

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, March 27th, 1876—7 o'clock P. M. }

The Common Council met in regular session.

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

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

Absent—Councilmen Kahn and McGill—2.

The proceedings of the regular session held March 20th, 1876, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, March 27, 1876.

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

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

A first and final estimate allowed Henry Clay, for grading and graveling the first alley south of Christian avenue, between Peru and Oak streets—

1630 lineal feet at 21 cents..... \$342 30

Also, a first and partial estimate allowed Henry Clay. for grading and graveling the first alley east of Yandes street, between Malott avenue and Lincoln avenue—

691.5 lineal feet at 42 cents..... \$290 43

A fourth and partial estimate allowed Bruner & Riner, for building a brick sewer 4 feet in diameter in and along Massachusetts avenue, from Pennsylvania street to the south side of Vermont street—

1471.8 lineal feet at \$5.40..... \$7,947 72

11 catch basins at \$75.00..... 825 00

4 manholes at \$25.00..... 100 00

\$8,872 72

Less 5 per cent..... 443 72

\$8,429 00

Less former payments..... 7,542 00

Present payment..... \$887 00

Also, a first and partial estimate allowed O. W. Kelly, for constructing a brick sewer in and along Madison avenue, from the south side of Yeizer street to and connecting with the Ray street sewer—

585 lineal feet at \$4.15..... \$2,427 75

3 manholes at \$30.00..... 90 00

\$2,517 75

Less 10 per cent..... 251 75

Present payment..... \$2,266 00

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 Henry Clay, for grading and graveling the first alley south of Christian avenue, between Peru and Oak streets, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Craft, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Schmidt, Stuckmeyer, Thalman, Ward and Webster—18.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and partial estimate allowed Henry Clay, for grading and graveing the first alley east of Yandes street, between Malott avenue and Lincoln avenue, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Craft, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Schmidt, Stuckmeyer, Thalman, Ward and Webster—18.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing fourth and partial estimate allowed Bruner & Riner, for building a brick sewer 4 feet in diameter in and along Massachusetts avenue, from Pennsylvania street to south side of Vermont 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, Albershardt, Bollman, Craft, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Schmidt, Stuckmeyer, Thalman, Ward and Webster—18.

Negative—None.³

Also, the following estimate resolution :

Resolved, That the foregoing first and partial estimate allowed O. W. Kelley, for constructing a brick sewer in and along Madison avenue, from the south side of Yeizer 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, Albershardt, Bollman, Craft, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Schmidt, Stuckmeyer, Thalman, Ward and Webster—18.

■ Negative—None.

Also, the following report :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I hereby report the contract and bond of Henry C. Roney, for grading and paving the sidewalks of Liberty street, between Washington and Lockerbie streets, for your approval.

Respectfully submitted.

BERNHARD H. DIETZ,
City Civil Engineer.

Which was concurred in and the bond approved.

The City Attorney submitted the following report :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I herewith submit a statement of the condition of the suit of the City vs. the Indianapolis, Cincinnati and Lafayette Railroad Company, it being the suit to compel the company to lower its tracks between Washington and Market streets.

On August 13th, 1875, suit was brought in the September term of the Superior Court.

On 6th September, the cause was assigned to room No. 2 of said Court.

On 7th September, a suit was taken against the company to answer the complaint.

On 9th September, a demurrer to the complaint was filed by the company, and this demurrer was taken under advisement and decided by the Court on 12th October, 1875.

On 12th of October, a motion for a writ of mandate was made, and writ ordered by the Court.

On November 1st, 1875, the company filed a motion to quash the writ, which was argued to the Court. and is yet undecided, but I have the promise of the Court that the motion to quash will be decided at the beginning of the April term.

No further steps can be taken in the cause until this motion is disposed of.

Respectfully submitted,

CAS. BYFIELD,
City Attorney.

Which was received.

The City Clerk presented the following :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I hereby respectfully resign the position of Commissioner of Circle Park on the part of the city, heretofore conferred upon me by your honorable body.

In retiring, I take the liberty of saying that I think James H. McKernan, Esq., would accept the position and render satisfactory services. And further, that there is great need for the appropriation of three hundred dollars to put out trees in place of those dead, etc., which I asked the Council to make many months ago, but which the Council, in the multiplicity of its business, seems to have overlooked.

Very respectfully,

WM. H. ENGLISH,
Commissioner Circle Park.

Which was received.

On motion by Mr. Ransdell, the resignation was accepted, and J. H. McKernan appointed to fill such vacancy.

On motion, the part of the report referring to the appropriation of \$300 for improving the Circle was referred to the Committee on Parks.

The City Assessor submitted the following report :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I hereby nominate and ask your honorable body to confirm the following appointments of Deputy City Assessors for the year 1876, viz :

R. W. Wright, Wm. J. Jackson, John Maxwell, William Hoss, Martin Coyner, John A. McKinney, Robert D. Townsend, Charles Richmann, L. Dow. McClain, Hans J. Blume, T. H. K. Enos, Horace M. Hadley, Charles S. Wright, Jacob J. Davis, P. R. Perine, Owen Williams, O. K. Wasson, J. W. Davis.

I also ask your honorable body to confirm the appointments of Township Assessor D. W. Brouse and his deputies, in order to legalize their assessments for city made by them, viz :

Nelson Hoss, A. H. Baker, Reson Ferguson, B. W. Sullivan, Z. W. Coffin, James Shearer, John L. Bray, Geo. E. Lowrey, Michael Loony, W. H. Harvey, R. D. Bacon, S. L. Phipps, W. F. Colyer, Ovid Fohnestock, Frank Adams, Paul Schurman, A. Brouse and D. B. Williams.

Respectfully submitted,

WM. HADLEY,
City Assessor.

Mr. Gimber moved to refer to the Committee on Revision of Ordinances.

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

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

Affirmative—Councilmen Adams, Craft, Darnell, Diffley, Geiger, Hook, Ransdell, Schmidt, Thalman, Ward and Webster—12.

Negative—Councilmen Albershardt, Bollman, Gimber, Kenzel, Laughlin, Madden and Stuckmeyer—7.

The report was then concurred in and the appointments confirmed.

The Board of Health submitted the following report :

INDIANAPOLIS, March 27, 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 18th day of March, to 6 o'clock P. M. on the 25th day of March, 1876.

Under 1 year.....	6
1 to 2 years.....	2
2 to 3 ".....	2
3 to 4 ".....	0
4 to 5 ".....	1
5 to 10 ".....	4
10 to 20 ".....	3
20 to 30 ".....	4
30 to 40 ".....	2
40 to 50 ".....	1
50 to 60 ".....	3
60 to 70 ".....	3
70 to 80 ".....	1
80 to 90 ".....	0
90 to 100 ".....	0
Above 100 ".....	0
Unknown ".....	0
Total.....	32

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

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

Which was received.

INTRODUCTION OF ORDINANCES.

Mr. Gimber introduced general ordinance No. 11, 1876, entitled :

An ordinance appropriating money for the use of the Street Commissioner.

Which was read the first time.

Mr. Gimber moved to suspend the rules for the purpose of placing the above entitled ordinance on its passage.

Mr. Craft moved to refer the ordinance to the Committee on Finance.

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

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

Affirmative—Councilmen Adams, Albershardt, Bollman, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Schmidt, Stuckmeyer, Thalman, Ward and Webster—16.

Negative—Councilmen Craft and Darnell—2.

Mr. Gimber's motion to suspend the rules was then adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer, Thalman, Ward and Webster—18.

Negative—Councilmen Craft and Darnell—2.

The above entitled ordinance was then read the second time.

Mr. Ransdell moved to amend by striking out "ten thousand," and insert in lieu thereof "seven thousand."

Which amendment was adopted.

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

Affirmative—Councilmen Adams, Albershardt, Bollman, Craft, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer, Thalman, Ward and Webster—21.

Negative—None.

Mr. Kenzel introduced general ordinance No. 12, 1876, entitled :

An ordinance to repeal an ordinance entitled, "An ordinance granting Greenleaf & Co. the right to construct and maintain a railway switch from their foundry, crossing Tennessee street diagonally, and connecting with the Indianapolis Rolling Mill railroad track, at or near the intersection of said track and Merrill street," ordained and established the 30th day of April, 1870.

Which was read the first time.

By consent, Mr. Bollman offered the following motion :

Moved, That Peter Balz be and he is hereby granted permission to tap the Madison avenue sewer at Yeizer street, and that he have permission to lay the sewer pipes along the alley from his brewery between Madison avenue and Kennington street, the work to be done at his own expense and by the direction of the City Civil Engineer.

Which was adopted.

Mr. Thalman moved that the roll be called, and that each member be allowed to introduce one paper.

Which was adopted.

Mr. Adams presented the following petition:

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—Your petitioners respectfully show to your honorable body :

1st. That sometime in the month of June, 1875, your petitioner, John T. Dickson sold to petitioner, Frederick Rauschaupt, the following property, viz : Commencing at the southeast corner of lot 4, Butsch & Goepper's subdivision of St. Clair, thence north 60 feet, thence west to west line of said lot 4, thence south to southwest corner of said lot 4, thence east to the beginning, said property being situated on Pennsylvania street in said city.

That said sixty feet was sold for the sum of one hundred and fifty dollars per front foot on Pennsylvania street, said Dickson agreeing with said Rauschaupt to hold him harmless of any loss, should the city condemn said lot for street purposes, said uschaupt intending to use said lot for the building of a private residence.

That after said sale was made, and sometime in the month of October, the city of Indianapolis condemned a portion of said lot for the opening of Second street, from Meridian street to Pennsylvania street, and took off of said lot fifty feet from the south end thereof, leaving to your petitioners only a fraction of ten feet on the north end.

That your petitioners did not nor do they now own the adjacent lot to said ten feet, and that they represent to said city the injustice done them by thus leaving them such a fraction of said lot.

A plan of said lot shows exactly the condition in which it is left to your petitioners which is annexed hereto.

That for said 50 feet condemned by the city as aforesaid, your petitioners were allowed by the Board of Commissioners, appointed for that purpose, only the sum of \$127 per foot front on Pennsylvania street, thereby entailing a loss to petitioner Dickson of \$23 per foot front, or the total of \$1,150, which said sum said Dickson is compelled to refund. That your petitioners think that said appraisement at \$127.00 per front foot was an inadequate price, as they are informed that the property fronting on Meridian street was taken at the price of \$175.00 per front foot.

2d. That after said fraction of fifty feet had been so taken by the city, and said Second street opened, upon the petition of property holders living to the north of said lot, a sewer was put down through Second street and up Pennsylvania street for the purpose of connecting the Meridian street sewer with the overflow from all property lying north of Second street and west of Pennsylvania street to the State ditch. That the fraction of lot left to your petitioners, fronting 205 feet on Second street and 10 feet on Pennsylvania street, in all 215 feet adjacent to said sewer. That said ten feet lies high and dry, and is not in any way benefitted by said sewer. That said fraction of ten feet has been assessed for 205 feet front on Second street, and 10 feet front on Pennsylvania street, in all 215 feet, at \$1.50 per each front foot, in all the sum of \$323 50.

Your petitioners suggest to your honorable body the injustice of said assessment in view of all circumstances surrounding the case, and respectfully petition that said 10 feet be relieved from such assessment, urging that said ten feet is of small value, left as it is; that the price received for the balance of said lot was inadequate; and 3d, that the sewer is not of any material advantage or value to said 10 feet, and was put in to benefit of property lying far to the north of said lot, and for the general advantage of the city at large; 4th, that is probable still further improvements for grading, graveling, etc., will be assessed against said fraction of ten feet, and that nothing will be left to your petitioners after such further assessments are paid.

And your petitioners will ever pray, etc.

FREDERICK RUSCHAAPT.

JOHN T. DICKSON.

Which was referred to the Committee on Judiciary and the City Attorney.

Mr. Bollman offered the following motion :

Moved, That Moses Franklin be and he is hereby granted a license as an auctioneer at No. 90 East Washington street, and that the city clerk is hereby directed to issue license to said Franklin for a term not less than three months, by the payment of the usual fee.

Which was adopted.

Mr. Darnell offered the following motion :

Moved, That Wm. Laird have permission to pay his sewer assessment on North Illinois street, and the city to release him from all cost and interest.

Which was adopted.

Mr. Duffley offered the following resolution :

Whereas, On the 22d day of February, 1875, the City Commissioners of the city of Indianapolis made a report to the Common Council of said city, making an assessment of damages and benefits in the matter of opening an alley nine feet wide, and running from Maryland street in a northern direction to Kentucky avenue, in square No. 67 in said city, which report was approved and adopted at the meeting of the Council held on the day above named ; and

Whereas, No ordinance or resolution has been adopted appropriating the ground for such alley ; therefore,

Be it resolved by the Mayor and Common Council of said City, That the real estate necessary for the opening of such alley, as is fully shown in said report, be and the same is hereby appropriated for such alley, and the City Clerk is hereby directed to prepare and deliver to the City Treasurer a certified copy of so much of said report as makes an assessment of damages and benefits ; and the City Treasurer is hereby directed to make a tender of the damages awarded, and collect the benefits so assessed, and after such tender of damages has been made, the City Marshal is hereby instructed to notify the parties interested to open such alley within ten days from date of such notice, and if the alley be not opened within the time specified, then said Marshal shall open the alley at the expense of the property owners.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Duffley, Geiger, Gimber, Hall, Hook, Kenzel,

Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Negative—None.

Mr. Hall presented the following communication :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I respectfully call your attention to the valuation of the land which I proposed to sell to the city, which is shown by the paper which I present herewith.

The price fixed on the land by me I consider a very low one, and I have no doubt that, should the members of your honorable body make inquiries upon the subject, that they will become satisfied of that fact. I have presented the valuation of the gentlemen, who are all well known and reputable citizens, for the purpose of correcting the wrong statements of those who charged that the price asked for the land was an exhorbitant one.

Respectfully,

SAMUEL J. PATTERSON.

We, the undersigned, are acquainted with the land below described, owned by Samuel J. Patterson, to-wit: Eleven and a quarter acres bounded as follows: Beginning on the east side of White River where the township line between towns 15 and 16 crosses the same, thence east with said township line $83\frac{1}{2}$ rods to the center of the county road, thence north forty-four (44) degrees 30 minutes, west to the east bank of White River, thence down the said river to the beginning.

We certify that the said land is fairly and justly worth at least one thousand dollars per acre.

John G. Blake, Geo. W. Parker, Samuel Hanway, O. W. Kelly, John J. Cooper, Jackson Landers, H. B. Fatout, C. B. Parkman, W. O. Rockwood, C. E. Geisendorff, C. Albert Maus, William Love, James E. Watts.

Which was referred to the Committee on Judiciary.

Dr. Hook offered the following motion :

Moved, That the report of the Committee on Contracts, made to Council December 13, 1875, awarding the contract for the building of a sewer in and along Clifford avenue and Archer street to Pogues Run, to C. E. Whitsit, be concurred in.

Which was adopted and the report concurred in.

Mr. Kenzel offered the following motion :

Moved, That Hamilton Bailey have permission to grade and gravel Vermont street and sidewalks from Agnes to Patterson street, said work to be done at his own expense and under the direction of the City Civil Engineer, who is hereby directed set the grade stakes ; the work to be completed within 90 days.

Which was adopted.

Mr. Madden offered the following motion :

Moved, That the ordinance introduced by Mr. Craft, amendatory of sections 5 and 6 of the ordinance prescribing rules and regulations for the government of the City Council, etc., be made the special order for next Monday night.

Which was adopted.

Mr. Reed offered the following motion :

Moved, That the Police Board, in accordance with request of the Board of Health, be and are hereby authorized to appoint an additional sanitary policeman.

Which was adopted.

Mr. Schmidt offered the following motion :

Moved, That the Street Commissioner is hereby directed to have a wagon bed built to be used to carry away the dirt taken from the catch-basins.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That Thomas Morse be permitted to move a frame house on Indians avenue west to Michigan, west on Michigan to Patterson.

Which was adopted.

Dr. Ward offered the following motion :

Moved, That the property owners on the first alley north of North street, between Noble and Spring streets, have permission to grade and gravel the said alley between the above points, at their own expense, and the City Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Webster offered the following motion :

Moved, That the street Commissioner be and is hereby directed to place wooden culverts over the gutters on Peru avenue, at its junction with John street.

Which was adopted.

Mr. Albershardt presented the following petition :

INDIANAPOLIS, March 22, 1876.

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

Gentlemen :—At your regular session of July 21st, 1873, a petition was presented, signed by the Germania Building and Savings Association No. 2, this petitioner and others, to cause to be opened an alley, running east from East to Liberty street, and bounded as follows: (here insert petition as contained in proceedings of Common Council, May 12th, 1873, to May 12th, 1874, part 1, page 533). The petition was referred to the City Commissioners.

At your special session of September 4th, 1873, the Commissioners submitted the following report, to-wit: (here insert report as contained in proceedings of Common Council May 12th, 1873, to May 12th, 1874, part 1, page 819). Which report was afterwards adopted at your regular session of September 22d, 1873.

From said petition and said report, and the plat filed herewith, and as the facts of the case will show, it will be seen that the alley running east from East street, between Washington and Market streets, was intended to connect in a straight line with a private alley between the property of this petitioner fronting on Market street, and his property south of that fronting on Liberty street.

By some mistake, however, this petitioner not knowing how such mistake happened, the alley as laid out does not connect with this petitioner's private alley in a straight line, as it was proposed, but it turned out afterwards that the alley as laid out is two (2) feet further south than this petitioner's private alley.

From the report of the City Commissioners, it may be seen that they intended to take $4\frac{1}{2}$ feet of the south end of this petitioner's property fronting on Market street, and $4\frac{1}{2}$ feet off the north end of this petitioner's property fronting on Liberty street, If, however, the alley be made as laid out, it will be necessary to take $6\frac{1}{2}$ feet off the Liberty street property and $2\frac{1}{2}$ feet of the Market street property, instead the $4\frac{1}{2}$ feet of each. The 2 feet so taken off the one, and the 2 feet so left to the other property are, however, of different value, the one to be taken being front feet, the other to be left to this petitioner, being of the depth of the lot.

Besides, if the alley be made as laid out, it would run through a house, a part of which is standing on said two feet which would have to be taken for the alley, and great damage would thereby be caused to this petitioner. The Commissioners never noticed that, as it was thought the alley would run north of said house.

Your petitioner therefore requests of your honorable body that he either be compensated for the damage which he would sustain if the alley be retained as laid out, which damage is very considerable, or that there may be made a change and the alley be laid two feet further north, so as to connect in a straight line with this petitioner's private alley, as it was originally intended, or that the alley be retained as laid out and running east from East street until it strikes this petitioner's property, and there connect in a small angle instead of in a straight line with this petitioner's private alley, making the latter a public alley.

The latter proposition may be the best to adopt, as the whole matter may in this way be disposed of without much trouble and without any expense to the city or any damage to the other property holders.

Your petitioner doubts not that he is entitled to the relief asked, as the mistake must have originally been made by the City Commissioners, or at best is a mutual mistake, which should be corrected so that this petitioner will not be subjected to any loss or injury.

Submitting this petition to your consideration, your petitioner hopes that you will take the necessary steps towards granting proper relief.

CHRISTOPHER GOMPF,

By Philip Rappaport, his Attorney.

Which was referred to the Committee on Opening and Laying Out Streets and Alleys.

Mr. Curran offered the following motion :

Moved, That the Street Commissioner be and is hereby directed to repair Cady street from Harrison to Bates street.

Which was adopted.

Mr. Craft presented the following communication :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—I propose to furnish the Lacey Automatic Gas Savers, corresponding in size with the gas meters now used, in the various city buildings at the following prices :

Nos. 2 and 3 meters—savers.....	\$12 00
No. 5 meters—savers.....	15 00
“ 10 “ “	20 00
“ 20 “ “	30 00
“ 30 “ “	35 00

This proposition includes savers for all the meters used by the city, which I propose to put on and guarantee an average saving of 20 per cent. of the gas, which I respectfully submit.

Respectfully yours,

A. K. TUTHILL.

Which was referred to the Committee on Gas Light.

Mr. Gimber moved that Henry Clay be granted thirty days longer time to complete his contract to cover with cinders the end of Kentucky avenue sewer.

Which motion was adopted.

Dr. Stratford presented the following petition :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—The undersigned petitioners respectfully ask that Shelby street be opened and widened to a width of sixty feet.

Respectfully,

M. CRIQUI,
FRED RICHTER.

Which was referred to the Committee on Opening and Laying Out Streets and Alleys.

Mr. Buehrig offered the following motion :

Moved, That the Police Board be and are hereby ordered to appoint ten additional policemen.

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

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

Affirmative—Councilmen Adams, Albershardt, Craft, Darnell, Geiger, Hall, Hook, Madden, Ransdell, Schmidt, Thalman, Ward and Webster—13.

Negative—Councilmen Bollman, Buehrig, Curran, Diffley, Gimber, Kenzel, Laughlin, Reasner, Reed, Stratford and Stuckmeyer—11.

Mr. Reed presented the following petition :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen:—We your petitioners, owning lots and parts of lots on the alley running north from North street to Elizabeth street, through square one, bounded on the west by Harris street, on the east by Blake street, on the south by North street, and on the north by Elizabeth street, pray your honorable body to order said alley to be graded and graveled.

Clara J. Duncan, 208 ft. 9 in.; Francis W. Pigg, 31½ ft.; James Welch, 63 ft.; Sophiah Christie, 63 ft.; Wm. Johnson, 130 ft.

Which was received.

Mr. Reed introduced special ordinance No. 27, 1876, entitled :

An ordinance to provide for grading and graveled the first alley west of Blake street, running from North to Elizabeth streets.

Which was read the first time.

Dr. Stratford presented the following petition :

INDIANAPOLIS, March 27, 1876.

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

Gentlemen:—The undersigned, residents of said city, would respectfully petition for the immediate passage of an ordinance providing for the grading and graveling of Linden street and sidewalks, between Prospect and Huron streets.

The improvement of this street is greatly needed, not only for health, but the convenience of a suitable outlet for the children of Woodlawn to the new school house south of Prospect street, as also the two churches, one on said Linden street and one on Prospect street. Besides, there is now and has been for several years past almost an impassable mud hole on said Linden street near Huron, and it stands with mud and stagnant water nearly, if not quite, all summer, and is most the time impassable for wagons or persons on foot. That the north end of said Linden street is now improved from English avenue to said Huron street, and by the improvement of said Linden street, as suggested, to Prospect street, from Huron there would be a good dry way for an outlet to attend school and churches from English avenue to said Prospect street, and being the most convenient and direct route to attend school, and there being no other graded street now giving any outlet to attend school and churches from the Woodlawn Addition; they therefore ask that said improvement be ordered, and an ordinance passed for that purpose at once.

D. B. Hosbrook, Wm. Patterson, Calvin Monroe, D. W. Gerard, John F. Council, Julius Matzke, David Matzke, M. J. Scott, Frank Hosbrook, Andrew Patterson, James Dean, Henry Peters, Henry Albertmeyer, Ernst Kattmann, J. H. Whitaker, Stephen Biddle, W. T. Royse, Sam. C. Noble, P. E. Hoss, C. W. Hawkins, Geo. W. Seibert, Jno. H. Stout, Geo. W. Brull.

Which was received.

Dr. Stratford introduced special ordinance No. 28, 1876, entitled :

An ordinance to provide for grading and graveling Linden street and sidewalks, between Huron street and Prospect street.

Which was read the first time.

Dr. Stratford presented the following petition :

INDIANAPOLIS, March 27, 1876,

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

Gentlemen:—The undersigned, residents and property holders of this city, would respectfully report that there is a large accumulation of water on the east end of

Woodlawn avenue, rendering the street almost impassable. The drain leading from said water pond is obstructed, and cellars in the neighborhood are filled with stagnant water.

We therefore ask the city authorities to see to it that said drains are opened, ponds drained and other improvements made with a view of making our part of the city more tenable and healthy. We hope the proper persons whose duty it is to attend to these matters will be instructed to do their duty, and thus save the city from law suits and damages.

And as in duty bound, etc.

T. C. MOORE,
SAMUEL DAVIS,
E. R. McDOUGAL,
CHAS. RAYMOND,

And eight others.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby directed to lay a cement pipe drain in the west gutter of Reid street, from Woodlawn avenue to connect with the pipe already laid south of that.

Which were referred to the Committee on Streets and Alleys.

Dr. Stratford offered the following resolution :

Whereas, Heretofore, on the 19th day of October, 1874, the City Commissioners of the city of Indianapolis made a report to the Common Council of said city in the matter of opening a 15 foot alley east of East street, and running from McCarty street south to the first alley north of Buchanan street, which report was, on the 26th day of October, approved and adopted ;

And whereas There has been no ordinance or resolution adopted appropriating the real estate necessary for the opening of such alley ; therefore,

Be it resolved by the Common Council of said city, That the ground necessary for the opening of such alley, as is fully shown in said report, be and the same is hereby appropriated for such alley, and the City Clerk is hereby directed to prepare and deliver to the City Treasurer a certified copy of the assessments of damages and benefits, as is shown in said report, and the City Treasurer is hereby directed to make a tender of the damages awarded, and collect the benefits assessed, and after such tender of damages has been made, the City Marshal is hereby directed to notify

the parties to open such alley within ten days from date of notice, and if said alley be not opened within the time specified, then the City Marshal shall remove the obstructions upon such alley, at the expense of the property owners.

Which was adopted by the following vote:

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

Negative—None.

Mr. Laughlin offered the following motion :

Moved, That the Street Commissioner make such change in the floor of the tunnel as to improve the drainage of the same.

Which was adopted.

Mr. Reasner presented the following communication :

INDIANAPOLIS, March 20, 1876.

Hon. J. C. Adams :

Dear Sir:—Please have the kindness to press the removal of the old Noble street bridge. Our material for the new bridge is now being delivered, and we are very anxious to begin work on the new one, but cannot do so while the old bridge remains in place.

Hoping you will give this your earnest attention, we remain,

Very respectfully,

INDIANAPOLIS BRIDGE CO.,

R. S. DORSEY, Secretary.

Which was received, and the Street Commissioner directed to remove the old structure.

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

INDIANAPOLIS, March 27, 1876.

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

Gentlemen :—Your Committee, to whom was referred the preamble and resolution

offered by Councilman Geiger, "that the ordinance and contract with the Indianapolis Gas Light and Coke Company is hereby declared forfeited, and is hereby null and void."

Upon examining the contracts, agreements and existing relations between the city and Indianapolis Gas Light and Coke Company, we are of the opinion that while the gas company is not living up to the ordinance passed March 19th, 1866, in that section three of the above ordinance, which expressly declares "that all gas sold shall be accurately measured by said company," etc., whereas, the said Indianapolis Gas Light and Coke Company is furnishing gas to the city and making out their bills for the same according to the provisions of a contract between the above company and the city made May 1st, 1868, in which they agree to furnish gas to the city for the sum of \$24 per lamp per year of 2,000 hours, and lighting the same for the additional sum of \$6 per lamp, which contract ran for a period of three years, the city reserving the right to extend the same two additional years, which was done, and the contract remained in force for a term of five years, from May 1st, 1868, and expired by limitation May 1st, 1873, therefore there is no contract now existing between the gas company and city which authorized them to make out their bills and collect the same at the rate of \$24 per lamp per year.

There is a clause in the last or five years' contract which expressly agrees that nothing in that contract shall alter, modify, annul or suspend the first contract or ordinance passed March 19th, 1866. The judgment of your Committee is that the gas company has not violated section five of the ordinance passed March 19th, 1866, in which the company agrees to introduce any discovery or improvement that may be invented in the preparation of gas from coal or other material, either solid or liquid, by which the cost of manufacturing gas shall be reduced, and giving the city and consumers the benefit of such reduction, when the improvement or discovery shall be adopted in other principal cities of the country. We believe there has been such an improvement, but it has not come in general use at this time.

Your Committee would recommend that a Special Committee be appointed by the Mayor, in accordance with Mr. Geiger's motion, to confer with the Indianapolis Gas Light and Coke Company, with reference to securing a contract for furnishing gas for a term of years, and on a basis of not more than \$2.25 per thousand to the city and all consumers.

Respectfully submitted,

J. C. ADAMS,

J. J. DIFFLEY,

H. F. ALBERSHARDT,

CAS. BYFIELD,

Committee on Judiciary.

Which report was concurred in.

The Mayor appointed as such Special Committee Councilmen Adams, Madden and Ransdell.

By consent, Mr. Darnell offered the following motion :

Moved, That E. B. Martindale, Wm. S. Hubbard, James Frank and L. S. Ayres be allowed to grade and gravel, pave the sidewalks with brick and curb the outside edges with stone, Fourth street. between Meridian and Illinois street, the same to be done at their own expense, and that the City Engineer be directed to set the stakes.

Which was adopted.

The special order, viz: The consideration of general ordinance No. 9, 1876, entitled :

An ordinance investing Robert Dickson and his associates and their assigns with the privilege of furnishing gas to the city of Indianapolis, and the inhabitants thereof, upon certain conditions therein named.

As set forth on pages 1687, 1688 and 1689, Council proceedings of March 20, 1876, was then taken up.

Mr. Thalman offered the following motion:

Moved, That the Mayor be directed to enforce rule No. 8 during the pendency of the gas ordinance, "That no member shall speak longer than five minutes at a time, nor more than twice on the same question.

Which was adopted.

Section 1 was read.

Mr. Craft moved that Mr. Kahn's amendment, submitted March 20, 1876, page 1689, be adopted.

Which was adopted.

Mr. Craft moved that all of the third proviso in the first section after the words, "that said company shall," be stricken out and Mr. Kahn's amendment inserted in lieu thereof.

Which motion was adopted.

Dr. Ward moved that the amendment offered by himself and adopted at last meeting, page 1690, be corrected by striking out the proviso at the end thereof.

Which was adopted.

Mr. Thalman's amendment, page 1690, which is to substitute "three" for "five," in the fifth proviso of the first section, was adopted by the following vote:

Affirmative—Councilmen Adams, Buehrig, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Kenzel, Ransdell, Reed, Schmidt, Stuckmeyer, Thalman and Ward—15.

Negative—Councilmen Albershardt, Bollman, Craft, Hook, Laughlin, Madden, Reasner, Stratford and Webster—9.

Dr. Stratford's amendment, offered March 20th, page 1691, was taken up.

Mr. Thalman moved to lay the amendment on the table.

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

Affirmative—Councilmen Adams, Bollman, Craft, Darnell, Diffley, Geiger, Hall, Hook, Ransdell, Reed, Schmidt, Thalman, Ward and Webster—14.

Negative—Councilmen Albershardt, Buehrig, Curran, Gimber, Kenzel, Laughlin, Madden, Reasner, Stratford and Stuckmeyer—10.

Mr. Schmidt moved to amend by inserting that the capital stock be \$200,000 instead of \$100,000.

Which was laid on the table by the following vote;

Affirmative—Councilmen Adams, Bollman, Buehrig, Craft, Cur-

ran, Darnell, Diffley, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, Reed, Stratford, Stuckmeyer, Thalman and Ward—18.

Negative—Councilmen Albershardt, Geiger, Ransdell, Schmidt and Webster—5.

Mr. Madden moved to amend by inserting after “\$100,000” in the first proviso of section one, these words, “fifty per cent of which shall be paid up.”

Which, on motion by Mr. Curran, was laid on the table.

The first section as amended was adopted.

Section two was then read.

Mr. Ransdell’s amendment, offered March 20, page 1691, was adopted and inserted at the end of section two.

Section two as amended was adopted.

Section three was then read.

Mr. Ransdell moved to amend by striking out the word “twelve” in the third line, and insert in lieu thereof the word “sixteen.”

Which amendment was adopted.

Dr. Ward’s amendment, offered last meeting and corrected at this meeting, was placed by inserting the same after the word “extended” in the sixth line of said section three.

The section as amended was adopted.

Section four was read and adopted.

Section five was read.

Mr. Kahn's amendment, offered March 20, page 1691, which is to substitute the words "City Civil Engineer" for "Street Commissioner," wherever it occurs, was taken up and adopted.

Section five as amended was adopted.

Section six was then read.

Mr. Ransdell's amendment, offered March 20, page 1691, was taken up and adopted.

Section six as amended was adopted.

Section seven was read and adopted.

Mr. Geiger moved that the ordinance as amended be referred back to the Committee on Revision of Ordinances for engrossment.

Which motion was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Geiger, Hall, Hook, Laughlin, Madden, Ransdell, Stratford, Stuckmeyer, Ward and Webster—15.

Negative—Councilmen Curran, Darnell, Diffley, Gimber, Kenzel, Reasner, Reed, Schmidt and Thalman—9.

On motion by Mr. Thalman, the ordinance was made the special order for next Monday night.

Dr. Stratford introduced special ordinance No. 29, 1876, entitled :

An ordinance to provide for grading and paving the west sidewalk of Linden street, from Orange street to the south line of lot No. 19.

Which was read the first time.

On motion by Dr. Stratford, special ordinance No. 191, 1875, entitled, "An ordinance to provide for grading and paving the west sidewalk on Mitchel street, between Orange street and the south line of lot No. 19," was taken up and stricken from the files.

On motion, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.