

PROCEEDINGS  
OF THE  
COMMON COUNCIL.  

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS, }  
*Monday, June 26th, 1876—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 Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—24.

Absent—Councilmen Diffley and Ransdell.—2.

The proceedings of the regular session, held June 19th, 1876, were read and approved.

Sealed proposals for raising, paving with brick, and curbing the outside edges thereof, of the west sidewalk of Illinois street, from Michigan street to Indiana avenue; also, for grading and graveling the alley between New Jersey and Alabama streets, from St. Joseph to St. Mary streets; also, for grading and graveling Camp street and sidewalks, between First and St. Clair streets; also, for grading and graveling the alley running north and south from Washington to Maryland streets, and between West and California streets; also, for grading and graveling the first alley east of East street, from Stevens to Merrill streets; also, for constructing a two-foot cement-pipe, glazed earthenware, or brick sewer, in and along St. Clair street, from the east line of Peru street, to connect with the Railroad street sewer, were received, opened, read, and referred to the Committee on Contracts.

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

*Indianapolis, June 12, 1876.*

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

*Gentlemen* :—Your Committee on Contracts, to whom was referred the proposals, submitted to the Council June 5th, 1876, to repair the Sellers' Farm road, have examined the same, and find them to be as follows, to-wit :

- John Welsh, \$1.00 per cubic yard for good coarse gravel.
- M. Foust, 90 cents per cubic yard for screened gravel.
- M. Foust, 68 cents per cubic yard for raked gravel.
- M. Foust, 57 cents per cubic yard for good coarse gravel.
- Wm. Neal, 70 cents per cubic yard for good coarse gravel.
- Jas. W. Hudson, 68 cents per cubic yard for good coarse gravel.
- Jas. I. Robinson, 54 cents per cubic yard for good coarse gravel.
- John Law, 49 cents per cubic yard for good coarse gravel.
- Patterson & Dunning, 49 cents per cubic yard for good coarse gravel.
- Henry Clay, 48 cents per cubic yard for good coarse gravel.
- Geo. W. Buchanan, 48 cents per cubic yard for good coarse gravel.
- Fred Gansberg, 33 cents per cubic yard for good coarse gravel.

Fred Gansberg being the lowest and best bidder, your committee recommend that he be awarded the contract. Said Gansberg to spread the gravel to the satisfaction of the City Civil Engineer.

Respectfully submitted,

J. W. BUGBEE,  
D. M. RANSELL,  
ROBT C. MCGILL,  
Committee on Contracts.

Which was concurred in and the contract awarded,

Also, the following report :

*Indianapolis, June 19, 1876.*

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

*Gentlemen* :—Your Committee on Contracts, to which was referred the proposals, submitted to Council June 12, 1876, have examined the same, and find them to be as follows, to-wit :

FIRST.

For grading and graveling Ninth street and sidewalks, from Illinois to Tennessee streets—

John J. Palmer, 85 cents per lineal foot front on each side.

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

Shepherd & Patterson, 71½ cents per lineal foot front on each side.

Wm. Neal, 65 cents per lineal foot front on each side.

Richard Carr, 65 cents per lineal foot front on each side.

Jas. Muse, 63 cents per lineal foot front on each side.

Rob't H. Patterson, 63 cents per lineal foot front on each side.

Hiram Seibert, 60 cents per lineal foot front on each side.

Jas. Mahoney, 58 cents per lineal foot front on each side.

Michael Foust, 55 cents per lineal foot front on each side.

Wm. L. White, 52½ cents per lineal foot front on each side.

Henry Clay, 49 cents per lineal foot front on each side.

Irwin & Hanna, 49 cents per lineal foot front on each side.

S. J. Smock, 48 cents per lineal foot front on each side.

H. C. Luce, 45 cents per lineal foot front on each side.

Study & Elliott, 44½ cents per lineal foot front on each side.

Garner & Co., 44 cents per lineal foot front on each side.

John Greene, 43 cents per lineal foot front on each side.

Patterson & Dunning, 35 cents per lineal foot front on each side.

Messrs. Patterson & Dunning being the lowest and best bidder, your committee recommend that they be awarded the contract.

#### SECOND.

For grading, and graveling the alley between Washington and Market streets, running from Arsenal avenue west to the east line of J. M. Ride-nour's homestead, thence north to Market street.

James Muse, 29½ cents per lineal foot front on each side.

Study & Elliott, 28 cents per lineal foot front on each side.

Richard Carr, 25 cents per lineal foot front on each side.

H. C. Luce, 25 cents per lineal foot front on each side.

Garner & Co., 24 cents per lineal foot front on each side.

H. Schoendorf, 23 cents per lineal foot front on each side.

Geo. Wm. Seibert, 22½ cents per lineal foot front on each side.

Wm. Morrison, 22½ cents per lineal foot front on each side.

John Greene, 22 cents per lineal foot front on each side.

James Mahoney, 20 cents per lineal foot front on each side.

James Mahoney being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

J. W. BUGBEE,  
D. M. RANSDELL,  
ROB'T C. MCGILL,  
Committee on Contracts.

Which was concurred in, and contracts awarded.

Also, the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen*:—Your Committee on Contracts, to which was referred sundry proposals, presented to Council, June 19th, 1876, have examined the same and find them to be as follows, to-wit:

FIRST.

For grading and graveling the alley running north and south through out lot 23, between Walnut and St. Clair streets—

C. A. Webb, 45 cents per lineal foot front on each side.

Irwin & Hanna, 42 cents per lineal foot front on each side.

John Greene, 41 cents per lineal foot front on each side.

Richard Carr, 40 cents per lineal foot front on each side.

Patterson & Dunning, 39 cents per lineal foot front on each side.

R. H. Patterson, 39 cents per lineal foot front on each side.

Study & Elliott, 38 cents per lineal foot front on each side.

John W. Richardson, 37½ cents per lineal foot front on each side.

Jas. Muse, 36 cents per lineal foot front on each side.

Wm. L. White, 35 cents per lineal foot front on each side.

Jas. Mahoney, 35 cents per lineal foot front on each side.

John Seed, 35 cents per lineal foot front on each side.

Wm. Neal, 35 cents per lineal foot front on each side.

Henry Clay, 35 cents per lineal foot front on each side.

James Garner & Co., 34 cents per lineal foot front on each side.

James Gardner & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

SECOND.

For grading and graveling the alley running north and south through square nine, from Michigan to North streets—

Irwin & Hanna, 41 cents per lineal foot front on each side.

Wm. Neal, 30 cents per lineal foot front on each side.



Richard Carr, 23 cents per lineal foot front on each side.

John W. Richardson, 20 cents per lineal foot front on each side.

R. H. Patterson, 19 cents per lineal foot front on each side.

Study & Elliott, 18 cents per lineal foot front on each side.

Jas. Muse, 18 cents per lineal foot front on each side.

John Greene, 17½ cents per lineal foot front on each side.

C. A. Webb, 17 cents per lineal foot front on each side.

Patterson & Dunning, 17 cents per lineal foot front on each side.

James Mahoney, 17 cents per lineal foot front on each side.

Henry Clay, 17 cents per lineal foot front on each side.

Wm. Morrison, 16½ cents per lineal foot front on each side.

Wm. L. White, 16 cents per lineal foot front on each side.

Jas. Garner & Co., 14 cents per lineal foot front on each side.

James Garner & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

### THIRD.

For grading and graveling Pennsylvania street, from Tinker or Seventh street to the north end of said street—

R. H. Patterson, 83 cents per lineal foot front on each side where the street is 60 feet wide, and 65 cents per lineal foot front on each side where the street is 50 feet wide.

Jas. Garner & Co., 75 cents per lineal foot front on each side where the street is 60 feet wide, and 64 cents per lineal foot front on each side where the street is 50 feet wide.

Henry Clay, 77 cents per lineal foot front on each side.

John L. Hanna, 75 cents per lineal foot front on each side.

Wm. L. White, 74½ cents per lineal foot front on each side.

O. W. Kelley, 70 cents per lineal foot front on each side.

George W. Buchanan, 68 cents per lineal foot front on each side.

Jas. Muse, 67½ cents per lineal foot front on each side.

Jas. Mahoney, 67 cents per lineal foot front on each side.

Richard Carr, 58 cents per lineal foot front on each side.

John Greene, 57 cents per lineal foot front on each side.

Samuel J. Smock, 53 cents per lineal foot front on each side.

Samuel P. Strong, 53 cents per lineal foot front on each side.

Study & Elliott, 51 cents per lineal foot front on each side.

Irwin & Hanna, 48 cents per lineal foot front on each side.

Patterson & Dunning, 45 cents per lineal foot front on each side.

Michael Foust, 43½ cents per lineal foot front on each side.

Michael Foust being the lowest and best bidder, your committee recommend that he be awarded the contract.

#### FOURTH.

For building a wooden bridge over the State Ditch at the crossing of Central avenue—

Geo. W. Seibert, dry excavation, 25 cents per cubic yard.

“ “ wet “ 60 cents per cubic yard.

“ “ oak and pine lumber, \$2.60 per 100 feet, board measure.

Henry C. Roney, wet excavation, 50 cents per cubic yard.

“ “ dry “ 20 cents per cubic yard.

“ “ filling 20 cents per cubic yard.

“ “ all lumber \$2.05 per 100 feet, board measure.

James Parker, wet excavation, 40 cents per cubic yard.

“ “ dry “ 15 cents per cubic yard.

“ “ Filling, 15 cents.

“ “ White Oak lumber, \$2.00 per 100 feet, board measure.

“ “ Pine lumber, \$2.40 per 100 feet, board measure.

John L. Hanna, wet excavation, 70 cents per cubic yard.

“ “ dry “ 20 cents per cubic yard.

“ “ Pine lumber, \$14.50 per 1,000 feet, board measure.

“ “ Oak lumber, \$15.00 per 1,000 feet, board measure.

John L. Hanna being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

J. W. BUGBEE,

ROB'T C. MCGILL,

Committee on Contracts.

Which was concurred in, and the contracts awarded.

## REPORTS FROM CITY OFFICERS.

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—I hereby report the following estimate for work done:

A seventh, corrected, and final estimate allowed Samuel P. Strong for grading and graveling Ninth street and sidewalks, from Central to Hill avenues.

9648.29 lineal feet at 77 cents.....	\$7,429 18
5 cubic yards at 65 cents.....	3 25
Repairing gutter on Park avenue.....	80
Total.....	<u>\$7,433 23</u>

Also, a first and final estimate allowed William L. White for grading and paving with brick the west sidewalk on West street, from Merrill to McCarty streets.

787.33 lineal feet at 45 cents.....	\$354 29
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Also, a first and final estimate allowed Samuel Heverling for grading and graveling the alley running south from Lincoln avenue, between Park and Central avenues.

740 lineal feet at 19½ cents.....	\$144 30
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Also, a second and final estimate allowed Bruner and Riner for building a brick sewer in and along Maryland street, from Illinois street to the east line of the first alley west of Meridian street.

340 lineal feet at \$2.35.....	\$799 00
1 catch basin at \$75.....	75 00
2 manholes at \$25.....	50 00
16 feet sewer pipe at \$1.....	16 00
Total.....	<u>\$940 00</u>
Less former payment.....	799 00
Present payment.....	<u>141 00</u>

Also, a third and final estimate allowed O. W. Kelley for constructing a brick sewer in and along Madison avenue, from the south side of Yeiser street to and connecting with the Ray street sewer.



1279.75 lineal feet at \$4.15.....	\$5,310 96
3 catch basins at \$80.....	240 00
3 catch basins at \$75.....	225 00
7 manholes at \$30.....	210 00
26 feet 12-inch pipe at \$1.....	26 00
14 feet 15 inch pipe at \$1.25.....	17 50
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Total. ....	\$6,029 46
Less former payment.....	5,728 00
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Present payment .....	\$301 46

Respectfully submitted,  
 BERNHARD H. DIETZ,  
 City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

*Resolved*, That the foregoing seventh, corrected and final estimate allowed Samuel P. Strong for grading and graveling Ninth street and sidewalks, from Central to Hill avenues, 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, Bugbee, Byram, Case, Darnell, Kenzel, Izor, Laughlin, Morse, McGinty, Pouder, Reasener, Reed, Stienhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed William L. White for grading and paving with brick the west sidewalk on West street, from Merrill to McCarty 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, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed Samuel Heverling for grading and graveling the alley running south from Lincoln avenue, between Park and Central avenues, 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, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing second and final estimate allowed Bruner and Riner for building a brick sewer in and along Maryland street, from Illinois street to the east line of the first alley west of Meridian 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 Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder,

Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing third and final estimate allowed O. W. Kelly for constructing a brick sewer in and along Madison avenue, from the south side of Yeiger street to and connecting with the Ray 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, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen.*—I herewith make the following report :

FIRST.

An ordinance was passed June 1st, 1876, by your honorable body, for the improvement of Ray street and sidewalks, from the old bed of the Canal to White River bank, and I was directed to advertise the same.

I find, on leveling the street, that the part of said street known as Rockwood street is already improved; hence, I would suggest the repeal of said ordinance and the introduction of one for the improvement of Ray street from the west line of Tennessee street to the east line of West street.

## SECOND.

In my report on the Madison avenue sewer, May 29th, 1876, showing the number of feet that can and cannot be tapped, with names of property holders adjoining, I omitted the name of Henry Sponsel, who has 42.7 feet along that part of said sewer that cannot be tapped.

In my former report, the total number of feet was correct, the omission being in the name of Mr. Sponsel.

## THIRD.

I was directed by the Council to allow a final estimate to O. W. Kelly, for constructing a sewer in and along Madison avenue, from the south side of Yeiser street to, and connecting with, the Ray street sewer. The sewer is finished and in good condition, and the estimate is reported. It has been customary not to allow a final estimate until six months after the completion of the work, for the purpose of permitting the street over the sewer to become thoroughly settled, and put in complete repair by the contractor. I would recommend that where final estimates are allowed on sewers soon after completion, the contractors thereof be required to place a given amount in the hands of the City Clerk, and the Street Commissioner be empowered to draw therefrom to pay for all needed repairs made necessary by construction of sewers. Said deposit to remain in the hands of the City Clerk for a period of six months after completion of sewer, when the amount or balance shall be returned to the contractor.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

The first and second clauses were concurred in.

The third clause was referred to the Committee on Revision of Ordinances and City Attorney.

Also, the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—Herewith I report for your approval the following contracts and bonds :



Contract and bond of Michael Ott for lighting, extinguishing, cleaning, and keeping in repair, public lamps.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received, contract concurred in, and bond approved.

Also, the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—I herewith report the following contracts and bonds for your approval :

Contract and bond of Patterson & Dunning for grading and graveling Ninth street and sidewalks, from Illinois to Tennessee streets.

Contract and bond of Michael Faust for grading and graveling Pennsylvania street, from Tinker or Seventh street to the north end of said street.

Contract and bond of James Garner & Co. for grading and graveling the first alley running north and south through square nine, from Michigan to North streets.

Contract and bond of James Garner & Co. for grading and graveling the alley running north and south through out lot 33, between Walnut and St. Clair streets.

Contract and bond of Frederick Gansberg for repairing the Sellers' Farm road.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received, contracts concurred in, and bonds approved.

The City Attorney submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—In the matter of the report of the City Marshal and Civil Engineer, in relation to the opening of the first alley north of John street, be-

tween the C. C. C. & I. R. R. and Archer street, now occupied by George F. Adams, I would report that I have examined the records of the county and find that there is 9 and 85-100 feet of said alley running back as far as the west line of lot 39 in Hanna's heirs addition that the city has the right to require to be opened, and that from the said west line of lot 39, the city has the right to require said alley to be opened the full width of 15 feet.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in, and the City Marshall instructed to open such alley.

The City Clerk submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—The City Clerk respectfully report the following affidavits now on file in his office for the collection of street assessments, by precept, to-wit :

James W. Hudson vs. Joseph W. Gledden for.....	\$14 70
James W. Hudson vs. Thomas B. Hervey for.....	14 70
James W. Hudson vs. Thomas B. Hervey for...	14 70
Henry C. Roney vs. Harriett Cowan for....	41 60

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

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

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGinty, Pouder, Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright William G.—22.

Negative—None.

The City Treasurer submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—I have the honor to report that the fifty-five thousand dollars (\$55,000) in city warrants ordered to be issued and sold at a regular meeting of the Common Council held June 5, 1876, (see geneneral ordinance, No. 35) have been disposed of as follows :

Twenty-six thousand dollars, (\$26,000) was sold on Saturday, June 17, to C. Knefler, Esq., who discounted them at the rate of  $6\frac{1}{2}$  per cent. per annum. the discount from June 17, 1876, to May 1, 1876, on \$26,000, 317 days, at  $6\frac{1}{2}$  per cent., being \$1,488.14, realizing to the city the sum of \$24,511.86.

On June 20, 1876, \$29,000 was sold at the same rate to the Sinking Fund, as per instruction of Council June 19, 1876. The discount from June 20, 1876 to May 1, 1877, on \$29,000, 314 days at  $6\frac{1}{2}$  per cent., being \$1,644.15, realizing to the city the sum of \$27,355.85, making the total amount realized fifty-one thousand eight hundred and sixty-seven dollars and 71 cents (\$51,867.71), which has placed to the credit of the city to be accounted for by me as Treasurer.

Respectfully submitted,

H. W. TUTEWILER,

Treasurer.

Which was approved.

The Board of Health submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—We respectfully request you to order, as soon as possible, the grading and graveling of the alley running from Olive to Linden streets, between Pleasant and Woodlawn streets, as a stagnant pond cover a portion of the allew and two adjacent lots. We respectfully request you to take immediate action.

Respectfully submitted,

F. M. HOOK,

S. A. ELBERT,

J. W. MARSEE,

Board of Health.

Which was referred to the Committee on Streets and Alleys.

Also, the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—We desire to call your attention to the condition of the alley between East and Greer streets, running south from McCarty street to the first alley south of Buchanan street. The part particularly referred to is the south half of said alley. There is a stagnant pond occupying the alley in the rear of 483 south East street, and parts of several adjacent lots. This must receive immediate attention. We cannot well require the property owners to grade their lots as long as the alley remains in its present condition.

Respectfully submitted,

F. M. HOOK,  
S. A. ELBERT,  
J. W. MARSEE,  
Board of Health.

Which was referred to the Committee on Streets and Alleys.

Also, the following report :

*Indianapolis, June 26, 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 17th day of June, to 6 o'clock P. M., on the 24th day of June, 1876.

Under 1 year	16
1 to 2 years	4
2 to 3 "	0
3 to 4 "	0
4 to 5 "	1
5 to 10 "	1
10 to 20 "	0
20 to 30 "	4
30 to 40 "	2
40 to 50 "	1
50 to 60 "	0
60 to 70 "	2
70 to 80 "	2
80 to 90 "	1



90 ' 100 years.....	0
Above 100 " .....	0
Unknown .....	0
Total.....	<u>42</u>

Respectfully submitted,

F. M. HOOK, M. D.,  
President Board of Health.

J. W. MARSEE,  
Secretary Board of Health, pro tem.

Which was received.

The City Commissioners submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—The undersigned respectfully show to your honorable body,

FIRST.

That they were duly appointed by the Judge of the Circuit court to act as Commissioners to assess damages and benefits "accruing to the owners of lands and lots through which any street is proposed to be constructed or altered, or any building appropriated, or through which any creek or other watercourse is proposed to be straightened, or of which the course is proposed to be altered."

Second. That they did, as required by law, take and subscribe the oath and affirmation by law required.

Third. That they were and are duly qualified to act as such Commissioners, and do possess lawful authority to assess benefits and damages.

SECOND.

Your Commissioners do further report,

First. That on the tenth day of May, 1876, they met at the City Clerk's room, pursuant to the notice hereto annexed, marked exhibit "A."

Second. That they did, at the time and place aforesaid, enter upon the consideration of the matter of opening and widening of Central avenue from

Eight street to Reagan street, more fully described in the petition to us referred, and hereto annexed, marked exhibit "B."

Third. That they did inquire into the matter of the service of notices upon property owners, and do herewith report said notices with the Marshal's endorsement of service thereon.

Fourth. That the following named persons appeared in answer to said notices, viz: Wm. A. Schofield, J. H. Vajen, C. A. Howland, Alex. Herron Mary Ratti, (by Mr. Fox), Francis Ratti, (by Mr. Fox), J. F. Dougherty and J. W. McClain.

THIRD.

The said Commissioners do further report that they did, at the time afore said, examine the real estate proposed to be appropriated, and did, at the time and place indicated in said notice, hear evidence touching the questions before them, and did also view the premises, and that they did estimate,

First. The value of the land and property to be appropriated for said improvement.

Second. What part thereof, if any, ought to be borne by the city.

Third. What real estate, if any, would be benefited by the improvement.

FOURTH.

Your Commissioners do further report:

First. That the value of the land to be appropriated is in the aggregate four thousand, one hundred and forty dollars (\$4,140).

Second. That the city should pay no part thereof. That we do assess benefits as follows upon the following described real estate of the following named persons, viz:

Anna Hereth, lot 1, Oliver's subdivision Johnson's heirs add.....	\$ 80 00
Dodd and Brush, lots 2, 3, and 4, Oliver's sub, Johnson's heirs add..	240 00
Chauncy Butler, lots 1 and 2, John Caven's subdivision, Johnson's heirs add.....	160 00
Jas. E. and W. Mick, lots 3, 4, and 5, John Caven's subdivion, Johnson's heirs add.....	240 00
James B. Black, lots 6 and 7, John Caven's subdivision, Johnson's heirs add..	160 00

Anna B. Herteh, lot 1, Ruddell's subdivion, Johnson's heirs add....	80 00
Cary Reagan, lot 2, Ruddell's subdivision Johnson's heirs add.....	80 00
George W. Sill, lot 3, Ruddell's sub. Johnson's heirs add.....	80 00
Lotta Guffin, lot 4, Ruddell's subdivision, Johnson's heirs add.....	80 00
W. A. Bell, lots 1 and 2, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	160 00
Joseph T. Dougherty, lot 3, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
Fahnley and McCrea, lot 4, Ruckle and Hamlin's subdivision, Johnson's heirs add ...	80 00
Mary Ratti, lot 5, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
Francis Ratti, lot 6, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
Joseph Sutton, lot 7, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
George J. Schley, lot 8, Ruckle and Hanlin's subdivision, Johnson's heirs add.....	80 00
W. H. English, lots 9, 10, and 11, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	240 00
Ellis B. McPherson, lots 1 and 2, Evans's sub., Johnson's heirs add..	160 00
W. L. Johns, lot 3, Evans's subdivision, Johnson's heirs add.....	80 00
M. B. Applegate, lot 4, Evans's subdivision, Johnson's heirs add....	80 00
T. A. Howard Johnson, w hf of 13 and n hf 14, Johnson's heirs add	560 00
Peter Goth, w hf of 15, Johnson's heirs add.....	320 00
Asa Wilmot, lots 1 and 2, Hamlin's subdivision, Johnson's heirs add	160 00
Narcissa Noble, lot 3, Hamlin's subdivision, Johnson's heirs add....	80 00
Charles Haynes, lot 4, Hamlin's subdivision, Johnson's heirs add...	80 00
W. A. G. F. and D. B. Schofield, hf a e part n w qr sec 36, t 16, r 3 east.....	390 00
Francis W. Hamilton, lot 233, Allen and Root's north addition.....	5 00
Josephine Ward, lots 231 and 233 " "	10 00
Fred G. Prail, lot 230, " "	5 00
" n hf 229, " "	2 50
Henry S. Keeley, s hf 229, " "	2 50
" lot 228, " "	5 00
Sarah A. Carter, lot 227, " "	5 00
Claypool and Barry, lot 226, " "	5 00
Maria Ward, lot 225, " "	5 00
James S. Carpenter, lot 224 " "	5 00
Vanarsdale and Cones, lot 223, " "	5 00

Firman and G. W. Stout, lot 222 Allen and Root's north add.....	5 00
Frank L. Sphar, lots 221 and 220, " " .....	10 00
Indiana State Board of Agriculture—Fair Ground....	80 00
	\$4,140 00

That we do assess damages as follows, to wit, upon a parcel of ground owned by the following named persons, and described as follows:

Anna Hereth, 6 feet off west end lot 1, Oliver's subdivision, Johnson's heirs add.....	\$ 80 00
Dodd and Brush, 6 feet off west end lots 2, 3, and 4, Oliver's subdivision, Johnson's heirs add.....	240 00
Chauncey Butler, 6 feet off west end 1 and 2, John Caven's subdivision, Johnson's heirs add.....	160 00
James E. and W. Mick, 6 feet off west end lots 3, 4, and 5, John Caven's subdivision, Johnson's heirs add..	240 00
James B. Black, 6 feet off west end lots 6 and 7, John Caven's subdivision, Johnson's heirs add....	160 00
Anna B. Hereth, 6 feet off west end lot 1, Ruddell's sub. Johnson's heirs add....	80 00
Cary Reagan, 6 feet off west end lot 2, Ruddell's subdivision, Johnson's heirs add.....	80 00
George W. Sill, 6 feet off west end lot 3, Ruddell's subdivision, Johnson's heirs add.....	80 00
Lotta Guffin, 6 feet off west end lot 4, Ruddell's subdivision, Johnson's heirs add ...	80 00
W. A. Bell, 6 feet off west end lots 1 and 2, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	160 00
Joseph T. Dougherty 6 feet off west end lot 3, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
Fahnley and McCrea, 6 feet off west end lot 4, Ruckle and Hamlin's subdivision, Johnson's heirs add .....	80 00
Mary Ratti, 6 feet off west end lot 5, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
Francis Ratti, 6 feet off west end lot 6, Ruckle and Hamlin's subdivision, Johnson's heirs add....	80 00
Joseph Sutton, 6 feet off west end lot 7, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00
George J. Schley, 6 feet off west end lot 8, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	80 00



William H. English, 6 feet off west end lots 9, 10 and 11, Ruckle and Hamlin's subdivision, Johnson's heirs add.....	240 00
Ellis B. McPherson, 6 feet off west end lots 1 and 2, Evans's subdivision, Johnson's heirs add.....	160 00
W. H. Johns, 6 ft off west end lot 3, Evans's subdivision, Johnson's heirs add.....	80 00
M. B. Applegate, 6 feet off west end lot 4, Evans's subdivision, Johnson's heirs add....	80 00
T. A. Howard Johnson, 6 feet off w side of w hf of 13, and w hf 14, Johnson's heirs' add .....	560 00
Peter Goth, 6 feet off w side w hf 15, Johnson's heirs add.....	320 00
Asa Wilmot, 6 feet off west end lots 1 and 2, Hamlin's subdivision, Johnson's heirs add....	160 00
Narcissa Noble, 6 ft off west end lot 3, Hamlin's subdivision, Johnson's heirs add..	80 00
Charles Haynes, 6 ft off west end lot 4, Hamlin's subdivision, Johnson's heirs add. ....	80 00
W. A. G. F. and D. B. Schofield, 6 ft of e side hf a e part n w qr sec. 36, t 16, range 3 east.....	540 00
	<u>\$4,140 00</u>

And which is of the value of four thousand one hundred and forty dollars (\$4,140.00). That the benefits aforesaid are such as each of the persons respectively would receive.

That the damages assessed are such as each of said persons to whom damages are awarded would sustain.

The persons whose benefits exceed damages, and the amounts of the excess, are shown in table "A," and those whose damages exceed benefits are shown in table "B," showing in the one table the benefits in excess of the damages, and in the other the excess of the damages over and above the benefits.

TABLE "A."

Benefits to be collected.

Francis W. Hamilton.....	\$ 5 00
Josephine Ward.....	10 00
Fred G. Prail.....	7 50
Henry S. Keely.....	7 50
Sarah A. Carter.....	5 00
Claypool and Busey.....	5 00
Maria Ward... ..	5 00

James S. Carpenter.....	5 00
Vanarsdale and Cones.....	5 00
Firmann and G. W. Stout.....	5 00
Frank L. Spahr.....	10 00
Indiana State Board of Agriculture...	80 00
<b>Amount.....</b>	<b>\$.150 00</b>

TABLE "B."

Damages to be paid.

W. A. G. F. and D. B. Schofield.....	\$.150 00
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Your Commissioners do further submit to your honorable body the statement from the Secretary of State Board of Agriculture, and in view of which statement, your Commissioners would recommend that the said Central avenue be opened and widened as prayed, except so far as the taking of six feet off the east side of the State Fair Grounds, and that the damages and benefits assessed be paid and collected according to law.

Respectfully submitted,

JOHN L. AVERY,  
 GEO. W. HILL,  
 J. H. HILDEBRAND,  
 R. H. PATTERSON,  
 City Commissioners.

AGRICULTURAL ROOMS, STATE HOUSE, }  
 Indianapolis, May 30, 1876. }

To the City Commissioners of the City of Indianapolis:

*Gentlemen* :—The Board of Agriculture object to the widening of Central avenue east of, and along side of what is known as the State Fair Ground, to the width of sixty (60) feet, for the following reasons :

It would take a strip of ground from the inclosure six feet wide, and over 71 rods long, which would be quite a loss, as the grounds at present are too much contracted.

New stalls built last summer half of the distance and a new fence the other half would have to be torn down and removed, involving a heavy expense.

A sidewalk is unnecessary while the ground is occupied as at present, and is not requisite to straighten and grade the street properly, and in the event of the said grounds being laid out and disposed of for building purposes, the

strip of ground necessary to extend the street a uniform width of sixty (60) feet would be granted for that purpose.

The above statement was authorized by the Executive Committee of the Indiana State Board of Agriculture, in session this day, and so recorded in their minutes.

Respectfully submitted,

ALEX. HERON, Sec'y.

Which was received.

Also, the following communication :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—The undersigned would hereby state to your honorable body that we think we have erred in our assessment of benefits to lot No. 53, outlot 161, Wyley's subdivision (owned by Mr. Gilbert) in the opening of Blackford street, and think a portion of said assessment should have been put upon another lot or lots.

Respectfully submitted,

GEO. W. HILL,  
J. S. HILDEBRAND,  
JOHN L. AVERY,  
R. H. PATTERSON,  
Commissioners.

Mr. Reed presented the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—Your petitioners would represent that a report was made on the 5th day of June 1876, by the City Commissioners in regard to opening, laying out and straightening so much of Blackford street as lies between Indiana avenue and North street to the width of 45 feet, and on the 16th day of June, 1876, the Council received and confirmed said report at a special meeting. In said report of the City Commissioners lot 52 and 53 in Wiley's subdivision of outlot 161, were assessed for benefits the sum of fifty-five dollars (\$55), belonging to your petitioners, while no other property on Indiana avenue, similarly situated, was assessed at all. We therefore claim that the assessment is unjust, unequal and irregular, and should either be equally distributed on the property of the vicinity or charged to the city at large.

We therefore pray that a reconsideration may be made of the vote accepting said report, and that the Council refer the same back to the City Commissioners, with proper instructions to take such other action as will relieve the erroneous assessment, and not require your petitioners to appeal to the superior court and there obtain a review, and involve the city in the cost and trouble of a law case as well as your petitioners, or in the discretion of the Council, under the power granted in section 10 of the act of the Legislature of 1875, page 21, order the said assessment of fifty-five dollars to be paid out of the general fund.

Respectfully refer to section 10, page 21, acts of Legislature of 1875. Also section 23, page 26, same book.

And your petitioners will ever pray, etc.,

EDWARD GILBERT.  
SARAH B. GILBERT.

Mr. Thalman offered the following motion :

*Moved,* To refer to the City Attorney, directing him to report to this Council whether the matter can be reconsidered after the Council has adopted the report of the City Commissioners, if so what steps will be necessary.

Which was adopted.

His Honor, the Mayor, submitted the following report :

*Indianapolis,* June 26, 1876.

To the Common Council of the City of Indianapolis :

*Gentlemen* :—The amount of fines collected by me during the month of May, 1876, due the City Treasury is one hundred and twenty-two dollars and thirty cents, which amount I have paid the City Treasurer, as will appear by duplicate receipt filed herewith.

Respectfully submitted,

JOHN CAVEN,  
Mayor.

Which was approved.

His Honor, the Mayor, presented the following communication :



Indianapolis, June 26, 1876.

To His Honor, John Caven, Mayor of the City of Indianapolis :

Your petitioners would respectfully present to your attention the following resolution and circular of the National Board of Fire Underwriters of the United States :

NATIONAL BOARD OF FIRE, UNDERWRITERS, EXECUTIVE }  
COMMITTEE ROOMS, NEW YORK, May 8, 1876. }

To His Honor.....

Mayor .....

Dear Sir :—We beg to invite your attention to the following resolution, adopted at the tenth annual meeting of this board, whose sessions were held in this city on the 26th, 27th, and 28th ult., viz :

“ Resolved :—That in view of the extended celebration of the country’s centennial independence day, this board, through its executive committee, be requested to address the mayors of the cities and officers of towns throughout the United States, and call their attention to the increased danger likely to arise from the excessive use of fire works and other dangerous explosives, and that they be requested to issue proclamations or instructions to all citizens to use the greatest care in their celebrations and make unusual preparations for the extinguishment of fires.”

In submitting the above, we feel that we can not urge too strongly upon you the importance of action on your part in the direction indicated by the resolution. The large number of fires occurring annually from fourth of July celebrations is well known; some of the most disastrous which our country has witnessed having proceeded from this cause. In this centennial year, when celebrations are likely to be more general and extensive, the danger will be proportionately increased, and the need of special precautions for the protection of property will be felt by all.

We pray, therefore, for the active co-operation on your part sought by the resolution quoted, and for the establishment in your vicinity of such precautions and safeguards as shall greatly diminish, if not entirely remove, the chances of destructive fires from the causes indicated.

By order of the Executive Committee,

THOS. H. MONTGOMERY,

General Agent National Board.

Your petitioners would respectfully request that pursuant to the request of such circular letter and resolution, that your honor issue such public procla.

mation as shall to your honor seem best adapted to lessen the dangers of loss by fire on the fourth day of July, 1876.

FRANCIS SMITH,  
C. W. BROUSE,  
E. E. BARNARD,  
Committee.

Which was referred to the Fire Board to take such action as they deem necessary.

Mr. Craft presented the following communication :

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—Your petitioners would respectfully represent that whereas, that the National Board of Fire Underwriters of the United States did, on the 28th day of April, 1876, pass the following resolution, viz :

“*Resolved*, That the Local Boards throughout the country, be and are hereby requested to petition their respective city or town authorities to offer standing rewards for the conviction and punishment of persons guilty of the crime of incendiarism or arson.”

And, whereas the said National Board of Underwriters, with the desire to aid in the suppression of the crime of incendiarism in the United States, offers a standing reward for each case of the conviction and punishment of the crime of incendiarism or arson, therefore we, your petitionrs, as fire insurance agents and as citizens of the city of Indianapolis, appreciating the wisdom of said National Board in the passage of said resolution, do hereby petition your honorable body to co-operate with the said National Board in the laudable effort to suppress crime and diminish the loss to property by fire in the United States, and to pass such an ordinance as shall authorize the payment of a liberal sum of money as a reward for the conviction and punishment of every person found guilty of the crime of incendiarism or arson in the city of Indianapolis.

FRANCIS SMITH,  
C. W. BROUSE,  
E. E. BARNARD,  
Committee.

Which was referred to the Committee on Revision of Ordinances.

On motion by Mr. Reed, Mr. Ransdell was excused on account of unavoidable absence from the city.

## ORDINANCES ON FIRST READING.

Mr. Kenzel introduced special ordinance No. 57, 1876, entitled :

An ordinance to provide for grading and graveling Ray street and sidewalks from the west line of Tennessee street to the east line of West street, and repealing a certain ordinance herein named.

Which was read the first time.

Mr. McGinty introduced special ordinance No. 58, 1876, entitled :

An ordinance to provide for grading and graveling the first alley west of West street, running north and south from Merrill to Grant streets.

Which was read the first time.

Mr. Reed presented the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—The undersigned, owners of the real estate fronting on Deloss street, between Oregon or Nebraska street and Brook street, respectfully petition for the passage of an ordinance providing for the grading and graveling of the above named street and sidewalks, with good river or creek gravel.

And your petitioners will ever pray, etc.

Henry Clay, 60 ft; Elijah Ryder, 30 ft; Louisa Wel-  
berger, 30 ft; Leon Legreis, 60 ft; Edward F.  
Saverage, 60 ft.

Which was received.

Mr. Reed introduced special ordinance No. 59, 1876, entitled :

An ordinance to provide for grading and graveling Deloss street and sidewalks from Oregon or Nebraska street to Brook street.

Which was read the first time.

Mr. Steinhauer presented the following petition :

*Indianapolis, March 10, 1876.*

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on the the alley between Franklin street and Kennington street, respectfully petition for the passage of an ordinance providing for the grading and graveling of said alley from Morris street south to Dunlap street.

We would respectfully represent that this alley crosses one recently made running east and west, and that the ground was very low at the crossing of said alleys, and the one that is improved is being greatly damaged and being torn down at the crossing, owing to the ground being so low.

It is hoped that the lots mentioned, Nos. 64 and 67, will be ordered filled up, as they front on this alley, and the gravel is being thrown down.

And your petitioners will ever pray, etc.

N. M. SCHOFIELD.

Which was received.

Mr. Steinhauer introduced special ordinance No. 60, 1876, entitled :

An ordinance to provide for grading and graveling the alley between Kennington and Franklin streets, from Morris to Dunlop streets.

Which was read the first time.

Mr. Thalman presented the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen*:—We, the undersigned, property owners on Potomac or West Court street, respectfully petition your honorable body to put in a cement



pipe sewer on said street, between the first alley west of West street and California street. Also to grade and gravel said street and sidewalks between West and California streets.

WM. K. BESS,  
JOHN MATE,  
B. F. RILEY,

Which was received.

Mr. Thalman introduced special ordinance No. 61, 1876, entitled :

An ordinance to provide for the construction of a cement pipe sewer in and along Potomac or west Court street, running from California street to the first alley west of West street, and connecting with the sewer at the said last named point.

Which was read the first time

Mr. Thalman introduced special ordinance No. 62, 1876, entitled :

An ordinance to provide for grading and graveling Potomac or west Court street and sidewalks, between West and California streets.

Which was read the first time.

Mr. W. G. Wright presented the following petition :

*Indianapolis, April 1, 1876.*

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

*Gentlemen* :—The undersigned, owners of the real estate fronting on Huron street between Dillon street and Virginia avenue, respectfully petition for the passage of an ordinance providing for the grading and paving with brick, the sidewalk on southwest side of Huron street to the width of seven (7) feet between Dillon street and Virginia avenue.

And your petitioners will ever pray, etc.,

James B. Bullock, 120 feet; Samuel D. Brear, 40 feet; Joseph Morriss, 40 feet; Angeline Williams, 40 feet; William Muecke, 40 feet; J. B. Mann, 40 feet; Kate L. Peak, 40 feet; J. P. Smith 40

feet; Stephen A. Mendenhall, 40 feet; Myson Dickson, 40 feet; H. Ress, 40 feet; John H. Rothat, 40 feet; W. G. Wright, 40 feet; G. L. Curtus for M. Curtus, 40 feet; J. C. Ludlow, 40 feet; Geo. H. Johnsen, 40 feet; Ray McDugal, 40 feet; James McGinnis, 40 feet; Henry Heitkem, 40 feet; T. M. Abbett 36 feet; S. E. Mettee; 40 feet.

Which was received.

Mr. W. G. Wright introduced special ordinance No. 63, 1876, entitled:

An ordinance to provide for grading and paving with brick the southwest sidewalk of Huron street, between Dillon street and Virginia avenue.

Which was read the first time.

Mr. W. G. Wright introduced special ordinance No. 64, 1876, entitled:

An ordinance to provide for grading and graveling the alley between Pleasant street and Woodlawn avenue, from Olive to Linden streets.

Which was read the first time.

#### SPECIAL ORDERS.

On motion by Mr. Reed, the German Printing matter was taken up.

The City Attorney submitted the following report:

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—In regard to the legality of printing the city advertising, etc., in the German language, I would report, that after some considerable exami-

nation of the matter I have been unable to find any provision of law that requires any part of the city printing or advertising to be done in the German language, excepting the provisions of section 23 of the Rules of the Common Council. See page 166 of the ordinances of the city. It provides "that notice shall be given by the City Clerk in one or more newspapers of the city, and by handbills printed in English and German, the latter to be posted in not less than ten places on the line of improvement proposed to be made, of the pendency of ordinances relating to public improvements before the vote on final passage is taken, etc. etc." While the language of this section might be construed to mean that the notice of the pendency of improvement ordinances should be given in an English and a German newspaper. Still, I think the fair construction of the sentence is that it requires the handbills only to be printed in English and German.

All the other provisions of law in relation to the advertising and publishing of notices are that notice shall be published in "a newspaper," and the publication in one newspaper for the required time would be a full compliance with the law. In 1875, the Legislature passed a law requiring the delinquent list and the notices of sales on executions, decree, etc., made by the sheriff, to be published in a German newspaper in all counties having over fifteen thousand inhabitants, and in which there was a German newspaper published; and the same Legislature passed a law requiring cities not having special charters to adopt, so far as practicable, the general law of the State for the collection and assessment of taxes; under the provisions of that law if the County Treasurer is required to publish the delinquent list in a German newspaper the City Treasurer would be required to do the same with the city delinquent list.

In the case of *Reissner vs. Harle*, 50 Ind. Reports, page 424, the Supreme Court decided the law of 1875, requiring certain advertising to be done in the German language, as unconstitutional and void, so far as the same required the publication of advertisements of sheriffs' sales, on execution, to be made in a German newspaper; as the question of the advertising of the delinquent list was not before the court in that case, they did not pass upon that question. But I am of the opinion that the same reasons would apply to the provision requiring the advertising of the delinquent list that would apply to the advertising of sheriffs' sales, and that the Supreme Court would construe the law the same way in relation to both provisions. I am, therefore, of the opinion that there is no provision of law that requires publication of notices and city advertising to be made in the German language, except the section of the Rules of Council referred to. As long as that section is in force, the City Clerk would be required to post handbills printed in English and German, giving notice of the pendency of improvement ordi-

nances in the manner prescribed. I might, however, say that I am of the opinion that the Council have the power, if they deem it for the best interest of the city, to order the publication of advertisements in German, where the same relates to the improvement of streets, or construction of any improvements by the city, or for bids for supplies or materials to be furnished to the city.

Respectfully submitted,

R. O. HAWKINS,  
City Attorney.

Which was concurred in.

Mr. Reed, from the Committee on Printing submitted the following majority report :

*Indianapolis*, June 26, 1876.

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

*Gentlemen* :—While your committee agree with the City Attorney that there is no written law authorizing the printing of the city's advertisements in the German language, they are nevertheless of the opinion that custom, in this regard, has made a law in reference thereto—it having been the custom for the past fifteen or twenty years to print said advertisements in a German newspaper.

In view of the fact that this has been requested by nearly three thousand of our fellow citizens, representing between four and five millions of dollars, your Committee on Printing would recommend that the city advertisements be printed in the German paper which agrees to do the same at the lowest and best figures, and that the Committee on Printing is hereby authorized to award the same to the lowest and best bidder.

Respectfully submitted,

ENOS B. REED,  
R. C. MCGILL,  
Committee.

Mr. Adams, from the same committee, submitted the following minority report :

*Indianapolis*, June 26, 1876.

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

*Gentlemen* :—The undersigned, one of your Committee on Printing, to whom was referred the motion of Mr. Craft, "To report to your honorable



body how much of the city printing could be published in German and done legally," would offer the following Minority report:

After a careful examination of the charter and ordinances of the city, and laws of the State upon the matter, I can find but one instance where any portion of the city printing is ordered to be printed in the German language. Section 23 of the rules and ordinances of the city explicitly directs the City Clerk to have printed in English and German, the notice of the pendency of ordinances before the Council referring to public improvements, for a period of two successive weeks; such publication to be made ten days prior to the time when such ordinances shall be considered by the Council. The wording of rule 23, page 166, is susceptible of being construed to mean, by some, to publish such notice in a newspaper published in the German language; and others that such notice shall be printed on handbills in German, and posted on and along the line of the proposed improvement. I am of the opinion that a fine, literal and strict interpretation of rule 23d, directs the City Clerk to have handbills printed in German and posted on the line of the proposed improvement. I would therefore recommend your honorable body to direct the City Clerk to carry out the provisions of the above rule.

The general assembly of the State Indiana approved an act entitled, "An act to provide for publishing the delinquent tax lists in the German language in all cities having a population of more than 15,000 inhabitants. Said law was passed March 9th, 1875, at the regular session, and at the special session on March 17th, they approved an act, the second section of which directs that all cities or corporations of the State shall assess and collect all taxes under the provisions of the law passed March 9th, and before referred to, which explicitly directs the City Treasurer to have printed in German the delinquent tax lists. The superior court of Marion county held in a case where the sheriff of Marion county was a party, and cause of action was based on the publishing of sheriff's sale, etc., in a German newspaper, that such publication could not be done except at sheriff's expense; and the Supreme Court of the State affirmed the decision of the lower courts.

Many of our best lawyers claim that the decision above referred to covers the publication of the delinquent list in German, also; while others assume it refers only to the matter of sheriff's publications.

In view of the as yet undecided legal aspects of the law, I would recommend your honorable body to take no action at this time, with reference to the publication of the delinquent list in the German language, there being serious doubts whether the city can legally publish the delinquent list in the German language. The mere reason that it has been the custom to print

the city's work in German for the last fifteen years, would not justify this Council to publish the same in German, unless the printing is authorized by law.

Respectfully submitted,

J. C. ADAMS,

Mr. Buehrig moved to lay the minority report on the table.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Buehrig, Case, Kenzel, Laughlin, McGill, McGinty, Reasener, Reed, Schmidt, Stratford and Thalman.—11.

Negative—Councilmen Adams, Bugbee, Byram, Craft, Darnell, Izor, Morse, Pouder, Steinhauer, Thomas, Webster, Wright, Arthur L., and Wright, William G.—13.

The question then being on the adoption of, or concurrence in, the minority report, the ayes and noes were demanded.

Those who voted in the affirmative were :

Councilmen Adams, Bugbee, Byram, Craft, Darnell, Izor, Morse, Pouder, Steinhauer, Thomas, Webster, Wright, Arthur L., and Wright, William G.—13.

Those who voted in the negative were :

Councilmen Buehrig, Case, Kenzel, Laughlin, McGill, McGinty, Reasener, Reed, Schmidt, Stratford, and Thalman.—11.

So the minority report was concurred in.

Mr. Craft offered the following motion :

*Moved,* That the Committee on Printing, with the City Attorney, be and

and are hereby instructed to examine carefully and report what, if any, printing now done in English can be dispensed with without violation of the law-

Mr. Schmidt moved to lay the motion on the table.

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

Affirmative—Councilmen Buehrig, Case, Kenzel, Laughlin, McGill, McGinty, Reasener and Stratford.—9.

Negative—Councilmen Adams, Bugbee, Byram, Craft, Darnell Izor, Morse, Poudier, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—14.

Mr. Craft's motion was then adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Poudier, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—Councilmen Kenzel, Laughlin, McGill, McGinty, Reasener, Schmidt and Stratford.—7.

Mr. Reed having been excused from casting his vote on the subject.

Mr. Reed offered the following, his resignation :

*Gentlemen*—I hereby tender my resignation as chairman of the Printing Committee.

ENOS B. REED,

The question being on the acceptance of the resignation, the ayes and noes were demanded.

Those who voted in the affirmative were :

Councilmen Adams, Laughlin, McGill, McGinty, Reasener, Reed, Schmidt and Stratford.—8.

Those who voted in the negative were :

Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, Pouder, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—16.

So the resignation was not accepted.

Mr. Darnell, from Special Committee on Fall Creek, submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen*—Your special committee heretofore appointed to confer with Mr. Samuel J. Patterson, in relation to the matters in controversy between him and the city, would report that they have had the subject under very careful consideration, and have devoted some considerable time to a full and careful examination of the whole matter, and have been able to obtain from Mr. Patterson a proposition, which proposition is hereto attached and made a part of this report, as follows :

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

*Gentlemen*—I will give the city the right of way through and over my land for the purpose of constructing a new levee for Fall Creek, from the point of the proposed change of the same to the point where it is proposed to have the same intersect White river, the same to be constructed according to the plans of the City Civil Engineer ; and I also agree to give the city the right to take from my land, free of charge, all the dirt necessary to construct said levee, making the same forty feet in width at the top ; and I also agree that I will construct at my own expense, a levee to be forty feet in width at the top, from the west end of the levee to be constructed by the city, down to the bank of White river, to the south line of my land ; and I also agree that I will dedicate the said levee constructed by me to the city, for the purpose of a street ; and the said city shall have the right to dedicate and use the said levee constructed by me, for a street, whenever she may desire ; and I also agree that I will dismiss the suit I now have pending in the Superior court



against the city for damages on account of overflow and breaking of the old levee, the same to be dismissed at my cost; and when this proposition is accepted it shall be a full and final settlement of all claims that I have against the city for damages growing out of the change of the said levee and Fall Creek channel and the overflow of the same; and I also agree to release the city from any and all damages that I may sustain in future on account of any overflow or wash of the water on my land below the said levee constructed by the city, that may be caused by the construction of said levee; and I also agree that the city shall have the right to take enough gravel from my land to gravel the top of the levee constructed by her, to a depth of eighteen inches, free of charge; and I also agree to construct the levee proposed to be constructed by me at once, or at the same time that the city shall construct her levee, and make the same connect with the city levee, so that the whole can be used as a street; and in consideration of the above and foregoing, the city shall execute to me her bonds due in twenty years from date, with six per cent. interest for the sum of \$5,000 (five thousand dollars).

SAMUEL J. PATTERSON.

It will be seen that this proposition is by far the most favorable one for the city, that Mr. Patterson has ever made. Your committee in considering whether the city ought to accept this proposition of Mr. Patterson's were led first to consider whether the city was liable for damages which have heretofore accrued by reason of the overflow of Fall Creek, or would be liable for damages occasioned by overflow in the future, and to that end your committee have conferred with the City Attorney, who is of the opinion that after the city has entered upon the premises and undertaken to change the channel of Fall creek, and to construct a levee for the same and cut away the bank of White river, as she has done, she is bound to proceed in such a manner as to protect the property owners from damage on account of such change; and also that there is a possibility of the city being liable for the damages already sustained by Mr. Patterson, and for which damages there is now pending against the city, a suit in the Superior Court. In view of the foregoing facts and the fact that it is absolutely necessary that the city should do something in the premises, and that it should be done at once, as the lands adjacent to the new channel of Fall creek are at present entirely unprotected, and would be greatly damaged in case of any considerable freshet, your committee are of the opinion that the construction of said levee and embankment will not cost to exceed the sum of six thousand dollars; and your committee are also of the opinion that said proposition ought to be accepted, and said work done for the following reasons:

1. It will relieve the city from cost, trouble and probable loss, from Mr. Patterson's suit now pending for damages.

2. It will relieve the city from all claim for damages in the future, as well as in the past, by reason of overflow of water in this locality.

3. It will secure the right of way through Mr. Patterson's land, (about 2,600 feet in length by 60 feet in width), for a street, without any cost to the city, other than the cost of labor in making said embankment, which will be forty feet wide on the top, and graveled for a street.

4. Mr. Patterson furnishes all the dirt and gravel necessary to make said embankment and street, and extend at his own cost, said street and embankment about 1,200 feet further, thus making an increased demand for labor.

5. We consider this a legitimate work, of use and utility to the city now, and likely to be more so in the future.

We therefore recommend that the proposition of Mr. Patterson be accepted, and that the whole subject be referred to the City Attorney and City Civil Engineer, for the purpose of drawing up the necessary contract with Mr. Patterson.

Your committee further recommend that the work of making said street and embankment shall be done under the direction of the Street Commissioner; that he shall commence the work forthwith, and complete the same within sixty days, and shall only employ married men who are *bona fide* citizens of Indianapolis, at this date, and that a special appropriation be made to carry out this contract.

Respectfully submitted,

C. F. DARNELL,

W. F. REASENER,

W. H. CRAFT,

WM. H. ENGLISH, Citizen,

T. J. MORSE,

Committee.

Mr. A. L. Wright moved to concur in the report.

Mr. Buehrig moved, as a substitute, to lay the report on the table.

Which substitute failed to pass by the following vote :

Affirmative—Councilmen Buehrig, Kenzel, Laughlin, McGill, McGinty and Stratford.—6.

Negative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Pouder, Reasener, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William, G.—17.

The report was then concurred in by the following vote :

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Morse, Pouder, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—Councilmen Buehrig, Kenzel, Laughlin, McGill, McGinty and Stratford.—6.

Mr. Darnell moved to suspend the rules for the purpose of permitting the introduction of an appropriation ordinance, and placing the same on its passage.

Which motion was adopted by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, Pouder, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—Councilmen Buehrig, Laughlin, McGinty, and Stratford.—4.

Mr. Darnell introduced appropriation ordinance No. 32, 1876, entitled :

An ordinance appropriating six thousand dollars to defray the expense of constructing a levee upon the bank of Fall Creek.

Which was read the first, second and third times, and passed by the following vote :

Affirmative—Councilmen Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGinty, Pouder, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilmen Laughlin and Stratford.—2.

Mr. Byram, from Special Committee on Gas, submitted the following report and proposition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—Your Special Committee on Gas, to whom was referred the motion of Councilman Ransdell, "That the report of said committee be referred back to the committee, with instructions to secure a written proposition from said gas company; said proposition to include both ways of lighting, viz: All night and part of the night," have attended to the duty assigned them, and herewith submit the propositions from said gas company.

Respectfully submitted,

N. S. BYRAM,  
A. L. WRIGHT,  
J. THOMAS,  
I. W. STRATFORD,  
Special Committee on Gas.

*Indianapolis, June 26, 1876.*

To N. S. Byram, John Thomas, I. W. Stratford, A. L. Wright,

John J. Diffiey, Special Committee on Gas :

*Gentlemen* :—The Indianapolis Gas Light and Coke Company submit for your consideration the following propositions :

The said company will furnish illuminating gas, of the quality provided in your ordinances, for thirty-two hundred (3,200) hours for each and every



post now erected, or which may be hereafter erected, and will place, keep and maintain in good and proper repair, all posts, lamps and fixtures, and light and extinguish the lamps for the price of twenty-nine (29) dollars per annum for each and every post, said sum to be full compensation for gas furnished, for all expenses of repairing, and for lighting and extinguishing.

The said company will supply to all city offices, engine houses, tunnels, bridges and station houses, and all other places where gas is used by the city in her corporate capacity, illuminating gas at two dollars and fifty cents (\$2.50) per thousand cubic feet, meter measurement.

The said company will also furnish gas to private consumers, who pay on or before the tenth day of each and every month, at a reduction of fifty cents per thousand cubic feet, from the price to which the said company is entitled under the present ordinances.

In case this proposition should be accepted a contract shall be executed to extend for a period of five years from the date of the contract, with the privilege, on the part of the city, to renew this contract at the time of its expiration, for five additional years.

#### SECOND.

Or the said company will furnish gas for two thousand (2,000) hours per annum, for each and every post now erected or which may be hereafter erected, keep and maintain in repair each and all posts, light and extinguish all street lamps for the sum of twenty-five dollars (\$25.00) for each post. Said price to be in full for all gas furnished, all repairs made and for lighting and extinguishing.

For gas furnished the city in her corporate capacity, as proposed in the first proposition above, two dollars and fifty cents (\$2 50) per thousand cubic feet, meter measurement. The same reduction provided in the first proposition, to be made to private consumers.

In case this second proposition should be accepted, a contract shall be executed to extend for a period of five years from the date of contract, with the privilege, on the part of the city, to renew this contract at the time of its expiration, for five additional years. These propositionr to stand for fifteen days.

S. K. FLETCHER, JR.  
President.

Mr. Thalman moved to postpone for one week.



Mr. Buehrig moved to lay the motion to postpone on the table.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Buehrig, Laughlin, McGinty, Thomas and Webster.—5.

Negative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, Pouder, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Wright, Arthur L., and Wright, William G.—17.

Mr. Thalman's motion was then adopted by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, Pouder, Reasener, Reed, Schmidt, Thalman and Wright, William G.—14.

Negative—Councilmen Buehrig, Laughlin, McGinty, Steinhauer, Stratford, Thomas and Webster.—7.

By consent, the following papers were introduced.

Mr. Reasener offered the following resolution :

*Resolved*, That the report of the City Commissioners, submitted to Council May 29th, 1876, in the matter of opening an alley through out lot 93 from first alley east of East street to out lot No. 92, in the city of Indianapolis, be and the same is hereby accepted and adopted, and the real estate necessary for such alley be, and the same is hereby appropriated, and the City Clerk is hereby directed to prepare and deliver to the City Treasurer a certified copy of the assessment of benefits and damages, and the City Treasurer is hereby directed to proceed to collect said benefits and pay said damages as set forth in said report, as by law required.

Which was adopted by the following vote :

Affirmative—Councilmen Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Laughlin, Morse, McGinty, Pouder, Reasener, Reed, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilman Thalman.—1

Mr. Byram offered the following motion :

*Moved,* That the Board of Police be, and are hereby permitted to appoint fifty extra policemen to assist in preserving order during the 4th day of July. Said extra policemen to serve one day.

Which was adopted.

Mr. Craft, Chairman Fire Board, submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—The undersigned members of the Fire Board, to whom was referred the motion of Mr. Schmidt, directing the Clerk to advertise for plans, specifications and bids for an engine house to be built on the lot on East Washington street, would report that we are of the opinion that the city is not able at this time, to either build an engine house or buy another engine. But as the hose company in that locality are without a place to accommodate them, we would recommend that the motion be so modified as to instruct the Clerk to advertise for plans and specifications for a house suitable for the said company; the same to be built of brick, and which can be used, when the city is able to build an engine house on the said lot, as stable for said engine house.

Second. We would also report that the Chief Fire Engineer, under instructions from the Board, advertised for bids for fuel for the department for the year ending May 15, 1877. The bids were opened on Saturday last, and contracts awarded to Engle & Drew as the lowest and best bidders. Their bid being as follows: Best block coal, 9.93; Pittsburg coal, 14.99; crushed coke, 11.49; which was the lowest of eight bids received. The Chief also advertised for a specified amount of oats and corn. There was

but one bid, but as it was regarded as very low, the contract was awarded to John Osterman.

Respectfully submitted,

W. H. CRAFT,

J. C. ADAMS,

J. L. CASE,

Fire Board.

Which was concurred in.

Mr. Thomas presented the following petition :

*Indianapolis, June 23, 1876.*

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

*Gentlemen* :—We, the undersigned, property holders and citizens, doing business on the east side of Illinois street, between South and Georgia streets, and on Louisiana street, between Illinois and Meridian streets, petition your honorable body to have entrance to footway of tunnel covered over and railing removed, as it is more of a nuisance than a benefit to that part of the street.

Respectfully,

M. Griener & Sons, John P. Frenzel, C. F. Rafert  
Chas. Grobe, Peter Fritz, I. Soloman, J. W.  
Byran, Martin Kepple, Henry Severin, Samuel  
E. Moran, and eighteen others.

Which was referred to the Committee on Tunnels.

Also, the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—We hereby pray your honorable body that, as residents of the Fifth Ward, we do ask you to cause the south entrance of the foot-walk on the west side of the tunnel, in Illinois street, to be planked or covered up with stone or brick, for the reason that the foot-walk of the tunnel has become a nuisance in all respects, it being used as a water-closet and for purposes of prostitution. So much so as to be unfit for the uses it was con-

structed for, and wholly useless or of no account, and has been deserted by all of our respectable citizens.

Powell & Stedman, M. M. Powell, W. S. Kaylor,  
M. H. Strong, Henry Guetig, Ottley & McKenzie,  
J. M. Paver, George Mulholland, and twenty-  
nine others.

Which was referred to the Committee on Tunnels.

Mr. Steinhauer, from Committee on Public Buildings, submitted the following report :

*Indianapolis, June 19, 1876.*

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

*Gentlemen* :—Your Committee on Public Buildings, to whom was referred the report of the Board of Health, made June 12, 1876, in relation to the building of an addition to the Central Station House, have carefully examined into the matters contained in said report, and recommend the adoption of the same.

Respectfully submitted,

MICHAEL STEINHAUER,

WM. BUEHRIG,

WM. G. WRIGHT,

Committee on Public Buildings.

Which was concurred in.

Mr. Byram, from the Committee on Benevolence and Hospitals, submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—Your Committee on Benevolence and Hospitals to whom was referred the report of the Superintendent of the city dispensary, together with a request for a donation for the said dispensary, would respectfully recommend to your honorable body that a donation of five hundred dollars be



made for the use of said dispensary, and that said amount be placed in the next general appropriatiou ordinance and appropriated for said use.

Respectfully submitted,

N. S. BYRAM,  
J. W. BUGBEE,  
GEO. KENZEL.

Committee on Benevolence and Hospitals.

Which was concurred in.

Mr. Bugbee offered the following motion :

*Moved*, That M. and J. H. Murray have permission to plank a crossing of ten feet wide across the sidewalk in front of their property on Home avenue between Alvord and Yandes streets.

Which was adopted.

Also, the following motion :

*Moved*, That Henry Clay be granted thirty days further time to finish his contract for grading and graveling Ash street between Lincoln avenue and Seventh street.

Which was adopted.

Also, the following motion :

*Moved*, That all coal furnished the city for use of the Fire Department, City Building, Station House, and City Hospital, shall be weighed upon the city scales, and it shall be stipulated in all contracts that the same shall be so weighed, and payment shall not be made only upon certificate of weights from City Weigher, and all coke furnished the city shall be the standard measure, 2,680 cubic inches for a bushel, as per ordinance governing the weighing and measuring of coal and coke.

Which was adopted.

Mr. Byram, from Committee on Benevolence and Hospitals, submitted the following report :

*Indianapolis, June 26, 1876.*

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

*Gentlemen:*—Your committee to whom was referred the petition of I. C. Walker and others, in reference to control of the City Dispensary, are of opinion that said Dispensary should not be placed under the exclusive control of any particular faculty or college of physicians, and would therefore recommend that said petition be not granted.

We would further recommend that resident physicians, connected with said Dispensary, be taken equally from the College of Physicians and Surgeons and the Indiana Medical College, and that the faculty of each of said medical colleges have equal control and the same facilities afforded them, but at no time one to the exclusion of the other.

Respectfully submitted,

N. S. BYRAM,

J. W. BUGBEE,

GEO. KENZEL,

Committee on Benevolence and Hospitals

Which was concurred in.

Mr. Case offered the following motion :

*Moved,* That the Street Commissioner be, and is hereby directed to at once repair the bridge on Exposition avenue at the crossing of the State ditch.

Which was adopted.

Also, the following motion :

*Moved,* That ordinance No. 45, 1876, providing for the grading and bowldering of Oriental street, be referred to the Committee on Streets and Alleys.

Which was adopted.

Mr. Craft offered the following motion :

*Moved*, That the Civil Engineer be, and is hereby directed to examine the square on Alabama street between Ohio and New York streets, and report what is necessary to be done in order to change the flow of water from north to south, and the best manner of repairing said Alabama streets.

Which was adopted.

Also, the following motion :

*Moved*, That the street commissioner be, and is hereby ordered to take up the wooden culvert in front of the headquarters of the fire department and replace the same with bowlders.

Which was adopted.

Also, the following motion :

*Moved*, That James Muse be granted ninety days further time in which to complete his contract for the improvement of the State ditch.

Which was adopted.

Mr. Darnell offered the following motion :

*Moved*, That the Clerk be instructed to prepare, and the Mayor to sign for the city, a bond for \$5,000, due twenty years from date, with interest at six per cent. per annum, and that the same be delivered to Samuel J. Patterson, upon his execution of the proper contract in compliance with the proposition made by him to the city, which has been accepted by the city. The same to be delivered after the said Patterson shall have fully complied with his contract, and having constructed the levee which he agrees to construct.

Which was adopted.

Mr. McGinty presented the following petition :

*Indianapolis*, June 26, 1876.

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

*Gentlemen*—We, the undersigned, secured the right of way and permission

to lay a switch running in and crossing several streets and alleys, from Kentucky avenue switch to what is known as Coffin's pork house, and to the starch works. After some considerable trouble, we succeeded in getting a track laid by the T. H. & I. R. R. Co., since which time we have been carrying on business at the above named points, which gives employment to a great number of men at both establishments, and indirectly is of great benefit to the city. Said switch is laid on the west side of Dakota street.

On November 22, 1875, Mr. Kenzel offered the following motion :

*"Moved,* That the Street Commissioner be directed to fill in between the rails of the railroad switch lying on Dakota street, between Kansas and Morris street, and collect the cost of the same from the company owning the said switch, they having been previously notified." (Coffin & Piel not notified.)

Which was adopted.

The Street Commissioner, in December 1875, did the work of filling in between the rails of said switch as directed by your honorable body, and for said work he presented a bill for \$127.55. The above bill not having been paid, the said Street Commissioner brought suit against Coffin, for work done on said street, as per your directions. Said street never having been graded in any way, how could your honorable body pass such an order directing said Street Commissioner to do work which was of no earthly benefit either to the switch where the gravel was placed or to the property holders living along the line of said Dakota street? We would willingly pay our proportion if said street had been improved by grading and graveling; but neither were done. Gravel was placed only between the rails of the switch, which can not be used by teams, but only by foot passengers.

The gravel, if it had been placed under the ties, might have been a benefit to the track, but such is not the case. Is it the duty of the City Council to ballast up the railway tracks within the city limits of Indianapolis?

The street crossings were kept in a good condition, no complaint having been made of them. We are inclined to think that this motion must have passed the Council without their notice, or even a thought, and we would respectfully ask that your honorable body grant us relief from this and the judgment now standing against us, which, upon investigation, you can do, and we have no doubt you will see the inconsistency of such an order.

From relief of above we ever pray.

Respectfully submitted,

BARNABAS COFFIN,  
By A. W. COFFIN.  
W. F. PIEL & CO.

Which was referred to the City Attorney.



Mr. Pouder offered the following motion :

*Moved*, That the Market Master be instructed to repair the roof on the north side of the market house, where it extends over the different coffee stands now there; also, to build a new shed at the west end of the market house, for the sale of fish, as the old shed is not wide enough to accommodate the different fish men that ask for stalls; also, to do some paving on the north and south sides of the new portion of the market house.

Which was referred to the Committee on Markets, with power to act.

Also, the following motion :

*Moved*, That the Street Commissioner be instructed to bridge the gutters on East and Ohio streets, as they are entirely too deep to drive over.

Which was adopted.

Also, the following motion :

*Moved*, That the Street Commissioner be instructed to draw a foot of water on north side of Ohio street, between East and New Jersey streets, and clean the gutter of the same at once; also, that the Street Commissioner be instructed to fill up chuck-holes on New York street between New Jersey and East streets with rolling mill cinders.

Which was adopted.

Mr. A. L. Wright moved that the time be extended.

Which motion was unanimously adopted.

Mr. Reasener presented the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—On the 23d day of Feb., 1875, I paid to the City Treasurer the sum of fifty-one dollars and twenty cents (\$51.20), for which I hold his receipt,

No. 1,914 (copy herewith attached). The payment of said taxes by me was erroneous and improper for the following reasons, to-wit :

Said taxes were paid on the east half of lot No. two (2), out lot No. 14, Van Blaricum's subdivision for the year eighteen hundred and seventy-five, and assessed in the name of Therissa Benson. The lot I wished to pay on, is lot No. three (3), in out lot No. ninety-three (93), assessed in my wife's name, Therissa Baunse. The similarity of names led to the mistake, and thus my wife's property has gone deliaquent, and I hold a receipt for property I have no interest in. I now ask a refunding of said \$51.20, that it may be applied to the payment of my wife's taxes, and as in duty bound your petitioner will ever pray.

WM. BAUNSE.

Which was referred to the Committee on Accounts and Claims.

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

*Indianapolis, June 26, 1876.*

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

*Gentlemen* :—Your Committee on Streets and Alleys, to whom was referred sundry papers, report as follows:

First. Is an ordinance, remonstrance, and a communication from the Secretary of the Board of Health relating to the improvement of the first alley east of East street, from McCarty street to the second alley north. The alley needs improving badly, and we recommend that the ordinance be placed on file for passage.

Second. Is a motion that the Street Commissioner repair East street, from South to Morris streets, where bowldered. We recommend that the motion be concurred in, and that the Street Commissioner be directed to collect from the Water Works Company such amount of cost for doing the same as they are liable for.

Third. Is a motion that the Street Commissioner be directed to raise the bowlders in the gutter on Washington street, between Meridian and Illinois streets. We recommend that the Street Commissioner be so ordered.

Fourth. Is a report of the Civil Engineer, stating that John Scheir refuses to file bond for paving three hundred feet on north side of Washington street, west of White river. We recommend that no further action be taken in the matter, as a repealing ordinance has already been passed.

Fifth. Is a motion that the Street Commissioner put in wooden culverts at the crossing of Eighth street and Clifford avenue; also crossing of Ninth street and Columbia avenue. We recommend that the motion be concurred in.

Sixth. Is an ordinance and remonstrance relating to the improvement of Garden street. We recommend that the ordinance be stricken from the file; there is no petition, and we consider the improvement unnecessary at this time.

Seventh. Is a petition asking to be allowed to erect a sign on a telegraph pole—D. W. Osborn, petitioner. We recommend against such petition, as there is an ordinance prohibiting it.

Eighth. Is a petition from Andrew Wallace asking for the improvement of North Delaware street, at the expense of the city. As streets can only be improved by ordinance at the expense of the property owners adjoining, we recommend against said petition. As there are some very bad holes in said street, we would recommend that the Street Commissioner be directed to fill the same with rolling mill cinders.

Respectfully submitted,

ISAAC THALMAN,

ALBERT IZOR,

Committee on Streets and Alleys.

Which was concurred in.

Mr. Thomas offered the following motion :

*Moved,* That the Street Commissioner notify the contractor that built the sewer on South Illinois street, from the railroad tracks to Maryland street, to at once put the street in the same condition as it was before he commenced to build the sewer. If this notice is not complied with within ten days, that the City Attorney be directed to bring suit against said contractor for damages to said street.

Which was adopted.

Wr. Webster presented the following petition :

*Indianapolis,* June 26, 1876,

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

*Gentlemen* :—I would respectfully ask that you direct the City Treasurer to

refund the sum of twenty-seven dollars (\$27), that being the amount overpaid by me, April 11, 1876, for 1875, on the value of improvements on east half out lot No. 3, west of White River. The amount of improvements were appraised at \$200, and by a clerical error it was copied into the Treasurer's book at \$2,000, on which I paid the sum of \$30.00, instead of three dollars; amount as overpaid as above \$27.00.

Very respectfully,

SAMUEL DELZEL.

Which was referred to the Committee on Accounts and Claims.

Mr. A. L. Wright, from the Committee on Finance, submitted the following report :

*Indianapolis, June 26, 1876.*

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

Your Committee on Finance, to whom was referred the report of the City Treasurer, for March, 1876, and the annual report of the City Treasurer, for the fiscal year ending May 12, 1876, would respectfully report that they have examined the same and find them to correspond with the books in his office. The percentage claimed by the Treasurer is in excess of that allowed by the fee and salary ordinance of 1875. Your Committee referred that matter to the City Attorney, and herewith file his opinion.

Respectfully submitted,

A. L. WRIGHT,  
N. S. BYRAM,  
J. THOMAS,  
I. W. STRATFORD,  
J. C. LAUGHLIN,  
Com. on Finance.

Which was concurred in.

Also, the following opinion :

*Indianapolis, June 19, 1876.*

To the Finance Committee of the Common Council of the City of Indianapolis :

*Gentlemen*—In the matter of the fees charged by the City Treasurer for the year ending May 12, 1876, and upon which you have asked my opinion, I



would say that in my opinion the amounts charged are correct, and are the fees to which he is entitled by law; that is that under the statute as it now stands, and the ordinance in force in 1875 and 1876, he is entitled to three-quarters of one per cent. upon current taxes collected, and five per cent. upon delinquent taxes. I base my opinion that he is entitled to five per cent. upon delinquent taxes, upon the fact that the legislature at the special session of 1875, (see acts of that session, page 148), passed a law requiring incorporated cities not having special charters to adopt the general laws of the State for collection and assessment of taxes so far as the same was applicable. The general laws of the State for collection and assessment of taxes was passed December 2, 1872, (see acts of regular session 1872, page 57, section 161, page 102), provides that the treasurer shall be allowed for his services in making collections five per cent. of the amount of all such collections of delinquent taxes, payable in just proportion from the several funds. Therefore, I say the City Treasurer is entitled to five per cent. upon delinquent taxes, and six per cent. upon tax sales.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was approved, and Treasuaer's percentage ordered paid.

Mr. W. G. Wright presented the following petition :

*Indianapolis, June 26, 1876.*

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

*Gentlemen*—The undersigned, owners of the real estate fronting on Orange street, between Laurel street and Shelby street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of Orange street and sidewalks, from Shelby to Spruce streets.

And your remonstrants will ever pray, etc.

H. Harmening, 181 feet; Dr. B. Atkinson, 150 feet;  
John Gunn, 181 feet; Patrack Walch, 150 feet;  
Martin Hertz, 50 feet; W. T. Royse, 150 feet.  
Matthias Monteith, 181½; T. P. Lockwood, 31  
feet; Joseph Moore, 112; Jacob Schultheis, 63  
feet; George Schmith, 94½ feet; Wilhelm  
Brown, 63 feet.

Which was referred to the Committee on Streets and Alleys.

On motion the Council adjourned.

*S. Loren* Mayor.

Attest :

*Benjamin Wright* City Clerk.