

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, July 10th, 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, Byram, Case, Craft, Darnell, Difle, Izor, Kenzel, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—24.

Absent—Councilmen Bugbee and McGill —2.

The proceedings of the regular session, held July 3d, 1876, were read and approved.

Sealed proposals for grading and graveling the first alley west of Blake street, running from North to Elizabeth streets; also, for grading and graveling the first alley north of South street, from the first alley west of Noble street to the first alley east of East street; also, for grading and graveling the alley running east and west from Dillon to Linden streets, and between English and Spann avenues; also, for grading and bowldering the south gutter, to a width of seven (7) feet, and curbing the outside edge of the south sidewalk of Clifford avenue, between the west line of the United States Arsenal Grounds and Woodruff Place; also, for grading and graveling Linden street and sidewalks, between Huron and Pleasant streets; also, for grading and graveling the alley between Lexington avenue and Pleasant street, running east and west from Dillon to Linden streets, were received, opened, read, and referred to the Committee on Contracts.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report:

Indianapolis, July 10, 1876.

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

Gentlemen:—I was instructed to examine the square on Alabama street, between Ohio and New York streets, and report what is necessary to be done to change the flow of water from north to south, and the best manner of repairing Alabama street. Having examined said locality I find that a change in direction of the water from north to south can not be made by reason of there being but a fall of two (2) inches in 1,000 feet.

The best plan would be to put in a wooden culvert across Alabama street on the north side of Ohio street, in order to convey the water east on Ohio street instead of running north on Alabama street, as it now does. This will enable us to raise the west gutter of Alabama street, the present grade being insufficient, having a fall of only six (6) inches in the length of the square. The street should be repaired by removing the dirt until the solid bed of the old street is reached and the holes and uneven places filled to the proper grade with good raked gravel, over which should be placed two (2) inches of

fine sand. The outside edge of the sidewalks should be curbed, where not already curbed, and the gutters bowldered to a width of nine (9) feet. In bowldering the gutters, there should be placed next the curbing, gutter stones 4 feet long, 10 inches wide by 4 inches thick.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was referred to the Councilmen from the First Ward and City Civil Engineer.

Also, the following report :

Indianapolis, July 10, 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 James W. Hudson, for raising, paving with brick and curbing the west sidewalk of Illinois street from Michigan street to Indiana avenue.

Contract and bond of J. G. Sickler & Co. for grading and graveling the alley running north and south from Washington to Maryland streets, and between West and California streets.

Contract and bond of J. G. Sickler & Co., for grading and graveling first alley east of East street, from Stevens to Merrill streets.

Contract and bond of J. G. Sickler & Co., for grading and graveling the alley between New Jersey and Alabama streets, from St. Mary to St. Joseph streets.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

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

Also, the following report :

Indianapolis, July 10, 1876.

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

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

A first and final estimate allowed John Flaherty for grading and graveling the first alley east of West street, between the first alley south of McCarty and Ray streets—

1,478 lineal feet at 11 cents.....	\$162.58
26.1 cubic yards at 30 cents.....	7.83
Total.....	\$170.41

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate, allowed John Flaherty for grading and graveling the first alley east of West street, between the first alley south of McCarty street and Ray 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, Buehrig, Byram, Case, Craft, Darnell, Diffley, Izor, Kenzel, Laughlin, Morse, McGinty, Pouders, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

The City Attorney submitted the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—I would report that Mr. Patterson has consented to the amendment of the contract between him and the city, as desired by the Council, and I herewith submit the same as it has been amended and executed by the parties.

R. O. HAWKINS,

City Attorney.

Which was received.

The following is the contract as amended :

This agreement, made this 29th day of June, 1876, by and between Samuel J. Patterson, and the City of Indianapolis,

Witnesseth, That said Patterson, for and in consideration of five thousand dollars of the bonds of said City of Indianapolis, to be executed and delivered as hereinafter set forth, has granted, and does hereby grant to the said City of Indianapolis, the right of way over and upon his land, situated upon the banks of Fall Creek and White River, to-wit: part of the north half of section three, township fifteen range three east, in Marion county, for the purpose of building, constructing and maintaining a levee or embankment along and through said land to White River, upon such a line as shall be designated by the City Civil Engineer of said City of Indianapolis, said embankment being constructed for the purpose of a bank for Fall Creek, in changing the channel of said creek; the said embankment to be constructed and built to a width of 40 feet at the top, and to a width of 60 feet at the base, according to the plans and under the direction of said Civil Engineer.

And said Patterson also agrees that the city may enter upon his said land and take therefrom all the dirt necessary to build said embankment, and gravel enough to cover the same to a depth of 18 inches upon the top; and the said Patterson also agrees that the said city shall have the right at any time to open and use the said embankment for a street, and for that purpose to increase the width of the same to 60 feet at the top, and a corresponding width at the base, without any other or further compensation to said Patterson, his heirs or assigns, than herein set forth. The said embankment and the increasing of the width of the same to be laid out and built according to the plat of the same made by the said Civil Engineer at this time, which plat is hereby adopted by the parties to this contract, and the same is hereby made part of the same. And the said Patterson also agrees to construct and build at his own expense a levee or embankment on and along the east bank of White River from the point where the said embankment to be built by the city intersects White River to the south line of his land, the said embankment to be of the same height and width at top and base as the one constructed by the city, and the same shall be constructed so as to connect with the said city embankment so that the whole can be used as a street; and he also agrees to dedicate and open his said embankment, constructed by him, for a public street of said city, free of charge or demand from said city.

And the said Patterson also agrees to dismiss the suit that he has pending in the Superior Court of Marion county against the said city of Indianapolis, for damages caused by the overflow of Fall Creek and the break-

ing of the levee formerly built by said city; the same to be dismissed at the cost of said Patterson. And he also agrees that this shall be a full and final settlement of all damages that he has sustained, or may sustain by reason of said overflow of Fall Creek, or the washing out of said levee heretofore constructed by the city, or the change of the channel of said Fall Creek. And he also agrees to release, and does hereby release, the said city from any and all damages and liability for damages from any overflow or wash of water upon his land in the future by the reason of water backing up upon, or overflowing the same by reason of the embankment constructed by the city. And the said city of Indianapolis, for, and in consideration of the covenants and agreements above set forth, to be kept and performed by the said Samuel J. Patterson, hereby agrees to execute to said Samuel J. Patterson her coupon bond for the sum of five thousand dollars, with six per cent. interest coupons, due annually, attached thereto; the principle of said bond to become due twenty years from date of the same. The said bond to be delivered to said Patterson when the City Civil Engineer shall report that said Patterson has fully complied with all the stipulations of this contract to be performed by him.

In witness whereof, the parties hereto have hereunto set their hands and seals this 29th day of June, 1876.

SAMUEL J. PATTERSON.

In order that there may be no misunderstanding as to the intention or construction of this contract, it is expressly agreed by the parties hereto that said Patterson hereby releases the said city from all damages, and claims for damages that he may have, or sustain in the future, on account of any breaking or giving away of the said embankment constructed by the city.

In witness whereof, the parties hereto have hereunto set their hands and seals this 5th day of July, 1876.

[SEAL.]

SAMUEL J. PATTERSON,
THE CITY OF INDIANAPOLIS,
By JOHN CAVEN, Mayor.

Which was approved.

Also, the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—In view of the fact that the city is constantly condemning land and appropriating it for the use of the city in opening and widening streets and alleys, and in so doing is compelled to pay damages to the parties

owning the land appropriated—and in view of the fact that in a great many cases there are mortgages and judgment liens upon the lands so condemned by the city, I would recommend that the City Treasurer be instructed to require all parties to whom damages are due on account of their land being so condemned, to provide him an abstract of title to their property before they shall be entitled to receive such damages, and if the abstract shows any liens upon the real estate, then the Treasurer be instructed to notify all such lien holders of the amount of damages due upon real estate, so that they may make any claim to the money that they may desire. If this is done I think it will be the means of saving the city much expense and litigation, and any liability of having to pay such damages twice.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in, and the City Attorney instructed to prepare the necessary ordinance.

The Board of Health submitted the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—We recommend that immediate action be taken in the matter of filling up Lincoln avenue between Columbia avenue and Yandes street, as per order of the Council.

F. M. HOOK,

J. W. MARSEE,

Board of Health.

Which was referred to the Committee on Streets and Alleys, and City Attorney, with instructions to report as to the power of the Council to fill up or improve unimproved streets.

Also, the following report :

Indianapolis, July 10, 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 1st day of July, to 6 o'clock P. M., on the 8th day of July, 1876.

Under 1 year	19
1 to 2 years.....	1
2 to 3 "	2
3 to 4 "	0
4 to 5 "	1
5 to 10 "	0
10 to 20 "	4
20 to 30 "	2
30 to 40 "	2
40 to 50 "	1
50 to 60 "	2
60 to 70 "	2
70 to 80 "	0
80 to 90 "	1
90 " 100 "	0
Above 100 "	0
Unknown	0
Total	37

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 Clerk presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen:—The undersigned would respectfully represent that he is, unfortunately, the owner of a small piece of property on East street north of North street, and further, that somebody (said to be the Street Commissioner) has dug out the gutter in front of said property to a depth of six to ten inches below the grade established below North street, and that in consequence of said excavation there is a mud hole of fearful dimensions, extending north to St. Clair and south to North street, with slight variation as to depth and width. It renders an approach from the street almost impossible.

As the city is justly responsible for this damage to my property, and the property of my neighbors, I appeal to the city for redress. I would suggest

as the best possible thing to be done, the bowldering of the gutter as south of North street, and the graveling of the street. It will cost something serious, but there is no man between North and St. Clair who could not pay his part and be the better for it. If this can not be done, bowlder the gutter, at least. If this can not be done, have gravel or sand or loam hauled to fill the gutter to the proper level. This will furnish employment for several hands. It was dug out, I learn, for this praiseworthy end.

There is no street in the city demanding the exercise of authority, whether petitioned for or not, half as much as this.

Very humbly, yours, &c.,

T. A. GOODWIN.

Which was referred to the Councilmen from the Ward, with instructions to prepare and introduce an ordinance.

The Mayor, from the Board of City Work-house Commissioners, submitted the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—The Board of Managers of the City Work-house would respectfully report that they advertised for proposals for the erection of a city work-house in accordance with the general specifications and drawings, prepared by Edwin May, architect, and heretofore approved by your honorable body, and that the following bids were received for the entire contract.

J. Russell.....	\$23,000
Ebert & Owen.....	16,500
J. A. Buchanan.....	15,800
Victor & Gilbrath.....	15,700
A. T. Rafert.....	15,576
C. Dallman.....	15,570
Thomas & Richter.....	15,176
J. H. Chamberlain.....	15,052
J. L. Middlebrook.....	14,569
P. Koutier.....	14,500
Hyland & Kiley.....	14,389
O. W. Kelly	9,650

A number of bids were received for different portions of the work. The

bid of O. W. Kelly being very much the lowest and best bid, we recommend that he be awarded the contract.

Respectfully submitted,

J. CAVEN,

B. C. SHAW,

J. W. MURPHY,

Committee.

Which was concurred in and contract awarded, on condition that said contractor do not proceed with the work until a contract or arrangements have been entered into with the J. M. & I. R. R. Co. for carrying freight, and switching rates, etc.; also, that the contract price be paid in money, or its equivalent.

Also, the following bond:

Know all men by these presents, That we, Oscar W. Kelly and N. R. Ruckle, are held and firmly bound unto the City of Indianapolis, in the penal sum of ten thousand (\$10,000) dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators and assigns, jointly and severally, firmly by these presents. Sealed and dated this 10th day of July, 1876. The condition of the above obligation is such that,

Whereas, The said Oscar W. Kelly has this day entered into a contract with the said City of Indianapolis, to erect and complete in all its parts a new Work House, in said City of Indianapolis, for the sum of nine thousand six hundred and fifty dollars, according to the plans, specifications, conditions and contract prepared by Edwin May, architect.

Now, should the aforesaid contractor, Oscar W. Kelly, fully complete and construct the said Work House as aforesaid, then this obligation to be null and void, otherwise to be and remain in full force and effect.

Witness our hands and seals this 10th day of July, 1876.

[SEAL.]

O. W. KELLY,

N. R. RUCKLE.

Which was approved.

The Mayor presented the following communication:

Indianapolis, July 10, 1876.

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

Gentlemen :—Not having determined to accept the position of Manager of the Work House I prefer not to act; and in addition I think it not advisable at this time to commence this work, as the city is so heavily involved in debt. Indeed everything should be done that is possible to reduce liabilities.

THOS. H. SHARPE.

Which was laid on the table.

INTRODUCTION OF ORDINANCES.

Mr. Byram introduced general ordinance No. 40, 1876, entitled :

An ordinance to amend an ordinance entitled, "An ordinance to further, promote, and secure the health of the city of Indianapolis."

Which was read the first time.

Mr. Craft presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned, property holders on Alabama street, between New York and Ohio streets, respectfully represent that travel is impeded and health imperiled, on this square, on account of the very imperfect drainage by the gutters and the large quantity of mud on this street, which dries out very slowly after the rains.

We therefore petition your honorable body to authorize the bowldering of the gutters, a thorough scraping of the street and repairing of the same with coarse gravel; also a change of the grade, if practicable, so that the water may take its natural course southward on Alabama street, and the curbing of the gutter on the east side.

N. A. Hyde, 54 feet.

J. B. Ritzinger, 67½ feet.

Henry Schnull, 80 feet.

Which was received.

Mr. Craft introduced special ordinance No. 70, 1876, entitled :

An ordinance to provide for grading, graveling, curbing, and bowldering the gutters on Alabama street, between Ohio street and Massachusetts avenue.

Which was read the first time.

Also, special ordinance No. 71, 1876, entitled :

An ordinance to provide for grading, curbing, and bowldering the gutters and graveling the street and sidewalks on Court street, between East and Noble streets.

Which was read the first time.

Also, special ordinance No. 72, 1876, entitled :

An ordinance to provide for building a brick sewer in and along New York street, from Alabama street to, and connecting with, the Massachusetts avenue sewer.

Which was read the first time and referred to the Committee on Sewers.

Mr. Craft reported back special ordinance No. 24, 1876, entitled, "An ordinance to grade and gravel the second alley south of Ohio street, between Noble and Spring streets," and recommended that the ordinance be stricken from the files.

Which was adopted.

By consent, Dr. Stratford offered the following motion :

Moved, That the Committee on Sewers, with the City Civil Engineer and the Board of Health, be directed to examine all proposed sewers, and report the necessity of building any of them, together with the probable cost of the same to be paid by the city.

Which was adopted.

Mr. Darnell offered the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned, Councilmen from the Eleventh Ward, to whom was referred ordinance No. 42, of 1875, report the same back to your honorable body, and recommend that the same be stricken from the files.

N. S. BYRAM,
C. F. DARNELL.

Which was concurred in, and ordinance stricken from the files.

Mr. Laughlin introduced special ordinance No. 73, 1876, entitled :

An ordinance to provide for grading and graveling the first alley east of Madison avenue, from Downey to Yeizer streets.

Which was read the first time.

Mr. A. L. Wright reported back special ordinance No. 227, 1875, entitled, "An ordinance to pave the sidewalks on Illinois street, between Market and Ohio streets, to the full width of sidewalks, etc., and recommended that the ordinance be stricken from the files.

Which was adopted.

Mr. Diffley introduced special ordinance No. 74, 1876, entitled :

An ordinance to provide for grading and bowldering the gutters on Tennessee street, between Washington and Pearl streets.

Which was read the first time.

On motion, the proposition of the Indianapolis Gas Light and Coke Company, presented to Council June 26, 1876, and printed on pages 302 and 303 of said meeting, was taken up.

Mr. Thalman moved that the proposition be rejected.

Mr. Buehrig moved to lay Mr. Thalman's motion on the table.

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

Affirmative—Councilmen Adams, Buehrig, Byram, Craft, Laughlin, McGinty, Ransdell, Reasener, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—15.

Negative—Councilmen Case, Darnell, Diffley, Izor, Kenzel, Morse, Pouder, Reed and Thalman.—9.

Mr. Buehrig moved to accept the first proposition, or all night plan.

Mr. Darnell moved to refer the subject to the City Attorney for his opinion as to whether the city has any contract with said company.

Which motion was laid on the table by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Izor, Laughlin, McGinty, Reasener, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—Councilmen Darnell, Diffley, Kenzel, Morse, Pouder, Ransdell, Reed and Thalman.—8.

Mr. Thalman moved, as a substitute to Mr. Buehrig's motion, to adopt the second proposition.

Which substitute, on motion by Mr. Laughlin, was laid on the table by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Diffley, Izor, Laughlin, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

Negative—Councilmen Darnell, Kenzel, Morse, Pouder and Thalman.—5.

Mr. Thalman moved to lay Mr. Buehrig's motion on the table.

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

Affirmative—Councilmen Darnell, Morse, Pouder, Reasener and Thalman.—5.

Negative—Councilmen Adams, Buehrig, Byram, Case, Craft, Diffley, Izor, Kenzel, Laughlin, McGinty, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

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

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Diffley, Izor, Kenzel, Laughlin, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilmen Darnell, Morse, Pouder and Thalman.—4.

On motion by Dr. Stratford, the Mayor and City Attorney were instructed to prepare a contract, and submit the same to Council next Monday night.

ROLL CALL.

Mr. Adams offered the following motion :

Moved, That the Street Commissioner be and is hereby directed to at once fill up the pond at the corner of Lincoln avenue and the Peru Railroad, as the same is a nuisance, and detrimental to the health of the neighborhood.

Which was adopted.

Also, the following motion :

Moved, That the Market Master be instructed to accept of bills paid for repairs on East Market in payment of stalls, the same to be certified to by the Committee on Markets.

Which was referred to the City Attorney.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby directed to fill with gravel the chuck holes on Plum street and College avenue.

Which was adopted.

Mr. Buehrig offered the following motion :

Moved, That the German Lutheran Congregation have permission to hold their picnic at the Southern Park, on Friday, July 14th.

Which was adopted.

Also, the following petition :

Indianapolis, June 30, 1876.

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

Gentlemen :—We the undersigned, citizens doing business on Virginia avenue between Washington and Maryland streets, on the east side, respectfully

petition your honorable body to order the City Marshal to keep the sidewalk in front of the Vance building on the corner of Washington street and Virginia avenue, and fronting on Virginia avenue, clear of obstructions, so the people can pass. And we further state, the said sidewalk has been impassable for four or five months past, and by reason whereof the citizens on the thoroughfare are unable to do any business. And we respectfully ask the above named remedy, and we will ever pray.

A. J. Mossler, S. Abraham, J. R. Forbes, T. B. Perrine, M. L. Croxall, L. J. Johnson, Chas. A. Davis, John Liantey, Amos Liantey, Charles Liantey, L. H. Edwards, Wm. Muecke, Camel Shoe Store, T. Sheehan & Kirby, G. W. McCurdy, J. L. McClain, Hammerly Bros., C. Karle & Co., S. Kaele, and Becker & Huber.

Which was referred to the Committee on Streets and Alleys.

Mr. Byram submitted the following report :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned would respectfully report that he has collected from the managers of the balloon ascension at the Exposition grounds on the 4th of July, forty-five dollars for use of Patrolmen on said day, for which amount the receipt of the City Treasurer is hereto attached.

Respectfully submitted,

N. S. BYRAM,

Pres. Board of Police.

Which was approved.

Also, the following motion :

Moved, That the Committee on Markets be empowered to have a brick walk layed on the south side of the east end of the Market House, under the new part built last year, 12 feet wide and 90 feet long. Also a brick walk on the north side, 3 feet wide and 90 feet long, and to extend the walk 5 feet at the west end, under the fish stands lately erected; and that they have the entire walk around the Market House protected with oak curbing, and to have the floor in the Market House repaired. Also to have a water trough put on the west end of the Market House.

Mr. Darnell moved that the City Clerk be directed to advertise for bids for doing such work.

Which was adopted.

Mr. Schmidt moved to reconsider the vote by which Mr. Darnell's motion was just passed.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Izor, Kenzel, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative—Councilmen Darnell and Thalman.—2.

Mr. Byram's motion was then referred to the Committee on Markets, with power to act, and that the Committee advertise for bids for doing the paving and curbing.

Mr. Byram presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen:—Your petitioners beg leave most respectfully to state that their efficient management of the Street Railway of the city requires a turntable in Illinois street near Tinker, and another in Louisiana street in front of the stable belonging to said Street Railway Company.

Your petitioner therefore prays the consent of your honorable body to the putting of said tables in the said streets, under the supervision and direction of the City Engineer.

Respectfully submitted,

A. K. SHEPARD, Prest.,

Per T—.

Which was referred to the City Civil Engineer, with power to act.

Mr. Case presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned respectfully call the attention of your honorable body to the great damage that is being done to public and private property in the southeast part of the city, particularly on Cedar street and English avenue, and that region, by defective drainage, and we respectfully ask that a sewer shall be immediately constructed to drain this overflow of water into Pleasant Run, as heretofore recommended by the City Civil Engineer, or by constructing such sewer in Reid street.

Unless some remedy is speedily provided we shall very reluctantly be compelled to institute proceedings to recover damages from the city.

W. H. English,
John S. Spann & Co.

Which was referred to the Committee on Sewer.

Mr. Craft presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—We the undersigned, members of the Committee of Arrangements and Financial Committee, connected with the late Centennial Fourth of July celebration in this city, beg to call the attention of your honorable body to the necessity of appointing some suitable person to take charge of the flag staff, recently erected in the Circle Park, as well as the flag purchased therefor, in order that the former may be cared for, and the flag raised and lowered on proper occasions.

It is the general desire of the citizens that the City Council should take some action in this matter, and in order that they may properly do so, your petitioners respectfully request that the City Council appropriate the sum of three hundred and twenty-five dollars, the cost of erecting the flag staff and purchasing the flag, and that your honorable body place the same in charge of the City Park Commissioner, or such other officer or person as you may deem best.

W. R. Holloway, J. H. Stewart, W. M. McKay,
Ingram Fletcher, D. M. Taylor, G. B. Yandes,
J. G. Kennedy, J. S. Slaughter, R. R. Parker, I.
Hodgson, J. L. Bieler, Wm. K. Sproule, Edwin
L. Hastings, W. A. Thomas, B. R. Shiel.

Which was referred to the Committee on Finance.

Mr. Darnell offered the following motion :

Moved, That the Street Commissioner be and is hereby ordered to bowlder the Street Railroad track at the curve on the corner of Illinois and Tinker streets.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby ordered to fill up the Street Railroad track on Tinker street from Alabama to Pennsylvania street, with good river or creek gravel.

Which was referred to the City Attorney, with instructions to report next Monday night.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby ordered to fill up a sink hole on the east side of Illinois street, between Fifth and Sixth streets, the same is in the gutter.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby ordered to take out the bridge over the gutter on the north side of Meridian street at the crossing of St. Joseph street, and raise the blocks so the water will drain off, and that the City Engineer set the grade stakes for the same.

Which was adopted.

Also, the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned most respectfully represents to your honorable body that his late wife, Elizabeth McClure, departed this life on the 7th

day of August, 1871, and was at her decease the owner in fee simple, subject to a mortgage to John H. McKernan for part of the purchase money, of lots numbered eighty-five and eighty-six (85 and 86), in Albert Crane's addition to the City of Indianapolis, Marion county, State of Indiana; that on the 14th day of June, 1876, the undersigned paid to the Treasurer of said city the sum of one hundred and two dollars and 70 cents for accrued city taxes on said lots for the years 1871-2-3-4-5, including interest, penalties, &c.; that the amount originally assessed against said lots, as appears from the books of said Treasurer, for each of said years, is as follows, to-wit:

For 1871—\$7 49.	Interest, 4 years at 10 per cent., \$3 00.....	\$10 49
For 1872— 9 79.	Interest, 3 years at 10 per cent., 2 94.....	12 73
For 1873—17 88.	Interest, 2 years at 10 per cent., 3 58.....	21 46
For 1874—17 27.	Interest, 1 year at 10 per cent., 1 73.....	19 00
For 1875—21 00.	21 00
<hr/>		
\$73 43.	Tax and interest	\$84 68

Being \$18.02 less than the amount paid, which sum the undersigned respectfully prays your honorable body to remit, and to order the City Treasurer to pay the same back to him. And your petitioner further represents to your honorable body that he is now past 77 years of age, and is feeble; that he had but one-third interest in said real estate, and in order to procure the means to pay said taxes and the aforesaid mortgage, he first mortgaged and then sold his said interest in said lots, and now has no other property or estate.

Wherefore, your petitioner asks the relief aforesaid, and as in duty bound will ever pray.

GEORGE W. McCLURE.

Which was referred to the Committee on Finance, and City Assessor.

Mr. Izor offered the following motion :

Moved, That August Smith be granted permission to grade and pave with brick the sidewalk, and curb with stone, in front of his property on Winston street, from St. Clair street 160 feet south on west side of said street. Said work to be completed in ninety days from date.

Which was adopted.

Mr. Laughlin offered the following motion :

Moved, That the City Civil Engineer be, and is, hereby instructed to contract with some responsible party to bowlder the south gutter on Yeiser street, from Madison avenue to Kennington street, which has recently been washed out by heavy rains.

Which was referred to the Committee on Streets and Alleys.

Also, the following motion :

Moved, That the Fire Board and Chief Fire Engineer be, and are hereby instructed to report upon the usefulness of the driven well at the corner of Kentucky avenue and Illinois street, and also whether or not the old fire cistern at that point is in condition for use, or could be profitably—to the city—placed in condition for use.

Which was adopted.

Also, the following remonstrance :

Indianapolis, June 30, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on the alley between Kennington and Franklin streets, and running from Morris to Dunlop streets, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of said alley, between said points, for the reason that, owing to the depression of business and scarcity of money, they are unable to pay such assessments as would be made upon them for said improvement, and for the further reason that such grading and graveling is not a necessary improvement at this time.

And, as in duty bound, we will ever pray, etc.,

W. M. Gaffigan, 130 feet; C. Rassfeld, 130 feet; H. Stumph, 130 feet; Harry Helm, 110 feet; Justus Decker, 130 feet; Charles F. Kuhn, 110 feet.

Which was referred to the Committee on Streets and Alleys, with the ordinance.

Mr. Morse presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—The undersigned would humbly petition your honorable body to grant him the privilege to bowlder the sidewalk in front of the Model Mill from the corner of Missouri and Market streets east, and that the petitioner and all persons holding under him have and be allowed the right and privilege to pass and repass over said bowldered walk with teams to and from said mill for all purposes connected with the manufacture of flour and the buying and selling of grain; and your petitioner asks that the City Engineer be directed to establish the grade of said walk, for the purposes above mentioned.

G. H. VOSS.

Which was received and prayer of petitioner granted.

Mr. McGinty offered the following resolution :

Resolved, That the owners of the following described real estate to-wit : Lot No. 8 in McKernan & Yandes subdivision of out-lot No. 130, at the corner of Grant and West streets, of the City of Indianapolis, be, and they are hereby required to fill or drain the same, as in the opinion of this Council there is a hole or excavation thereon, in which water has or may become so stagnant as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, provided that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate as assessed upon the tax duplicates for city purposes.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Byram, Case, Darnell, Izor, Kenzel, Laughlin, Morse, McGinty, Poudler, Ransdell, Reasener,

Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

Mr. W. G. Wright offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lot No. 4, E. B. Martindale's South-east add. to the city of Indianapolis, be, and they are hereby required to fill or drain the same, as in the opinion of this Council there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and the inhabitants thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the draining and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said excavation as provided in said ordinance; provided that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote :

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

Negative—None.

Mr. Pouder offered the following motion :

Moved, That the Street Commissioner be instructed to drain the south side gutter of New York street, between Liberty and New Jersey streets, as the water is overflowing lots and filling cellars so as to cause damage to property. No. 335 east New York street has suffered by overflow of water.

Which was adopted.

Mr. Ransdell offered the following motion :

Moved, That the Street Commissioner be instructed to repair with gravel Maryland street, between Illinois and Tennessee streets ; also, to clean the gutters on the east side of Tennessee street, between Maryland and Georgia streets.

Which was adopted.

Mr. Reed offered the following motion :

Moved, That, in consideration of Mr. James Frank having erected a fountain at or near the corner of Indiana avenue and California street, at his own expense, the city hereby agrees to furnish the same with water in the same way and manner that other street fountains are furnished.

Which was adopted.

Also, the following motion :

In view of the fact that Greenlawn Cemetery is about filled up with the bodies of the dead, insomuch that it would not probably accomodate more than from fifty to seventy-five bodies, it is hereby,

Moved, That a committee of three be appointed to procure a suitable lot or make other proper arrangements for the reception of the dead to be buried by the city, and take the proper measures to close Greenlawn Cemetery against the further interment of bodies.

Which was adopted, and the Chair appointed as such Committee Councilmen Reed, A. L. Wright and Stratford.

On motion the resolution offered by the City Attorney at last meeting of Council, in regard to the report of the City Commissioners in opening Blackford street, was taken up, and referred to the Committee on Opening Streets and Alleys and City Attorney.

Mr. Schmidt presented the following petition :

Indianapolis, July 3, 1876.

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

Gentlemen :—The undersigned respectfully asks permission to lay a brick sidewalk, with stone or wood curbing, at his own expense, in front of his buildings, now nearing completion, on the south side of Market street, west of Arsenal avenue. Said improvement to be done under direction of the City Engineer, who shall establish the grade therefor. This work to be done in 60 days.

J. M. RIDENOUR.

Which was received and prayer of petitioner granted.

Also, the following motion :

Moved, That Fred. Ostermeyer have the privilege to tap the East Market street sewer for the purpose of drainage from his lots, and that there be no charge for tapping.

Which was adopted.

Mr. Steinhauer presented the following petition :

Indianapolis, July 10, 1876.

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

Gentlemen :—Your petitioners, tax-payers, property holders and citizens of this city, respectfully remonstrate against the decision of your honorable body assessing the undersigned to pay assessments for benefits on account of the Madison avenue sewer, for the following reasons :

1. That said sewer was made by your honorable body against, and over the protest of all the property holders along the line of said sewer.
2. That said sewer was only built upon the request of property holders living on East and Yeizer streets, and others not living upon the line of said sewer.
3. That we do not believe that the City Engineer is the only person to determine benefits and damages.
4. That this said sewer was only made for the benefit of citizens not living on the line of said sewer, where the ground is low and overflowing, and that we, living on high ground, have been damaged by said sewer, on account of stench being brought from said low places and breweries to us.

5. That the city has built all the sewers for the benefit of the city at large and local benefit, and paid for the making of said sewers out of the city treasury.

6. That we have, by your order, to pay for this sewer, and pay taxes for the rest of all sewers, as well as the taxes for that part of this sewer which has been exempted from pay by your honorable body.

7. That all sewers are not made for benefit alone, but for the good of all the city, as to health and so forth, and that we consider this assessment as a gross injustice and a great hardship for your petitioners.

And your petitioners will ever pray,

Lisette Werbe, Jacob Kropp, John Thompson,
Catharina Brill, Peter Mueller, F. Brink, Max
Schuller.

Also, the following petition :

Indianapolis, July 3, 1876.

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

Gentlemen :—The undersigned being owner of lot No. 1, Yeiser's addition, having already paid for the improvement of the alley, and also in part for the improvement of the street in front of said lot, and part of it still due and unpaid, having also an unpaid incumbrance on said property of about six hundred dollars, and also a child being being deaf and dumb, of about three years old, and being a day laborer, and having been assessed the amount of sixty-five dollars on account of the sewer in front of said lot, and being wholly unable to pay the said amount, would pray your honorable body to be relieved from the payment of the same.

FRED. BRINK.

In relation to which, Mr. Pouder offered the following motion :

Moved, That the petitions be referred to the Committee on Finance, with City Attorney, to examine and report a full and just settlement of the question.

Which was adopted.

On motion by Dr. Stratford, special ordinance No. 69, 1876, entitled, "An ordinance to grade Linden street, from Lexington avenue one square south," was taken up and stricken from the files.

Dr. Stratford presented the following petition :

Indianapolis, July 3, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on Huron street, south side, between Virginia avenue and Dillon street, respectfully petition against the passage of an ordinance providing for the laying of a brick sidewalk on south side of Huron street, between Virginia avenue and Dillon street.

And your petitioners will ever pray, &c.

Frances M. Abbett, 40 feet; George W. Coffin, 30 feet; Ed. Looney, 40 feet; Honora Looney, 40 feet; Richard Haley, 40 feet; Angeline Williams, 40 feet; Daniel Harper, 40 feet; Heirs of John Parry, 40 feet; Geo. W. Johnson, 40 feet; E. A. Greene, 60 feet; B. Greene, 30 feet; H. Rees, 40 feet; Henry Heitkam, 40 feet; A. Grayden, 97 feet; C. Claffey, 40 feet; W. W. Weaver, 87 feet; W. Adams, 95 feet; Samuel Mann, 40 feet.

Which was referred to the Committee on Streets and Alleys, with the ordinance.

Mr. Thalman offered the following motion :

Moved, That the City Attorney report to this Council whether or not they have the power to compel the Street Railroad Company to lower their track to the grade of streets and repair between their tracks.

Which was adopted.

Mr. Webster offered the following motion :

July 10, 1876.]

COMMON COUNCIL.

373

Moved, That the Street Commissioner be, and he is hereby instructed to fill the holes with gravel on St. Clair street, between Delaware street and Massachusetts avenue.

Which was adopted.

On motion the Council adjourned. *

J. L. Baren Mayor.

Attest :

Benjamin City Clerk.