
Aldermanic Committee

Wm. H. Morrison,
Leon Kahn,
M. H. McKay,
Jas. T. Dowling,
John R. Pearson,
John W. Fultz,
Council Committee.

Councilman Morrison, in behalf of a special committee, submitted the following report; which was concurred in:

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

Gentlemen:—Your Special Committee to whom was referred a motion, that the request of Richard Tudor, for replacing the sidewalk in front of No. 128 west Vermont street, and to examine said sidewalk and report who was responsible for the damage. We have made examination of said sidewalk, and recommend that the Street Commissioner be directed to repair the same in good and workmanlike manner.

Respectfully submitted,

Wm. H. Morrison,
Wm. G. White,
John R. Pearson,
Committee.

Councilman Prier submitted the following report, in behalf of a certain special committee, the Fire Board and Chief Fire Engineer; which was concurred in:

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

Gentlemen:—Your Special Committee, Fire Board and Chief Fire Engineer, met at Headquarters Fire Department, to consider the matter referred back to us relative to purchasing a Steam Fire Engine.

After careful examination, we recommend the adoption of former report, as made by the Special Committee. (See page 667, *ante*.)

Respectfully submitted,
James T. Layman,
John R. Pearson,
Isaac Thalman,
Fire Board.

H. J. Prier,
Edward H. Dean,
John W. Fultz,
H. Seibert,
Special Committee.

J. G. PENDERGAST, Chief Fire Engineer.

Councilman Dowling, in behalf of a special committee to consider the "Hack Ordinance," submitted the following report; which was concurred in:

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

Gentlemen:—Your Special Committee, to whom was referred G. O. 40, 1879, commonly known as the "Hack Ordinance," with a view of considering the ordinance, and report to your honorable body any amendments thereto, respectfully report in favor of striking out the words "Shall station himself at a distance of more than two feet from the vehicle in his charge; or" from Section 24 of said G. O. No. 40, 1879. And your committee hereby beg leave to introduce an amendatory ordinance in accordance with the spirits of the foregoing report.

Respectfully submitted,

Jas. T. Dowling,
John R. Pearson,
Peter F. Bryce,
Committee.

The following entitled ordinance, referred to in the above report, was read the first time:

G. O. 44, 1880—An ordinance to amend section twenty-four (24) of and ordinance entitled "An ordinance declaring that all Vehicles (except Street-Railway Cars), used in the transporting of Persons and Articles within the City of Indianapolis, for hire or pay, shall be deemed "Public Vehicles"; establishing Rules and Regulations for the government of the Owners, Lessees, and Drivers thereof; and prescribing Fines and Punishments for violations of its provisions."

On motion by Councilman Dowling, the rules were suspended for the purpose of taking up the above entitled ordinance, and placing it on its final passage, by the following vote:

AYES, 21—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Morrison, McKay, O'Conner, Pearson, Prier, Pritchard, Shilling, Thalman, VanVorhis, White and Yoke.

NAYS—None.

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

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS—None.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Wednesday evening, December 8th, 1840, adopted the following motions:

1st. That the Committee on Public Property be, and are hereby, directed to dis-pense, for the winter months, the services of the Park Policeman.

2d. That the Board of Health be, and are hereby, directed to reduce the number of Sanitary Policemen from four members, as now constituted, to two members.

3d. That the Board of Public Improvements receive proposals for all plumbing work necessary for repairs of public fountains, or in other places, and let the same to the lowest and best bidder.

I submit the same for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the 1st motion, as set forth in foregoing message, was referred to the Joint Committee on Public Property; the 2d motion was referred to the Committees on Public Health and the Board of Health; and the action of the Board of Aldermen in adopting the 3d motion was not concurred in.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Wednesday evening, December 8th, 1880, refused to concur in your action of December 6th, 1880, in concurring in the first clause of the report of the Council Judiciary Committee, recommending the claim of Dunning and Hudson against the city of Indianapolis, in the improvement of West street, be not paid, except as to twenty-six feet on the north side, which is occupied as a street.

I submit the same for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

Councilman Van Vorhis moved that the Council adhere to its former action.

Which motion was adopted by the following vote:

AYES, 17—viz. Councilmen Bedford, Bernhamer, Bryce, Dowling, Fultz, Harrold Kahn, Koller, Mauer, Morrison, McKay, O'Connor, Prier, Pritchard, Van Vorhis, White and Yoke.

NAYS, 4—viz. Councilmen Caylor, Lang, Pearson, and Thalman.

APPROPRIATION ORDINANCES.

Councilman Kahn introduced the following entitled ordinance; which was read the first time:

Ap. O. 78, 1880—An ordinance appropriating money for the payment of the Salaries and Compensations of City Officers, City Janitor, and officers and members of the Fire and Police Departments.

On motion by Councilman Kahn, the rules were suspended, for the purpose of taking up the above entitled appropriation ordinance and placing it on its final passage, by the following vote:

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, O'Connor, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

The above entitled ordinance (Ap. O. 78, 1880) was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 22—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, O'Conner, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

NEW ORDINANCES.

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

By Councilman Bedford :

S. O. 156, 1880—An Ordinance to provide for grading and paving with brick, the west sidewalk of Park avenue, between Cherry street and Gregg street.

By Councilman Harrold :

S. O. 157, 1880—An Ordinance to provide for the erection of lamp posts, lamps and fixtures, (complete to burn gas, except the service pipes), on West street, between Kentucky avenue and Georgia street.

MISCELLANEOUS.

Councilman Bernhamer offered the following motion; which was adopted:

That the Assistant Civil Engineer be directed to prepare plans and specifications for a viaduct at the crossing of Virginia avenue and the Union Railway tracks, and report same, with estimate cost; and also cost of a viaduct at the same crossing on Delaware street.

Councilmen Pritchard and Lang were excused for the remainder of this session.

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

That the Street Commissioner be, and is hereby, instructed to fill the chuck-holes on Tennessee street, from McCarty street to Ray street; and that he deposit sufficient gravel around the fire cistern to protect the exposed portion of the same.

Councilman Kahn presented the following communication; which was referred to the Board of Public Improvements:

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

Gentlemen:—The undersigned proposes to sell to the city, the following described real estate in Marion county, Indiana, to-wit: All that part of the south half of the southeast quarter of Section 34, Township 16, north, of Range 3 east, which is included in the following boundaries, to-wit: Beginning at a point in the center of the Lafayette State Road which is 26 chains 90 links north about 57° west from a stake in the east line of said quarter section, which is 6 rods north of the southeast corner thereof; thence running north 57° west with the center of said road 2 chains and 42 links; thence west 12 chains and 27 links, and running into the water of White River; thence south about 15½° west with said river 6 chains and 17 links; thence south about 44° east 16 chains and 80 links to a point in the Township and Section line, which is 26 chains and 66 links west from the southeast corner of said Section; thence east on said line 3 chains and 72 links, and thence north 16 chains and 50 links, more or less, to the center of said road, to the place of beginning—containing 18 $\frac{14}{100}$ acres, for \$500 per acre, to be paid in instalments within five years.

The above land adjoins that of Mr. Samuel Patterson on the north, except it may be the attempted embankment erected by the city to abut which does not prevent the overflow of changed Fall Creek may intervene.

The supply of gravel and bowlders on this land is inexhaustible. It must be so, or the suppliers of gravel and bowlders for the streets of the city would long since

have ceased their demands upon it. Bounded as it is by road, river and creek, the access to the land is as easy as the egress from it for gravel wagons.

It is a perfect garden spot for bowlders!

Respectfully,

ADELIA FOUDRAY.

Councilman Morrison offered the following motion ; which was referred to the Hospital Board, and the Committee on Public Health :

That a committee be appointed by the Mayor to look into the condition of the City Hospital, and report to this Council at its next regular meeting, as to whether the city should not change the location of the Hospital, and the advisability of converting said Hospital into a work house, or some other suitable purpose.

Councilman Morrison offered the following motion ; which was adopted :

That the Inspectors of Public Halls be, and are hereby, requested to examine all theatres, public halls, hotels, and other public buildings, whether belonging to the city or private individuals, and make an early report to this Council, if any improvements are necessary for proper protection of life, in any buildings belonging to the city; and that they be requested to treat the law as laid down in other cases.

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

That a double stone crossing be laid from the northeast corner of Pennsylvania street across to the point corner of Virginia avenue and Pennsylvania street, opposite the Bank of Commerce.

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

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

Gentlemen.—Your petitioner would respectfully represent that on the 10th day of February, 1880, at the public tax sale held by the city of Indianapolis on that day, he purchased from the City Treasurer a tax sale certificate, on 12 feet east of 28 feet west end of Lot No. six (6,) in Square No. seventeen (17) in Drake's addition to the city of Indianapolis, Marion county, Indiana, for which he paid the sum of twenty dollars and forty-one cents (\$20.41) into the hands of the City Treasurer. The sale is erroneous, for the reason that the lot was appraised at \$2,000.00, when the appraisement should have been \$200.00.

The error was made by the Assessor charging the lot at two thousand dollars (\$2,000.00,) instead of two hundred dollars (\$200.00.)

Your petitioner would therefore ask and demand that the amount paid for the certificate, (\$20.41,) be refunded to him, with interest at the rate of six per cent. from date of sale; and as in duty bound, your petitioner will ever pray.

Indianapolis, Dec. 20, 1880.

J. W. HADLEY, Petitioner.

Councilman McKay offered the following resolution ; which was referred to the Police Board :

Resolved, That the Police Board be, and is hereby, directed to pay patrolmen known as "extras," the sum of one dollar per day, providing that the number of such extras shall not exceed five at any one time.

Councilman Pearson offered the following motion ; which was adopted :

I wish to call for a report from the Finance Committee and Committees on Public Charities, for a report on the petition of Mrs. Dr. Martin, et al., referred to the above committees March 1st, 1880.

Councilman Thalman moved that the adoption of the following resolution be reconsidered; and the resolution referred to the Judiciary Committee, Committee on Contracts, and City Attorney:

Resolved, That no motion or resolution extending the time of any contractor for the improvement of any street or alley, be hereafter entertained without it first being approved by the Joint Committees on Contracts and Board of Public Improvements.

Councilman Thalman offered the following motion; which was adopted:

That Fred. Gansberg be, and is hereby, granted ninety days further time to complete his contract for improving Virginia avenue, from Washington street to its southern terminus.

Councilman Caylor offered the following motion; which was adopted:

That Dunning and Hudson be granted ninety days further time to complete their contract on Kentucky avenue, from Tennessee street to Sharpe street, and on South street, from New Jersey street to Virginia avenue.

After some remarks made by the City Attorney, it was declared as the intention and expressed wish of this Council, that no further action be taken to increase the capacity of the "State Ditch."

On motion, the Common Council then adjourned.

 *J. Caven*, Mayor,
President of Common Council.

J. S. Wagner City Clerk.