

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, August 7th, 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, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—22.

Absent—Councilmen Bugbee, Izor, Laughlin, and Thomas.—4.

The proceedings of the regular session, held July 31st, 1876, were read and approved.

Sealed proposals for building a Hose Reel House on East Washington street; also, for grading and graveling the first alley west of West street, running north and south from Merrill to Grant streets; also, for grading and graveling the first alley west of Noble street, and between Ohio and Miami streets; also, for grading and graveling the first alley east of East street, from McCarty street to second alley north of McCarty street; also, for grading and graveling the alley between Pleasant street and Woodlawn avenue, from Olive to Linden streets; also, for grading and graveling Clark street and sidewalks, from Hill avenue to Valley Drive; also, for grading and graveling Japan or East street, from Morris to Nebraska streets, and the sidewalks thereon where not already improved; also, for grading and graveling Orange street and sidewalks; from Shelby to Spruce streets, were received, opened, read, and referred to the Committee on Contracts.

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

Indianapolis, August 7, 1876.

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

Gentlemen:—Your Committee on Contracts, to which was referred sundry proposals, presented to Council, July 31st, 1876, have examined the same and find them to be as follows, to-wit:

First. For building a 1,200 barrel fire cistern at the corner of College avenue and Twelfth or Reagan streets—

Henry C. Roney, 49 cents per barrel.

O. W. Kelly, 48 cents per barrel.

John L. Hanna, 45 cents per barrel.

Bruner & Co., 45 cents per barrel.

John Schier, 45 cents per barrel.

Wm. L. White, 37 cents per barrel.

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

Second. For building a 1,200 barrel fire cistern at corner of Dakota and Morris streets—

Henry C. Roney, 53 cents per barrel.

O. W. Kelly, 48 cents per barrel.

Bruner & Co., 45 cents per barrel.

John Scheir, 42 cents per barrel.

Wm. L. White, 37 cents per barrel.

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

Third. For building a 1,200 barrel fire cistern at the corner of Laurel and Orange streets—

Henry C. Roney, 52 cents per barrel.

O. W. Kelly, 48 cents per barrel.

Bruner & Co., 45 cents per barrel.

John Scheir, 44 cents per barrel.

Wm. L. White, 37 cents per barrel.

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

Respectfully submitted,

D. M. RANSDELL,

ROB'T C. MCGILL,

Committee on Contracts.

Which was concurred in and the contracts awarded.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—I was directed to advertise for proposals to improve the alley between South and Rockwood streets, running east from East street to the first alley east. I find that said alley is not open, which of course prevents its improvement.

I was also directed to advertire for proposals to improve the first alley east of East street, from Dougherty street to the first alley north of Buchanan street. I find that said alley only extends to Buchanan street, instead of to the first alley north of said street; also, that the portion of said alley lying between Buchanan street and the first alley south is already improved.

SECOND.

I was directed to make an estimate of the amount required to finish the Fall Creek levee. There will be required a covering of gravel to a depth of eighteen inches, which will be 5,719 yards, at 30 cents, making \$1,715.70, and 9,531 cubic yards of filling at 27 cents, \$2,573.37; total, \$4,289 07.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

The first section was concurred in.

In regard to the second section, Mr. Thalman offered the following motion :

Moved, That the report be received, and the Commissioner be directed to complete the levee to the strict letter of the contract, and nothing more.

Which was adopted.

The City Civil Engineer submitted the following report :

Indianapolis, August 7, 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 James Garner & Co. for grading and graveling the alley running north and south through square 9, from Michigan to North streets—

840 lineal feet at 14 cents	\$117 60
1 yard of gravel at 70 cents	70
Total.....	\$118 30

Also, a first and final estimate allowed Patterson & Dunning for grading and graveling Ninth street and sidewalks, from Illinois to Tennessee streets—

1,224 lineal feet at 35 cents.....\$428 40

Also, a first and final estimate allowed Geo. Wm. Seibert for grading and graveling the alley running east and west from Dillon to Linden streets, between English and Spann avenues—

2,122 lineal feet at 13 cents.....\$275 86

Also, a first and partial estimate allowed Dickson Bros., & Co. for erecting eight drinking fountains at various points in the city.....\$1,600 00

Also, a first and final estimate allowed Henry C. Roney for re-bowldering Potomac alley, between Meridian and Illinois streets—

870 lineal feet at 22 cents.....\$191 40

Also, a first and final estimate allowed James Muse, 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—

435 lineal feet at 13 cents.....\$ 56 55

650 lineal feet at 17 cents.. .. 110 50

Total.....\$167 05

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That that the foregoing first and final estimate allowed James Garner & Co., for grading and graveling the alley running north and south through square No. nine, from Michigan to North 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, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Rans-

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

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Patterson & Dunning for grading and graveling Ninth street and sidewalks, from Illinois to Tennessee 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, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Geo. Wm. Seibert for grading and graveling the alley running east and west from Dillon to Linden streets, between English and Spann avenues, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Henry C. Roney for re-bowldering Potomac alley, between Meridian and Illinois 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, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed James Muse 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, be and the same is hereby adopted as the estimate of this Council, and that the proeerty 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, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

The City Clerk submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—I hereby report the following affidavit now on file in my office or the collection of street assessments, to-wit :

Manlove A. Huffington vs. Hadley Davis for. \$6 00

And respectfully recommend that you order the precept to issue.

BENJ. C. WRIGHT,

City Clerk.

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

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

The City Commissioners submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—Your Commissioners do hereby report to your honorable body that we have reconsidered our former action in the case of the opening of Blackford street, wherein we assessed against lots No. 52 and 53, out-lot 161, Wiley's subdivison, the sum of fifty-five dollars (\$55). That therein we erred, and that we now correct the former reported assessment, in this, that we release the assessment against lot No. 53, out-lot 161, Wiley's subdivision, owned by Sarah B. Gilbert, and do now assess benefits against Sarah B. Gilbert on lot No. 52, out-lot 161, Wiley subdivision, the sum of \$27.50, and against Isaiah Harniday on lot No. 51, out-lot 161, Wiley's subdivision, the sum of \$27.50.

Respectfully submitted,

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

Which was referred to the City Attorney, with instructions to prepare and report the necessary resolution to adopt such report.

The City Assessor submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—I herewith submit my annual report of the taxable property

of the city of Indianapolis for the year 1876, showing the total value of taxable property to be \$59,084,806, and 12,526 polls.

Respectfully submitted,

WM. HADLEY, City Assessor.

Which was received.

Mr. Thalman offered the following motion :

Moved, That the report of the City Assessor be received, and that the City Clerk give the legal notice that this Council meet as a Board of Equalization on the 21st inst.

Which was adopted.

The Board of Health submitted the following report :

Indianapolis, August 7, 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 29th day of July, to 6 o'clock P. M., on the 5th day of August, 1876.

Under 1 year	15
1 to 2 years	2
2 to 3 "	2
3 to 4 "	0
4 to 5 "	2
5 to 10 "	1
10 to 20 "	1
20 to 30 "	3
30 to 40 years	0
40 to 50 "	2
50 to 60 "	2
60 to 70 "	0
70 to 80 "	1
80 to 90 "	0
90 " 100 "	0
Above 100 "	0
Unknown	0
Total.....	31

Respectfully submitted,

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

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

Which was received.

The Street Commissioner submitted the following report :

Indianapolis, August 7, 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 July 3, 1876 :

Taken up and relaid bowlders on South side of Washington street, from Meridian to Illinois streets.

Re-bowldered between the Street Railroad tracks at the curve on the corner of Tinker and Illinois streets.

Taken up and relaid bowlders on Pennsylvania street from Washington to Market streets.

Taken up and relaid bowlders on East street, from South to Stevens streets.

Lowered the foot crossings on Davidson street, at the crossing of Michigan, Vermont and New York streets.

Changed the gutter at the intersection of Meridian and St. Joe streets.

Repaired alley crossing on west side of West street, between New York and Vermont streets.

Changed the curb at the intersection of Tennessee and Eighth streets ; also, at the corner of Tennessee and Ninth streets.

Changed the gutter on St. Clair street, at the intersection of Winston and Davidson streets

Filled the chuck-holes on Illinois street, from St. Clair to Tinker streets.

Repaired and reset 115 bridges and culverts.

Rebuilt bridge over State Ditch on Greenwood street.

Repaired bridge over State Ditch on Delaware street.

Built new bridge over Crooked Run on Michigan street.

Placed curbing on west bank of Canal, between Vermont and Michigan streets.

Placed eleven new culverts and nineteen new foot bridges on different street crossings.

Pay roll for the month ending August 4.....	\$3,394 24
M. & J. H. Murry, lumber	120 35
B. Fletcher, 3 yards bowlders at \$2.00	6 00
G. H. Shover, blacksmithing.....	48 55
Clemens Vonnegut, hardware.....	195 51

John Christian, lumber.....	123 60
Peter Routier, gravel.....	28 00
Henry Schoendorf, sand.....	45 00
D. Kiley, blacksmithing.....	6 25
Indianapolis Rolling Mill Company.....	25 00
J. S. Jones, rubber boots.....	10 00
F. W. Reasener & Son, brick.....	2 25
Peter Routier, lumber.....	111 36
Carry McFarland, bowlders.....	48 00
W. H. Hilderbrand & King, lumber.....	166 44
King & Knight, blacksmithing.....	9 88
Clark & Christian, lumber.....	304 39
Total.....	<u>\$4,644 82</u>

Respectfully submitted,

LEANDER A. FULMER,

Street Commissioner.

Which was approved.

The Chief Fire Engineer submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—I would recommend your honorable body to take such action as may be necessary to purchase 2000 feet of new fire hose for the use of the Fire Department, as we are in need of them. I would also recommend a 1200 barrel cistern and fire box at the corner of Shelby and Beecher streets.

Respectfully submitted,

W. O. SHERWOOD,

Chief Fire Engineer.

Which was referred to the Fire Board.

INTRODUCTION OF ORDINANCES.

Mr. Adams introduced special ordinance No. 95, 1876, entitled :

An ordinance to provide for the curbing of the outside edges of the sidewalks of Broadway street, between Lincoln avenue and the first alley north.

Which was read the first time.

Also, the following petition :

Indianapolis, August 7, 1876.

To the Common Council of the City of Indianapolis :

Gentlemen :—We the undersigned, property holders on Broadway street, between Lincoln avenue and Seventh street, respectfully petition your honorable body to cause to be laid gas mains, and to have lamp posts with fixtures erected on said street, between said streets.

And your petitioners will ever pray, etc.

S. MERRILL,
GEO. E. TOWNLEY.

Which was received.

Also, special ordinance No. 96, 1876, entitled :

An ordinance to erect lamp-posts, lamps and fixtures, complete to burn gas, except the service pipe, on Broadway street, between Lincoln avenue and Seventh or Tinker street.

Which was read the first time.

Also, special ordinance No. 97, 1876, entitled :

An ordinance to provide for grading and graveling the first alley east of Pennsylvania street, from Home avenue to Fifth street.

Which was read the first time.

Mr. Kenzel presented the following petition :

Indianapolis, July 28, 1876.

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

Gentlemen :—We the undersigned, property holders on the line of the alley between Merrill and Grant streets, running from the first alley west of West street to Acorn street, respectfully petition your honorable body to cause said alley to be graded and graveled, with river or creek gravel, to a depth of ten inches, and sloping to the center.

And as in duty bound your petitioners will ever pray, etc.

Fred Neffe, Patrick Logan, Joseph Glicky, Charles
Manay, Olof Anderson, Thomas Nolan, John
Doud, J. B. Weber.

Which was received.

Mr. Kenzel introduced special ordinance No. 98, 1876, entitled :

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

Which was read the first time.

Also, special ordinance No. 99, 1876, entitled :

An ordinance to provide for grading and paving with brick the east sidewalk of Maple street, from McCarty to Ray streets.

Which was read the first time.

Mr. Ransdell introduced general ordinance No. 46, 1876, entitled :

An ordinance providing for the office of Market Master for the West Market, and defining his duties.

Which was read the first time.

Mr. Schmidt introduced special ordinance No. 100, 1876, entitled :

An ordinance to provide for paving with brick the north sidewalk on Washington street, between East and Noble streets.

Which was read the first time

APPROPRIATION ORDINANCES.

Mr. Thalman introduced appropriation ordinance No. 38, 1876, entitled :

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

Which was read the first time.

Mr. Darnell introduced appropriation ordinance No. 39, 1876, entitled :

An ordinance appropriating money to complete the Fall Creek levee.

Which was read the first time.

Mr. Reed introduced appropriation ordinance No. 40, 1876, entitled :

An ordinance appropriating money on account of printing, etc., for the month of July, 1876.

Which was read the first time.

Mr. Byram introduced appropriation ordinance No. 41, 1876, entitled :

An ordinance appropriating money on account of Station Houses for the month of July, 1876.

Which was read the first time.

Mr. Ransdell introduced appropriation ordinance No. 42, 1876, entitled :

An ordinance appropriating money on account of City Hospital and Branch for the month of July, 1876.

Which was read the first time.

Mr. Webster introduced appropriation ordinance No. 43, 1876, entitled :

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

Which was read the first time.

Appropriation ordinance No. 37, 1876, (introduced July 31st, 1876),

Was read the second time and engrossed.

Appropriation ordinance No. 38, 1876,

Was read the second time and engrossed.

Appropriation ordinance No. 39, 1876,

Was read the second time and engrossed.

Appropriation ordinance No. 40, 1876,

Was read the second time and engrossed.

Appropriation ordinance No. 41, 1876,

Was read the second time and engrossed.

Appropriation ordinance No. 42, 1876,

Was read the second time, and engrossed.

Appropriation ordinance No. 43, 1876,

Was read the second time.

Dr. Stratford offered the following amendment :

C. E. and M. Moriarity, 62 feet	\$ 93 00
James Frank, 62 feet	93 00
Lizetta Werbe, 62 feet	93 00
Catharine Boile, 31 feet	46 50
Thos. F. Ryan, 93 feet	139 50
Max Schiller, 31 feet	46 50
Mary Kropp, 31 feet	46 50
Chris. Thompson, 31 feet	46 50
Peter Muller, 31 feet	46 50
Frederick Brink, 43.4 feet	65 00
Peter Zimmer, 43.4 feet	65 00
Victor Plogstreet, 43.4 feet	65 00

Frederick Deitz, 76 feet.....	114 00
Margaret McCarty, 565.14 feet.....	849 25
Total.....	\$1,707 71
	1 54
	<u>\$1,709 25</u>

The above is a correct list of the property owners and the number of feet owned by each one on Madison avenue, that the city assumed the payment of.

Correct.

BERNHARD H. DIETZ,
City Civil Engineer.

Which was referred to the City Attorney with instructions to report an ordinance at next meeting of Council.

The ordinance was then ordered engrossed.

Appropriation ordinances No. 37, 38, 39, 40, 41, 42 and 43, 1876, were read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilman Schmidt.—1.

Mr. Byram moved to reconsider the vote by which the ordinance was passed at last meeting of Council to grade and bowlder Oriental street, from Washington street to Michigan Road.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Byram, Case, Craft, Darnell, Ransdell, Thalman, Webster and Wright, Arthur L.—8.

Negative—Councilmen Adams, Buehrig, Kenzel, Morse, McGinty, Pouder, Reasener, Reed, Schmidt, Steinhauer, Stratford and Wright, William G.—12.

Mr. Buehrig moved to postpone the special order for the evening, viz: The consideration of general ordinances on second and third readings, until next Monday night.

Which was adopted.

By request, the special committee, to whom was referred the charges against Market Master Show, were granted further time in which to report.

ROLL CALL.

Mr. Adams offered the following motion :

WHEREAS, The growth of the city, and the inadequate market privileges and facilities offered to the citizens of the different sections of the city, would suggest to this Council the necessity of taking such steps as would afford additional market facilities; therefore,

Moved, That the Committee on Markets, together with his honor the Mayor, inquire into the expediency and ascertain if suitable locations can be obtained for the purpose of erecting two additional market houses, one in the northern and one in the southern section of the city, and report as soon as possible.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby directed to put a culvert in the north bank of the State Ditch, east of College avenue, in order to drain the water that stands on the low ground between College avenue and Ash street.

Which was adopted.

Also, the following motion :

Moved, That the City Civil Engineer be and is hereby directed to readvertise for proposals for the grading and graveling of the first alley east of Yandes street, running from Home to Lincoln avenues.

Which was adopted.

Also, the following motion :

Moved, That the City Marshal be and is hereby directed to at once notify the proper parties owning property on the alley between Meridian and Pennsylvania streets, and running from Second street to the first alley north, which alley was recently opened by the City Commissioners, to set their fences so as to conform with lines of the alley as now recorded.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby directed to repair the brick culvert under Shelby street, just north of the Shelby House, as the same is in a dangerous condition.

Which was adopted.

Also, the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen :—I respectfully ask that your honorable body will reduce the appraisement on my house for the year 1875, and assessed last year to John S. Carpenter. The house cost me about \$6,000, and I find it appraised at \$6,500. As a matter of justice I pray that you will make the proper reduction, as I desire to pay my taxes.

Very respectfully,

JOHN S. CARPENTER.

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

Also, the following petition :

Indianapolis, August 2, 1876.

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

Gentlemen:—Your petitioner would respectfully represent that on the 14th day of February, 1876, he purchased, at the city tax sale, the following described real estate:

The south one-half of lot number twenty-four (24) in square number three (3) in the southeast addition to the city of Indianapolis, Ind. Said property was sold to your petitioner by H. W. Tutewiler, City Treasurer, for the alleged non-payment of city taxes for the year 1874, and to include the taxes for the year 1875 also—amounting in all to twenty-five dollars and seventy-six cents (\$25.76), which sum your petitioner paid to said Treasurer for the certificate of said purchase.

Comes now G. P. Lingenfelter, and exhibits a receipt for the payment by him of said city taxes for the year 1874, on said described real estate, a copy of which is herewith attached; whereby said sale is rendered null and void, and your petitioner would ask and demand a refunding of the amount, \$25.76, paid by him to the City Treasurer, and that your honorable body do so order that, upon the return of said certificate to the said Treasurer for cancellation, that the City Clerk be instructed to draw his warrant on the City Treasurer for the said sum of \$25.76, with interest, and in favor of your petitioner.

And as in duty bound your petitioner will ever pray, etc.

T. A. GOODWIN.

Which was referred to the Committee on Accounts and Claims and City Attorney.

Mr. Adams moved to reconsider the vote by which special ordinance No. 18, 1876, entitled, "An ordinance to grade and gravel Omar street, and paving the sidewalks thereof, from Brookside avenue to the first alley east," was passed July 31, 1876.

Which motion to reconsider was adopted by the following vote:

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Kenzel, Morse, McGinty, Poudler, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

On motion, the ordinance was then stricken from the files.

Also, the following petition :

Indianapolis, August 3, 1876.

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

Gentlemen :—The undersigned, residents and property holders of lands situate on what is known as Omer street, in this city, do hereby petition your honorable body to take into consideration and pass an ordinance to widen out Omer street to a width not less than forty feet from point of commencement of Brookside avenue to the first alley east thereof. And your petitioners do further ask and petition that the ground to be used for the widening of said street be taken from the north side of the street, for reason of no improvements on that side, and for the further reason that the property-holders on the south side has already contributed twenty-five feet to this street, and property holders on north side but five feet of same, (see diagram attached). And your petitioners do believe that a street thirty feet wide is too narrow and inadequate to fill the wants of this location, and as your honorable body did pass an ordinance on the 31st day of July, 1876, for the grading, graveling, etc., of the said Omer street, that before ordering the commencement of work thereon, this petition may receive full and true consideration. Trusting it may meet with your approval, we remain,

Yours respectfully,

Geo. H. Heitkam, C. C. Pierce, John L. Monroe,
F. M. Stoops, and I. W. Davis.

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

Mr. Buehrig presented the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on the alley running north and south through square 87, between Meridian and Illinois streets, respectfully petition for the passage of an ordinance providing for the grading and graveling of the alley running north and south through square eighty-seven (87), between Meridian and Illinois streets, from Georgia to Louisiana streets.

And your petitioners will ever pray, etc.,

John P. Frenzel, C. F. Rapert, John Hauck, and
five others.

Which was received.

Mr. Buehrig introduced special ordinance No. 101, 1876, entitled :

An ordinance to provide for grading and graveling the alley running north and south through square eighty-seven, between Meridian and Illinois streets, from Georgia street to the south end of said alley.

Which was read the first time.

Also, the following resolution :

Resolved, That the owners of the following described real estate to-wit : Lots No. five and six in W. H. L. Noble's subdivision of out-lot No. 108, owned by W. H. L. Noble, 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 or noxious 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 the 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 duplicate for city purposes.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Kenzel, McGinty, Poudier, Ransdell, Reasener, Reed, Schmidt, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—None.

Mr. Byram offered the following motion :

Moved, That the Street Commissioner be, and is, hereby instructed to change the crossings at Ninth and Illinois streets, and Ninth and Tennessee streets, said Ninth street having been opened and improved, and a change

in the crossings necessary to conform to the width of said street. Said work to be done under the direction of the City Civil Engineer.

Which was adopted.

Mr. Case offered the following resolution :

Resolved, That the owners of the following described real estate, to wit: Lot No. 11 in Martindale's addition 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, Buehrig, Byram, Case, Craft, Darnell, Kenzel, McGinty, Poudier, Ransdell, Reasener, Reed, Schmidt, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—None.

Mr. Craft presented the following communication :

Indianapolis, August 7, 1876.

To Mayor and Common Council of the City of Indianapolis :

Gentlemen :—We, the undersigned, respectfully represent to your honorable body that John H. Vajen owns 73 acres of land lying west of Fall Creek and north of the new channel of the same, recently made by the city of Indianapolis.

Your petitioner, John E. Foudray, owns 18 acres, and Dan Martin owns 22 acres.

The alteration of the channel of Fall Creek, as now being made by the city, exposes all this ground, which has only recently been added to the city, and burdened with city taxes, to be flooded with back water from White River and to overflow from Fall Creek to such an extent as to almost destroy its value for agricultural or building purposes.

Before the alteration of the channel of Fall Creek this land was not exposed to back water from White River. For twenty years there has been no failure of crops on the grounds owned by Foudray and Vajen by reason of high water, and the worm fence on the line between Patterson and Foudray just north of the new channel, has not, in all that time, been washed away.

By the recent change in the channel of Fall Creek, it is attempted to cause its waters to enter White River about one mile north of its old and natural outlet, and at an elevation of six or seven feet higher than its old mouth. The direction of the new channel is in direct opposition to the course of the current of White River where it enters the latter, and besides it enters the river at a point where the river is comparatively narrow and makes a bend in its course.

The result is, that at every little rise the waters of White River pour into and through the channel, and being unable to escape by reason of the embankments on the south side of the new channel, together with the embankment on Michigan street, backs up and over the lands of the undersigned till it rises to the level of such embankment on the south side of the channel, thus standing from six to eight feet on the lands of your petitioners.

Your petitioners have already sustained great loss and damage by reason of the action of the city in bringing the waters of White River and Fall Creek upon their lands, and erecting dams and embankments to prevent such water from passing off, and unless the matter is remedied their property is very greatly and permanently injured.

They respectfully suggest that a strong and sufficient levee or embankment on the west bank of Fall Creek, from the point where the new channel intersects White River to the bluffs or high banks on the lands of C. Schurman, would be a safe and economical protection to the lands exposed to back water and overflow by reason of the recent change in the channel of Fall Creek.

Unless steps are taken without delay to relieve us from further and future loss we will be compelled reluctantly to appeal to the courts for relief.

JOHN E. FOUDRAY,
JOHN H. VAJEN,
DAN MARTIN.

Dye & Harris, Attorneys.

Which was referred to the Committee on Accounts and Claims and City Attorney.

Also, the following motion :

Moved, That the Committee on Printing, with the City Attorney, be, and are, hereby instructed to have printed one hundred copies of the rules of this Council, the same to be done at an early a day as possible. The same to embrace all the rules and amendments governing the action of the Council.

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

Also, the following motion :

Moved, That David Fry be, and is, hereby granted an auctioneer's license to sell at auction at No. 75 South Illinois street, by paying the required fee for same to City Clerk.

Which was adopted.

Also, the following communication :

Indianapolis, August 7, 1876.

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

Gentlemen :—Having been awarded the contract for building the work house, and owing to unavoidable delay on the part of the city in completing arrangements, and the uncertainty in which the matter is at present, necessitating further delay, and compelling me to lose all the best weather and do the work in the bad weather of the Fall and Winter, and the necessary loss and inconvenience attending the same. I hereby respectfully ask your honorable body to allow me to withdraw my bid.

Respectfully submitted,

O. W. KELLY.

Which was referred to the Work House Commissioners.

Dr. Stratford offered the following motion :

Moved, That the Work House Board be directed to authorize O. W. Kelly to proceed with his contract for the construction of the work house.

Which was adopted.

Also, the following motion :

Moved, That the Board of Work House Commissioners be authorized to call upon the Street Commissioner who shall furnish to them any prisoners compelled to work upon the streets, for the purpose of performing any work they may direct in the construction of the work house.

Which was adopted.

Mr. Craft presented the following remonstrance :

Indianapolis, August 7, 1876.

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

Gentlemen :—The undersigned, a property holder on Highland street, in the city of Indianapolis, would respectfully remonstrate against the proposed improvement of that street, as proposed by an ordinance introduced by Councilman Schmidt.

Respectfully,

JAMES L. MITCHELL.

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

Also, the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen :—Your petitioners pray your honorable body to cause to be laid out and opened John street, to a width of 60 feet, and running from Peru avenue in a north-eastern direction to Massachusetts avenue. A plat of such proposed street is herewith filed and made part of this petition.

Respectfully,

C. C. GALE,

Sup't C. C. C. & I. R'y.

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

Mr. Darnell offered the following motion :

Moved, That the Street Commissioner be, and is, hereby ordered to repair the Steam Road-roller house as the same is in bad condition.

Which was adopted.

Also, the following motion :

Moved, That the Chief Fire Engineer be, and is, hereby ordered to notify the owners of an old building situated on North Mississippi street, between Fourth and Fifth streets, known as the Comegies & Pierce property, to fix and secure the same in a safe condition within 15 days from notification. If not done within 15 days from notification, the Chief Fire Engineer to tear the same down.

Which was adopted.

Also, the following motion :

Moved. That the Street Commissioner be, and is, hereby ordered to notify the President of the Street Railroad to move or lower their track across Pennsylvania street on that line leading from Illinois street to the Fair ground, and if the same is not done immediately, the Street Commissioner to do the same and charge the same to the above company.

Which was adopted.

Mr. Kenzel offered the following motion :

Moved, That the Street Commissioners be, and is, hereby directed to fill with gravel the chuck holes on Meridian street, between McCarty and Morris streets.

Which was adopted.

Mr. Thalman, in behalf of Mr. Morse, offered the following motion :

Moved, That Wm. Pfaffin have permission to put in a sink on Mississippi street, in front of his property, near Indiana avenue, the street to be put in

as good repair as it now is, at his own expense and to the satisfaction of the Street Commissioner. Subject to ordinances on that subject.

Which was adopted.

Mr. Ransdell presented the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen :—Your petitioner respectfully represents that in the year 1872, and month of January of that year, he was listed for taxes for that year and within thirty days thereafter he went to Illinois, and about the first of April of that year his family and household goods were removed to Illinois. He again returned to Indianapolis and was listed for taxes in April, 1875, and on payment of said tax found that the tax of 1872 was against him, together with interest and penalty. Your petitioner conceives that the tax of 1872 should not be charged against him, as he lost his residence early in the year, and asks for relief from the same, in whole or in part, from your honorable body.

Respectfully submitted,

W. F. SLATER.

Which was referred to the Committee on Accounts and Claims and City Assessor.

Mr. Reed offered the following motion :

Moved, That Ambrose Balweg be, and hereby is, granted permission to build a powder house for his own use, on the bank of the river, contiguous to the old cemetery, in the vicinity of the powder house already there located.

Which was adopted.

Mr. Schmidt presented the following remonstrance :

Indianapolis, August 7, 1876.

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

Gentlemen :—The undersigned, property owners on east Market street, between Noble street and Arsenal avenue, respectfully remonstrate against the passage of an ordinance now pending before your honorable body for the improvement of said Market street, between the points aforesaid, for the following reasons, to-wit :

1. No necessity exists for said improvement; and,
2. The property is owned largely by persons totally unable to pay for the said improvement under the present depressed state.
3. The improvement should not be made now, because the next freshet we may have, Pogues Run will wash it away again, and some means should be adopted by your honorable body to prevent the overflow of Pogues Run, before any more improvements are washed away.

And we would ever pray,

John B. Stumph, 310 feet; Mary J. Vance, 295 feet; Michael Mode, 37½ feet; Henry Geifsel, 40 feet; Hubert Reoker, 41¼ feet; V. W. H. Keely, 114 feet; Wm. Werther, 30 feet; Abel Schaaf, 35 feet; H. C. Buddenbaum, 70 feet; Ida S. Herning, 40 feet; Laura A. Barnes, 19 feet; F. Wm. Schliebitz, 27½ feet; Chas. F. Mayer, 38 feet; Friedrich J. Meyers, 32 feet; Henry C. Poinking, 32 feet; Jacob Dohwisler, 42 feet; Kate Schellschmidt, 46 feet; Peter Schmidt, 35 feet; I. J. Shafer, 38 feet; Christ. G. Dittrich, 38 feet; B. F. Steward, 30 feet; H. Vogel, 28 feet; Tim Splan, 40 feet; Wm. Koethe, 80 feet; A. Springsteen, 80 feet; Henry Weiker, 20 feet; Joseph Johnston, 60 feet; R. S. Sturgeon, by J. B. C. & Co., agents, 20 feet; W. D. Wood, by J. B. C. & Co., agents, 20 feet.

The above petitioners seem to think that, in consequence of the scarcity of money, it would be a great hardship for them to raise the money to pay for the improvement of Market street this year as they say they cannot raise the money, hence I am induced to change my petition for improving Market street this year, and go in with the above remonstrance.

I. N. PHIPPS, 315 feet.

I am anxious to have the street improved, but opposed to any improvement until the water pipes are laid along the street.

T. A. GOODWIN, 40 feet.

H. H. HUTCHINS, 112½ feet.

Which was referred to the Committee on Streets and Alleys.

Also, the following motion :

Moved, That a committee of three be appointed to examine the accounts of the ex-Chief of Fire Department, M. G. Fitchey, during his term of office, and report to this Council as soon as possible.

Which was adopted.

The Chair appointed as such committee, Councilmen Schmidt, Thalman and Stratford.

Mr. Pouder presented the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen :—We, the undersigned, wholesale merchants of this city, do petition your honorable body to repeal an ordinance passed November 1st, 1875, entitled, "An ordinance to regulate the storage of crude petroleum, earth or rock oil, or any of its products, except lubricating oils," said ordinance being oppressive and injurious to our general trade to an uncalculable amount. What is known in this market as coal oil, (one of the products of crude petroleum) is one of the leading staple articles in our business, and the said ordinance is so unjust as to really prohibit our selling or keeping any oil, and in consequence our trade would look to other points where their orders for oils and other goods could be filled by the same dealer. We would further represent to your honorable that the universal use and cheapness of coal oil has made such a demand for the article that there is great competition between us and Cincinnati, Louisville, St. Louis and Chicago. That it is sold at an extremely small margin of profit, not sufficient to pay the expense of storage and long drayages. And we would respectfully represent that if compelled to comply with the provisions of said ordinance, the expense would be so great it would not justify us to do it, but would compel us to discontinue this branch of our business, and thereby lose large sales of other goods.

We would also state that the railroad companies of this city, with but two exceptions, receive oils of any kind only on Tuesdays and Fridays of each week—the exceptions being the I. P. & C., which receives on Mondays and Fridays, and the J., M. & I., which receives on Fridays only, thus compelling us to carry larger stocks than would otherwise be necessary.

We therefore confidently ask your honorable body to repeal said ordinance as an act of right and justice, and we will ever pray, etc.,

Severin, Ostermeyer & Co., Landis, O'Connor & Co.,
Robertson & Perry, Conduitt, McKinght & Co.,

Wiles, Coffin & Smith, A. Kiefer, Browning & Sloan, Stewart & Barry, Haskitt & Hetselgesser, A. Burdsale, Smith & Groves, Will T. Boyd, and five others.

Which was referred to the Fire Board.

Also, the following remonstrance :

Indianapolis, August 7, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on east Market street, between Cruse and Highland streets, respectfully remonstrate against the passage of an ordinance providing for the improvement of east Market street, by grading, graveling and curbing the gutter.

And your remonstrants will ever pray, etc.,

WM. W. NORTHPROP, 90 feet.

BETTIE C. HUSTON, 120 feet.

Which was referred to the Committee on Streets and Alleys.

Mr. Thalman offered the following motion :

Moved, That Val Meir have permission to put in a sewer pipe on west Pearl street, between West and Missouri streets, provided he puts the street in as good repair as it now is. All to be done at his own expense.

Which was adopted.

Mr. A. L. Wright presented the following petition :

Indianapolis, July 28, 1876.

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

Gentlemen :—In making up my assessment list for the year 1875, I made an error in the total amount of credits above indebtedness. I did not take into consideration my real estate account, that not appearing on the list. I owed at that time between twelve and fifteen thousand dollars on real estate, instead of three thousand dollars as reported. My list embraced only merchandise and manufacturing business, and not real estate.

I therefore ask the relief that you may deem right and just. I claim a reduction on three thousand dollars (\$3,000) reported erroneously.

Very respectfully,

WM. J. GILLESPIE.

This has been allowed me by the County Commissioners on my State and county taxes.

WM. J. GILLESPIE.

Which was referred to the Committee on Accounts and Claims and City Assessor.

Also, the following petition :

Indianapolis, August 7, 1876.

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

Gentlemen:—Your petitioners respectfully represent to your honorable body the following facts, viz : Some years ago the gas post was removed from the corner of Washington and Illinois streets to a position in front of the now "Hotel Bates," and was recognized, as of right it should have been, and should yet be, as one of the city lamp posts, and was cared for as such until recently, but now has been discarded. Your petitioners ask as a matter of justice and right that the lamp post be put in burning order again, and be used as other city lamp posts are, by lighting the same and caring for it as others are.

Respectfully,

THOMAS COTTRELL,
JAMES O. IVES & CO.

Which was referred to the Committee on Gas Light, and City Civil Engineer.

Also, the following motion :

Moved, That I. C. Walker have permission to pave the sidewalk in front of his property on Maryland street, between Pennsylvania and Delaware streets, according to stakes to be set by the City Civil Engineer. Work to be done within sixty days.

Which was adopted.

Mr. Ransdell offered the following motion :

Moved, That in all cases where the Street Commissioner makes repairs upon streets, that he carefully note where excavations have been made by either the Gas Co. or the Water Works Co., and that he report to this Council each month the amount expended in making repairs in such cases, and that the Committee on Accounts and Claims be instructed to deduct the amount from their next bill.

Which was adopted.

By consent, Mr. Craft submitted the following report :

Indianapolis, August 7, 1876.

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

Gentlemen :—The undersigned, members of the Fire Board, to which was referred the petition of Anthony Einatz, D. G. Vollmer, and others, praying for the erection of a fire alarm box on the corner of Ray and Plum streets, in West Indianapolis, would report that, as there is much valuable property in that locality without fire protection, and their being cisterns already built, we would recommend that the prayer of the petitioners be granted, and the Chief Fire Engineer be instructed to have the fire alarm box so located.

There was also referred to the Board a motion of Councilmen Schmidt directing the City Civil Engineer to advertise for bids for a 1,000 barrel cistern at the intersection of Washington street and Arsenal avenue. We would recommend that the motion be passed.

Respectfully submitted,

W. H. CRAFT,
J. C. ADAMS,
J. L. CASE,
Fire Board.

Which report was concurred in.

On motion the Council adjourned.

J. C. Adams Mayor.

Attest :

Benny High City Clerk.