

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
Monday, August 30th, 1875—7½ o'clock P. M. }

The Common Council met in regular session..

Present—His Honor, the Mayor, John Caven, in the chair, and the following members :

Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—23.

Absent—Councilmen Adams, Craft and Kahn—6.

The proceedings of the regular session held August 23d, 1875, were read and approved.

Sealed proposals for lighting, cleaning and keeping in repair the gas lamps on the public streets, were received, opened, read and referred to the Committee on Contracts and the City Civil Engineer.

Sealed proposals for building an iron bridge over Pogues Run on Meridian street, were received, opened, read and referred to the Committee on Contracts.

Sealed proposals for building stone abutments and iron superstructure over Canal on Walnut street, were received, opened and read.

Mr. Madden offered the following motion :

Moved, That all bids for building a bridge over the canal at the intersection of Walnut street be rejected, and the further consideration of the matter be postponed till next spring.

Mr. Darnell moved to lay Mr. Madden's motion on the table.

Which motion to lay on the table failed to pass by the following vote :

Affirmative—Councilmen Darnell, Geiger, Hall, Hook, Ransdell, Schmidt, Thalman and Webster—8.

Negative—Councilmen Albershardt, Bollman, Buehrig, Curran, Gimber, Kenzel, Laughlin, Madden, McGill, Reasner, Reed and Stratford —12.

Mr. Madden's motion was then adopted.

A sealed proposal for building wooden bridge over State Ditch at crossing of College avenue, was received, opened, read and referred to the Committee on Contracts.

Sealed proposals for erecting lamp posts, lamps and fixtures on Michigan street between Delaware and Alabama streets, were received, opened, read and referred to the Committee on Contracts.

Mr. McGill, from the Committee on Contracts, submitted the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—Your Committee on Contracts to whom was referred sundry proposals, for the erection of lamp posts and lamps complete, on Olive street from Prospect street to Pleasant Run, report that we have examined the same and find them to be as follows, to-wit :

Chas Doherty, \$21.75 per lamp and post complete.

D Root & Co., \$21.50 per lamp and post complete.

John T Dickson, \$21.50 per lamp and post complete.

John T. Dickson being the lowest and best bidder, we recommend that he be awarded the contract.

Respectfully submitted,

LEON KAHN,

ROBT. C. MCGILL,

Committee on Contracts.

Which, on motion of Dr. Stratford, was laid on the table.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—Your Committee on Contracts to whom was referred sundry proposals, report that we have examined the same and find them to be as follows, to-wit :

FIRST.

For grading, paving with brick and curbing with stone on Winston street from Market street to the first alley south of St. Clair street, the following proposals were presented :

John J. Palmer, \$1.20 cents per lineal foot on each side for paving and curbing ; 68 cents per square yard for bouldering.

Strong & Hanna, paving and curbing, \$1.08 per front foot on each side ; bouldering, 70 cents per square yard.

Fred. Gansberg, paving 50 cents per front foot on each side. Curbing 47 cents per front foot on each side.

E. H. Boney, paving 50 cents per front foot on each side ; curbing 47 cents per front foot on each side ; bouldering 70 cents per square yard.

Baily & Keely, paving 47 cents per front foot on each side; curbing 47 cents per front foot on each side; bouldering 59 cents per square yard.

John Schier, paving 43 cents per front foot on each side; curbing 50 cents per front foot on each side; bouldering 68 cents per square yard.

J. W. Smith, paving and curbing 92 cents per front foot on each side; bouldering 47½ cents per lineal foot front on each side.

Anderson & Devenish, paving 45 cents per front foot on each side; curbing 47 cents per front foot on each side; bouldering 68 cents per square yard.

Michael Faust, paving, 45 cents per front foot on each side; curbing, 46 cents per front foot on each side; bouldering, 68 cents per square yard.

H. C. Roney, paving, 44 cents per front foot on each side; curbing, 46 cents per front foot on each side; flagging, 45 cents per foot single row; bouldering, 75 cents per square yard.

John Trieter, paving, 41 cents per front foot on each side; curbing, 49 cents per front foot on each side.

No bid for bouldering.

Patterson & Dunning, paving, 42 cents per front foot on each side; curbing, 47 cents per front foot on each side; bouldering, 69 cents per square yard.

Joseph Hanna, paving, 44 cents per front foot each side; curbing, 43 cents per front foot each side.

No bid for bouldering.

James W. Hudson, paving, 35 cents per front foot each side; curbing, 50 cents per front foot each side; bouldering, 65 cents per square yard.

James W. Hudson being the lowest and best bidder, we recommend that he be awarded the contract.

SECOND.

For grading and paving the east sidewalk on Union street, between Madison avenue and Hanway street, the following proposals were presented, viz:

J. J. Palmer, paving, 68 cents per lineal foot front; bouldering, 68 cents per square yard.

Anderson & Devenish, paving, 53 cents per lineal foot front.

No. bid for bouldering.

Fred Gansberg, paving, 51 cents per lineal front foot; bouldering, 69 cents per square yard.

H. C. Roney, paving 50 cents per lineal foot front.
No bid for bouldering.

Michael Faust, paving 49 cents per lineal foot front; bouldering 68 cents per square yard.

E. H. Roney, paving 48 cents per lineal foot front; bouldering 70 cents per square yard.

James W. Hudson, paving 49 cents per lineal foot front; bouldering 65 cents per square yard.

J. W. Smith, paving $44\frac{1}{2}$ cents per lineal foot front; bouldering $47\frac{1}{2}$ cents per lineal foot, 7 feet wide.

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

Respectfully submitted,

ROBT. C. MCGILL,

P. H. CURRAN,

Committee on Contracts.

Which was concurred in and the contracts awarded.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—In the Indiana German Newspaper, under the date of the 26th instant, there appeared certain charges preferred against me, alleging that I favored certain contractors in the matter of letting the work of building and repairing the stone abutments of the bridges over Pogues Run, thereby causing the city to lose thousands of dollars by not giving said work to the lowest bidder, and that such proceedings was never allowed under a Republican administration, etc.

When your honorable body authorize me to contract with some competent mechanic to do certain work, I cannot always be guided by the lowest bidder, for in many cases those who are the lowest bidders are incompetent, and if the work was

awarded them, the city would probably be compelled to do their work over again after the lapse of a few months. Whenever I am directed to contract for work, it must be done right or not at all.

In justice to myself as well as to your honorable body, I most earnestly request that you appoint a special committee to investigate the foregoing charges, and all other matters connected with my office since I took charge of it. I desire that they should obtain the testimony of every contractor bidding on the public work of the city, whether or not I have been strictly just in every instance while I have been in this office.

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Which was received.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I hereby report the following estimates for work done :

A first and final estimate allowed F. M. Eppert, for grading and graveling the first alley east of Cedar street, running north and south from Hosbrook to Huron street—

780.1 lineal feet at 20 cents.....\$156 02

Also, a first and final estimate allowed John L. Hanna, for grading and graveling the first alley south of St. Clair street, running east and west from Peru avenue to Winston street—

345.6 lineal feet at 40 cents..... \$138 24

Also, a first and final estimate allowed Frederick Gansberg, for grading and graveling the first alley north of Yeizer street, running east and west from Madison road to Japan or East street—

2549 lineal feet at 26 cents.....\$662 74

Also, a first and final estimate allowed John J. Palmer, for grading and graveling Twelfth street and sidewalks, from Illinois to Tennessee street, and to take up and relay the track of the Citizen's Street Railway Company in said street between said points—

1310 lineal feet grading and graveling at 98 cents.....\$1,283 80

612 lineal feet for taking up and relaying street car track at 16 cents..... 97 92

Total payment.....\$1,381 72

Also, a first and final estimate allowed James O. Woodruff, for grading and graveling Michigan street and sidewalks from the east line of the United States Arsenal ground to the east line of the Woodruff Place—

2682.2 lineal feet at \$2.90.....\$7,778 38

Also, a first and final estimate allowed James W. Hudson, for grading and paving the west sidewalk on West street from Kentucky avenue to Merrill street—

955 lineal feet at 49 cents.....\$369 95

Also, a first and final estimate allowed Bernard Hammill for grading and graveling the alley between Delaware and Alabama streets, from Home avenue to the first alley south of Sixth street—

1775.8 lineal feet at 41 cents.....\$728 07

Also, a first and final estimate allowed Samuel Lefever for grading and graveling Seventh or Tinker street and sidewalks, from the east side of Illinois street, formerly called Henderson street, to the Indianapolis, Cincinnati and Lafayette railroad tracks—

2587 lineal feet at 70 cents.....\$1,810 90

Also, a first and final estimate allowed Joseph Hanna for grading and graveling Beecher street and sidewalks from Shelby street to Gatling street—

688 lineal feet at 47 cents..\$323 36
 24 cubic yards cutting ditch to let water through at 30 cents..... 7 20

Total payment.....\$330 56

Also, a second and final estimate allowed Bruner & Riner for building a brick sewer in Court street from Delaware street to connect with Pennsylvania street sewer—

473.4 lineal feet at \$3.10.....\$1,467 54
 2 catch basins at \$90 180 00
 2 man-holes at \$28..... 84 00

\$1,731 54

Less former payment..... 1,558 39

Present payment.....: \$173 15

Also, a first and final estimate allowed E. H. Roney for grading and paving with brick the north sidewalk on North street between East and Noble streets—

847.8½ lineal feet at 39¾ cents.....\$326 95

Respectfully submitted,

BERNHARD H. DEITZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed F. M. Eppert, for grading and graveling the first alley east of Cedar street, running north and south from Hosbrook to Huron street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the following first and final estimate allowed John L. Hanna for grading and graveling the first alley south of St. Clair street running east and west from Peru avenue to Winston street be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Frederick Gansberg for grading and graveling the first alley north of Yeiser street running east and west from Madison Road to Japan or East street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed John J. Palmer for grading and graveling Twelfth street and sidewalks from Illinois to Tennessee streets, and to take up and relay the track of the Citizens Street Railway in said street between said points, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed James O. Woodruff for grading and graveling Michigan street and sidewalks from the east line of the United States Arsenal Grounds to the east line of the Woodruff Place be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed James W. Hudson for grading paving the west sidewalk on West street from Kentucky avenue to Merrill street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Bernard Hammill for grading and graveling the alley between Delaware and Alabama streets from Home avenue to the first alley south of Sixth street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Samuel Lefever for grading and graveling Seventh or Tinker street and sidewalks from the east side of Illinois street, formerly called Henderson street, to the Indianapolis, Cincinnati and Lafayette Railroad tracks, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Joseph Hanna, for grading and graveling Beecher street and sidewalks from Shelby street to Gantling street be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing second and final estimate allowed Bruner & Riner for building a brick sewer in Court street from Delaware street to connect with the Pennsylvania street sewer, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed E. H. Roney, for grading and paving with brick the north sidewalk on North street, between East and Noble streets, be and the same is hereby adopted as the estimate of this Council and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Ward—20.

Negative—None.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen:—I respectfully report to Council the following contracts and bonds, and recommend that the same be approved, viz :

Contract and bond of Bernard Hammill for grading, graveling, curbing and paving the sidewalks on Fifth street from Meridian to Pennsylvania street.

Contract and bond of Bernard Hammill for grading and bouldering Market street, curbing the sidewalks and paving the same where not already paved, from Illinois to Tennessee street.

Contract and bond of Bernard Hammill for widening the north sidewalk on Michigan street to a width of 17 feet, and curbing the outside edge with stone from Meridian to Pennsylvania street.

Contract and bond of James W. Hudson for grading, paving with brick and curbing with stone, Winston street from Market street to the first alley south of St. Clair street

Contract and bond of Anderson & Devenish for grading and graveling the first alley west of West street, from First street to its northern terminus.

Respectfully submitted.

EERNHARD H. DIETZ,
City Civil Engineer.

Which was concurred in and the bonds approved.

The City Attorney submitted the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen:—In the matter of the suit of the City vs. Alexander Robinson, the late Gas inspector for the city, I desire to report that since the investigation and report of the Committee, said Robinson has returned to the city the following property, which was part of the property that the Committee found belonged to the city, to-wit :

- 1 work bench ;
- 1 tool closet ;
- 1 reflector (head-light) ;
- 4 pieces large plate glass ;
- 2 galvanized boxes.

I have in my possession letters to him from the American Meter Co., authorizing him to collect from the city the claim of said Company, for \$157.00, and remit the money to said Company. I am satisfied that the city cannot recover from him or his bondsmen the money so collected by him for the American Meter Company, and I am of the opinion that the American Meter Company cannot compel the city to pay the same for the reason that Robinson had authority from said company to collect and remit the same.

Mr. Robinson and his bondsmen have proposed to pay the city the sum of seventy-five dollars (\$75) in settlement for the remaining articles claimed to have been received by Mr. Robinson, the city to dismiss the suit now pending against them in the Superior Court. This settlement, however, is not to relieve Mr. Robinson from any obligation on his bond for the money received, (as above stated) for the American Meter Company.

I recommend that the above proposition of Mr. Robinson and his bondsmen be accepted, and that I be authorized to dismiss said suit.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Mr. Darnell moved not to concur in the report.

Dr. Stratford moved to lay Mr. Darnell's motion on the table.

Which motion to lay on the table was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran,

Diffley, Gimber, Hook, Kenzel, Laughlin, Madden, Reasner, Reed, Stratford, Stuckmeyer, Thalman and Ward—16.

Negative—Councilmen Darnell, Geiger, Hall, Ransdell, Schmidt and Webster—6.

The report was then concurred in.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I herewith return to you the communication of Frank E. Mase, referred to me for an opinion as to his right to enforce a mechanic's lein on a fire cistern located on Rockwood street.

The law does not give a mechanic, material man or laborer, a right to enforce a lein for labor or material furnished for the construction of a cistern ; it does not come within the meaning of the Statute that provides for the enforcement of mechanic's leins on buildings. I am, therefore, of the opinion that the city is under no legal obligation to pay the claim of Mr. Mase.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I herewith return the resolution asking my opinion as to the legality of the ordinance providing for the improvement of Central avenue from St. Mary to Eighth street. The question presented is, has the Council the right to pass an ordinance making the sidewalks on said street of different width.

Under section 61, of the Charter, the Council have exclusive power over the streets and alleys, and the right to construct and establish sidewalks. In pursuance of this power, the Common Council on 28th of December, 1863, passed an ordinance providing that the sidewalks on each side of streets in the city should be, in width, one-sixth of the whole width of the street. This ordinance, so long as it remains unrepealed, would govern the widths of sidewalks to be made in the

improvement of streets, but the Council have the right, under the general power granted them, to repeal this ordinance at any time, and make the width of the sidewalks conform to the needs of the city.

And I am of the opinion that the passage of the ordinance for the improvement of Central avenue, and fixing the width of the sidewalks different on each side of the said street, repeals by implication the former ordinance.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Which was concurred in.

Also, the following report:

INDIANAPOLIS, August 30, 1875,

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

Gentlemen:—In reference to the matter referred to me in regard to the grading and filling up the break on West Michigan street, I will say that the city cannot compel the contractor to fill and grade that part of the street that was not washed away. When his contract was entered into, as matter of course, the contractor would be liable for damage for failure to fill and grade that part covered by his contract, but I suggest that there might arise some conflict as to the rights of the different parties of two contractors, interested in the same work on different contracts.

It would therefore be better to accept the rescision offered, and readvertise the whole work.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Which was concurred in.

Also, the following report and resolution:

INDIANAPOLIS, July 30, 1875.

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

Gentlemen:—In response to your request for me to furnish the necessary papers for the widening Sullivan street on east side, from Buchanan to Bismark street, I herewith submit the form of an order to be acted upon by your referring the same to the City Commissioners, which must be passed by a two-thirds vote of the Council.

If the matter has not already been referred to the Committee on Streets and Alleys, it should be done before the passage of the order herewith submitted, as

the law requires that all matters pertaining to the opening and widening of streets, shall first be referred to the proper committee, and their report received upon the expediency of referring the same.

Respectfully submitted,

CAS. BYFIELD,

City Attorney.

It is hereby ordered that the matter of widening of Sullivan street on the east side thereof, from Buchanan to Bismark street, to a width of..... feet, be and the same is hereby referred to the City Commissioners for the assessment of benefits and damages to the property taken or affected thereby, and the said City Commissioners are requested hereby to make such assessments and report the same to this Council, according to law. The City Clerk is hereby directed to issue and the City Marshal to serve the proper notices on the Commissioners and property holders. And that the City Civil Engineer is hereby directed to furnish said Commissioners with a plat and survey of said part of said street as proposed to be widened.

Which was concurred in and the resolution adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Reasner, Reed, Stuckmeyer, Thalman, Ward and Webster—19.

Negative—None.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—In reference to the matter of appropriating portions of Fall Creek and the dams along the same, for the purpose of using and controlling the water in said creek for domestic and drainage purposes, I submit the following report :

1st. The city, under the general charter, has the power, for the purpose of constructing water works and for the purpose of drainage, to go beyond the city limits and condemn lands and materials, and exercise full jurisdiction and all necessary power therefor. (See Sec. 53, specification 26, of the general charter of the city). But as the manner of proceeding to condemn lands and materials is not closely defined, it would likely involve the city in expensive litigation to proceed in this way.

There are three ways in which the city can bring the territory within her jurisdiction—

- 1st. By consent of the owners of the property.
- 2d. By resolution of the Council when the land has been platted into lots.
- 3d. By petition to the County Commissioners where the land is not platted into lots.

I am of the opinion that the safest and best way to get control of that portion of Fall Creek is to have the territory first annexed to the city by one of the modes above pointed out, and then, if it is thought desirable, the city take such steps as will secure the control of the dams, either by purchase or condemnation.

Respectfully submitted,

CAS. BYFIELD,

City Attorney.

Mr. Thalman offered the following motion :

Moved, That the report be concurred in and referred back to the City Attorney with instructions to report the necessary papers, to annex and to put the matter properly in the hands of the City Commissioners for their action.

Which was adopted.

Also, the following report and resolution :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I herewith give you my opinion in reference to the opening of Blackford street :

When the order was passed by the Council to open said street to a width of forty-five (45) feet, from North street to Indiana avenue, there was an alley running from said North street to said avenue, twelve feet in width ; this alley did not run due north and south, and did run parallel with the streets, east and west of the same.

In estimating the benefits and damages, the Commissioners estimated damages for the condemnation of sixteen and one half ($16\frac{1}{2}$) feet on each side of the alley the whole length of the proposed street.

In setting the stakes for the proposed street, the City Civil Engineer set them so that the street would run north and south, and parallel with the other streets, so that the strips of land on each side of the alley would not be uniformly of the width of sixteen and one half ($16\frac{1}{2}$) feet, but would be wider at one end than the other.

You will either be compelled to direct the City Civil Engineer to set the stakes and order the street opened upon the line of land for which damages have been estimated by the Commissioners, or will have to order the street straightened, and widened. If the latter course is pursued, the whole matter will again have to be referred to the City Commissioners for the assessment of benefits and damages, and if thought best to so refer the matter, the Council will pass the accompanying order.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Resolved, That the matter of straightening Blackford street from Indiana avenue to North street, so that the said street between said points will be of a uniform width of forty-five feet, and to run psrallell with the streets east and west of the same, and so that the center line of said street between said points will be on a line with, and be an extension of the center line of Blackford street south of Indiana avenue, be and the same is hereby referred to the Committee on Streets and Alleys, and that they be directed to examine the matter and report to this Council the expediency of referring the same to the the City Commissioners for the assessment of benefits and damages.

Which report was concurred in and the resolution adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuekmeyer, Thalman, Ward and Webster—22.

Negative—None.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I herewith return you the ordinance for the better protection of shade trees.

I am of the opinion that the provisions of the ordinance are not within the powers granted the Common Council. It is true the Council can require shade trees to be planted, require them to be enclosed, and can prevent, by ordinance, persons from hitching to the same, all of which has been provided by ordinances already passed by this Council, but I question the power of the Council to require owners of property to erect hitching posts for the purpose of protecting shade trees, and I think the

passage of such an ordinance would entail burdens upon the citizens, which, in many cases, would be unnecessary, from the fact that in a great many cases such hitching posts would never be used, and would therefore be of no protection to shade trees.

Respectfully submitted,

CAS. BYFIELD.

City Attorney.

Which was concurred in, and general ordinance No. 41, 1875, entitled :

An ordinance to provide for the better protection of shade trees, and citizens in the city of Indianapolis.

Was stricken from the files.

The City Clerk submitted the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen:—The City Clerk hereby reports the following affidavit now on file in his office for the collection of street assessment by precept, to-wit:

Patterson & Dunning vs. H. A. Anderson (Christian name unknown) for.....\$10 20

And respectfully recommend that you order the precept to issue.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

Which report was concurred in, and the precept ordered to issue by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Curran, Darnell, Diffley, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—22.

Negative—None.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I would respectfully report that John R. Clinton, esq., who was recently appointed to the office of City Commissioner, upon notice of such appointment failed to qualify, and requested me to report to your honorable body that he declined said appointment.

Respectfully submitted,

BENJ. C. WRIGHT,
City Clerk.

Which was received, and the City Clerk instructed to notify the Judge of the Marion Civil Circuit Court.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I respectfully report that on the 26th day of August, 1875, I transmitted to the City Commissioners petition of David E. Long, et al. and resolution of your honorable body, in the matter of opening and laying out a 12 foot alley, running from the first alley east of East street, in an easterly direction to the first alley west of Noble street, and that I issued notice to the said Commissioners according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT,
City Clerk.

Which was received.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I respectfully report that on the 26th day of August, 1875, I transmitted to the City Commissioners petition of Ann G. Davis, et al., and resolution of your honorable body in the matter of opening and extending Second street from

Meridian to Pennsylvania streets, and that I issued notice to the said Commissioners according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

Which was received.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—I respectfully report that I have this day transmitted to the City Commissioners petition of Geo. V. Everson, et al., in the matter of opening and extending Broadway street from St. Clair street to Massachusetts avenue, and resolution of your honorable body concerning the same, and that I issued notice to the said Commissioners according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

Which was received.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

To the Honorable Mayor and Members of the Common Council :

Gentlemen :—I respectfully report that I have this day transmitted to the City Commissioners, petition of Wilmer F. Christian, et al., in the matter of opening and laying out Pratt street from Alabama street to Fort Wayne avenue, and resolution of your honorable body concerning the same, and that I issued notice to the said Commissioners according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

Which was received.

The Board of Health submitted the following report :

INDIANAPOLIS, August 30, 1875.

To the Common Council of the City of Indianapolis :

Gentlemen :—The Board of Health respectfully call your attention to a pestilent and offensive pond on vacant lots at the corner of Harrison and Dillon streets, which is producing a great amount of sickness of a dangerous character.

The owners of the property are non residents, and the Board of Health can do nothing but report the case to the Council, and advise the filling of the pond at the expense of the owners.

There is also an old privy vault under the sidewalk on Dillon street near Harrison, which should be immediately filled up.

By order of the Board of Health.

A. STRATFORD,
Secretary.

Which was received and laid on the table.

Also, the following report :

INDIANAPOLIS, August 2, 1875.

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

Report of deaths in the City of Indianapolis from 6 o'clock P. M., on the 21st day of August, to 6 o'clock P. M. on the 28th day of August, 1875 :

Under 1 year.....	10
1 to 2 years.....	9
2 to 3 ".....	1
3 to 4 ".....	0
4 to 5 ".....	1
5 to 10 ".....	4
10 to 20 ".....	1
20 to 30 ".....	3
30 to 40 ".....	2
40 to 50 ".....	3
50 to 60 ".....	2
60 to 70 ".....	3
70 to 80 ".....	1
80 to 90 ".....	0
90 to 100 ".....	0
Above 100 ".....	0
Unknown ".....	1
Total.....	41

C. E. WRIGHT, M. D.,
President Board of Health.

A. STRATFORD, M. D.,
Secretary Board of Health.

Which was received.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—For over two years the citizens on east Market street have been promised the finishing of the sewer on Arsenal avenue and Market street, but the Council seems to ignore this portion of the city, consequently, we have had to suffer the destruction of gardens, filling of cellars with water, and various inconveniences, besides the destruction of the streets and sidewalks. All the water for over a mile east on the National road, is suffered to run down through private and public property, and it seems we can get no relief, and hardly a hearing; the work already done is in a bad fix. May I ask in my own name, and in behalf of others, for a report from the City Civil Engineer, and a speedy relief by action of the Council.

Respectfully yours,

I. N. PHIPPS.

Which was referred to the Committee on Sewers and the City Civil Engineer.

ORDINANCES ON FIRST READING.

Mr. Darnell introduced general ordinance No. 70, 1875, entitled :

An ordinance relative to the location of lamp posts in the city of Indianapolis.

Which was read the first time.

Mr. Gimber introduced special ordinance No. 184, 1875 entitled :

An ordinance to provide for grading and graveling Catharine street and sidewalks, from Pagues Run to Tennessee street.

Which was read the first time.

Dr. Hook presented the following petition :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—The undersigned petitioner, a property owner on the line of Ash street between Lincoln avenue and Seventh street, petition your honorable body to

pass an ordinance for the improvement of said street between the points named, for the reason that it is in a wet and unhealthy condition.

Respectfully,

JOHN H. MURRY.

The Board of Health recommend the improvement of the above named street as a sanitary measure.

A. STRATFORD,

Secretary.

Which was received.

Dr. Hook introduced special ordinance No. 185, 1875, entitled :

An ordinance to provide for grading and graveling Ash street and sidewalks between Lincoln avenue and Seventh street.

Which was read the first time.

Mr. Madden introduced general ordinance No. 71, 1875, entitled :

An ordinance to provide for building a brick sewer in and along Maryland street from the east side of the first alley west of Meridian street to and connecting with the Illinois street sewer, and providing for the assessment and collection of benefits.

Which was read the first time.

Mr. Buehrig presented a claim of \$73.50, in favor of Deloss Root.

Which was referred to Committee on Accounts and Claims.

Mr. Gimber, from the Committee on Streets and Alleys, submitted the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen.—Your Committee on Streets and Alleys, to whom was referred the petition of Jacob T. Wright, et al., asking permission to improve College avenue

from Reagan to Bruce streets, to its full width, report that we have examined the matter, and respectfully report in favor of granting said petition. Said work to be done under the direction of the City Civil Engineer.

Respectfully submitted,

HENRY GIMBER,

W. F. REASNER,

ISAAC THALMAN,

Committee on Streets and Alleys.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—Your Committee on Streets and Alleys, to whom was referred the remonstrance of A. W. McOuat et al., remonstrating against curbing Liberty street, your committee report in favor of the remonstrance, and recommend that said ordinance be so amended.

Respectfully submitted,

H. GIMBER,

W. F. REASNER.

ISAAC THALMAN.

Committee on Streets and Alleys.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen :—Your Committee on Streets and Alleys, to whom was referred the petition of S. J. Patterson, et al., in regard to the Fall Creek levee, and also a motion directing us to confer with S. J. Patterson, relative to a purchase of certain land, beg leave to submit the following, viz:

We have talked with Mr. Patterson, and he proposes to sell to the city, the strip of ground above named, containing eleven acres, for the sum of \$1500.00 per acre.

Your Committee think Mr. Patterson's figures too high, and believe the city to be unable to incur the expense at this time. We therefore recommend that said levee be built as originally intended, believing that it will afford ample protection.

Respectfully submitted,

HENRY GIMBER,
W. F. REASNER,
ISAAC THALMAN,

Committee on Streets and Alleys.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, August 30, 1875.

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

Gentlemen.—Your Committee on Streets and Alleys, to whom was referred sundry papers, respectfully submit the following report, viz.:

FIRST.

A motion offered by Councilman Schmidt, "directing the Street Commissioner to repair the pavement on the east side of Delaware street, between Market and Wabash street," was referred to your committee, and we recommend that the Street Commissioner carry out the provisions of said motion.

SECOND.

A motion offered by Councilman Hook was also referred to us, "directing to raise the grade of Lincoln avenue and gutters."

Your committee recommend that said motion be referred to the Street Commissioner, with instructions to do said work if necessary.

THIRD.

A motion was offered by Councilman Darnall and referred to us, "directing the Street Commissioner to place wooden culverts on Tennessee street, at crossing of Twelfth street.

We recommend that this motion be referred to the Street Commissioner with instructions to do said work if, in his opinion, it should be done.

FOURTH.

Also, the second paragraph of the report of the City Civil Engineer, "recommending that the gutters be bouldered on the south side of Cedar street, between

Dillon street and Fletcher avenue ; also on English avenue from Cedar to Dillon street."

Your committee recommend that the matter be referred back to the City Civil Engineer and Street Commissioner, with instructions to do said work if necessary.

FIFTH.

A motion was referred to us, offered by Councilman Albershardt, granting J. T. Schmeikle and J. A. Hanson, permission to fill up the alley in rear of their property on Arsenal avenue.

We report in favor of the passage of said motion, provided they grade not less than one-half of the square, and to the full width of the alley, at their own expense. The City Civil Engineer to set the grade stakes.

SIXTH.

A motion was referred offered by Councilman Albersherdt, "directing the City Clerk to advertise for proposals for sprinkling certain streets during the exposition, from the 9th of September to October 9, both days inclusive."

Your Committee recommend that the City Civil Engineer advertise for sprinkling Central avenue from Christian avenue to the Exposition ; Delaware street from Tinker street to the Exposition, and Tinker street from Tennessee street to Central avenue.

SEVENTH.

A report of the City Civil Engineer relative to a survey made of New York street from Blake to Minerva street, stating that houses were built out in the street, etc.

Your Committee recommend that said report be referred to the City Attorney, with instructions to report to Council the proper action to be taken to compel the property owners to move back their houses off the street.

EIGHTH.

An ordinance and remonstrance against the same, was referred to us, providing for grading and graveling the first alley west of Virginia avenue, between East and Merrill streets.

Your Committee have examined the above alley, and find that it needs improving very much ; we therefore report adversely to said remonstrance, and recommend that the ordinance be passed.

Respectfully submitted,

H. GIMBER,
W. F. REASNER,
ISAAC THALMAN,

Committee on Streets and Alleys.

The first, second, third, fourth, fifth, seventh and eighth paragraphs were concurred in.

Mr. Geiger moved to lay the sixth paragraph on the table.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Bollman, Geiger, Kenzel, Laughlin, Madden, McGill, Ransdell, Stuckmeyer and Webster—9.

Negative—Councilmen Albershardt, Curran, Darnell, Gimber, Hall, Hook, Reasner, Reed, Schmidt, Thalman and Ward—11.

The question then being on the concurrence in the sixth paragraph, those who voted in the affirmative were :

Councilmen Albershardt, Curran, Gimber, Hall, Hook, Reasner, Reed, Thalman and Ward—9.

Those who voted in the negative were :

Councilmen Bollman, Darnell, Geiger, Kenzel, Laughlin, Madden, McGill, Ransdell, Schmidt, Stuckmeyer and Webster—11.

So the sixth paragraph was not concurred in.

On motion, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.