

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 6, 1880.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, December 6th, 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, Lamb, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, VanVorhis, White and Yoke.

ABSENT—Councilmen Downey, and O'Connor—2.

The Proceedings of the Common Council and Board of Aldermen in second Joint Convention, assembled in the Council Chamber November 8th, 1880; the adjourned session of the Common Council held November 8th, 1880, and the regular session held November 15th, 1880, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

Sealed proposals for the erection of lamp-posts, lamps, and fixtures, complete to burn gas, on the following described streets, were opened, read, and referred to the Committee on Contracts:

(S. O. 72, 1880)—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.

(S. O. 112, 1880)—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.

REPORT FROM COMMITTEE ON CONTRACTS.

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 papers were referred, presented to Council, Monday evening, November 15th, 1880, have examined the same, and find them to be as follows, to-wit:

1st. 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.

S. W. Patterson, \$13.45 per lineal foot; catch-basins \$100 each; man-holes, \$50 each; house-connections, \$3.00 for ten-inch pipe and under

James E. Twiname & Co., \$13.00 per lineal foot; man-holes, \$37.00 each; catch-basins, \$37.00 each; house-connections, 70 cents for 6-inch pipe; 90 cents for 8-inch pipe; \$1.40 for 10-inch pipe; \$1.60 for 12-inch pipe.

William Bossert, \$12.65 per lineal foot; catch-basins, \$100 each; man-holes, \$45 each; house-connections, \$3.00 for 10-inch pipe and under.

R. P. Dunning and Jas. W. Hudson, \$12.65 per lineal foot; catch-basins, \$95.00 each; man-holes, \$50.00 each; house-connections, 90 cents each.

A. Bruner, \$11.00 per lineal foot; catch-basins, \$80.00 each; man-holes, \$40.00 each; house-connections, 60 cents each for 6-inch pipe; 80 cents each for 8-inch pipe; \$1.00 each for 10-inch pipe; \$1.20 for 12-inch pipe.

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

2d. For grading, bowldering and curbing the gutters of the first alley south of Ohio street, from Pennsylvania street to Delaware street.

John Schier, 72 cents per lineal foot front on each side.

Henry Clay, 42 cents per lineal foot front on each side for curbing; 29 cents per lineal foot front on each side for bowldering.

James E. Twiname & Co., 67 cents per lineal foot front on each side.

S. W. Patterson, 43 cents per lineal foot front on each side for curbing; 23 cents per lineal foot front on each side for bowldering.

Henry C. Roney, 40 cents per lineal foot front on each side for curbing; 24 cents per lineal foot front on each side for bowldering.

Henry C. Roney being the lowest and best bidder, we recommend he be awarded the contract.

Respectfully submitted,
John Newman,
Aldermanic Committee.

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

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimates (presented therewith) severally 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 John Knight, agent, for erecting a lamp-post, lamp and fixtures, (complete to burn gas, except the service pipes,) on Liberty street, between Washington street and Market street, at \$17.00 per post.

772 $\frac{4}{12}$ lineal feet, at 2 $\frac{2}{10}$ cents..... \$17 00

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 John Knight, agent, for erecting a lamp-post, lamp and fixtures, (complete to burn gas except the service pipes,) on Liberty street, between Washington street and Market 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 passed by the following vote :

A YES, 18—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, 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 contract and bond :

Contract and bond of John Knight, agent, for erecting lamp-posts, lamps and fixtures, (complete to burn gas, except the service pipes,) on Elizabeth street, from Blake street to Locke street; thence north on Locke street to City Hospital grounds. Four lamp posts on said line. Bond, \$100.00; surety, Henry Wetzel.

Respectfully submitted,
R. M. PATTERSON, City Civil Engineer.

The City Civil Engineer submitted the following report; which was concurred in :

To the Mayor and Common Council :

Gentlemen:—On November 15th, 1880, the following motion was referred to me by your honorable body :

That the Street Commissioner be directed to level the sidewalk on north Illinois street, near June's restaurant, there being an off-set near that point which is dangerous to pedestrians.

Recommend that the side walk in front of June's restaurant be raised to the proper grade, which will remedy the matter.

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:—I herewith submit copies of an advertisement for the construction of a certain sewer, and proof of advertisement of the same.

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

NOTICE TO CONTRACTORS.

OFFICE OF THE CITY CLERK,
Indianapolis, November 2d, 1880. }

Notice is hereby given, that sealed proposals will be received by the Common Council of the city of Indianapolis, on Monday evening, November 15th, 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 internal 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 and all proposals for the above work. No proposals will be entertained by the Council, which may be deposited with the City Clerk after four o'clock on the date above given.

Price 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 me the undersigned, 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 6th day of November, 1880, and the last on the 13th day of November, 1880.

L. G. DYNES.

Subscribed and sworn to before me, this 6th day of December, 1880.

[Seal.]

FRANK W. RIPLEY, Notary Public.

The City Clerk submitted the following report; which was concurred in:

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:

C. T. Langhorne vs. Mary J. White, trustee, for.....	\$16 50
C. T. Langhorne vs. Geo. W. McAlpine, trustee, for.....	14 08
C. T. Langhorne vs. Geo. W. McAlpine, trustee, for.....	14 13
Fred. Gansberg vs. John and Armanda Hensley, for.....	33 18
Fred. Gansberg vs. John and Armanda Hensley, for.....	1 58
R. P. Dunning and Jas. W. Hudson vs. Mrs. Priscilla Wingate and heirs, viz: Charles Wingate and Lizzie Wingate, for.....	44 80

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, 18—viz. Councilmen Bedford, Bernhamer, Bryce, Caylor, Dean, Fultz, Harrold, Kahn, Koller, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, White, and Yoke.

NAYS—None.

The City Clerk submitted the following report; which was referred to the Joint Committees on Finance:

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

Gentlemen:—I herewith submit an itemized statement, showing the amount of orders drawn on the city treasury during the month of November, 1880:

Board of Health.....	\$194 75	
Bridges.....	549 01	
City Assessor's Department.....	123 00	
City Civil Engineer's Department.....	235 00	
City Dispensary.....	208 54	
City Hall.....	91 45	
City Hospital and Branch.....	968 62	
City Treasurer's percentage.....	258 85	
Cisterns.....	185 00	
Damages and Costs.....	171 55	
Fire Department.....	8,057 16	
Gas.....	5,136 63	
Incidentals.....	50	
Interest on bonds.....	533 25	
Market-Masters' Fees.....	227 85	
Parks.....	122 58	
Police.....	4,489 00	
Printing.....	154 25	
Salary.....	120 91	
Sewers.....	19 50	
Station Houses.....	293 78	
Street Improvements.....	1,431 14	
Street Repairs.....	2,535 12	
Taxes refunded.....	264 55	
		\$26,366 99
School Fund.....		744 87
		\$27,111 86
Total.....		

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The City Treasurer submitted the following report; which was referred to the Joint Committees on Finance:

Report of Wm. G. Wasson, City Treasurer, for the month of November, 1880.

RECEIPTS.

Balance on hand October 31, 1880, as per report.....	\$132,786 47
From delinquent taxes.....	3,023 70
From auction licenses.....	10 00
From benefits.....	23 00
From coal licenses.....	30 00
From dray licences.....	8 00
From dog licenses.....	6 75
From express licenses.....	9 60
From fines and fees.....	365 49
From hucksters' licenses.....	80 00
From market-masters' fees.....	337 46
From peddlers' licenses.....	21 00
From promiscuous.....	539 89
	\$137,241 86

DISBURSEMENTS.

For Board of Health	\$194 75
For bridges.....	547 00
For City Assessor's Department.....	123 00
For City Civil Engineer's Department.....	242 32
For City Dispensary	208 54
For City Hall.....	541 45
For City Hospital and Branch.....	965 39
For City Treasurer's percentage.....	253 85
For cisterns.....	185 00
For damages and costs.....	172 55
For elections.....	5 00
For Fire Department.....	8,169 83
For gas.....	5,136 63
For incidental.....	4 55
For interest on bonds.....	533 25
For market-masters' fees.....	227 85
For parks.....	126 95
For Police.....	4,489 00
For printing	154 25
For salary	233 41
For school fund.....	744 87
For sewers.....	19 50
For station houses	289 92
For street improvements.....	1,435 04
For street repairs	2,833 00
For taxes refunded.....	140 68
Balance on hand.....	109,263 48
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	\$ 137,241 36

Respectfully submitted,
To JOSEPH T. MAGNER, City Clerk.

W. G. WASSON, City Treasurer.

The Fire Board and Chief Fire Engineer submitted the following report; which was received, and the estimates approved:

ESTIMATE NO. 3, ON ENGINE HOUSES—NORTH.

Brick work.....	\$250 00
Cut stone.....	100 00
Plastering.....	125 00
Galo, iron and tin.....	400 00
Slate.....	200 00
Glazed sash.....	100 00
Outside blinds.....	72 00
Sheeting, floors, stairs, and carpenter's work.....	650 00
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	\$1,897 00

SOUTH.

Plastering	\$ 75 00
Inside frames, doors, finish and ceiling.....	650 00
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	\$ 725 00

As there is more due on these houses, we recommend this bill be allowed in full.

Respectfully submitted,

James T. Layman,
John R. Pearson,
Isaac Thalman,

Fire Board.

JOHN G. PENDERGAST, Chief Fire Engineer.

The Chief Fire Engineer submitted the following report; which was received:

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

Gentlemen:—I have been notified, by the Water Works Company, of the location of the following hydrants: No. 600, on south Delaware street, opposite the C. I., St. L. & C. R. R. Co.'s Depot. No. 601, on northwest corner of Georgia and Delaware streets.

Respectfully submitted,
J. G. PENDERGAST, Chief Fire Engineer.

The Chief Fire Engineer submitted the following quarterly report; which was referred to the Joint Committees on Finance:

Second Quarterly Report of the Chief Fire Engineer.

To the Honorable, Mayor Caven, Board of Aldermen, and

Common Council of the City of Indianapolis:

Gentlemen:—I herewith submit for your consideration, my second quarterly report for the year ending May 31st, 1881.

I have received from the different sources, the following amounts:

	Amount as per last report	\$ 380 49
Sept.	2. F. Stribeck, old hose	\$ 50
	6. J. H. Pressley, old hose	60
	8. David Johnson, old hose.....	50
	10. Jacob Grimm, old hose.....	1 00
	11. C. E. Merrifield, old hose	8 25
	11. H. Girdts, old hose	50
	13. T. M. Smith, old hose.....	1 35
	14. G. W. Hollingsworth, old hose.....	50
	27. W. H. Watt, old hose.....	75
	30. L. Southerland, old hose.....	50
Oct.	1. Chas. Haag, one plug wrench.....	80
	15. W. R. Fuller, one old coupling.....	1 00
	15. W. R. Fuller, old hose.....	1 00
	18. Albert Johnson, set of old harness.....	10 00
	22. Kingan & Co., fire alarm box rent.....	25 00
	27. Wm. Haffield, old hose.....	70
	29. Harry Gardtz, old hose.....	50
Nov.	1. W. Canary, old hose.....	60
	9. L. Harding, old hose.....	50
	Total.....	\$ 385 04

By order of the Fire Board, I have paid out as follows:

Sept.	10. J. R. Rice, for hay.....	\$ 22 50
	15. American Express Co., expressage.....	90
	24. American Express Co., expressage.....	75
	27. S. M. Hendricks, for hay	17 88
	27. L. A. Thomas, for hay.....	15 61
	30. Cathcart & Clelland, indelible ink.....	50
Oct.	9. American Express Co., expressage.....	1 30
	14. Telegraphing to Shelbyville, Ind.....	1 50
Nov.	2. S. M. Crawford, for two horse shoes.....	50
	9. J. Pugh, for hay.....	13 68
	10. American Express Co., expressage	25
	10. Postage on piece of hose.....	10
	12. Pan-Handle R. R. Co., to freight.....	2 20

12. I. C. & L. R. R. Co., to freight.....	49
13. I. C. & L. R. R. Co., to freight.....	1 05
15. Amos Custar, for hay.....	16 45
16. S. H. Grube, for straw.....	4 00
24. Pan-Handle R. R. Co., for freight.....	71
24. Expenses to Chicago.....	8 00
28. Blank book.....	20
29. American Express Co., expressage.....	1 70
Total.....	\$ 110 27
Total receipts.....	\$385 04
Total disbursements.....	110 27
Balance on hand.....	\$ 274 77

We have examined the above vouchers, and find them correct.

Respectfully submitted,

James T. Layman,

Isaac Thalman,

Fire Board.

The following amounts have been paid for supplies, etc.:

Anthracite coal.....	\$ 30 56
Arnica.....	6 40
Block coal.....	511 10
Brooms.....	5 00
Corn.....	182 14
Coke.....	8 00
Castor oil.....	5 50
Castile soap.....	8 24
Common soap.....	5 00
Cisterns.....	174 54
Chemicals and extinguishers.....	66 20
Hay.....	346 09
Horses.....	550 00
Horse shoeing.....	270 05
Horse bedding.....	104 66
Hose (large).....	2,680 00
Hose couplings.....	165 50
Hose bands.....	1 20
Harness shop.....	78 22
House furnishing and bedding.....	13 67
Kindling.....	15 00
Lard oil.....	20 58
Matches.....	7 00
Oats.....	823 65
Oil meal.....	2 80
Pittsburg coal.....	17 21
Privy vaults.....	68 50
Pasturing horses.....	11 50
Pipes and nozzles.....	110 00
Repairs on apparatus.....	204 61
Repairs on houses.....	937 75
Supply room.....	119 35
Shorts.....	50 76
Sponges.....	2 00
Salt.....	1 20
Stoves, pipes, etc.....	98 86
Telephone account.....	28 00
Telegraph department.....	784 37

Tripoli	2 50
Waste.....	36 00
Whips.....	2 00
Total.....	\$8,564 71

Respectfully submitted,

JOHN G. PENDERGAST, Chief Fire Engineer.

The Superintendent of the City Hospital and Branch, submitted the following report; which was 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 November, 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.....	42	47	45	55	57	42
No. of infant patients in Hospital at beginning of week.....	1	1				1
No. of adult patients received during week	9	4	15	10	3	41
No. of infant patients received or born during week.....					1	1
No. of adult patients discharged during week	3	6	5	8	6	28
No. of infant patients discharged during week.....						
No. of adult patients who died during week.....	1					1
No. of infant patients who died during week.....		1				1
No. of patients in Branch at beginning of week.....						
No. of patients in Branch at end of week.....						
No. of adult patients in Hospital and Branch at end of week	47	45	55	57	54	54
No. of inf't patients in Hospital and Branch at end of week	1				1	1
No. of pay-patients at beginning of week.....						
No. of pay-patients at end of week						
Aggregate number of days of patients in Hospital	317	336	367	399	317	1536
Aggregate number of days of employes in Hospital						445
Number of prescriptions filled for October.....	910					
Number of prescriptions filled for November.....	770					
Total.....						

Total expenditures for month	\$1,026 49
Cash collected from pay-patients and other sources, and paid to City Treasurer.....	\$.....
Aggregate number of days subsistence furnished	1981
Average daily cost of each patient66-1 cts.
Average daily cost for patients, officers, and employes.....	.51-8 cts.

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

The Superintendent of the City Dispensary, submitted the following report; which was 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 November, 1880, are respectfully submitted:

Number of Patients treated at Dispensary.....	130
Number of Medical cases at Dispensary	86
Number of Surgical cases at Dispensary.....	35
Number of Disease of Nervous System.....	6
Number of Disease of Eye and Ear.....	3
Number of Diseases of the Throat.....	0
Number of Out-door Patients treated	97
Number at Station House.....	8
Number at News Boys' Home.....	0
Total number of Patients treated during month.....	235
Total number of Visits made during month.....	381
Total number of Prescriptions filled during month.....	667
Number of Births during month.....	0
Number of Deaths during month.....	4

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.....	44 10
John F. Johnson, drugs.....	17 57
A. L. Wright & Co, carpets.....	45 73
Drew & Co., coal.....	13 00
E. Compton, stove pipe, &c.....	13 90
Indianapolis Gas Light & Coke Co.....	4 80
Total expenditures for month.....	\$314 08

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

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Councilman Morrison, submitted the following report; which was received, and the recommendations severally 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, directed to fill the chuck-holes with gravel in Market street, from Noble street to Arsenal avenue.

Recommend the work be not done.

2d. Is a motion that the Street Commissioner fill the chuck-holes on west Michigan street, from the race bridge to White River bridge.

Recommend the work be done.

3d. Is a motion that the Street Commissioner be directed to clean the gutters, and fill with gravel the chuck-holes on First street, between Illinois and Pennsylvania streets.

Recommend the work be done.

4th. Is a motion that the Street Commissioner be instructed to place gravel around cistern-cap, on Prospect street, at end of Linden street.

Recommend the work be done.

5th Is a motion that the Street Commissioner be instructed to re-gravel the first alley south of Coburn street, between Madison avenue and East street.

Recommend a small amount of gravel be put in the bad chuck-holes.

6th. Is a motion that the Board of Public Improvements be instructed to put roller Romeo in condition to roll Tennessee street, by cutting it in two or otherwise.

We have this matter now under consideration, as to cost of work on Romeo, and will soon report the matter to the Council.

7th. Is a motion relative to placing sand or fine gravel upon north Tennessee street, and rolling the same until the gravel is well packed.

We have made examination of said street, and find the first square in good condition, being traveled upon and becoming well packed; and it is the opinion of the Board that by spring time the entire line may become packed and in good condition for travel.

Respectfully submitted,

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

The Board of Public Improvements, through Councilman Morrison, submitted the following report; which was referred to the Committees on Judiciary, City Attorney, and City Civil Engineer:

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

Gentlemen:—The Board of Public Improvements, to whom was referred Ordinances, Petitions, Remonstrances and Communications, relative to the improvement of Market and Ohio streets, and Highland avenue, submit the following report:

After a thorough examination of the premises, we came to the conclusion that a regular system of surface drainage should be established between Arsenal avenue and Pogue's Run, on Ohio and Market streets.

We therefore directed the City Civil-Engineer to make the necessary surveys, and report upon some plan of drainage.

In accordance to the above direction, the Engineers have submitted the following plan, which, in the opinion of the Board, is practicable, and will accomplish the desired effect. We therefore recommend the adoption of the above plan, and recommend that the work, when done, be in accordance with the same.

Respectfully submitted,

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

The Board of Public Improvements, through Councilman Morrison, submitted the following report; which was received:

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

Gentlemen:—The Board of Public Improvements have had for some time under consideration the advisability of establishing a Work House, for working city prisoners. We are of the opinion that an expenditure of a few thousand dollars in an enterprize of this kind, would be advisable.

We would recommend that some action be taken by your honorable bodies looking to the establishment of an institution of this kind.

Respectfully submitted,

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

The Board of Public Improvements and Street Commissioner, through Councilman Morrison, submitted the following report; which was received:

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

Gentlemen:—We herewith report expenditures of the Street-Repairs Department for the month of November, 1880:

Pay-rolls	\$2,086 10
Rent on stone yard.....	25 00
Freight on stone.....	32 00
Blacksmithing.....	46 15
Gravel.....	153 40
Sewer pipe.....	4 43
Freight on lumber.....	60 00
Hardware.....	35 62
Serving official notices.....	40 25
Sewer catch-basins.....	3 12
Rubber boots.....	13 50
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Total expenditures for November, 1880.....	\$2,535 12
Total expenditures, per last report.....	21,839 22
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Total expenditures to December 1, 1880.....	\$24,374 34

Respectfully submitted,

L. A. FULMER, Street Commissioner.

Wm. H. Morrison,
Hiram Seibert,
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 14th day of November, to the 30th day of November, 1880—inclusive.

Under 1 year.....	14
1 to 2 years.....	7
2 to 5 ".....	2
5 to 10 ".....	3
10 to 15 ".....	2
15 to 20 ".....	3
20 to 25 ".....	3
25 to 30 ".....	2
30 to 40 ".....	1
40 to 50 ".....	7
50 to 60 ".....	5
60 to 70 ".....	0
70 to 80 ".....	1
80 to 90 ".....	1
90 to 100 ".....	0
100 and upwards.....	0
Unknown.....	2
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Total.....	53

Respectfully,

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

REPORTS, ETC., FROM COMMITTEES.

The Judiciary Committee, through Councilman Lamb, submitted the following report; which was concurred in:

Indianapolis, Ind., Dec. 6th, 1880.

To the Mayor and Common Council:

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

The first is the estimate as reported by the City Civil Engineer, in favor of R. P. Dunning and James W. Hudson, for grading and bouldering West street, in front of what is known as Greenlawn Cemetery, and by said estimate the improvement is charged to the city, and referred to your Committee to ascertain if said money is justly due the contractors from the city, and, if paid by the city, whether it will not, or can not, be held as a lien on said property.

In the estimate there is no description of the property charged for this improvement, but described, simply, as so many feet on West street. If the money was paid on this estimate, it is plain the city could not hold the claim as a lien on any property, as there is no description of any property in the estimate (as the statute requires) to entitle any one to a precept. If the estimate was corrected so as to accurately describe the property fronting on the line of the street improved, still the city could not pay it, and hold the claim as a lien on the property. If the contractors should sell the property, to satisfy their lien, the city could not purchase it and acquire a good title, for this would be the city purchasing the property at her own sale, which would be clearly void. If there is any private property at this point, to be charged with this improvement, the city can not have anything to do with the claim, for the reason that there is no provision of our city charter authorizing the city to pay street improvement liens on private property. Such a proceeding would be clearly unlawful, and the payment of such a claim by the city might be enjoined at the instance of any tax-payer in the city of Indianapolis.

The only question in the case is, is Greenlawn Cemetery private or public grounds? If private property, there is a lien in favor of the contractors upon the property fronting by front line upon West street, and it should be sold to pay the claim. It follows, also, if it is private individual grounds, the estimate has been improperly made out against the city, as there is no legal liability against the city to pay it.

On the other hand, if this is public property, the city is liable and should pay the claim. What are the facts?

The ground, at the point on West street, where this improvement was made, was once a part of out-lot number one hundred and thirty-four (134). It was owned by Edwin J. Peck. In February, 1852, he platted the ground as a private cemetery. (See plat book 1, page 92.) He dedicated nothing to the public; but was the absolute owner of every drive, walk and lot, after the subdivision, just as he was before the subdivision, subject, of course, to the right of lot owners to use the walks and drives. So it has remained to this day, except when he may have sold private lots to individuals. In platting the ground there was left a strip of land four (4) feet in width, between the lots proper and West street. This strip of land fronts, by its front line, on the street improved, and is owned by the heirs of Edwin J. Peck. This is liable for the street improvement.

It is true, the city has for some years held a supervision over Greenlawn Cemetery; has appointed a sexton to take care of the grounds, and paid him for his services out of public monies by appropriation from city treasury. But while the city has thus exercised a supervising care over Greenlawn, the title thereto is a private, individual one. As there appears to be private property fronting on the line of this improvement, upon which there is a lien in favor of the contractors, we recommend that the claim be not paid by the city, except for twenty six (26) feet on north side, which is occupied as a street by the city, as it would be a wrong-

ful appropriation of city funds to pay a street improvement lien on private individual property. We recommend the estimate to be corrected so as to be in accord with the facts.

The second is a petition of Josiah C. Willits, showing that in the years 1876 and 1877, he was the owner of lot two (2,) in square three (3,) in Waldo's subdivision of out-lot No. 158.

That in the year 1876, said lot was assessed for taxation at \$400, and \$400 additional for improvements, when, in fact, there was no improvements upon said lot in the year 1876.

Further, that in the year 1877, said lot was valued, appraised and listed for taxation at \$350, and at \$350 additional for improvements, when, in fact, there was a stable upon the lot worth not more than \$75, in the year 1877.

The petitioner further shows that said lot was sold for the taxes assessed against him, including the erroneous assessments, aforesaid, on the 13th day of February, 1880, and sold to S. A. Fletcher & Co., for \$57.46, he at the time having a large amount of personal property in his possession as owner.

Petitioner asks that said sale be set aside and money refunded to S. A. Fletcher & Co., with interest, and that the City Assessor and Treasurer may be ordered to cancel and set aside the erroneous assessments for improvements, and re-assess the same without any charge for improvements for the year 1876, and for real value of improvement for year 1877.

Your committee report, that the erroneous assessment for improvements for the year 1876, be cancelled, and the property be re-assessed, without improvements.

That the alleged error, for the year 1877, is a matter not to be corrected by the Council and Board of Aldermen, but by the Board of Equalization. The petitioner shows that there was improvements on the lot for this year, which he values at \$75 in his petition, but he says it was valued at \$350, which was more than the improvements were worth. Clearly this is an error we can not correct, but one which petitioner should have had corrected by the Board of Equalization.

When the petitioner shall pay the true and correct amount of taxes due for the years for which said property was sold into the city treasury, we recommend that the alledged sale of said lot to S. A. Fletcher & Co., be set aside, and the City Treasurer pay back to S. A. Fletcher & Co., the money paid by them for said lot at said sale, without interest, upon surrender by them of their certificate of purchase.

Respectfully submitted,

James A. Pritchard,
Wm. C. Lamb,
Jas. T. Dowling,
Judiciary Committee.

JOHN A. HENRY, City Attorney.

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 Committee on Public Light, would recommend that the City Civil Engineer be directed to notify the Gas Company to dismantle the lamp on southeast corner of Liberty and New York streets, and remanet and re-light lamp opposite first alley east of East street, north side of New York street.

Respectfully submitted,

F. W. Hamilton,
Aldermanic Committee.

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

The Committee on Public Health, through Councilman VanVorhis, submitted the following report; which was concurred in:

Indianapolis, Dec. 6th, 1880.

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

Gentlemen:—Your committee, together with the Mayor and City Attorney, to whom was referred G. O. 43, 1880, and the petition of Messrs. Crocker and Becker, presented to this body at a meeting held November 8, 1880, and upon which we presented a report at a meeting held November 15, 1880; which report, together with the ordinance and petition, was referred back to this committee for further investigation, respectfully report: That after further careful examination we find no reason for changing the opinion expressed in the report heretofore made. Upon the invitation of Mr. Becker, the President of the Board of Health, the chairman of your committee, and Dr. I. C. Walker, as the representative of outside parties, visited the establishment of Messrs. Toby & Booth, in Chicago, where they saw in operation an apparatus similar in character to that proposed to be used by Messrs. Crocker & Becker, but far less perfect in its arrangement.

Upon the information heretofore given your committee, we felt perfectly safe in making the recommendation we did in the report submitted at the last meeting, but with the facts now before us we are prepared not only to reaffirm the opinion expressed in our last report, but to say further, that, with any reasonable degree of care, the proposed work can be carried on without being a nuisance. In our opinion, the enterprise should not only be permitted but should be encouraged. In our opinion, if the enterprise is managed in the manner proposed, it will very greatly improve the sanitary condition of the western part of the city. The deleterious effects consequent upon the decomposition of large quantities of blood and other animal matters, for many years being poured into White River, from the slaughter houses, has given the Board of Health no little trouble and anxiety.

It has been found to be quite impossible to get this matter away from the city in any better way—bad as it is—than to let it run in the river. Of course, it might be hauled away to the Sellers Farm, but the great expense necessary to dispose of it in this way has made it impossible for the Board of Health, by any power at their command, to enforce any such requirement. And, even if this could be done, it is a question that admits of some doubt as to whether this would be any improvement, so far as the health and comfort of the western part of the city is concerned, upon the present method of disposing of it, unless it could be, when there, disposed of in a very different way from that which has been the custom at the Sellers Farm.

The proposed enterprise of Messrs. Crocker & Becker, opens up the way for the disposal of such matters as have found their way from the slaughter houses into the river, not only without injury to any one, but by converting them into articles of commercial value, to the great advantage of the industries of the city, in thus furnishing employment to a large number of men, and giving value to that which has heretofore been a nuisance.

In order, however, that the public may be protected from any possible injury or discomfort that might arise from want of care on the part of the proprietors of this enterprise, we respectfully report the accompanying ordinance, and recommend that it be substituted for G. O. 43, 1880, and that it be passed.

Flavius J. Van Vorhis,
C. T. Bedford,
John W. Fultz,
Committee on Public Health.
J. CAVEN, Mayor.

JOHN A. HENRY, City Attorney.

On motion by Councilman Morrison, the rules were suspended to consider the passage of the new ordinance G. O. 43, 1880, by the following vote:

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

NAYS, 1—viz. Councilman Harrold.

The following entitled ordinance (substitute) was read the first and second times:

G. O. 43, 1880—An Ordinance authorizing the establishment of certain fertilizing works at the junction of the Terre Haute and Indianapolis Belt Railroads.

Councilman VanVorhis offered the following amendment to the foregoing entitled ordinance (G. O. 43, 1880,) which was adopted:

Moved, The second Section be amended by adding the following: Such sewer shall be constructed to White River, whenever ordered by the Common Council and Board of Aldermen at any time after the first of March next, and under the supervision of the City Civil Engineer, and in such manner and plan as may be directed by the Common Council and Board of Aldermen.

The above entitled ordinance (G. O. 43, 1880,) was ordered engrossed, as amended, and then read the third time, and passed by the following vote:

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

NAYS, 1—viz. Councilman Harrold.

Councilmen Bedford and Lamb were excused for the remainder of this session.

The Committee on Water, through Councilman McKay, submitted the following report; which was referred to the City Attorney:

To the Mayor and Members of the Common Council, and

Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your Committee on Water, to whom was referred the demand of the Water Works Company of Indianapolis, for a new arrangement with the city to follow the expiration of the contract, we report herewith a temporary agreement of William Henderson, Trustee of the Water Works Company, which we consider to be the most satisfactory arrangement that can be made at this time.

Very respectfully submitted,

M. H. McKay,
H. J. Mauer,
Wm. G. White.

Councilman McKay presented the following agreement; which was referred with the above report:

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 said 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.

Councilman Pearson called up and presented the following report from the Special Committee and the Joint Committees on Public Property; which was concurred in:

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

Gentlemen:—Your Special Committee, to whom was referred the communication of ex-Councilman Tucker, relative to the improvement of the Southern Park grounds, together with the Joint Committee on Public Property and Street Commissioner, have carefully considered the subject matter contained therein, and would report that, in our opinion, the improvement is practicable, and should be made. We therefore respectfully submit the following recommendations, and earnestly recommend their adoption:

1st. The appropriation of \$2,000 for the first year, to be used in improving the Southern Park grounds, also, for the purchasing of tools and the employment of a suitable person to superintend said improvement, under the supervision of the committee intrusted with such work.

2d. The transferring of the Stone Yard force to the Southern Park grounds, to be used in improving the same.

3d. The adoption of a plan of improvement of said grounds by the Joint Committees on Public Property.

4th. That as soon as said plan shall be adopted, that the Stone Yard force be transferred to the grounds, and that the Board of Public Improvements and the Street Commissioner be, and are hereby, directed to take charge of such force and the improvement, and that the Stone Yard be discontinued.

Most respectfully submitted,

James T. Layman,
D. Mussmann,
Jas. T. Dowling,
F. J. Van Vorhis,
Special Joint Committee.

John R. Pearson,
John W. Fultz.
W. E. Shilling,
W. H. Tucker,
D. W. Grubbs,
John Newman,

L. A. FULMER, Street Commissioner.

Joint Committee on Public Property.

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, on Wednesday evening, November 17th, 1880, adopted the following motion:

Inasmuch as very many of the State laws governing the city of Indianapolis are very defective; and whereas, there is a great necessity for further legislation upon the part of the Legislature for the better government of the city of Indianapolis; therefore,

Moved, That the Judiciary Committee from the Board of Aldermen, and the President of the Board, and that the Council be requested to appoint a committee of five together with His Honor, Mayor Caven, and the City Attorney; said committee to prepare such amendments to existing laws and such additional legislation as will be for the general benefit of the city, and to place the same in the hands of members of the incoming Legislature for passage.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the action of the Board of Aldermen, as set forth in foregoing message, was concurred in; and Councilmen Lamb, Pritchard, Dowling, VanVorhis and Bernhamer, appointed as the Council members of said committee.

The following message was read :

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, November 17th, 1880, adopted the following motion, and Aldermen Tucker and Grubbs appointed as members of the said Special Committee:

"That a Special Committee of two from the Board of Aldermen be appointed, and that the Common Council be, and are hereby, requested to appoint a committee of three, to devise some way for the erection of a Market House on the East Market grounds, and to report to the Council as soon as practicable, if any plan can be devised whereby it can be erected."

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the action of the Board of Aldermen was concurred in, and Councilmen Pearson, Thalman and Bernhamer, were appointed by the Chair to act as the Council members of said Special Committee.

The following message was read :

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber November 17th, 1880, adopted the following motions :

That the City Attorney and Police prosecute all persons owning and moving houses along the streets contrary to law, and without permits; also, that they file against and prosecute all owners of horses, colts and mules, found running at large upon the streets, alleys and public commons.

That W. H. Drapier be, and is hereby, permitted to dig a well under the sidewalk at the southwest corner of Virginia avenue and Bradshaw street, to be used for the purpose of draining water out of the cellar; the work to be done at his own expense, and under the direction of the City Civil Engineer.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the above motions, as set forth in foregoing message, were concurrently adopted.

The following message was read :

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, November 17th, 1880, refused to concur in your action of November 15th, 1880, awarding the following contracts as recommended in the third and fourth clauses of the Committee on Contracts:

3d. To increase depth of well at the intersection of Ash and Tenth streets, five (5) feet, under direction of City Civil Engineer.

Dunning and Hudson, \$450.00.

August Richter, \$425.00.

August Richter being the lowest and best bidder, we recommend he be awarded the contract.

4th. For furnishing and erecting a drinking fountain, under the direction of the City Civil Engineer, at the southeast corner of North street and Indiana avenue.

W. J. Freaney, \$228.00.

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

I submit the same for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion by Councilman Pearson, the Council receded from its former action as to increasing the depth of the well, and adhered to its former action in regard to furnishing and erecting the drinking fountain.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, November 17th, 1880, refused to concur in your action of November 15th, 1880, in accepting the proposition and awarding the contract to Clapp & Jones for the purchase of a new Steam Fire Engine.

I submit the same for your consideration and action.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the matter as set forth in foregoing message, was referred to the former Select Committee, consisting of Prier, Dean, Fultz, Seibert and Drew, together with the Fire Board and Chief Fire Engineer.

The following message was read:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, on Wednesday evening, November 17th, 1880, adopted the following resolution:

WHEREAS, A drain, about two miles in length, running from the northeast, and emptying into the "State Ditch," has been projected and partially completed, and which drain will throw a largely increased volume of water into the said "State Ditch," and in case of heavy rain will cause great damage, by overflow, to property in the north part of the city;

Resolved, That the City Civil Engineer report, as soon as possible, what plan is necessary and most practicable, to increase the capacity of the "State Ditch" sufficient to accommodate the greatly increased quantity of water and prevent overflow and disaster to property. Also, that the City Attorney examine the proceedings in the County Commissioners' court, in the case of said drain, and take such steps as may be necessary to protect the interests of the city in such matter, and report.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

On motion, the action of the Board of Aldermen, in adopting the foregoing resolution, was concurred in by the following vote:

· **AYES**, 21—viz. Councilmen Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS—None.

APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances were introduced and read the first time, and were then placed on their second and third reading, and final passage, without suspension of the rules:

By the Fire Board, through Councilman Pearson:

Ap. O. 72, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

By the Hospital Board, through Councilman Bryce:

Ap. O. 73, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of City Hospital and Branch.

By the Police Board, through Councilman Prier:

Ap. O. 74, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Station Houses.

By the Committees on Accounts and Claims, through Councilman VanVorhis:

Ap. O. 75, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

By the Committees on Printing, through Councilman Yoke:

Ap. O. 76, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of Printing, Stationery and Advertising.

By Councilman Morrison:

Ap. O. 77, 1880—An Ordinance appropriating the sum of Five Thousand Dollars on account of Street-Repair Department of the City of Indianapolis.

Appropriation Ordinances Nos. 72, 73, 74, 75, 76 and 77, were severally read the second time and ordered engrossed.

Councilman Morrison offered the following resolution:

Resolved, That the sum of five hundred dollars, mentioned in the appropriation ordinance to be donated to the Indianapolis Benevolent Society for the use of the Friendly Inn, be stricken out, and that each Councilman and Alderman be requested to give the sum of ten dollars in lieu of said appropriation.

On motion by Councilman VanVorhis, the above resolution was laid on the table.

Councilman Pritchard moved to reconsider the adoption of Councilman VanVorhis's motion, by which Councilman Morrison's resolution was laid on the table.

Councilman VanVorhis moved to lay Councilman Pritchard's motion on the table.

Which motion failed of adoption by the following vote:

AYES, 10—viz. Councilmen Bryce, Caylor, Fultz, Kahn, McKay, Shilling, Thalman, VanVorhis, White, and Yoke.

NAYS, 11—viz. Councilmen Bernhamer, Dean, Dowling, Harrold, Koller, Lang, Mauer, Morrison, Pearson, Prier, and Pritchard.

Councilman Pritchard's motion to reconsider the vote by which Councilman Morrison's resolution was laid on the table, was then adopted.

By an affirmative vote of a majority of all the members present, Rev. O. C. McCulloch was permitted to address the Council.

Councilman VanVorhis then moved that Councilman Morrison's resolution be laid on the table.

Which motion was adopted.

The following entitled ordinance was read the third time:

Ap. O. 72, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$7,203.72.]

And it was passed by the following vote:

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

NAYS—None.

The following entitled ordinance was read the third time:

Ap. O. 73, 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, \$1,026.49.]

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

The following entitled ordinance was read the third time :

Ap. O. 74, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$291.75.]

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

The following entitled ordinance was read the third time :

Ap. O. 75, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$22,600.94.]

And it was passed by the following vote :

AYES, 15—viz. Councilmen Bryce, Caylor, Dowling, Kahn, Koller, Lang, Mauer, McKay, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS, 6—viz. Councilmen Bernhamer, Dean, Fultz, Harrold, Morrison, and Pearson.

The following entitled ordinance was read the third time :

Ap. O. 76, 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, \$426.12.]

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

The following entitled ordinance was read the third time :

Ap. O. 77, 1880—An Ordinance appropriating the sum of Five Thousand Dollars, on account of Street-Repair Department of the City of Indianapolis.

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bernhamer, Bryce, Caylor, Dean, Dowling, Fultz, Harrold, Kahn, Koller, Lang, Mauer, Morrison, McKay, Pearson, Prier, Pritchard, Shilling, Thalman, Van Vorhis, White, and Yoke.

NAYS—None.

MISCELLANEOUS.

Councilman Dean offered the following motion ; which was adopted :

That the City Civil Engineer be, and is hereby, instructed to make the necessary surveys, and report upon a plan of sewerage, together with an estimate of the cost of the same, for an outlet for the sewage matter of the State Female Reformatory.

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

That the Street Commissioner be, and is hereby, directed to fill with gravel the chuck-holes on Spring street, from Market street to New York street.

Councilman McKay offered the following motion ; which was adopted :

That J. L. Spaulding be granted ninety days further time to complete his contract for improving King street, from Pennsylvania street to Delaware street.

Councilman McKay presented the following communication :

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

Gentlemen:—The City Attorney, being directed by your honorable bodies to bring suit on bond given by James Mahoney for improving first alley north of St. Mary street, from Delaware street to Pennsylvania street, and I being surety on said bond, would pray that no action be taken in the matter at present ; and if the city will extend the time for completing said contract until spring, I hereby guarantee that the work will be performed in accordance with said contract and bond.

RICHARD CARR.

On motion, the prayer as set forth in foregoing communication was granted, and the time extended.

Councilman Morrison presented the following petition ; which was received :

Cincinnati, O., December 4th, 1880.

To the Common City Council of the City of Indianapolis, Ind. :

Gents:—I, Richard Tudor, owner of property 128 west Vermont street, do hereby ask to have the front sidewalk replaced in the same condition as it was before the Steam Fire Engine drove over it to pump water from the cellar of the bakery at the corner.

Yours, truly,

RICHARD TUDOR,
D. C. Tudor.

Councilman Morrison offered the following motion ; which was adopted :

That Fred. Gansberg be granted sixty days further time to complete his contract for improving Mississippi street, between Ohio street and Seventh street.

Councilman Morrison offered the following motion ; which was adopted, and Councilmen Morrison, Pearson and White, appointed to act as the Council members of said committee ;

That the request of Richard Tudor, of Cincinnati, Ohio, for the replacing of sidewalk in front of No. 128 west Vermont street, be referred to the Chief Fire Engineer and a committee of five (5;) said committee to be composed of three (3) members of the Council and two (2) from the Board of Aldermen; and that said committee examine the sidewalk, and report to this Council at its next regular meeting who was responsible for the damage.

Councilman Pearson offered the following motion; which was adopted:

That Fred. Gansberg, contractor, be instructed to place Mississippi street in a passable condition, between First and Second streets. In its present condition it is impossible for residents on said street to reach their place of business or residences.

Councilman Pritchard offered the following motion; which was adopted:

That the contractor, Henry Clay, be given sixty (60) days extension of time in which to complete his work on Ohio street, between Pennsylvania and Meridian streets.

Councilman Pritchard offered the following petition; which was referred to the Judiciary Committee and City Attorney:

To the Honorable, the Mayor, and Common Council, and

Board of Aldermen of the City of Indianapolis:

The petitioner, Sarah E. Milburn, represents that on the ...th day of January, 1880, she received a judgment against said city in the Marion Superior Court, for the sum of fifteen hundred dollars, on account of injuries sustained by her in accidentally falling into an unguarded and open cistern at the intersection of Sims and River streets, in said city; and the petitioner further says that said cause was appealed by the defendant to the General Term of said Court, wherein said judgment was in all things affirmed, on the ...th day of October, 1880, a copy of the opinion of Hon. Byron K. Elliott, affirming said judgment, is filed herewith, and made a part of this petition.

The petitioner says that she is yet disabled and rendered a cripple, and incapacitated from hard labor, by reason of said injuries; that on account thereof she is prevented from working and sustaining herself and family, as she otherwise might; that her husband recently met with an accident which kept him from work, and on his recovery, found that his place had been given to another, and he is now unable to get any work to do, or even anything to support their family; that petitioner has four children, none of them old enough to assist in gaining a living; and that in consequence of her husband's said sickness, and her own disabled condition, they have for some two or three weeks past been unable to get sufficient food for themselves and children to eat, or fuel to keep them from freezing; and that petitioner has recently been compelled to obtain fuel from the township trustee in order to prevent their children from freezing to death. The petitioner further represents that she is informed that the only question which the defendant's counsel ever pretended that said judgment could be reversed on, was upon the answers to certain interrogatories propounded to the jury by the defendant on the trial of the case at the Special Term, and to the ruling at the General Term. On that point she now asks your honors special attention, as it is set forth in the opinion aforesaid. The petitioner says further that she is informed that the attorneys of defend-

ant have little or no expectation that said cause will be reversed even if appealed to the Supreme Court; but that such appeal, if taken, is meant to gain time and delay payment to her as long as possible. She says, further, that she and her husband have done and are doing all they can to make a living and support themselves, and that notwithstanding petitioner's said injuries and disabilities, she has done everything she could, working when she was even unable to do so, to help support her said family. Wherefore the petitioner prays that the said judgment be paid to her and not appealed to the Supreme Court, for as much as such delay in payment is only adding unnecessary cost to the defendant, and working injustice and damage to the petitioner.

December, 1880.

SARAH E. MILBURN.

SARAH E. MILBURN,
vs. } Appeal 453.
THE CITY OF INDIANAPOLIS. }

This is an action against the City of Indianapolis for injuries received by falling into a cistern negligently permitted to remain open and unguarded, by the corporate authorities. Verdict and judgment against the city.

The appellant affirms that the complaint is bad, because it does not allege that the plaintiff had no knowledge of the existence of the dangerous opening. I do not think it is necessary for the plaintiff in cases of this class to specifically allege that he had no notice of the defect. The cases cited by the appellant bear upon a question of evidence, and not upon a question of pleading. The complaint contains the averment that there was no fault or negligence on the part of the plaintiff, and this the demurrer admits. With this allegation taken as true, the appellant cannot justly complain that the complaint was fatally defective.

It is also insisted that the second paragraph of the complaint is bad, because it shows that the hole or cistern into which the plaintiff fell, was outside of the line of the street, therefore bad. Counsel do not, as I think, give the allegations of the complaint their just constructive effect. The paragraph in question not only charge knowledge, but also charges that the dangerous place was at the intersection of two streets of the city, and only ten inches from the line of the sidewalk. It is well settled—so well that it is unnecessary to cite authorities—that a municipal corporation is liable for negligently and knowingly permitting a dangerous place in close proximity to a public street to remain unprotected.

The council insist that there is such a conflict between the general verdict and the answers to interrogatories, that the former must yield. It is true that the jury find that the plaintiff could have seen the hole had she been looking in that direction, but this does not give us the right to infer as against the general verdict, that she was negligent. We have indeed no right at all to make inferences for the purpose of overthrowing the general verdict; on the contrary, as was said in one case, "the general verdict should be sustained unless there is an irreconcilable conflict." The cases which hold that one about to cross a railway track must stop and use his eyes and ears, convey the doctrine of contributory negligence to its utmost verge, and I am, for my part, unwilling to apply it to a traveler walking upon a public street. It is now acknowledged law that a traveler has a right to presume that the corporate authorities have done their duty, and made the streets safe. We cannot say with a general verdict confronting us, that the omission to look in advance is in itself such negligence as will preclude a recovery. We have carefully examined the instructions, and think that they clearly and fairly express settled and familiar rules of law. I am for affirmance.

HOWE concurs; HOLMAN not voting.

Councilman Shilling presented the following petition; which was received, and the prayer of said petition granted:

Indianapolis, Ind., Dec. 6th, 1880.

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

Gentlemen:—We, the undersigned, citizens of the city of Indianapolis, would respectfully petition your honorable bodies for a license to carry on the business of auctioneers, within said city, pursuant to the general ordinance governing the same.

Respectfully, &c.,

G. W. SMITH,
S. BARTHOLOMEW.

Councilman Thalman presented the following petition ; which was received, and the prayer of said petition pranted :

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

Gentlemen:—The undersigned represents and shows to your honorable body that he is the owner of Lot No. 69, of Alvord's subdivison of lots one to five inclusive, of E. T. & S. K. Fletcher's addition to the city of Indianapolis, Indiana, and he desires to improve the sidewalk on and along Malott avenue, adjoining said lot, to-wit: From the northeast corner of Malott avenue and Alvord street, running along the north side of said avenue to the east line of said Lot No. 69. And he desires permission to improve said lot by making a brick sidewalk at his own expense; and he now prays that this Council will give him permission to make said improvement at his own expense, and will also order and direct the City Engineer to establish and fix the grade so he can make said improvement as herein stated.

JONATHAN EDWARDS, Trustee,
by N. N. Morris & Co., Agt.

Indianapolis, Dec. 6, 1880.

Councilman Thalman offered the following motions ; which were adopted :

That the Fire Board be authorized to sell the St. Jo. street Hose-Reel House, and that they be, and are hereby, instructed to advertise for proposals for same.

That the Committee on Accounts and Claims report back with its recommendations, the petition of Will. F. A. Bernhamer, for the refunding of taxes erroneously assessed for the year 1874, presented and referred to said committee February 28th, 1876. See Proceedings May 10th, 1875, to May 1st, 1876, page 1,588.

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

That the Street Commissioner be directed to place broken stone and gravel around the cistern at the corner of Pennsylvania and Fifth streets.

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

That the Street Commissioner be instructed to put bridges at the intersection of Woodlawn avenue and Reid street.

Councilman VanVorhis offered the following resolution :

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.

Which was adopted by the following vote :

AYES, 12—viz. Councilmen Bryce, Caylor, Dowling, Kahn, Koller, Lang, Mauer, Pearson, Prier, Shilling, VanVorhis, and White.

NAYS, 8—viz. Councilmen Bernhamer, Dean, Harrold, Morrison McKay, Pritchard, Thalman, and Yoke.

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

Indianapolis, Ind., November 29th, 1880.

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

Gentlemen.—The undersigned, your petitioner, would respectfully represent that heretofore, to-wit: on the 21st day of September, 1874, Frederick Richter and wife executed and delivered to the Hartford Orphan Asylum, of Hartford, Connecticut, their certain mortgage of that date, conveying to said Hartford Orphan Asylum among others, Lot number twenty-one (21,) in Richter's southeast addition to the city of Indianapolis, Indiana, as security for the payment of one principal note of four thousand dollars (\$4,000.00,) due at five years, with ten coupon interest notes for \$200 each, due respectively in six, twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four and sixty months from date thereof, which mortgage was duly recorded in the Recorder's office in Marion county, Indiana, in Mortgage Record No. 67, at page 141. That at the time of the execution of the said mortgage, the said Fredrick Richter was the owner in fee-simple of said real estate; that prior to the execution of said mortgage there had been erected upon said Lot number twenty-one (21,) a large and valuable brick house fronting west on Shelby street, and was otherwise well improved.

That afterwards, to-wit: on the 12th day of December, 1878, and while said mortgage debt still remained unpaid, the city of Indianapolis, through its Common Council, ordered the opening of Shelby street to a uniform width of sixty (60) feet, beginning at the terminus of Virginia avenue, and thence running south to the corporation line, which corporation line is south of said real estate; and your petitioner says that in opening said street, seven and one-half ($7\frac{1}{2}$) feet of ground were taken off of the west end of said Lot twenty-one (21,) and that the benefits and damages to said lot were assessed as equal, but that the damages to said dwelling were assessed at five hundred dollars (\$500.00.) And said street was opened, and said property damaged in a much greater sum than that assessed; and that, notwithstanding said street was so opened and said property so damaged, no part of said sum of five hundred dollars has ever been paid to your petitioner, or any one else. That in consequence of thus opening said street, the mortgagees' security was impaired in a much greater sum than five hundred dollars (\$500.00,) the sum assessed. That afterwards the said Hartford Orphan Asylum caused said mortgage to be foreclosed, and said property ordered sold, and on the 21st day of June, 1879, was bid in by your petitioner, as trustee for said Hartford Orphan Asylum, and that the year of redemption for said property expired on the 21st day of June, 1880; and the same not having been redeemed by any one, the Sheriff of said county executed and delivered to said Joseph A. Moore, a deed for said real estate, in whom the legal title to said real estate now is; and he prays that said sum of five hundred dollars (\$500.00,) with all interest accrued and to accrue thereon, may be ordered paid to him by said Common Council; and this he will ever pray.

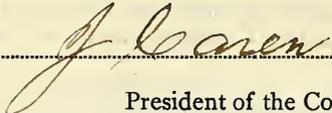
Your petitioner accompanies this petition with an abstract of title to said real estate carefully prepared for your inspection.

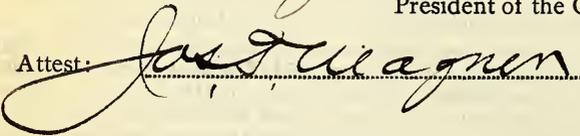
JOSEPH A. MOORE,
By Stanton J. Peelle, Att'y.

Councilman Yoke offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, instructed to examine the sand now on Kentucky avenue used by Dunning and Hudson in their improvement on said avenue.

On motion, the Common Council then adjourned.

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

Attest: ..... City Clerk.