

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
Monday, January 31st, 1876—7 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 Adams, Albershardt, Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Absent—Councilmen Craft and Darnell—2.

The proceedings of the regular session held January 24th, 1876, were read and approved.

Sealed proposals for furnishing lamps and frames complete to burn coal oil or gasoline, and for altering and repairing for the use of coal oil or gasoline, all of the Cincinnati lamp tops now in use, were received, opened, read and referred to the Special Committee on Gas.

The above proposals were presented to Council January 24th, 1876, and postponed.

On motion, the Special Committee on Gas were granted further time in which to report.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

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

A second and final estimate allowed J. W, Smith, for grading and paving with brick the north sidewalk of Kentucky avenue, between Tennessee and Mississippi streets—

535 8 lineal feet at 97½ cents.....	\$522 40
Less former payment.....	491 20
	<hr/>
Present payment.....	\$31 20

Also, a fourth and final estimate allowed Joseph Hanna, for building a brick sewer in Potomac Alley, commencing at a point 20 feet from the east line of Meridian street in said Potomac alley, and to run east and connect with Pennsylvania street sewer—

433.15 lineal feet at \$3.50.....	\$1,516 02
3 manholes at \$30.00.....	90 00
	<hr/>
	\$1,606 02
Less former payment.....	1,526 00
	<hr/>
Present payment.....	\$80 02

Also, a third and partial estimate allowed Lampard & Sindlinger, for building a

brick sewer three feet in diameter in and along Illinois street, from Maryland street to and connecting with South street sewer—

1275 lineal feet at \$4.25.....	\$5,418 75
8 manholes at \$35.00.....	280 00
2827 feet sheeting at \$2.50 per 100	70 67
	<hr/>
	\$5,769 42
Less ten per cent.....	576 42
	<hr/>
	\$5,193 00
Less former payments.....	3,268 00
	<hr/>
Present payment	\$1,925 00

Respectfully submitted.

BERNHARD H. DIETZ,
City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing second and final estimate allowed J. W. Smith, for grading and paving with brick the north sidewalk of Kentucky avenue, between Tennessee and Mississippi 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 Adams, Albershardt, Bollman, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Thalman, Ward and Webster—22.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing fourth and final estimate allowed Joseph Hanna, for building a brick sewer in Potomac alley, commencing at a point 20 feet from the

east line of Meridian street in said Potomac alley, and to run east and connect with 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 Adams, Albershardt, Bollman, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Thalman, Ward and Webster—22.

Negative—None.

Also, the following report:

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—I hereby report contract and bond of Henry Clay, for covering Kentucky avenue sewer with cinders, for your approval.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in and the bond approved.

Also, the following report:

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—The grade of West Michigan street, between the Mill Race and White River, should be raised from 2 to 2½ feet at the lowest points, to bring the same above high water mark.

The necessity of doing this was demonstrated yesterday, and had I not employed sufficient help, together with the force furnished by the Street Commissioner, for the purpose of building a temporary dam, the street would undoubtedly again have been destroyed.

The prompt action taken in this matter saved to the city in repairs some seven or eight thousand dollars.

The last break in this street, caused by the high water in Fall Creek, cost the city to repair it about \$5,000, and unless some steps are taken to prevent it, we will have an alike occurrence every time there chance to be high water. .

I would therefore recommend that your honorable body authorize me to contract with some responsible person to perform the work of raising the grade of the street, as I have above indicated. I would prefer to advertise for bids for doing this work, would it not occasion considerable delay, and this matter should be attended to immediately.

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Mr. Thalman offered the following motion:

Moved, That the report be concurred in, and that the Civil Engineer be directed to at once contract for putting Michigan street between White River and Mill Race in a safe condition.

Which was adopted.

The City Clerk submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

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

John W. Smith vs Trustees Ames M. E. Church for\$43 21
Sohn Schier vs. Brazel McCann for 20 52

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT,
City Clerk.

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

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

Negative—None.

Also, the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—I have this day received of the printer the 200 copies of the charter and ordinances published by recent order of your honorable body, and would ask instructions as to the distribution of the same.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

Which was received.

Mr. Thalman moved that the Clerk furnish a copy to each of the city officers and Councilmen, and hold the remainder subject to the order of the Council.

Which motion was adopted.

The City Attorney submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—In reference to the condition of the collection of assessments for the construction of the Illinois street sewer, I would respectfully report that the sum of \$318.38 has been paid, leaving the sum of \$12,978.42 uncollected.

I suggest that the money so paid ought to be refunded, or the remaining portion be collected.

In view of the fact that I own property against which an assessment for the construction of said sewer, I suggest that the matter be referred to the Committee on Accounts and Claims, as to whether the remaining portion of said assessments ought to be collected.

Respectfully submitted,

CAS. BYFIELD,

City Attorney.

Mr. Thalman offered the following motion :

Moved, That the City Attorney be instructed to prepare the necessary papers for collecting the amounts due on the Illinois street sewer, and that they be placed in the hands of the Treasurer with instructions to collect at once.

Which was adopted.

The City Attorney submitted the following report:

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—I herewith return the motion of Dr. Stratford, asking information as to the condition of the suit to enjoin the city from opening Dillon street, now pending in the Marion Superior Court.

The court has decided in that case that the city has no right to open and extend said street, for the reason that the land through which it is proposed to open said street has never been properly annexed to the city.

The resolution passed by this Council on 4th September, 1871, annexing the addition of Mrs. Bobbs, does not describe the land by metes and bounds as required by the statute.

The notice given of the pendency of a petition before the Commissioners' Court, September term, 1874, to annex certain real estate belonging to the Pittsburgh, Cincinnati & St. Louis R. R. Co., and through which the proposed street would run, was not sufficient because it did not describe the territory by metes and bounds, as the statute requires, and therefore the order of the Commissioners annexing said territory was a nullity.

Under the decision of the Court, Dillon street cannot be opened and extended until the territory is properly annexed to the city. I have therefore prepared and herewith submit the necessary papers for the purpose of annexing said parcels of land, and if the Council desire to proceed with the extension of Dillon street, action had better be taken to annex said parcels of land.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Which was concurred in.

Also, the following resolution and petition:

Whereas, The Common Council desire to annex to the city of Indianapolis certain land and contiguous territory hereinafter described, which territory is not laid off in lots; and

Whereas, The owners of said lands and territory will not consent to its annexation to said city; therefore, be it

Resolved, That the petition hereinafter set forth be signed by the members of this Council, and the City Attorney be ordered to present the same, when signed, to the Board of Commissioners of Marion county, Indiana, asking the said Board of Commissioners to annex the following described lands and territory contiguous to said

city, to-wit: Lot 83 in Mrs. C. C. Bobbs' addition to the city of Indianapolis, lying in the west half of the northwest quarter of section 7, township 15, north in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described, as follows: Commencing at a point 96 feet north and 230 feet 4 inches east of the north east corner of lot 35, in the Indiana Central Railroad Co.'s subdivision in out-lot 90, thence north 214 feet 8 inches, thence southeasterly along the south line of the Michigan Road 192 feet, thence south 158 feet 8 inches, thence west 181 feet 6 inches, to the place of beginning.

Also, a strip of ground occupied by the Indiana Central Railroad Company and the Cincinnati, Hamilton & Indianapolis Railroad Company, lying in the west half of the northwest quarter of section 7, township 15, north in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described as follows: Commencing at the northeast corner of lot 35, in Indiana Central Railroad Company's subdivision in out lot 90; thence 96 feet north; thence east 841 feet to the center of Leota street; thence south along the center of Leota street 96 feet; thence west 841 feet to the place of beginning.

Also, a piece of ground occupied by the Pittsburgh, Cincinnati & St. Louis Railroad Company, lying in the west half of the northwest quarter of section 7, township 15, north in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described as follows: Commencing at a point 96 feet north of the northeast corner of lot No. 35, in the Indiana Central Railroad Company's subdivision in out-lot 90; thence north along the old corporation line 289 feet to the south line of the Michigan Road; thence southeasterly 251 feet along the south line of the Michigan Road; thence south 214 feet 4 inches; thence west 230 feet and 4 inches to the place of beginning.

Also, a piece of ground occupied by the Pittsburgh, Cincinnati & St. Louis Railroad Company, lying in the west half of the northwest quarter of section 7, township 15, north in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described as follows: Commencing at a point 96 feet north and 411 feet 10 inches east of the northeast corner of lot 35, in the Indiana Central Railroad Company's subdivision in out-lot 90; thence north 158 feet 8 inches to the south line of the Michigan Road; thence southeasterly along the south line of the Michigan Road 454 feet to the center of Leota street; thence south along the center of Leota street 27 feet; thence 433 feet to the place of beginning.

And the City Clerk is hereby ordered to give notice by publication, as required by law, of the pendency of said petition.

To the Honorable Board of Commissioners of Marion County, Indiana:

The Common Council of Indianapolis would respectfully petition your honorable body to make an order and decree, annexing to said city the following described lands and contiguous territory, to wit:

Lot 83 in Mrs. C. C. Bobbs' addition to the city of Indianapolis, lying in the west half of the northwest quarter of section 7, township 15 north, in range 4 east, situate

in the county of Marion and State of Indiana, and more particularly described as follows :

Commencing at a point 96 ft. north and 230 ft. 4 inches east of the northeast corner of lot 35 in the Indiana Central Railroad Company's subdivision in out-lot 99; thence north 214 feet 8 inches; thence southeasterly along the south line of the Michigan Road 192 feet; thence south 158 feet 8 inches; thence west 181 feet 6 inches to the place beginning,

Also, a piece of ground occupied by the Pittsburgh, Cincinnati & St. Louis Railroad Company, lying in the west half of northwest quarter of section 7, township 15, north, in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described as follows :

Commencing at a point 96 feet north of the northeast corner of lot No. 35, in the Indiana Central Railroad Company's subdivision in out-lot 90; thence north along the old corporation line 289 feet to the south line of the Michigan Road; thence southeasterly along the south line of the Michigan Road 251 feet; thence south 214 feet four inches; thence west 230 feet 4 inches to the place of beginning.

Also, a piece of ground lying in the west half of the northwest quarter of section 7, township 15 north, in range 4 east, situate in the county of Marion and State of Indiana, and more particularly described as follows :

Commencing at a point 96 feet north and 411 feet 10 inches east of the northeast corner of lot 35, in the Indiana Central Railroad Company's subdivision in out-lot 90; thence north 158 feet 8 inches to the south line of the Michigan Road; thence southeasterly along the south line of the Michigan Road 454 feet to the center of Leota street; thence south along the center of Leota street 27 feet; thence west 433 feet to the place of beginning.

Also, a strip of ground lying in the west half of the northwest quarter of section 7, township 15 north, in range 4 east, and more particularly described as follows :

Commencing at the northeast corner of lot 35, in Indiana Central Railroad Company's subdivision in out-lot 90; thence 96 feet north; thence east 841 feet to the center of Leota street; thence south along the center of Leota street 96 feet; thence west 841 feet to the place of beginning, situate in the county of Marion and State of Indiana.

The location of which will more fully appear by reference to a plat of the same accompanying and attached to this petition, and marked exhibit "A."

The reasons for the annexation to said city of said described land and territory are—

1st. Because it is essential that streets and alleys be extended and improved through and upon said territory.

2d. Because the vicinity and surrounding territory is thickly populated, and the

city of Indianapolis, for the general welfare of her citizens, ought to have control of and jurisdiction over said territory.

3d. Because gas and water mains ought to be extended through said territory.

Your petitioners therefore pray that your honorable body order the annexation of the territory above described.

Robt. C. McGill, J. J. Diffley, J. C. Laughlin, Fred C. Bollman, I. W. Stratford, Geo. Kenzel, William Buehrig, Thomas Madden, Henry Gimber, Isaac Thalman, Enos B. Reed, Leon Kahn, J. C. Adams, F. M. Hook, P. H. Curran, W. F. Reasner, H. F. Albershardt, M. E. Hall, Geo. C. Webster, Geo. W. Geiger, John Stuckmeyer, Fred Schmidt, D. M. Ransdell, B. Ward, J. Caven, Mayor.

Which resolution was adopted by the following vote :

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

Negative—None.

Also, the following resolution :

Whereas, Mrs. C. C. Bobbs did lay off into lots and plat the following described land adjoining the city of Indianapolis, to-wit : A part of the west half of the northwest corner of section seven (7), township fifteen (15) north, in range 4 east, beginning at the southeast corner of lot No. twenty-one (21), in the Indianapolis & Cincinnati Railroad Company's subdivision of out-lot No. ninety to the city of Indianapolis; thence north nine hundred and forty-eight (948) feet to the northeast corner of lot thirty-five, in the Indiana Central Railroad Company's subdivision of part of said out-lot No. ninety; thence east eight hundred and forty-one (841) feet to the center of Leota street; thence along the center of Leota street nine hundred and forty-six feet and ten (10) inches to a point twelve feet south of the south line of lot No. eighteen in Mrs. C. C. Bobbs' addition to the city of Indianapolis; thence west eight hundred and forty (840) feet to the place of beginning; all of said described land being situated in the county of Marion, State of Indiana; and having been platted and laid off into lots numbering from one to eighty-two (82) by Mrs. C. C. Bobbs, which plat was filed in the Recorder's office of said Marion county, and recorded in plat book No. 5, page 163; therefore, be it

Resolved, That the boundary of the city of Indianapolis be extended so as to include said described property and tract of lands and lots, and that the same be

annexed to said city of Indianapolis, and be and form a part thereof, and be under the jurisdiction of said city. And the City Clerk is hereby ordered to file a certified copy of these proceedings in the office of the Recorder of Marion county.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Negative—None.

Also, the following resolution and petition :

Whereas, It is the desire of the Common Council of the city of Indianapolis to annex to said city the following described contiguous lands and territory, to-wit: The northeast quarter of section thirteen (13), township fifteen (15), north of range three (3) east, except the following tracts thereof: Thirty (30) acres off of the north end of the east half thereof, as subdivided by Beatty, administrator of Jacob Berkemeyer, and also that part commencing at the southwest corner of said quarter section, thence east 30.90 chains, thence north 1.30 chains, thence west to west line thereof, thence south 1.30 chains to place of beginning. Also, the tract described as follows: Commencing 1.30 chains north of the south west corner of said quarter section, thence east 15 chains, thence north 704 feet, thence west to the west line of said tract, thence south 704 feet to the place of beginning;

And whereas, The owners of said described land and territory will not consent to have the same annexed to said city; and whereas, the same is not platted and laid off into lots; therefore, be it

Resolved, That the following petition be signed by the Mayor and members of the Common Council of said city, and the City Attorney be hereby ordered to present the same to the Commissioners of Marion county, Indiana, asking them to sign an order annexing said territory to said city, and the City Clerk is hereby ordered to make publication according, of the pendency of said petition before said Board of Commissioners.

PETITION TO COMMISSIONERS.

To the Honorable Board of Commissioners of Marion County, Indiana :

Gentlemen:—The Common Council of the city of Indianapolis desire to annex to said city the following described territory and land, to-wit:

The northeast quarter of section thirteen (13), township fifteen (15), north of range three (3) east, except the following tracts: Thirty (30) acres off of the north

end of the east half ($\frac{1}{2}$) thereof, as subdivided by Beaty, administrator of Jacob Berkemeyer. Also, that part commencing at the southwest corner of said quarter section, thence east 30.90 chains, thence north 1.30 chains, thence west to west line thereof, thence south 1.30 chains to place of beginning. Also, the tract described as follows, to-wit. Commencing 1.30 chains north of the southwest corner of said quarter section, thence east 15 chains, thence north 704 feet, thence west to the west line of said tract, thence south 704 feet to the place of beginning.

That said land has never been platted and laid off into lots; that the same is contiguous to said city of Indianapolis; that the owners of the same will not consent in writing that the same may be annexed to said city.

And your petitioners would further represent that it is necessary that said described land should be annexed to said city for the following reasons:

1st. The vicinity adjacent to said territory is thickly populated and is greatly in need of streets, sidewalks and alleys, which ought to be opened and constructed through and upon said territory.

2d. That public convenience and health require that said lands should be under the jurisdiction of said city, in order that the same may be drained by sewers and ditches, and lighted with gas.

3d. The vicinity in around and the territory being thickly populated, it is necessary that said city should have jurisdiction over the same for the purpose of enforcing ordinances for the protection of the property and the person of the citizens.

Wherefore, your petitioners pray your honorable body to make an order annexing said territory to the said city of Indianadolis.

John Caven, Mayor, I. W. Stratford, Fred C. Bollman, J. C. Laughlin, Robt. C. McGill, J. J. Diffley, Geo. Kenzel, John Stuckmeyer, Henry Gimber, William Buehrig, Thomas Madden. Enos B. Reed, Isaac Thalman, Leon Kahn, J. C. Adams, F. M. Hook, P. H. Curran, H. F. Albershardt, Geo. W. Geiger, M. E. Hall, George C. Webster, B. Ward, Fred Schmidt, D. M. Ransdell.

Which resolution was adopted by the following vote:

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

Negative—None.

On motion, Mr. Darnell was excused on account of sickness.

The City Attorney submitted the following report :

INDIANAPOLIS January 31, 1876.

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

Gentlemen :—I herewith return the ordinance for the construction of a sewer on Madison avenue from Yeizer street to the sewer on Ray street. I have examined the record, and am of the opinion that the ordinance has been properly passed and the contract properly let, and I think the assessments fixed in the ordinance for the construction of the sewer can be enforced.

Respectfully submitted,

CAS. BYFIELD,

City Attorney.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—I herewith submit an ordinance preventing the throwing of missiles and stones in the city, in compliance with your resolution of last Monday.

Respectfully submitted,

CAS. BYFIELD,

City Attorney.

Which was received.

The City Attorney introduced general ordinance No. 6, 1876, entitled :

An ordinance prohibiting the throwing of stones or other missiles in the city.

Which was read the first time.

The Board of Health submitted the following report :

INDIANAPOLIS, January 31, 1876.

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 22d day of January, to 6 o'clock P. M. on the 29th day of January, 1876.

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

C. E. WRIGHT, M. D.,

President Board of Health.

A. STRATFORD, M. D.,

Secretary Board of Health.

Which was received.

The Mayor presented the following communication :

INDIANAPOLIS, January 28, 1876.

Hon. John Caven, Mayor :

Sir :—It becomes my duty to give notice that the work ordered by your Council in the improvement of Michigan street between Woodruff Place and my Highland Home sub, the changing the channel of Crooked Creek and assuming to take charge of the water flowing through said channel has proven entirely insufficient to the great damage of adjoining property, as was predicted it would when protesting against the action taken.

I must therefore respectfully ask that said waters be, with all reasonable dispatch, removed from the lots I now own at north end of Highland Home sub, and that such damage be allowed for the past as well as that to accrue, until the proper remedy to be applied shall have been consummated. And have the honor to be

Yours truly,

J. M. RIDENOUR.

Which was referred to the Committee on Streets and Alleys.

On motion, Mr. Craft was excused on account of sickness.

INTRODUCTION OF ORDINANCES.

Mr. Adams introduced special ordinance No. 6, 1876, entitled :

An ordinance to provide for curbing the outside edge of the south sidewalk of Clifford avenue, between Pogues Creek and Woodruff Place, with stone, and bouldering the gutter to a width of 5 feet.

Which was read the first time.

Mr. Adams presented the following petition :

INDIANAPOLIS, January 5, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on the alley lying between Ash street and Bellefontaine street, and running south from Home avenue to the first alley north of Christian avenue, between said Ash and Bellefontaine streets, respectfully petition for the passage of an ordinance providing for the grading and graveling of said alley running south from Home avenue to the first alley north of Christian avenue, and between the streets above mentioned.

And your petitioners will ever pray, etc.

Vinson Carter 40 ft.; John R. Budd, 40 ft.; L. Schmidlap, 40 ft.; D. Y. Byrkit, 40 ft.; Perceval Salisbury, 40 ft.; E. F. Waddell, 40 ft.; Christopher Heckman.

Which was received.

Mr. Adams introduced special ordinance No. 7, 1876, entitled :

An ordinance to provide for grading and graveling the alley lying between Ash and Bellefontaine streets, and running from Home avenue to the first alley north of Christian avenue.

Which was read the first time.

Mr. Adams presented the following petition :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—The undersigned, owners of the real estate fronting on the first alley north of Christian avenue running east and west, between Bellefontaine street and Peru street, respectfully petition for the passage of an ordinance providing for the above named alley to be graded according to the stakes set by City Civil Engineer, and the same to be graveled with good river or creek gravel to a depth of eight inches.

And your petitioners will ever pray, etc.,

Alex. Harbison, 40 ft.; M. A. Heizer, 40 ft.; W. H. Dewey, 40 ft.; Geo. B. Watton, 40 ft.; Charles Lauer, 150 ft.; L. G. Hay, 42½ ft.; total, 352½ ft.

Total amount of property fronting on said alley, including both sides, is 670 feet.

Which was received.

Mr. Adams introduced special ordinance No. 8, 1876, entitled :

An ordinance to provide for grading and graveling the first alley north of Christian avenue, running east and west from Bellefontaine street to Peru street.

Which was read the first time.

Dr. Ward introduced special ordinance No. 9, 1876, entitled :

An ordinance to provide for grading and graveling St. Clair street and sidewalks, from the U. S. Arsenal grounds to the C., C., C. & I. Railroad Co.'s grounds.

Which was read the first time.

REPORTS FROM COMMITTEES.

Mr. Adams, from the Committee on Judiciary, submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—Your Committee on Judiciary, to whom was referred the petition of Bernard Hammill, asking your honorable body to reimburse him for damage sustained by reason of the washing away of Randolph street while he was improving the same, would offer the following report :

Your Committee have examined into the matter, and think the city is not liable, as the obstructions, which was the cause of said street washing out, was not placed there by the city or its agents. We do not think the city is responsible for the acts of other parties, and would therefore recommend that the claim be not allowed.

Respectfully submitted,

J. C. ADAMS,
J. J. DIFFLEY,
H. F. ALBERSHARDT,
Committee on Judiciary.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen:—Your Committee on Judiciary, to whom was referred the petition of John Schier, asking the Council to reimburse him in the sum of \$116.85, amount of estimate and costs as per tax sale of lot 7, square 4, out-lot 12, for the reason of erroneous estimate for street improvement.

Your Committee would recommend that Mr. Schier, be paid the sum of \$17.85, amount of costs paid by him in sale of said property, he having recovered the amount of his estimate, \$99.00, and that the above amount be placed in the next regular appropriation ordinance.

Respectfully submitted,

J. C. ADAMS,
H. F. ALBERSHARDT,
J. J. DIFFLEY,
Committee on Judiciary.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—We herewith return the ordinance in reference to privys and privy vaults, and recommend its passage.

J. C. ADAMS,
H. F. ALBERSHARDT,
J. J. DIFFLEY,
Committee on Judiciary.
CAS BYFIELD,
City Attorney.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred an ordinance fixing the fees of the Mayor, Marshal, witnesses and jurors in certain cases, and providing the matter of taxing and collecting such fees.

Your Committee report the ordinance back, with the following recommendations :

Section 56 of the City Charter provides that the Common Council shall enact penalties for violations of city ordinances, together with such costs as they may deem right and proper.

Your Committee recommend that witness be allowed 50 cents fees instead of 75 cents; also, that mileage for jurors and witnesses be stricken from section first, and the Marshal be allowed the sum of 25 cents for attending trial. After amending the ordinance as above recommended, we urge its passage.

Respectfully submitted,

J. C. ADAMS,
J. J. DIFFLEY,
H. F. ALBERSHARDT,
Committee on Judiciary.

Which was concurred in.

Mr. Kahn moved to suspend the rules for the purpose of taking

up general ordinance No. 4, 1876, and placing the same on its passage.

Which motion was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Negative—None.

General ordinance No. 4, 1876, entitled :

An ordinance fixing the fees of Mayor, Marshal, witnesses and jurors in certain cases, and providing the manner of taxing and collecting such fees.

Was read the second time.

On motion by Dr. Ward, the ordinance was amended by inserting clause allowing the Mayor 25 cents for each affidavit.

The ordinance as amended was ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Negative—None.

Mr. Reed arose to a question of privilege, stating that several ladies were present representing the Ladies' Relief Society; and moved that they be granted permission to address the Council in relation to the poor.

Which motion was adopted.

Mrs. Robert Emmett then addressed the Council on the subject, and requested the Council to make an appropriation in aid of said Ladies' Relief Society.

Mr. Reed offered the following motion :

Moved, That one thousand dollars be placed in the next general appropriation ordinance for the use of the Ladies' Relief Society, and the like amount placed therein for the use of the Benevolent Society, for the benefit of the poor of the city.

Which was referred to the Committee on Benevolence and Hospitals, with instructions to have such amounts incorporated in the next appropriation ordinance, if they thought it necessary.

Mr. Geiger presented the following communication :

INDIANAPOLIS, January 31, 1876.

Messrs. Geiger and Ransdell, Councilmen Third Ward :

Gents :—Allow me to introduce to you Mr. W. B. Haskins, who will explain to you the condition of our society. It will be impossible for Mr. Ray or myself to attend your meeting, but we desire to have your board vote for the use of our society now \$1,000, and the same amount to be paid in March.

Our needs are pressing and the demand for assistance increasing. Mr. Haskins can give you the figures.

Yours truly,

JOHN G. BLAKE,

President Indianapolis Benevolent Society.

Which was referred to above named Committee.

Dr. Stratford, from the Committee on Sewers, submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—Your Committee on Sewers, to which was referred the matter of sewerage Potomac street, from the first alley east of California street to Missouri street. We have made inquiry of the parties concerned, and find that they desire the cement pipe sewer. We therefore recommend that the contract as recommended by the Contract Committee, be awarded to the Indiana Cement Pipe Co., provided

they enter into good and sufficient bonds to the city to make good all damage that may occur from breaking of said sewer for five years.

Also, the motion of Mr. Geiger, directing the Street Commissioner to locate a catch basin at the southeast corner of Illinois and Walnut street, and to raise the gutter to the proper grade at said corner. Your Committee recommend that the motion be adopted.

Respectfully submitted,

I. W. STRATFORD,
WM. BUEHRIG,
FRED SCHMIDT,

Committee on Sewers.

Which was concurred in.

Mr. Curran, from the Committee on Bridges, submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—Your Committee on Bridges, to whom was referred a motion directing the City Civil Engineer to advertise for the construction of an iron bridge over the Canal at the crossing of Fifth street, respectfully report against the passage of said motion.

Respectfully submitted,

P. H. CURRAN,
I. W. STRATFORD,
ISAAC THALMAN,

Committee on Bridges..

Which was concurred in.

Mr. Reed, from the Committee on Revision of Ordinances, submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—Your Committee, to whom was referred the petition of certain citizens doing business on Louisiana street, between Illinois and Meridian streets, praying for an ordinance to prevent hotel runners and solicitors from prosecuting their calling on said locality, beg leave to report that in their opinion the city has no authority to pass an ordinance of the character prayed for, the public streets

being free for the prosecution of all lawful business. If solicitors and runners abuse their privileges, it is the opinion of your Committee that they can be punished under existing ordinances.

Respectfully submitted,

ENOS. B. REED,
F. M. HOOK,
GEO. W. GEIGER,

Committee on Revision of Ordinances.

Which was concurred in.

Dr. Hook, from the Committee on Opening and Laying Out Streets and Alleys, submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen.—Your Committee on Opening and Laying Out Streets and Alleys, to whom was referred the matter of purchasing or condemning the Central Plank Road from a point 300 feet west of the Washington street bridge to the western boundary of the city or corporation line, would respectfully report for your consideration the following resolution.

F. M. HOOK,
I. W. STRATFORD,
ROBT. C. MCGILL,

Committee on Opening and Laying Out Streets and Alleys.

Which was concurred in.

Also, the following resolution :

Resolved, That for the purpose of condemning for a public street that portion of the gravel road owned by the Central Plank Road Company from 300 feet west of the bridge across White River to the west boundary line of the city, the same be referred to the City Commissioners to assess the benefits and damages, and the City Clerk is hereby ordered to give the proper notice.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Curran, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer, Thalman and Ward—21.

Negative—None.

Mr. Gimber moved that the contract for building sewer in and along Madison avenue from Yeizer street to the Ray street sewer, be awarded to Messrs Lampard & Sindlinger at their bid.

Mr. Kahn moved that the City Clerk be directed to readvertise for proposals for building such work.

Which motion to readvertise failed to pass by the following vote :

Affirmative—Councilmen Adams, Diffley, Geiger, Hook, Kahn, Laughlin, Ransdell, Schmidt, Thalman, Ward and Webster—11.

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

Mr. Geiger moved to lay Mr. Gimber's motion on the table.

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

Affirmative—Councilmen Adams, Curran, Diffley, Geiger, Hook, Kahn, Laughlin, Madden, Ransdell, Schmidt, Thalman, Ward and Webtser—13.

Negative—Councilmen Albershardt, Bollman, Buehrig, Gimber, Hall, Kenzel, McGill, Reasner, Reed, Stratford and Stuckmeyer—11

Mr. Kahn, as a question of privilege, offered the following motion :

Moved, That Fred Gansberg have thirty more days to complete his contract for the improvement of Olive street, from Prospect street to Lexington avenue.

Which was adopted.

Mr. Madden moved to reconsider the vote by which Mr. Gimber's

motion to award contract to Messrs. Lampard & Sindlinger, was laid upon the table.

Which motion was adopted by the following vote:

Affirmative—Councilmen Albershardt, Bollman, Buehrig, Diffley, Gimber, Hall, Kenzel, Laughlin, Madden, McGill, Reasner, Reed, Schmidt, Stratford and Stuckmeyer—15.

Negative—Councilmen Adams, Curran, Geiger, Hook, Kahn, Ransdell, Thalman, Ward and Webster—9.

Dr. Stratford moved to adopt Mr. Gimber's motion.

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

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

Affirmative—Councilmen Adams, Curran, Geiger, Hook, Kahn, Ransdell, Schmidt, Thalman, Ward and Webster—10.

Negative—Councilmen Albershardt, Bollman, Buehrig, Diffley, Gimber, Hall, Kenzel, Laughlin, Madden, McGill, Reasner, Reed, Stratford and Stuckmeyer—14.

Mr. Geiger moved as a substitute that the Clerk be directed to readvertise for proposals for doing such work; and also to add clause notifying the bidders that the work will be required to be completed within sixty days from date of approval of bond.

Which motion was adopted.

ORDINANCES ON SECOND READING.

General ordinance No. 23, 1875, entitled:

An ordinance to prevent persons from driving over the bridges across White River faster than a walk.

Was read the second time and ordered engrossed.

General ordinance No. 24, 1875, entitled :

An ordinance requiring the I., P. & C. R. R. Co. to place a flagman at crossing of John street.

Was read the second time and stricken from the files.

General ordinance No. 32, 1875, entitled :

An ordinance prohibiting persons from watering diseased horses, cows and other animals at any well or public drinking fountains of the city of Indianapolis.

Was read the second time and engrossed.

General ordinance No. 34, 1875, entitled :

An ordinance prohibiting grocery keepers, their agents and other persons from selling goods by liquid measure, and providing that they shall sell said goods by weight.

Was read the second time and stricken from the files.

General ordinance No. 35, 1875, entitled :

An ordinance relative to bids for public work.

Was taken up and stricken from the files.

General ordinance No. 39, 1875, entitled :

An ordinance to prohibit the Citizens' Street Railway Co. from standing their cars at the intersection of Virginia avenue and Washington and on Pennsylvania and Washington streets, at the intersection of said streets.

Was read the second time and referred to the Committee on Revision of Ordinances, with instructions to incorporate a clause or section prohibiting the standing of horses at the above named points.

General ordinance No. 43, 1875, entitled :

An ordinance to provide for letting out the work of cleaning the streets of the city of Indianapolis, providing that all such work shall be done by contract, and prescribing certain regulations for the cleaning of streets and for the government of contractors.

Was read the second time and referred to the Committee on Revision of Ordinances.

General ordinance No. 45, 1875, entitled :

An ordinance for the repair of sidewalks, and for the taxation of adjoining property for the same.

Was read the second time and ordered engrossed.

On motion, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.