

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, July 3d, 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, Diffley, Izor, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—24.

Absent—Councilmen Kenzel and McGill.—2.

The proceedings of the regular session, held June 26th, 1876, were read and approved.

Sealed proposals for curbing with stone the south side of Merrill street, between East and New Jersey streets; also, for grading and graveling the west side of Missouri street, between Vermont street and Indiana avenue; also, for grading and bowldering the gutters of Park avenue, between Home and Lincoln avenues; also, for re-bowldering Potomac alley, between Meridian and Illinois streets; also, for grading and graveling Thomas street and sidewalks, between West and Dakota streets, were received, opened, read, and referred to the Committee on Contracts.

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

Indianapolis, July 3, 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 26, 1876, have examined the same, and find them to be as follows, to-wit :

First. For raising, paving with brick, and curbing the outside edges thereof, of the west sidewalk of Illinois street, from Michigan street to Indiana avenue—

John Schier, \$1.21 per lineal foot front for grading, paving, and curbing.

Patterson & Dunning, \$1.04 per lineal foot front for grading, paving, and curbing.

James Muse, \$1.00 per lineal foot front for grading, paving, and curbing.

Bernard Hammill, 99 cents per lineal foot front for grading, paving, and curbing.

James Mahoney, 96 cents per lineal foot front for grading, paving, and curbing.

Henry C. Roney, 94 cents per lineal foot front for grading, paving, and curbing.

Study & Elliott, 93 cents per lineal foot front for grading, paving, and curbing.

Wm. L. White, for curbing 48 cents per lineal foot front, raising old curb

15 cents per lineal foot front, paving with new brick 52 cents per lineal foot front, and paving with old brick 26 cents per lineal foot front.

James W. Hudson, paving with new brick 45 cents per lineal foot front, paving with old brick 25 cents per lineal foot front, and curbing 43 cents per lineal foot front,

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

Second. For grading and graveling the alley between New Jersey and Alabama streets, from St. Joseph to St. Mary streets—

John L. Hanna, 25 cents per lineal foot front on each side.

Wm. Neal, 25 cents per lineal foot front on each side.

Wm. L. White, 23 cents per lineal foot front on each side.

Richard Carr, 20 cents per lineal foot front on each side.

James Mahoney, 19½ cents per lineal foot front on each side.

John Welsh, 19 cents per lineal foot front on each side.

Shepherd & Patterson, 16 cents per lineal foot front on each side.

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

Henry Clay, 16 cents per lineal foot front on each side.

Irwin & Hanna, 14 cents per lineal foot front on each side.

James Muse, 14 cents per lineal foot front on each side.

Study & Elliott, 13½ cents per lineal foot front on each side.

Garner & Co., 13 cents per lineal foot front on each side.

H. Schoendorf, 12 cents per lineal foot front on each side.

J. G. Sickler & Co., 10¼ cents per lineal foot front on each side.

J. G. Sickler & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

Third. For grading and graveling Camp street and sidewalks, between First and St. Clair streets—

Wm. L. White, 70½ cents per lineal foot front on each side.

Bernard Hammill, 64 cents per lineal foot front on each side.

Richard Carr, 62 cents per lineal foot front on each side.

Study & Elliott, 61 cents per lineal foot front on each side.

H. Schoendorf, 60 cents per lineal foot front on each side.
R. H. Patterson, 59 cents per lineal foot front on each side.
George Wm. Seibert, 58 cents per lineal foot front on each side.
J. G. Sickler & Co., 55½ cents per lineal foot front on each side.
John Greene, 55 cents per lineal foot front on each side.
George W. Buchanan, 55 cents per lineal foot front on each side.
James Mahoney, 55 cents per lineal foot front on each side.
James W. Hudson, 54 cents per lineal foot front on each side,
James Muse, 49 cents per lineal foot front on each side.
Irwin & Hanna, 47 cents per lineal foot front on each side.
Patterson & Dunning, 45 cents per lineal foot front on each side.
Samuel J. Smock, 45 cents per lineal foot front on each side.
Shepherd & Patterson, 41 cents per lineal foot front on each side.
Henry Clay, 39 cents per lineal foot front on each side.
Wm. Neal, 33 cents per lineal foot front on each side.

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

Fourth. For grading and graveling the alley running north and south from Washington to Maryland streets, and between West and California streets—

Bernard Hammill, 28 cents per lineal foot front on each side.
Richard Carr, 25 cents per lineal foot front on each side.
Henry Clay, 22 cents per lineal foot front on each side.
H. Schoendorf, 21 cents per lineal foot front on each side.
G. W. Buchanan, 20 cents per lineal foot front on each side.
George Wm. Seibert, 20 cents per lineal foot front on each side.
Irwin & Hanna, 18 cents per lineal foot front on each side.
James Mahoney, 18 cents per lineal foot front on each side.
Wm. L. White, 18 cents per lineal foot front on each side.
Wm. Neal, 18 cents per lineal foot front on each side.
James Muse, 17½ cents per lineal foot front on each side.
James W. Hudson, 17½ cents per lineal foot front on each side.

John Greene, 17 cents per lineal foot front on each side. $\frac{7}{8}$

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

Shepherd & Patterson, 14 cents per lineal foot front on each side.

J. G. Sickler, $13\frac{1}{2}$ cents per lineal foot front on each side.

J. G. Sickler & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

Fifth. For grading and graveling the first alley east of East street, from Stevens to Merrill streets.

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

Shepherd & Patterson, 20 cents per lineal foot front on each side.

John Welsh, 19 cents per lineal foot front on each side.

Wm. Morrison, 18 cents per lineal foot front on each side.

George Wm. Seibert, 18 cents per lineal foot front on each side.

James W. Hudson, $17\frac{1}{2}$ cents per lineal foot front on each side.

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

E. S. Wells, 17 cents per lineal foot front on each side.

M. Flaherty, 16 cents per lineal foot front on each side.

C. A. Webb, 15 cents per lineal foot front on each side.

H. Schoendorf, 14 cents per lineal foot front on each side.

J. G. Sickler & Co., $12\frac{1}{2}$ cents per lineal foot front on each side.

J. G. Sickler & Co. being the lowest and best bidders, your committee recommend that they be awarded the contract.

Sixth. 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.

John L. Hanna, 85 cents per lineal foot for brick sewer.

“ “ catch-basins, \$20.00 each, complete.

“ “ manholes, \$6.00 each, complete.

J. S. Whitsit, \$1.45 per lineal foot for brick sewer.

“ “ catch-basins, \$60.00 each.

“ “ manholes, \$22.00 each.

- O. W. Kelly, cement pipe, \$4.00 per lineal foot.
 " " glazed earthenware pipe sewer, \$2.00 per lineal foot.
 " " brick sewer, \$1.15 per lineal foot.
 " " catch-basins, \$50.00 each.
 " " manholes, \$15.00 each.

- John W. Dodd, two foot round cement pipe sewer, \$1.60 per lineal foot.
 " " " oval " " " \$1.65 per lineal foot.
 " " catch-basins, \$65.00 each.
 " " manholes, \$16.00 each.

- J. S. Whitsit & Co., glazed earthenware pipe sewer, \$2.15 per lineal foot.
 " " " catch-basins, \$60.00 each.
 " " " manholes, \$22.00 each.

- Henry C. Roney, glazed earthenware pipe sewer, \$2 20 per lineal foot run.
 " " brick sewer, \$1.57 per lineal foot run.
 " " catch-basins, \$65.00 each.
 " " manholes, \$20.00 each.

- J. Garner & Co., glazed earthenware pipe sewer, \$2.55 per lineal foot.
 " " " cement pipe sewer, \$2.00 per lineal foot.
 " " " brick sewer, \$1.49 per lineal foot.
 " " " catch-basins, \$40.00 each.
 " " " manholes, \$15.00.

- R. M. Riner, glazed earthenware pipe sewer, \$2.50 per lineal foot run.
 " " cement pipe sewer, \$1.95 per lineal foot run.
 " " brick sewer, \$1.36 per lineal foot run.
 " " catch-basins, \$65.00 each.
 " " manholes, \$16.00 each.

- Irwin & Hanna, glazed earthenware pipe sewer, \$2.74 per lineal foot.
 " " cement pipe sewer, \$2.22 per lineal foot.
 " " catch-basin, \$60.00 each.
 " " manholes, \$22.00 each.

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

Respectfully submitted,

J. W. BUGBEE,
 D. M. RANSDELL,
 Committee on Contracts.

Which was concurred in and the contract awarded.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, July 3, 1876.

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

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

A second and partial estimate allowed C. E. Whitsett for building a sewer in and along Clifford avenue and Archer street from Malotte avenue to Pogues Run.

2,100 lineal feet at \$2.90,.....	\$6,090.00
11 manholes at \$15.....	165.00
	<hr/>
Total.....	\$6,255.00
Less 15 per cent.....	938.00
	<hr/>
	\$5,317.00
Less former payment.....	2,862.00
	<hr/>
Present payment.....	\$2,455.00

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Which was concurred in.

Also, the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—I have advertised for proposals to improve the west side of Missouri street between Vermont street and Indiana avenue. Before said improvement is begun it will be necessary to place heavy planking along the west bank of the canal between the points named, in order to prevent washing away of the gravel. This will render the improvement permanent and may be done at a cost of about \$60. I would recommend that the Street Commissioner be instructed to do this work at once, under direction of the City Civil Engineer.

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Which was referred to the Committee on Streets and Alleys and City Civil Engineer, with power to act.

Also, the following report :

Indianapolis, July 3, 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 John L. Hanna for building a wooden bridge over the State ditch on Central avenue.

Contract and bond of John L. Hanna for building a brick sewer on St. Clair street from Railroad street to a point 485 feet east of Railroad street.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

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

The City Clerk submitted the following report :

Indianapolis, July 3, 1876.

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

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

Joseph Hanna vs. Frederick L. Grizzard for.....	\$7 00
Joseph Hanna vs. Frederick L. Grizzard for.....	7 00
Irwin & Hanna vs. Ackerland and Wyler (christian names unknown) for.....	102 60
Henry C. Roney vs. George Hammell for.....	29 25
Henry C. Roney vs. Wm. L. Wingate for.....	32 00
Henry C. Roney vs. Henry Levi for.....	10 24
Fred. Gansberg vs. John B. Schwinn for.....	22 05
Fred. Gansberg vs. John B. Schwinn for.....	18 90
Fred. Gansberg vs. John B. Schwinn for.....	18 90
Fred. Gansberg vs. John B. Schwinn for.....	18 90
Fred. Gansberg vs. John B. Schwinn for.....	18 90
Fred. Gansberg vs. John B. Schwinn for.....	18 90
Fred. Gansberg vs. James Francis for.....	21 32
Samuel J. Smock vs. Clarinda Gyer for... ..	136 20

Samuel J. Smock vs. George M. Hutchinson for.....	26 37
Samuel J. Smock vs. John R. Ferman for	36 37
Jerome B. Root vs. Mary A. Pitt's heirs, viz., George W. Pitts, Nora B. Pitts, Louis P. Hild and Annie Hild for.....	18 33

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, Diffley, Izor, Laughlin, Morse, McGinty, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Also, the following report :

Indianapolis, July 3, 1876,

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

Gentlemen :—I respectfully report that on the 3d day of July, 1876, I certified to the City Treasurer the transcript of the report of the City Commissioners (as to the assessment of benefits and damages) in the matter of laying out and opening Court street to a width of twenty-eight (28) feet from East street to Noble street.

Respectfully submitted,

BENJ. C. WRIGHT,
City Clerk.

Which was approved.

The City Attorney submitted the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—We would report that we have examined the title of the pro-

perty purchased by the city of William W. Northrop, in July, 1875, situated on East Washington street, and find that one Matilla Fountaine claims to own an interest in said property, as mother and heir of Emma C. French, who at one time held the title to said property.

Mrs. Fountaine commenced suit in the circuit court of this county to recover the share of said property claimed by her. The court sustained a demurrer to her complaint and rendered judgment against her, from which judgment she has appealed to the supreme court, where the case is now pending. It is impossible to say how the supreme court will decide the case. But we are of the opinion that Mrs. Fountaine has no interest in the property that she can maintain in the courts.

There will, however, be that cloud upon the title to the property until the case is finally settled by the courts. We would further report that we have been unable to find any other cloud upon the title to the property, or any liens upon the same.

We would therefore recommend that the city do not erect any expensive improvements upon said property until the questions involved in this suit are settled.

JOHN CAVEN,

Mayor.

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—In the matter of the petition of Edward Gilbert and Sarah Gilbert and also of the City Commissioners in relation to the assessment of damages for the opening of Blackford street, I would report that I am informed by the City Clerk that the transcript of the proceedings have not yet been filed for record in the County Recorder's office, and I am, therefore, of the opinion that the Council may, by resolution, reconsider the resolution adopting the report of the Commissioners; and after such reconsideration the Council may refer the report back to the Commissioners to be perfected and corrected by them. I herewith submit such a resolution as I think it

would be necessary to pass in order to place the matter before the Commissioners again.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was received.

Also, the following resolution :

WHEREAS, The City Commissioners have reported to the Council that they erred in the assessment of damages upon certain lots, as set forth in their report upon the opening of Blackford street; therefore,

Resolved, That the resolution heretofore passed by the Common Council, accepting and adopting the report of the said commissioners in relation to the opening of Blackford street, be reconsidered, and that the same be referred back to them for correction.

Which, on motion by Mr. Thalman, was laid over.

Also, the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—We herewith submit a contract which we have prepared between the city and Samuel J. Patterson, as directed at the last meeting of the Council. It has been signed by Mr. Patterson, and we would recommend that the Mayor be instructed to sign and execute the same on behalf of the city.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received.

Also, the following contract or agreement :

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 3, township 15, range 3, 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 eighteen 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 agrees to construct and build, at his own expense, a levee or embankment, on and along the east bank of said 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 the 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 any 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 breaking 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 the 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 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 6 per cent. interest; coupon due annually, attached thereto the principal 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.

Mr. Craft offered the following motion :

Moved, That the contract be referred back to the City Attorney for amendment in this respect; that the city is not to be held responsible if the embankment should be broken by high water in the future.

Which was adopted.

Also, the following motion :

Moved, That the Mayor be, and is hereby instructed to sign the contract on behalf of the Council if Mr. Patterson accepts the amendment.

Which was adopted.

Dr. Stratford moved that the Street Commissioner cease work

on such levee until notified by the City Attorney that Mr. Patterson had accepted the above amendment.

Which motion was adopted.

The Street Commissioner submitted the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—I have the honor to submit the following report of work done in my department since June 5, 1876.

Placed 140 new foot bridges and 15 new culverts on different street crossings.

Repaired and reset 150 bridges and culverts.

Lowered crossing at intersection of Massachusetts avenue and Plum street.

Taken up and relaid bowlders on Pennsylvania street between Vermont and Ohio streets.

Raised the gutters on east side of Pennsylvania street from New York to Ohio streets.

Taken up and relaid bowlders on Maryland street between Meridian and Pennsylvania streets.

Taken up and relaid bowlders on Illinois street from Washington to Ohio streets.

Reset curb and reset with block the intersection of Meridian and Fourth streets.

Relaid bowlders on Market from Illinois to Circle streets.

Taken up and relaid bowlders on South Delaware street.

Built protection to the bridge over Fall Creek on Indiana avenue.

Scraped and cleaned all the bowldered and blocked streets.

Notified the contractor of the Illinois street sewer, Mr. Sindlinger, to place said street in good condition.

Pay roll for the month ending July 1, 1876 \$5,265.04.

K. Johnston, for bowlders.	\$23 00
E. S. Wells, for bowlders.	4 50
Thomas Blume, for sand.....	15 25
B. Ervin, for bowlders.....	58 00

John D. Colder, for lumber.....	46 20
H. C. Roney, for laying pavement.....	26 90
Charles Phillips, for bowlders	24 00
C. H. McFarland, for bowlders.....	74 00
Thomas Oddy, for bowlders.....	20 00
Frank Mellville, for bowlders.	15 50
Henry Beerman, for bowlders	13 50
A. Douglas, for bowlders	8 75
Charles D. Phillips, for bowlders.. ..	3 50
B. Ervin, for bowlders	20 00
James Wells, for bowlders.....	19 00
Carry McFarland, for bowlders	54 30
Fred. Gausburg, for bowlders....	143 12
J. J. Palmer, paving blocks.....	57 40
Indianapolis Rolling Mill, for cinders.....	12 50
Smock & Strong, for gravel.....	10 70
W. H. Hoover, blacksmithing.....	28 20
Total.....	\$5,943 26

Respectfully submitted,

LEANDER A. FULLER,

Street Commissioner.

Which was approved.

The Board of Health submitted the following report :

Indianapolis, July 3, 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 24th day of June, to 6 o'clock p. m., on the 1st day of July, 1876.

Under 1 year	23
1 to 2 years.....	3
2 to 3 "	2
3 to 4 "	1
4 to 5 "	1
5 to 10 "	1
10 to 20 "	5
20 to 30 "	4
30 to 40 "	2
40 to 50 "	2

50 to 60 years.....	4
60 to 70 "	0
70 to 80 "	0
80 to 90 "	0
90 "100 "	0
Above 100 "	0
Unknown	0
Total.....	47

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

The Market Master submitted the following report :

Indianapolis, July 3, 1876.

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

Gentlemen :—I hereby make the following report, so as to inform the City Council what disposition is being made of money that is collected for the rents of stalls in East Market House. I have collected \$271.00, which I have turned in to the City Treasurer, and hold receipt for said amount.

I hereby prefer charges against Mr. Milton Pouder, chairman of Committee on Markets, for interfering with me in the discharge of my official duties.

1st. For instructing and requesting renters of stalls not to pay me the rents, giving for reason that I have no authority to collect.

2d. That he has unlawfully collected \$32.50 from Jacob Peters, rent for stall No. 3, in East Market; also \$13.00 from Mr. B. Lee, for rent of fish stall No. 3.

3d. That said Milton Pouder has paid carpenters for doing work on East Market House, unlawfully, out of such money as he has collected, without orders from the City Council.

And I would respectfully request of your honorable body the removal of said Milton Pouder from the Committee on Markets, deeming it for the best interests of the public that such removal should be made; and would also

request your honorable body to release Mr. Joseph Poudet from serving on my bond, and present the names of Scott & Coates to replace him.

WILLIAM SHOW,
Market Master.

The first clause, in relation to stall rents, was approved.

The remainder of the report was referred to the Committee on Judiciary and City Attorney.

INTRODUCTION OF ORDINANCES.

Mr. Adams presented the following petition :

Indianapolis, July 3, 1876.

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

Gentlemen :—We, the undersigned, citizens of Indianapolis, respectfully petition your honorable body to have the following described alley graded and graveled, to-wit: The west half of the first alley north of Home avenue, between Delaware and Alabama streets.

W. F. Mason, John S. Duncan, F. M.
Herron, J. S. Carey, A. D. Lynch,
P. E. Hoss, J. F. Mick, and Harvey
Bates, Jr.

Which was received.

Mr. Adams introduced special ordinance No. 65, 1876, entitled :

An ordinance to provide for grading and graveled the west half of the first alley north of Home avenue, between Delaware and Alabama streets, running east and west.

Which was read the first time.

Mr. Byram introduced general ordinance No. 37, 1876, entitled :

An ordinance to amend section twelve of an ordinance entitled, "An ordinance authorizing the construction, extension and operation of certain

passenger railways in and upon the streets of Indianapolis," ordained and established the 18th day of January, 1864.

Which was read the first time and referred to the Committee on Revision of Ordinances.

Mr. Case introduced general ordinance No. 38, 1876, entitled :

An ordinance relative to the licensing and regulating of certain street peddlers and itinerant dealers.

Which was read the first time.

Mr. Craft introduced general ordinance No. 39, 1876, entitled :

An ordinance to authorize the Indianapolis, Peru & Chicago Railway Company to lay and maintain its main track across Massachusetts avenue.

Which was read the first time.

Mr. Craft moved to suspend the rules for the purpose of placing the above entitled ordinance on its second and third readings, and final passage.

Which motion was adopted, and the rules suspended, by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Negative—Councilman Laughlin.—1.

General ordinance No. 39, 1876,

Was read the second time.

Mr. Craft offered the following amendment :

Provided, The said track shall not be further than six feet from the main track of the C. C. C. & I. R. R. where it crosses Massachusetts avenue, or nearer if practicable; the same to be located under the direction of the City Civil Engineer.

Which was adopted.

Mr. Adams offered the following amendment:

And it is further agreed that the said I. P. & C. R. R. Co. agree to take up and remove the present track now in use by the said company, and that there is nothing in this ordinance or agreement that grants the said Indianapolis, Peru & Chicago R. R. Co. the right or privilege to lay, keep or maintain more than one track across Massachusetts avenue.

Which was adopted.

The ordinance was then ordered engrossed.

General ordinance No. 39, 1876, entitled :

An ordinance to authorize the Indianapolis, Peru & Chicago Railway Company to lay and maintain its main track across Massachusetts avenue.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Therman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Negative—None.

By consent, Mr. Reed offered the following motion :

Moved, That the City Council take part and position in the procession on the Fourth day of July (to-morrow), making their presence manifest in as large a number as possible in the one hundredth anniversary of the National Sabbath of the Union.

Which was adopted.

Also, the following motion :

Moved, That flags costing to the extent of \$10 be purchased for the adornment of the City Building on the Fourth of July, 1876, to be selected and put in place by and under the direction of the city officers occupying the aforesaid building.

Which was adopted.

Mr. Laughlin introduced special ordinance No. 66, 1876, entitled :

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

Which was read the first time.

Mr. Laughlin introduced special ordinance No. 67, 1876, entitled :

An ordinance to provide for grading and graveling the first alley south of Downey street from Madison avenue to Kennington street.

Which was read the first time.

Mr. Thalman, from committee on Streets and Alleys, introduced special ordinance No. 68, 1876, entitled :

An ordinance to provide for grading Sullivan street between Bismarck and Buchanan streets.

Which was read the first time.

Mr. Thalman, from Committee on Street and Alleys, introduced special ordinance No. 69, 1876, entitled :

An ordinance to provide for grading Linden street from Lexington avenue one square south.

Which was read the first time.

As a question of privilege, Mr. Schmidt offered the following resolution :

Resolved, That the report of the City Commissioners in relation to the extension of Winston street from its northern terminus to St. Clair street, filed and reported June 5, 1876, be and the same is hereby accepted and adopted, and the City Clerk is hereby directed to deliver a certified copy of so much thereof as assesses benefits and damages upon real estate, and in which the real estate so assessed is described to the City Treasurer.

Which was adopted by the following vote :

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

Negative—Councilman Webster.—1.

APPROPRIATION ORDINANCES.

Mr. Webster introduced appropriation ordinance No. 33, 1876, entitled :

An ordinance appropriating money to pay sundry claims against the City of Indianapolis for the month of June, 1876.

Which was read the first time

Mr. Byram introduced appropriation ordinance No. 34, 1876, entitled :

An ordinance appropriating money on account of station houses for the month of June, 1876.

Which was read the first time.

Mr. Ransdell introduced appropriation ordinance No. 35, 1876, entitled :

An ordinance appropriating money on account of city hospital and branch for the month of June, 1876.

Which was read the first time.

Mr. Reed introduced appropriation ordinance No. 36, 1876, entitled :

An ordinance appropriating money on account of printing, advertising and stationery for the month of June, 1876.

Which was read the first time.

Appropriation ordinance No. 33, 1876,

Was read the second time, when Mr. Adams moved to amend by allowing the members of the late School Commissioner Election Board three dollars for their services.

Which amendment was adopted.

Mr. A. L. Wright moved to strike out all claims on account of the late School Commissioner election, and that such claims be referred to the School Board for settlement.

Which motion was adopted.

The ordinance was then ordered engrossed.

Appropriation ordinance No. 34, 1876,

Was read the second time and ordered engrossed.

Appropriation ordinance No. 35, 1876,

Was read the second time, amended by striking out the claim of the Indianapolis Ice Co., and then ordered engrossed.

Appropriation ordinance No. 36, 1876,

Was read the second time and ordered engrossed.

Appropriation ordinances No.'s 33, 34, 35 and 36, 1876,

Were read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Negative—None.

As a question of privilege, Mr. Darnell offered the following resolution :

Resolved, That the report of the City Commissioners, filed and reported on the 5th of June, 1876, in relation to the opening of an alley twenty feet wide, running in a northerly direction from Second street to connect with an alley already opened, running in a southerly direction from Fifth street between Meridian and Pennsylvania streets, be and the same is hereby accepted and adopted, and the City Clerk is hereby required to file the necessary transcript and certified copy of the assessments with the City Treasurer, as required by law.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Duffley, Izor, Laughlin, Morse, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Negative—None.

Mr- Craft, by consent, presented the following communication :

Indianapolis, July 1, 1876.

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

Gentlemen :—It has been about a year and a half since I recovered judgment against the City of Indianapolis for grave and permanent injuries which have deprived me of the ability to earn a livelihood by the practice of my profession as a visiting physician.

As I am advised, it is not a case which the city would desire to appeal to the supreme court, as the damages allowed me were wholly inadequate to compensate me for my loss, and the liability of the city is not a subject of dispute.

The term of office of one City Attorney has expired without any steps having been taken toward taking the case to the supreme court or paying the judgment.

I have not been importunate, but I am very badly in need of this money, and earnestly request your honorable body to direct my claim to be paid.

The city certainly does not seek to appeal the case for mere delay, and if it seeks a new trial, which would be the only result of a successful appeal to the supreme court, that can be had without an appeal, if the city will agree to abide the result and pay promptly without appeal or delay, the verdict that may be rendered, and it can be arranged by agreement so that such trial can be had at once. If the interests of the city demand a new trial, I ought not to be delayed a year and a half without any appeal being taken.

Or, if a new trial can be had without an appeal on the terms indicated above, it could probably be arranged between the counsel of the city and my lawyers.

All I seek is fair treatment in the matter, and that I am confident your

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honorable body will give me; and I earnestly request your honorable body to dispose of it without further delay, in such way as justice to myself and to the city demands.

JOHN M. GASTON.

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

As a question of privilege, Mr. Adams offered the following motion :

Moved, That Jos. A Moore be allowed to make connection with the Georgia street sewer at his own expense, and under the direction of the City Civil Engineer, and according to ordinances of the city.

Which was adopted.

On motion the Council adjourned.

J. K. Kaven Mayor.

Attest :

Benj. C. Wright City Clerk.