

# PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—FEBRUARY 9, 1881.

The Common Council of the City of Indianapolis met in the Council Chamber on Wednesday evening, February 9th, A. D. 1881, at seven o'clock, in adjourned session.

**PRESENT**—Hon. Jehn Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and 17 members, viz: Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, McKay, O'Conner, Pritchard, Thalman and VanVorhis.

**ABSENT**—Councilmen Dean, Lang, Morrison, Pearson, Prier, Shilling, White and Yoke—8.

His honor, the Mayor, presented the following petition; which was referred to the Committee on Judiciary:

*Indianapolis, Ind., January 19th, 1881.*

To the Honorable Mayo Caven and Members of the City Council  
and Honorable Board of Aldermen:

*Gentlemen*:—Your petitioner begs leave to lay before your honorable bodies the following grievances:

In the spring of 1878, in making up my tax list for your Assessor, I gave in all real estate, and had no personal property over and above my indebtedness. My losses in the past year by the bankrupt was larger than any year before, and in the end your petitioner lost his life's earnings by that bankrupt law. In the year 1877 my personal tax was \$9,635, and your Assessor, in his own handwriting, put down the same for 1878, when I stated to him I had no personal over and above my indebtedness. You will see by the receipt, Mrs. Wallace had to pay \$121.55 for that assessment. Your list furnished tax payers states, as to personal property, all over and above your indebtedness. Your petitioner prays you will refund to Mrs. Rachel Wallace \$121.55 and interest.

And I ever pray.

ANDREW WALLACE.

The Committee on Streets and Alleys, through Councilman Downey, submitted the following report; which was concurred in:

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

*Gentlemen*:—Your Joint Committee on Streets and Alleys, to whom was referred a petition of the Indianapolis Rolling Mill Company and others, asking for the vacation of certain streets and alleys, to enable them to erect a steel-rail mill,

would report that we have examined and investigated the matter, and in our opinion, the same should be referred to the City Commissioners. We therefore recommend that the accompanying resolution be adopted.

Respectfully submitted,  
 H. E. Drew,  
 W. H. Tucker,  
 John Newman,  
 Aldermanic Committee.

Jno. T. Downey,  
 Wm. H. Morrison,  
 Council Committee.

Councilman Downey offered the following resolution :

*Resolved*, That the petition of the Indianapolis Rolling Mill Company *et al.*, praying for the vacation of Catharine street from Mississippi street, east to Tennessee street, in out lot 125; Catharine street, from first alley east of Missouri street to the eastern terminous of out lot 126; Mississippi street, from Merrill street to McCarty street; Ann street, from Catharine street to McCarty street; the first alley lying north of McCarty street, from the first alley east of Missouri street to its eastern terminus in out lot 126; the alley lying northeast of lots 22 and 28 in McKernan and Pierce's subdivision of out lot 126, from its beginning at the northeast corner of said lot 22 to its intersection with Mississippi street, on the east side of said lot 28; the first alley west of Tennessee street, from Catharine street south to a point even with a line drawn twenty feet north of the south line of lots Nos. 5 and 22 in McKernan and Pierce's subdivision of out lot 125; and the matter appertaining thereto, be referred to the City Commissioners, with instructions to assess benefits and damages to any persons thereby benefitted or damaged. The said Commissioners are instructed to return, as part of their report, all petitions and notices; and if any property owner immediately upon the line of said streets or alleys, who is directly interested therein, shall object to such vacation, to make such a part of their report. And the City Clerk is hereby directed to issue the proper notices to the Commissioners.

Which was adopted by the following vote :

**AYES**, 17—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, McKay, O'Conner, Pritchard, Thalman and VanVorhis.

**NAYS**—None.

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

Ap. O. 11, 1881—An Ordinance appropriating the sum of \$3,782.55 for the payment of judgment and balance of costs in the case of Charles and Margaret Doherty vs. The City of Indianapolis.

Councilman Kahn moved that the rules be suspended for the purpose of taking up the above entitled ordinance, and place it on its passage.

Which motion was adopted, and the rules suspended, by the following vote :

**AYES**, 17—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, McKay, O'Conner, Pritchard, Thalman and VanVorhis.


**NAYS**—None.

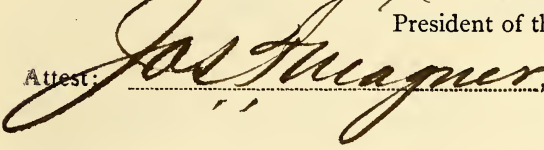
The above entitled ordinance was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

AYES, 16—viz. Councilmen Bedford, Bryce, Caylor, Dowling, Downey, Fultz, Harrold, Kahn, Koller, Lamb, Mauer, McKay, O'Conner, Pritchard, Thalman and VanVorhis.

NAYS, 1—viz. Councilman Bernhamer.

On motion, the Common Council then adjourned.

  
 ..... Mayor,  
 President of the Common Council.

Attest:   
 ..... City Clerk.

*John M. [unclear]*

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—FEBRUARY 9, 1881.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, February 9th, A. D. 1881, at seven o'clock, in regular session.

**PRESENT**—His Honor, the President, Henry Coburn, in the Chair, and Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker and Wood—10.

**ABSENT**—None.

The Proceedings of the Board of Aldermen, for the regular session held on January 19th, 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:*—At a regular session of the Common Council held on February 7th, 1881, said body adhered to its action of January 3d, 1881, when said body concurred in the report of the Board of Police, and adopted the resolution providing for the payment of \$1 per day to "extra" police, not exceeding five in number. By such action the Common Council disapproved of your non-concurrent action of January 5th, when you refused to approve the aforesaid report and resolution.

For the Common Council:

JOS. T. MAGNER, City Clerk.

Alderman Hamilton moved that this body recede from its non-concurrent action of January 5, 1881.

On motion by Alderman Layman, the foregoing motion was laid on the table, by the following vote:

**AYES**, 6—viz. Aldermen Layman, Mussmann, Newman, Seibert, Tucker and President Coburn.

**NAYS**, 4—viz. Aldermen Drew, Grubbs, Hamilton and Wood.

Alderman Tucker moved that this body adhere to its former non-concurrent action.

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

Which motion, to lay on the table, failed of adoption, by the following vote:

AYES, 4—viz. Aldermen Grubbs, Hamilton, Seibert and Wood.

NAYS, 6—viz. Aldermen Drew, Layman, Musssmann, Newman, Tucker and President Coburn.

The question then being on the motion to adhere, the said motion failed of adoption by the following vote:

AYES, 4—viz. Aldermen Layman, Newman, Tucker and President Coburn.

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

Alderman Seibert moved that the resolution be amended by limiting the paid "extras" to three in number. Which amendment was adopted.

The original resolution, as amended, was then adopted by the following vote:

AYES, 6—viz. Aldermen Drew, Grubbs, Hamilton, Mussmann, Seibert and Wood.

NAYS, 4—viz. Aldermen Layman, Newman, Tucker and President Coburn.

The following message was read; and the Council action, as therein set forth, was concurred in:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—The Common Council, at a regular session held on Monday evening, February 7th, 1881, authorized the Board of Police to carry the names of Patrolmen Temple and Havens on the pay roll, at full pay, during the month of February, 1881.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following message was read and received:

To the President and 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, February 7th, 1881, for your action upon same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

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 estimate and assessment (see page 841, *ante*) was concurred in:

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

*Gentlemen:*—I herewith report the following estimate:

A second, final and complete estimate in behalf of August Richter, for improving Tennessee street, from Seventh street to Twelfth street, by grading and graveling the roadway and bowldering the gutters thereof:

4,979.09 lineal feet, at 90 cents.....\$4,481 18

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 841, *ante*,) was read :

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying second, final and complete estimate in behalf of August Richter, for improving Tennessee street, from Seventh street to Twelfth 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 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, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

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 contract, and approving the bond (see page 842, *ante*) was concurred in :

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

*Gentlemen* :—I herewith report the following contract and bond : Contract and bond 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.

Bond, \$35,000. Surety, James Loucks, Stephen K. Fletcher and John M. Judah.  
Respectfully submitted,  
R. M. PATTERSON, City Civil Engineer.

Report of the City Civil Engineer, in relation to the construction of a sewer to the Female Reformatory, was read; and the action of the Common Council thereon (see pages 842 and 843, *ante*) was approved; and Aldermen Layman and Seibert appointed as the Aldermanic members of such special committee.

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

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

*Gentlemen* :—I respectfully report to your honorable bodies that, in compliance with your directions of January 17th and 19th, 1881, I have prepared and filed with the County Recorder a transcript of the assessment of benefits and damages, as made by the City Commissioners, in the matter of opening and extending Wilson street, from its present southern terminus to the Pendleton Gravel Road, and from said gravel road to Brookside avenue; and that I also delivered to the City Treasurer a certified copy of the assessment of benefits and damages as shown in the said report.

Respectfully submitted,  
JOS. T. MAGNER, City Clerk.

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 affidavit, now on file in my office, for the collection of lamp-post assessments by precepts, to-wit :

John Knight vs. Henry C. Moore, for \$35.95, and recommend you order the precept to issue.

Respectfully submitted,  
JOS. T. MAGNER, City Clerk.

On motion by Alderman Hamilton, the above report was referred to the Board of Public Improvements, with instructions to correspond with Mr. Henry C. Moore.

Report from the Superintendent of the City Dispensary, for the month of January, 1881 (see page 847, *ante*) was read and received.

Report from the Superintendent of the City Hospital and Branch, for the month of January, 1881 (see page 848, *ante*) was read and received.

The mortality report from the Board of Health, from January 16th to 31st, 1881, (see page 849, *ante*) was read and received.

Report from the Board of Public Improvements and Street Commissioner, giving statement of expenditures on account of Street-Repairs Department, for the month of January, 1881, (see page 848, *ante*) was read and received.

The following clause in the report from the Council Committee on Judiciary was read; and the favorable action of the Common Council thereon (see page 851, *ante*) was concurred in:

3d. Is the petition of J. W. Hadley, asking that the City Treasurer be directed to refund the sum of twenty-one dollars and forty-one cents, by him paid on an erroneous tax sale certificate on part of lot No. 6, square 17, Drake's addition. On examination we find the facts as set forth in the petition (see page 775) to be correct; therefore recommend that the prayer of the petitioner be granted.

The following report from the Council Committee on Accounts and Claims was read; and the favorable action of the Common Council thereon (see page 857, *ante*) was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Accounts and Claims, to whom was *re-referred* the claim of A. A. Zion (as per pages 345 and 799), resubmit their report of January 2d, 1881, with the amendment that the word "Vincennes," in line 3, page 800, be struck out, and "Terre Haute" inserted.

F. J. Van Vorhis,  
Edward H. Dean,  
Will F. A. Bernhamer,  
Committee on Accounts and Claims.

The following petition was read and received:

*Indianapolis, Ind., February 7th, 1881.*

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

*Gentlemen:*—The undersigned property owners and citizens, residing or doing business in the southwestern portion of the city, respectfully protest against the further use the grounds commonly called "Greenlawn Cemetery," fronting on Kentucky avenue and South West street, for burial purposes. The grounds are in a delapidated condition, fences down, etc., and are of the opinion that it is detrimental to the health and comfort of your petitioners for such grounds to be used for the purposes mentioned; and we further believe it is a damage to our property in a financial view. We therefore respectfully request your honorable bodies to take immediate steps in the matter, and prevent any further interments in said grounds.

John Rupp; Geo. Walter; J. V. McKernan, agt. Anthony Wiegand; Robert C. McGill; J. C. Ferguson & Co., and 22 others.



The following resolution (adopted by the Common Council—see page 861, *ante*) was read :

WHEREAS, The committee of this Council having reported in favor of the payment of the claim of Dunning & Hudson, for the improvement of West street, for the property adjacent to Greenlawn Cemetery, and in view of the fact that other streets will soon be improved adjacent to said cemetery, and that the city must very soon take some steps looking to the building of a new fence that will cost several thousand dollars; therefore be it

*Resolved*, That a special committee be appointed, to consist of His Honor the Mayor and City Attorney, together with five members of the Council and three members of the Board of Aldermen, to look into the expediency of the condemnation of said Greenlawn Cemetery for burial purposes, and the advisability of removing all bodies from said cemetery to a more suitable location, that said cemetery grounds may be used for our rapidly increasing railroad facilities or manufacturing interests.

And it was concurrently adopted by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

Aldermen Hamilton, Mussman and Wood were appointed as the Aldermanic members of the special committee created by the adoption of the foregoing resolution.

The following resolution (adopted by the Common Council—see page 870, *ante*) was read :

*Resolved*, That no motion shall be entertained in the Common Council for extending the time of any contract for street or alley improvements, unless said motion shall be accompanied by a sworn statement by the contractor, setting out the reason for such extension, and that a reasonable diligence has been exercised to comply with the terms of the contract; and if said motion be not accompanied by a recommendation of the Board of Public Improvements, then said motion shall be referred to said board without discussion.

And it was concurrently adopted by the following vote :

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

NAYS, 4—viz. Aldermen Grubbs, Newman, Seibert and Tucker.

The following motions (adopted by the Common Council—see pages 856, 864, 867, 870 and 871, *ante*) were read, and were severally concurrently adopted :

That the matter of opening of Hanway street be continued according to law, and that the City Clerk be directed to issue notices in the opening of said street.

That H. Clay be granted sixty days further time to complete his contract for bowldering gutters on Ohio street, between Pennsylvania and Meridian streets.

That the City Civil Engineer be directed to make proper survey, and report what, if anything, can be done to relieve the northeast portion of the city from the overflow of water by widening and deepening the State ditch.

That the Board of Health be, and they are hereby, instructed to continue such examinations of the works of the Water Works Company, and keep this Council advised as to the character of the water supply and in regard to any change in the supply, and the character of the improvements made by said company, if any, that this Council may be enabled intelligently to protect the interests of our citizens.

That the City Marshal notify the Water Works Company to remove the obstruction placed by them on Illinois street, near the corner of North street, within two days after receiving said notice.

The following motion (adopted by the Common Council—see page 863, *ante*) was read; and, on motion by Alderman Hamilton, was laid on the table:

That the Street Commissioner be, and is hereby, directed to trim the limbs off of the shade trees that obstruct the light of the street lamps at street corners.

The following motion (adopted by the Common Council—see page 863, *ante*) was read, and referred to the Board of Public Improvements:

That the City Civil Engineer be required to look into the culverts crossing Tennessee street and Indiana avenue, and require the Citizens' Street Railway Company or the Street Commissioner to enlarge the culverts, or make said culverts so that water may pass through and not remain on the streets.

The following motion was read; and the action of the Common Council thereon (see page 866, *ante*) was concurred in:

That the Street Commissioner be instructed to place Tennessee street in a passable condition, and that work be commenced as soon as possible by spreading pit gravel and loam thereon.

The following entitled ordinances (passed by the Common Council—see pages 854 and 855, *ante*) were severally read the first time:

- Ap. O. 6, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 7, 1881—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. 8, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses.
- Ap. O. 9, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 10, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

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

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

Ap. O. 6, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of the Fire Department. [Amount appropriated \$639.72 ]

And it was passed by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

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

Ap. O. 7, 1881—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, \$847.29.]

And it was passed by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

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

Ap. O. 8, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$248.41.]

And it was passed by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

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

Ap. O. 9, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$66,802.53.]

And it was passed by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

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

Ap. O. 10, 1881—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$1,013.82.]

And it was passed by the following vote :

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

The following message was read and received:

To the President and Members of the Board of Aldermen:

*Gentlemen*:—I herewith transmit to your honorable body certain papers, favorably passed upon by the Common Council, at an adjourned session, held on February 9th, 1881, for your action upon the same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the Council and Aldermanic Committees on Streets and Alleys was read; and the favorable action of the Common Council thereon (see pages 873 and 874 *ante*) was concurred in:

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

*Gentlemen*:—Your Joint Committee on Streets and Alleys, to whom was referred a petition of the Indianapolis Rolling Mill Company and others, asking for the vacation of certain streets and alleys, to enable them to erect a steel-rail mill, would report that we have examined and investigated the matter, and in our opinion, the same should be referred to the City Commissioners. We therefore recommend that the accompanying resolution be adopted.

Respectfully submitted,

H. E. Drew,

W. H. Tucker,

John Newman,

Aldermanic Committee.

Jno. T. Downey,

Wm. H. Morrison,

Council Committee.

The following resolution (adopted by the Common Council—see page 874, *ante*) was read:

*Resolved*, That the petition of the Indianapolis Rolling Mill Company *et al.*, praying for the vacation of Catharine street from Mississippi street east to Tennessee street, in out lot 125; Catharine street, from first alley east of Missouri street to the eastern terminus of out lot 126; Mississippi street, from Merrill street to McCarty street; Ann street, from Catharine street to McCarty street; the first alley lying north of McCarty street, from the first alley east of Missouri street to its eastern terminus in out lot 126; the alley lying northeast of lots 22 and 28 in McKernan and Pierce's subdivision of out lot 126, from its beginning at the northeast corner of said lot 22 to its intersection with Mississippi street, on the east side of said lot 28; the first alley west of Tennessee street, from Catharine street south to a point even with a line drawn twenty feet north of the south line of lots Nos. 5 and 22 in McKernan and Pierce's subdivision of out lot 125; and the matter appertaining thereto, be referred to the City Commissioners, with instructions to assess benefits and damages to any persons thereby benefitted or damaged. The said Commissioners are instructed to return, as part of their report, all petitions and notices; and if any property owner immediately upon the line of said streets or alleys, who is directly interested therein, shall object to such vacation, to make such a part of their report. And the City Clerk is hereby directed to issue the proper notices to the Commissioners.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

The following entitled ordinance (passed by the Common Council—see pages 874 and 875, *ante*) was read the first time:

Ap. O. 11, 1881—An ordinance appropriating the sum of \$3,782.55 for the payment of judgment and balance of costs in the case of Charles and Margaret Doherty vs. The City of Indianapolis.

This being the regular appropriation night, the foregoing entitled appropriation ordinance was read the second and third times, without a suspension of the rules, and passed by the following vote ;

AYES, 10—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussman, Newman, Seibert, Tucker, Wood and President Coburn.

NAYS—None.

#### REPORTS, ETC., FROM COMMITTEES.

The Committee on Public Health, through Alderman Wood, submitted the following report; which was concurred in, and the lease of David F. Ratts, with the recommended changes, approved :

To the President and Members of the Board of Aldermen :

*Gentlemen:*—Your Committee on Public Health, to whom was referred the lease of David F. Ratts for the city dumping ground, would recommend that the action of the Common Council be concurred in, with the proviso that the lease as submitted by David F. Ratts be amended so as to read, "For privy vaults or cesspool cleanings, 2½ cents for each and every donegan, or 30 cents per load otherwise conveyed;" instead of, "For privy vaults or cesspool cleanings, 2½ cents per donegan, or 50 cents per load." Would further recommend that the said David F. Ratts file in the Clerk's office a written agreement consenting to the above amendment to the lease as submitted by him to Council, September 20, 1880; and also, that the bondsmen be also requested to sign said agreement, waving any defect that may arise as to the validity of the agreement and bond.

Respectfully submitted,

Geo. P. Wood,  
D. Musmann,  
D. W. Grubbs,

Committee on Public Health.

#### MISCELLANEOUS.

Alderman Hamilton offered the following resolution; which was referred to the Committee on Public Property and the Board of Public Improvements:

*Resolved,* That the City of Indianapolis does not at present, or in the immediate future, need a "\$200,000 Central Market," a "\$150,000 viaduct," or any other expensive improvement, but that the said city does require, for its *permanent prosperity*, a low rate of taxation, a reduction of its bonded debt and the formation of a "sinking fund" for the entire payment of such debt.

Alderman Hamilton offered the following resolution; which was referred to the Committee on Streets and Alleys, the Board of Public Improvements, His Honor the Mayor, the City Attorney and the City Civil Engineer:

**WHEREAS,** The old corners and landmarks established in the original survey of the city have become almost obliterated and destroyed by the construction of streets and buildings, and the corners now set are indefinite, and law suits, trouble and litigation will follow and increase as the city grows older, from such uncertainty; therefore,

*Resolved*, That two experienced and competent resident surveyors be appointed by the Board of Aldermen and the Common Council to ascertain, by exact measurements and angles, the corners on each street crossing of the original plat of Indianapolis, as included within the "donation," and place at such corners one or more substantial monuments, as said surveyors may deem necessary, to perpetuate the corners; and after completion of the work, make a map, giving distances, angles, and the location of each monument, for preservation in the City Engineer's office, and that such monuments be protected by ordinance.

Alderman Newman presented the following communication; which was referred to the Committee on Public Charities, with instructions to report thereon at the next regular meeting of this body:

To the Honorable Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—The undersigned respectfully shows, that on the 6th day of October, 1880, there was granted to him a first and final estimate for the improvement of Tennessee street, between First and Seventh streets, on a contract therefor duly performed; that in said estimate there was an assessment for \$135.42 against the Trustees of the Indianapolis Orphan Home, of which the Board of Management were promptly informed. The undersigned was requested to wait until after the first Wednesday of November, 1880, which he cheerfully did; and when renewing his inquiry, was informed that the Board of Indianapolis Orphan Home expected the City Council would make an appropriation for said assessment, and that due application should be made.

Since that time the undersigned has neither received payment nor even promise thereof. Being pressed by his own liabilities, he felt compelled to apply for his legal remedy of enforcing the payment upon his contract, and applied for a precept. This was duly granted him by the Common Council, but your honorable body, for reasons unknown to him, on the 22d day of December, A. D. 1880, refused to grant him the only remedy by which he could collect the money long due to him under a contract from the city, and has ever since refused.

The undersigned submits whether it is either morally or legally justifiable to thus deprive him of his payment and reimbursement for money expended and labor performed under a contract of the City of Indianapolis; and he respectfully asks that your honorable body either procure the payment of his assessment, or, without delay, grant him his legal remedy for enforcing payment.

With great respect,

LORENZ SCHMIDT.

Alderman Tucker offered the following resolution:

*Resolved*, That this Board of Aldermen do hereby positively refuse to vote any amounts of money to any department of the City Government that exceeds the estimate allowed to each department by the Joint Finance Committees; and that the Clerk of the Board of Aldermen report to this body, at its next meeting, the amounts expended up to date by each department; also the amount to the credit of each department, as per estimate.

Which failed of adoption by the following vote:

AYES, 5—viz. Aldermen Layman, Newman, Seibert, Tucker and President Co-burn.

NAYS, 5—viz. Aldermen Drew, Grubbs, Hamilton, Mussmann and Wood.

By unanimous consent, the foregoing resolution was then referred to the Joint Committees on Finance.

President Coburn offered the following resolution :

WHEREAS, The estimates of the several committees are more than \$60,000 over the receipts of this year; and,

WHEREAS, The Board of Public Improvements have asked for \$50,000 for the cleaning and repairing of streets; therefore,

*Resolved*, That this Board will not vote to appropriate more than \$40,000 for the cleaning and repairing of streets for this year; and that the member of the Board of Public Improvements from this body be requested to use his efforts to carry out this reduction.

Alderman Tucker moved to amend by providing for a reduction of 10 per cent. in the estimates of all the departments of the City Government. Which amendment was not adopted.

The question then being on the original resolution, the same failed to be adopted, by the following vote :

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

NAYS, 6—viz. Aldermen Drew, Grubbs, Mussman, Newman, Seibert and Wood.

On motion, the Board of Aldermen then adjourned.

*H. Coburn*

....., President.

Attest :

*Geo. T. Brunning*

....., Clerk.