

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL, }  
*Monday, July 16th, 1877—7½ o'clock P. M.* }

The Common Council of the City of Indianapolis met in regular session.

PRESENT:

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

Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, McGinty, Reading, Reed, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—20.

Absent—Councilmen Cochran, Morse, Pouder, Sindlinger, and Thomas—5.

The proceedings of the regular session, held July 9th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

## REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Bugbee, made the following report; which was concurred in, and the contracts duly awarded, as recommended:

*Indianapolis, July 16, 1877.*

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Contracts, to whom were referred sundry proposals, presented to Council July 9th, 1877, for improving Clifford avenue between Massachusetts avenue and the northwest corner of the United States Arsenal grounds, by grading and graveling the street with good screened or raked gravel, and bowldering the gutters to a width of seven (7) feet, have examined the same, and find them to be as follows, to-wit:

J. J. Palmer, 70 cents per lineal foot front on each side, where the gutters are bowldered, and \$1.20 per lineal foot front on each side, where the gutters are not bowldered.

James W. Hudson, 94 cents per lineal foot front on each side.

C. S. Roney, 93 cents per lineal foot front on each side.

E. P. Elliott, 92½ cents per lineal foot front on each side.

R. H. Patterson, 92 cents per lineal foot front on each side.

Samuel J. Smock, 88 cents per lineal foot front on each side.

John Greene & Fred. Gansberg, 87 cents per lineal foot front on each side.

John L. Hanna, 87 cents per lineal foot front on each side.

Richard Carr, 85 cents per lineal foot front on each side.

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

Respectfully submitted,

J. W. BUGBEE,

M. L. BROWN,

Committee on Contracts.

## REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was approved:

*Indianapolis, July 16, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—There being no meeting of the Board of Aldermen on last Wednesday evening, no action was taken on the first and partial estimate allowed by the Council to John W. Richardson for the improvement of Church street, between Morris and Ray streets; and the entire work having been completed, I would recommend that the action of your honorable body, allowing said partial estimate, be reconsidered, and action be taken on the following :

A first and final estimate allowed John W. Richardson, for grading and graveling Church street and sidewalks, between Ray and Morris streets—

1731.7 lineal feet at 36 cents.....	\$623 41
4 loads of gravel (extra) at 60 cents.....	2 40
<b>Total</b> . . . . .	<b>\$625 81</b>

Respectfully submitted,

BERNHARD H. DIETZ,  
City Civil Engineer.

By R. M. PATTERSON,  
Asst. C. C. Eng.

On motion, the vote of July 9th, by which a resolution allowing a first and partial estimate for above described work, was adopted [see pp. 215-216, *post*], was re-considered by the following vote :

Affirmative—Councilmen Brown, Bugbee, Byram, Izor, Layman, Marsee, McGinty, Reed, Steinhauer, Stoner, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—15.

Negative—None.

The following resolution was then offered :

*Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate allowed John W. Richardson, for grading and graveling Church street and sidewalks, between Ray and Morris streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.*

And was adopted by the following vote :

Affirmative—Councilmen Brown, Bugbee, Byram, Izor, Layman, Marsee, McGinty, Reed, Steinhauer, Stoner, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—15.

Negative—None.

The same officer submitted the following report ; which was received :

*Indianapolis, July 16, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—A communication from the Board of Health, together with a petition from property owners, relating to the grading and graveling of Sixth street and sidewalks, between Delaware and Alabama streets, were referred to me, with instructions to report the necessary improvement ordinance.

I have complied with your instructions, and herewith report an ordinance for the improvement referred to.

Respectfully submitted,

BERNHARD H. DIETZ,  
City Civil Engineer.

By R. M. PATTERSON,  
Asst. C. C. Eng.

Also, introduced the following special ordinance ; which was read the first time :

S. O. 22, 1877—An ordinance to provide for grading and graveling Sixth street and sidewalks, between Delaware and Alabama streets.

The same officer presented the following request ; which was granted :

*Indianapolis, July 16, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—Having been very ill, and being advised by my physician to take a trip for the benefit of my health, I would most respectfully request a leave of absence for a period of three weeks.

Very respectfully,

BERNHARD H. DEITZ,  
City Civil Engineer.

The City Clerk submitted the following report; which was concurred in:

Indianapolis, July 16, 1877.

To the Mayor and Common Council:

Gentlemen:—I herewith report the following affidavit, now on file in my office, for the collection of street assessment by precept, to-wit:

John Low vs. Frederick Gøepper, for .....\$56 70

And would recommend that a precept be ordered to issue.

Respectfully,

BENJ. C. WRIGHT, City Clerk.

And said precept was ordered to be issued, by the following vote:

Affirmative—Councilmen Brown, Bugbee, Byram, Izor, Layman, Marsee, McGinty, Reed, Steinhauer, Stoner, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—15.

Negative—None.

The following report was received from the Board of Health:

Report of deaths in the City of Indianapolis from the 7th day of July, 1877, to the 14th day of July, 1877:

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

Above 100 years.....	0
Unknown.....	0
Total.....	31

Respectfully submitted,

T. N. BRYAN, President.

WILLIAM WANDS,

H. JAMESON, Secretary.

His Honor, the Mayor, presented the following report; which was approved:

*Indianapolis, Ind, July 16, 1877.*

To the Common Council of the City of Indianapolis:

*Gentlemen*:—The amount of fines collected by me during the months of April, May, and June, 1877, due the Home for Friendless Women, is \$297.20; and the amount collected during the month of June, due the City Treasury, is \$45.90; which amounts I have paid the City Treasurer, as shown by his duplicate receipts, filed herewith.

Respectfully submitted,

JOHN CAVEN, Mayor.

The matter of fines paid into the city treasury to the credit of the "Home for Friendless Women," was referred to the Committee on Accounts and Claims, that said sum might be drawn out and paid over to said "Home," through the next regular appropriation ordinance introduced by such committee.

#### INTRODUCTION OF ORDINANCES.

Councilman Reed introduced the following general ordinance; which was read the first time:

G. O. 30, 1877—An ordinance fixing the amount of license to be paid by the owner of the City Garden Theater.

#### THE THOMAS D. GREGG BEQUEST.

By courtesy of the Common Council, William Sullivan, Esq.,

was invited to address said body on the subject of the reported bequest made the city by the late Thomas D. Gregg.

Mr. Sullivan read the following statement :

To the Honorable Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

*Gentlemen* :—On or about the first of May, A. D. 1877, it came to the knowledge of the undersigned, that one Thomas D. Gregg, an early teacher and subsequent broker of this city, but, for years last past, a resident of his early home, Boston, Massachusetts, departed this life, at the residence of his brother, Doctor Daniel H. Gregg, in King William's county, in the State of Virginia, on the 17th day of December, A. D. 1876, leaving a sealed letter addressed to one Thomas Hollis (his brother-in-law), endorsed "not to be opened and read until after my death," in the which the deceased mentions the making of a last will and testament, "to be found among his papers after his death." And the undersigned learns that said will has not been, and most probably can not be, found. And it is further alleged that said decedent made a last will in the winter of 1875-1876, while in Virginia, in which he nominated said brother Daniel H. Gregg and said brother-in-law Thomas Hollis, of Boston, the executors of said will, in the which he bequeathed two-fifths of his estate to the City of Indianapolis, for educational purposes; and this will, like the former, has not been, and probably can not be, found.

It seems, however, that said brother and brother-in-law knew that there was an *earlier will* made by said Thomas D. Gregg, in care and keeping of one William D. Wygant, formerly of this city, but now of Minnesota, and they made search by letter and otherwise, without being able to find his whereabouts or said will; and, upon failure, knowing that the undersigned had, for many years been the financial agent of said Thomas D. Gregg, at Indianapolis, said Doctor Daniel H. Gregg, under date of "King William's county, Va., May 1, 1877," wrote the undersigned, requesting aid in searching for said earlier will.

On the receipt of said letter, I wrote to J. W. Yandes, Esq., formerly of St. Paul, Minnesota, who, knowing the post-office of said Wm. D. Wygant, forwarded my letter to him, and he, in answer, sent said will to me, with the seals broken, with explanations how they were broken.

Said will is now in my possession, and the following is a true copy thereof, to-wit :

I, Thomas D. Gregg, now of Indianapolis in the county of Marion, and State of Indiana, being of sound mind and memory, do make and declare this my last will and testament in manner and form following :

After the payment of my *just* debts and the charges against my estate, I dispose of what shall remain of my estate as follows, viz :

I give to my daughter Mary Elizabeth Gregg, who was born on the 31st day of July, A. D. 1839, the sum of one thousand dollars, in case she shall live to attain the age of twenty-five years, to be paid to her when she is twenty-five years old, which will be on the 31st day of July, A. D. 1864; but in case she shall die before attaining said age of twenty-five years, and whether dying before said period, she shall leave heir or heirs behind her, is of no moment, for, in case of the death of my said daughter as aforesaid, my intention and determination is not to suffer or allow said bequest to go to any heir or heirs of hers, and my will is (and I order and direct in the event of the death, as aforesaid, of my said daughter), that the said one thousand dollars, bequeathed to my said daughter, fall into the residuum of my estate, and become a part thereof, to be distributed as I have hereafter directed concerning the same.

I give my affectionate mother, Mary Gregg, widow, now of West Roxbury, in the County of Norfolk, and State of Massachusetts, all the money due me according to the terms of the last will of my father Daniel Gregg, who departed this life during the last year, which I believe will amount to, or about, seven hundred and fifty dollars; and be it more or less, all thereof I give and bequeath to my affectionate mother as aforesaid.

I give to my favorite niece, Mary Catherine Gregg, the daughter of my brother Daniel H. Gregg, of King William's county, in the State of Virginia, one hundred and fifty dollars, with the request that said bequest be invested by her in some useful keepsake, to-wit. that of a good watch.

I give to the Lodge of Free and Accepted Masons, of Martinsville, Indiana, three hundred dollars, to aid in carrying out the design of said Order, that of true philanthropy.

All the rest, residue, and remainder of my estate, of every description, real, personal, and mixed, I give, devise, and bequeath to the City of Indianapolis, in the State of Indiana, to be and remain a perpetual fund for the advancement and promotion of free schools in said city, hereby authorising and directing the legal authorities of said city to invest said bequest in productive stocks, or put the same out on interest, and the income or interest thereon only to be expended annually for the benefit and advancement of said free schools.

I appoint William Sullivan and Charles Fisher executors of this will, hereby revoking all other wills by me heretofore made.

*In testimony whereof*, I have hereunto set my hand and seal, this twenty-fifth day of September, in the year of our Lord, eighteen hundred and fifty.

(Signed)

THOS. D. GREGG. [SEAL.]



On the day and year before written, the said Thomas D. Gregg, the testator, signed, sealed, and declared the foregoing, as and for his last will and testament, in presence of us, who, at his request, in his presence, and in presence of each other, have hereunto subscribed our names as witnesses.

(Signed)

WM. D. WYGANT.

(Signed)

WM. CAMPBELL.

Finding that said will was in favor of our city, I retained and now have it in keeping; but in the meantime have been corresponding with said Daniel H. Gregg, of King William's county, Virginia, to learn, if possible, what said decedent's estate consisted in, and where located; also, whether either of the supposed last wills had been found and admitted to probate; and, if not found, how the estate was being disposed of; and I am informed by said Daniel H. Gregg that neither of the wills mentioned by him had been found up to June 22, 1877, and that said brother-in-law, Thomas Hollis, of Boston, Massachusetts, had taken out letters of administration on said estate in King William's county, Virginia, with said Daniel H. Gregg as his bondsman; and that the assets found in that county, consisting of bank and insurance stock, bonds, and other personal property, are of the appraised value of between forty and forty-five thousand dollars, besides other and various interests of large value, not yet ascertained.

Upon the receipt of this information, and believing, as I do, that said Thomas D. Gregg fully intended to bequeath a large portion of his estate to the City of Indianapolis, with the consent and approbation of the Mayor and City Attorney, I addressed a letter to the Clerk of King William's county, Virginia, of which the following is a true copy, to wit:

*Indianapolis, Ind., June 28, 1877.*

To the Clerk of the Court having probate jurisdiction in and for King William's County, Va.:

*Dear Sir:*—It has come to our knowledge that Thomas D. Gregg, a non-resident of your State, departed this life on the 17th day of December last, 1876, while sojourning with his brother Daniel H. Gregg, in your county, and that administration on his estate was taken by Mr. Thomas Hollis, of Boston, Massachusetts, at the last May term of your Court, 1877, who returns an inventory of some forty odd thousand dollars in personal property, etc.

This is, perhaps, all right, under the circumstances; but it is claimed that decedent made a last will and testament in the year 1876, wherein said brother Daniel H. Gregg, and said administrator Thomas Hollis, are nominated as executors, and bequeathing two fifths of his estate to the City of Indianapolis, and three fifths to Dallas county, Iowa, for educational purposes; but this will has *not* and perhaps *can not* be found.

Besides this supposed will of 1876, there is another, in due form, now in the keeping of the undersigned, who is nominated as one of the executors thereof, under date of September 21, 1850, wherein, after sundry bequests not exceeding \$2,000 in amount, the whole of the balance is bequeathed to the City of Indianapolis, for educational purposes.

Now, should the supposed will of 1876 come to light, the City of Indianapolis will have only two-fifths interest in said estate; whereas, should that will fail to appear, then the will of 1850 will come in for probate; and it is the interest and design of the city that the one or the other of said wills shall be probated, but of course she would prefer the will of 1850, as therefrom she would acquire the greater estate.

In the probate of our will, we do not seek to change the present administration of said estate, but prefer that Mr. Hollis shall go on and complete his administration; we only wish to place the City of Indianapolis on record as the proper legatee in due time, for, in any event, we apprehend she will be a legatee

As regards the proving our will, the only surviving witness to the execution resides in a remote part of Minnesota. The other witness to the execution is long since deceased, but he was, at the time of the execution, an acting justice of the peace of this city, and his signature to the will can be easily proven.

From the foregoing statement, we believe you can give us all the information required to probate our will. But we are informed you have an officer of the law, an attorney-general or his deputy, in your county, whose duty it is to attend to the probate of wills, for which he is allowed certain fees; and if our information on this head is correct, we will be under many obligations if you land him this letter, or cause it to reach his hands, with a request that he communicate with the undersigned on this subject.

Very-respectfully,

WM. SULLIVAN.

No. 410 N. Meridian st., Indianapolis, Ind.

P. S. The above is written at the suggestion our Mayor and advice of our City Attorney. W. S.

And on the same day I wrote to said Daniel H. Gregg; but as yet no answer has come to either letter, although more than a reasonable time has elapsed for an answer from said letters to arrive. Perhaps none will come, for the following reasons, to wit:

It is to the interest of the heirs of said Thomas D. Gregg that no will of his shall be admitted to probate, because *then* his estate would be divided among them, whereas, the probate of either this or the alleged last will of

1875-76, would give at least a large amount to our city. Now, if there is no will but that of 1850 to be probated, I take it to be the interest of the city to have that done as soon as practicable; for I take it that the attempt to prove the will of 1850 is the only way to compel the heirs to produce the alleged will of 1875-76, and, in this way, the city can compel the probate of the one or the other of said wills; and upon probate of either of said wills, the city will become a legatee to a large amount—otherwise, she will get nothing.

Furthermore, it is my opinion, based upon the known habits and disposition of heirs, generally, to suppress and contest the probate of wills when the bequests are not to their advantage and liking; that had this will of 1850 got into the hands of the legal heirs of said estate, instead of mine, without our knowledge of its existence and contents, the City of Indianapolis never would have known anything about it, nor anything of the two fifths bequest said to be contained in the alleged will of 1875-76.

From the known bequest in this will of 1850, and the stated bequest in the alleged will of 1875-76, we may reasonably conclude that the City of Indianapolis is a party interested to the extent of the bequest contained in whichever of said wills may be admitted to probate, and that it is to the city's interest that the one or the other of said wills shall be probated; and as delays are dangerous, I suggest that the city take immediate steps to probate the will of 1850.

The inattention paid to my letter of inquiry, as to the *modus operandi* of probating said will, indicates the necessity of a visit to King William's county, Virginia, for that purpose; and as this will require ready money to some amount, to pay the expenses of whomsoever the city may select for that purpose, the same should be appropriated, if the city, from the foregoing statement, concludes that it is her duty and interest to proceed in this matter, either in the manner indicated or in any other manner.

Respectfully,

WM. SULLIVAN.

Indianapolis, July 16, 1877.

After reading the above, Mr. Sullivan answered certain inquiries propounded to him by the Councilmen, thus placing his belief in the Gregg bequest, and his acquaintance with the peculiarities of the wealthy decedent, quite plainly before the Council.

On motion of Councilman Walker, this matter was referred to the Committee on Judiciary and City Attorney, with power to pro-

vide for probating of will or wills, and with instructions to prepare and introduce an ordinance appropriating the necessary moneys to defray the expenses incident to same.

Later in the evening, the Judiciary Committee, through Councilman Byram, introduced the following appropriation ordinance; which was read the first time:

Ap. O. 53, 1877—An ordinance appropriating the sum of two hundred dollars for the purpose of defraying the expenses incident to the probating of the will of Thomas D. Gregg, deceased.

Councilman Byram moved that the rules be suspended, for the purpose of now reading the above entitled ordinance the second time, engrossing same, reading the third time, and placing it upon its passage; which motion was adopted by the following vote:

Affirmative—Councilmen Bagby, Brown, Byram, Dill, Izor, Layman, Marsee, McGinty, Reading, Reed, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—18.

Negative—None.

Appropriation ordinance No. 53, 1877, was then read the second time, ordered to be engrossed, read the third time, and passed by the following vote:

Affirmative—Councilmen Bagby, Brown, Byram, Izor, Layman, Marsee, McGinty, Reading, Reed, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—17.

Negative—None.

#### ROLL CALL.

Councilman Brown presented the following communication; which, on his motion, was referred to the Committee on Streets and Alleys, without reading:

*Indianapolis, July 16, 1877*

Most Honorable Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—I wish to call your attention to Lee Fulmer's Street Commissioner report for the year 1876, ending May 15th, 1877. In said report he gives in fifty-two dollars in cash, and forty dollars outstanding, for dirt and other material sold.

Gentlemen, I will now give you a list of a few sales that I know of. They are as follows, to-wit:

J. R. Buell, 346 S. Delaware street...	\$4 00
Henry Averls, 357 S. Delaware street .....	3 00
Mr. Batty, 318 N. East street ....	10 00
Henry Rodewall, 508 Virginia avenue .....	4 60
— Finney, 506 Virginia avenue .....	4 00
— Bratton, 504 Virginia avenue. ....	2 80
John A. Benson, 529 W. Washington street .....	5 00
M. Antonia, in rear of 529 W. Washington street .....	15 00
Green Kelley, 237 Madison avenue.....	7 50
H. H. Boggs, 328 N. Illinois street ....	50
J. D. Hamilton, 598 N. Alabama street.....	10 00
R. S. Kingley, 59 Fletcher avenue .....	6 00
Thomas A. Hendricks, 322 Massachusetts avenue.....	9 60
Charles John, 273 N. Mississippi street.....	2 50
J. K. Sharpe, 346 N. Winston street ....	12 20
H. C. Long, 202 E. Market street ....	5 60
Rice Bates, 103 Bellefontaine street...	15 00
Mrs. H. A. Morrison, 173 Broadway street.....	16 00
S. B. Bullock, 889 N. Meridian street ....	1 50
C. Lebritter, 624 N. Mississippi street.....	30
John S'ott, 592 N. Mississippi street ...	1 00
Wm. F. Piel & Co., Starch factory .....	4 90
Bomhard & Sherley, corner Market and Mississippi streets.....	28 00
Hartman & Drear, 220 E. South street, at least 50 loads; refuse to give information; only paid for it.....	5 00
Mr. Theyr, of North Indianapolis, had vacant lot filled adjoining 208 S. Meridian street, at least two hundred loads; he refuses to give information, further than he had a receipt.....	20 00
Wm. Kauttan, 177 Harrison street, at least one hundred loads; refuses to give information.....	10 00
Mr. Boley, 376 W. North street..	5 00

Madam Mattie Allows, 28 Water street, two dollars and fifty cents paid in cash, the balance taken out in drinks and trade subject to that place.....	12 00
Mr. Schreck, 33 Malotte avenue....	10 00
Henry Bowman, 122 S. Noble street .....	4 00
	\$235 00

Gentlemen, there is one other matter I wish to call your attention to, and that is this: Mr. Fulmer is the owner of a one-horse lumber wagon and team. It is used by the bridge carpenters on Southside. It appears on the pay-roll in Gum's name, his partner in the silver-plating business. During the months of January and February, it appears that it made full time at three dollars per day—eighteen dollars per week. Three weeks of this time the horse was not out of the stable, owing to the heavy sleet and ice that covered the ground at that time, leaving the city minus fifty-four dollars. If you desire, I will assist you in obtaining necessary evidence on this point.

Gentlemen, in the midst of all this fog and mist, I see the outlines of a lumber contract, made with his friend at eighteen dollars per thousand, when thirteen dollars was the market price; but I will pass on this subject for the present.

Gentlemen, I now appeal to the generosity of the City Council in behalf of the laboring poor of the city, to remove this man Fulmer, and place in his stead a man of honor, a man of experience and judgment, a man who, when in discharge of his duties, will not know politics, nationality or isms, but, in times like these, give the benefit of the public labor of the city to the laboring poor, and to them only, and to them in turn, and let such men as Wm. Johnson, Jacob T. Wright, Joseph Fisher, McCabe, and many other rich men who have had steady employment given to them by Fulmer, let them look out for themselves.

Is it possible that this man Fulmer will be permitted to continue with his embezzlement, in the face and eyes of thirty-five Aldermen and Councilmen of this city? If so, the sooner the people know it, the sooner they will apply the last remedy.

Yours respectfully,

JAMES H. BIDDINGER,  
No. 512 Virginia avenue.

Councilman Bugbee offered the following motion; which was adopted :

*Moved* That the Street Commissioner be, and is hereby, instructed to place a wooden culvert at the intersection of Alabama and Eighth streets.

Councilman Byram offered the following motion; which, on Councilman Steinhauer's motion, was referred to the Committee on Streets and Alleys, with power to take immediate action:

*Moved*, That the Street Commissioner be directed to raise the grade of the gutters on Second street, between the canal and railroad, so that it will carry the water off of the said street.

The same gentleman, also, offered the following resolution:

WHEREAS, In consequence of a limited revenue, it is necessary to curtail all and every avoidable expense attending the city government; and,

WHEREAS, It is believed by the members of this Council that the number of fire-plugs now being paid for by the city can, without detriment to the welfare of the Fire Department, be reduced; and,

WHEREAS, The City Attorney has given a written opinion that there is no contract existing between the city and Water-Works Company, wherein the city is compelled to use and pay for all the fire-plugs now erected; therefore, be it

*Resolved*, That the City Marshal be, and is hereby, directed to give proper notice to the Water-Works Company of the intention of the city to dispense with the use and rent of one hundred and fifty of these fire-plugs, and that the city will decline to pay for that number from and after the first day of August, 1877.

*Resolved*, That the Chief Fire Engineer, together with the Fire Board, be directed to designate one hundred and fifty of the fire-plugs now in use, to be dispensed with, and that they notify the Water-Works Company of the location of the plugs so selected.

Which was adopted by the following vote:

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, McGinty, Reading, Reed, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—20.

Negative—None.

Councilman Izor offered the following motion; which was adopted:

*Moved*, That the Street Commissioner be instructed to sand Wabash street, between Delaware and Alabama, where the street was graveled with raked gravel, the gravel being so coarse that it does not pack.

Councilman Layman offered the following motion; which was adopted:

*Moved*, That the Street Commissioner be, and is hereby, instructed to fill the chuck-holes with gravel, on Alabama street, between North and St. Clair streets.

Councilman Reed presented the following proposition; and, on his motion, the same was referred to the Committee on Streets and Alleys:

To the Honorable, the Common Council of the City Indianapolis, Indiana:

*Gentlemen*:—We, your petitioners, respectfully represent that we are the owners of a valuable improvement in Street Guides; that the use of such an improvement has become a necessity to said city, by reason of the almost entire obliteration of the lettering on the glass of its street lamps, which has heretofore served as such guide; and that to replace such lettering would not be economical, for the reason that it would soon again become obliterated.

We, therefore, pray your honorable body to order the adoption of said improvement, pledging ourselves to furnish and place them in position, properly lettered, in such quantities and at such places as shall be ordered by you, or your duly authorized representative, at the price of one dollar each. For payment, we propose to take the warrants of the city, bearing six per cent. interest, and payable one year after date.

We further agree that all Guides shall be equal to the sample shown, and shall be subject to proper inspection, after being placed in position, before being accepted by said city, and we will claim pay only for those expressly ordered, and which are found in proper order at the time of such inspection.

M. J. VIEIRA.

FRANCIS THOMPSON.

Councilman Stoner offered the following motion; which was adopted:



*Moved,* That the Street Commissioner be directed to take up the bowlders in the front of No 2 Engine House, and put down a plank walk, as, in its present condition, it is almost impassible.

Councilman Walker offered the following motion :

*Moved,* That the City Civil Engineer be, and is hereby, instructed to advertise for bids to repair the wooden pavement on North Meridian street.

Councilman Layman offered the following motion, as a substitute for the preceding :

*Moved,* That the City Clerk be, and is hereby, directed to advertise for sealed proposals, subject to the approval of the Common Council and Board of Aldermen, to repair the wooden-block pavements on North Meridian street, from New York to Seventh street, and on N. Tennessee street, from Market to Seventh street; all proposals received to repair said streets to be reported to this Council on Monday evening, August 13th, 1877.

On Councilman Marsee's motion, the above was amended, by adding " N. Delaware street, from Massachusetts avenue to Seventh street," and then Councilman Layman's motion, as amended, was adopted.

Councilman Wood offered the following motions; which were severally adopted :

*Moved,* That the Street Commissioner be instructed to notify the I., B. & W. R. R. Co. to repair crossing on Washington street.

*Moved,* That the City Marshal be, and is hereby, instructed to notify N. McCarty to fill pond or pool of stagnant water, lying south and adjoining Washington street, in Indianola.

*Moved,* That the property owners on the west side of Tennessee street, between Pearl and Maryland streets, be, and are hereby, permitted to bowlder the gutter and curb the sidewalk in front of their property, provided the work be done at their own expense and within sixty days, and under direction of the City Civil Engineer, who is hereby instructed to give the proper stakes.

Councilman W. G. Wright offered the following resolution :

*Resolved, by the Common Council and Board of Aldermen, That the owners of the following described real estate, to-wit: Lot No. 4, in McKernan's subdivision of out-lot No. 100, of the City of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the said Common Council and Board of Aldermen, 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, 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 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 Bagby, Brown, Byram, Dill, Izor, Layman, Marsee, McGinty, Reading, Reed, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, Wright, A. L., and Wright, W. G.—18.

Negative—None.

Councilman Steinhauer presented the following petition ; which, on his motion, was referred to the Committee on Streets and Alleys, with instructions to report on next Monday evening :

*Indianapolis, July 7, 1877.*

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

*Gentlemen :—*The undersigned, owners of real estate fronting on Yeiser and Downey streets, between Japan or East street and Kennington street, respectfully petition for the passage of an ordinance providing for the opening of the gutters on the said Yeiser and Downey streets, so that the immense volume of water, gathering on the north end of Japan street, may pass through them, and not flood the entire property almost between the said Japan and Kennington and Yeiser and Downey streets, rendering several valuable

properties uninhabitable, and causing constant sickness and several deaths from the malaria arising from the stagnant pools standing on the following lots, which we urgently request you to at once have filled up, viz: Lots 64, 67, 82, 83, 84, 85, 87, 88, and 89.

We would represent that this is a case of great necessity, and your immediate attention is *earnestly* solicited.

And your petitioners will ever pray.

G. W. Alexander, 70 feet; C. R. Durbon, 70 feet; Wm. H. Carothers, 70 feet; Mary Schmidt, 35 feet; Wm. Whittaker, 35 feet; John Vanstan, 70 feet; Jacob Fritz; A. V. Lawrence, 70 feet; E. Reeves; E. F. Kocher, 35 feet; F. Rassfeld, 35 feet; Joseph W. Koch, 35 feet; Benjamin Vongon, 35 feet; Julius Feiner, 35 feet; H. Enggoss, F. F. Eberhardt; J. Decker, 35 feet; John Eberhardt, 35 feet; H. F. Kuhlmann, 35 feet; Fred. Traber, 35 feet; F. Smallwood, 35 feet.

Councilman Dill offered the following motions; which were severally adopted:

*Moved*, That the Street Commissioner be directed to notify the property owners to repair the sidewalk on the east side of Mississippi street, between Vermont and Michigan streets.

*Moved*, That the Street Commissioner be directed to notify the property owners to repair the sidewalk on Indiana avenue, between Vermont and New York streets.

The same gentleman offered the following motion; which, on Councilman Byram's motion, was referred to the Committee on Streets and Alleys:

*Moved*, That the Street Commissioner be directed to raise or lower a portion of the gutter on the west side of Mississippi street, between Michigan and North streets, as the City Civil Engineer may direct.

Councilman Tucker offered the following motion:

*Moved*, That the Street Commissioner be instructed to fill one chuck-hole on Dillon street, between Harrison street and the I., C. & L. R. R. tracks.

Councilman Byram moved to refer the above motion to the Committee on Streets and Alleys. Lost.

Councilman A. L. Wright moved, as an amendment, to limit the outlay on account of said work to the sum of ten dollars; which amendment was adopted.

The original motion, as amended, was then adopted.

Councilman McGinty presented the following petition; which, on Councilman Marsee's motion, was referred to the Committee on Streets and Alleys:

*Indianapolis, July 16, 1877.*

To the Honorable Council of the City:

*Sirs*:—I beg leave to tell you that them lots on South Missouri street are all filled by the gas house ashes and other things not at all pleasing to the nose, and now the city garbage men deposit their gatherings there from catch-basins, and everything else they can pick up in the shape of a common nuisance, which I prevented twice, and they told me they were sent there by the Street Commissioner.

Now, I beg of you, in regard to the health of the young children of this neighborhood, of which there are many, to have the fence built up as before the filling of said lots commenced, and to prevent the further depositing of all such nuisances.

THOMAS RUSSELL,

#### CALL OF COMMITTEES.

The Committee on Streets and Alleys, through Councilman Watts, submitted the following report; which was considered and concurred in by clauses:

*Indianapolis, July 16, 1877.*

To the Mayor and Common Council:

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

1. Is a petition from John Nicklaus and others, asking that a stone-crossing be laid across Delaware street at the west entrance to the Court House Square.

We would recommend that the prayer of the petitioners be not granted.

2. Is a motion directing the Street Commissioner to put a single-line stone-crossing across Illinois street, at the alley between Market and Ohio streets.

Would respectfully recommend that the motion be not adopted.

3. Is a motion instructing the Street Commissioner to clean the gutters on the east side of Shelby street, from Virginia avenue to Pleasant Run.

Would respectfully recommend that the motion be adopted.

4. Is a motion instructing the Street Commissioner to clean the gutters on Stevens street, from Virginia avenue to East street.

Would recommend the adoption of the motion.

Respectfully submitted,

JAMES E. WATTS,  
JAMES T. LAYMAN,  
GEO. P. WOOD,

Committee on Streets and Alleys.

The same committee, also, submitted the following report:

*Indianapolis, July 16, 1877.*

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

*Gentlemen:* — Your Committee on Streets and Alleys, to whom was referred the petition of Hetherington & Berner, in relation to the factory of Bond & Alderdice, on the corner of South and Meridian streets, would report that we have examined the matter, but do not find that the same is injurious to the health or comfort of the general public. If the petitioners are personally damaged, they should seek their redress at law. Your committee are of the opinion that the city authorities have no power to act in the matter.

Respectfully submitted,

JAS. E. WATTS,  
JAMES T. LAYMAN,  
GEO. P. WOOD,

Committee on Streets and Alleys.

Councilman Steinhauer moved to refer the preceding report back to the committee by whom it was submitted. Lost.

On motion of Councilman Reed, the matter was then referred to a special committee of three Councilmen and the Board of Health.

Councilmen Walker, Marsee, and Steinhauer were appointed by the Chair as such special committee.

The Committee on Accounts and Claims and the City Attorney, through Councilman Layman, submitted the following report; which was concurred in:

*Indianapolis, July 16, 1877.*

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

*Gentlemen:* — Your Committee on Accounts and Claims and the City Attorney, to whom was referred the petition of Thomas Cottrell in relation to a claim of \$26.00 against the city, would report that we have examined the matter, and find that the bill was allowed and the money appropriated to pay the same some time since; that an order was executed for the same, payable to W. H. Green, instead of Mr. Cottrell, but that said order has never been delivered. We find that Green was in the employ of Cottrell at the time, and that the amount is due to Cottrell and not to Green.

We would, therefore, recommend that the Clerk be instructed to deliver the said order to Mr. Cottrell.

Respectfully submitted,

JAMES T. LAYMAN,

JAMES E. WATTS,

Committee on Accounts and Claims.

R. O. HAWKINS, City Attorney.

The same committee also submitted the following report; which was concurred in:

*Indianapolis, July 16, 1877.*

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

*Gentlemen:* — Your Committee on Accounts and Claims, City Civil Engineer, and City Attorney, to whom was referred the bill of Dodd & McKinney for stone pavement at the crossing of Washington street and Alabama, and at the crossing of Washington street and Delaware, would report that we have examined the matter, and find that, on the 30th day of April, 1877, the Council granted the County Commissioners permission to pave the sidewalk in front of the Court House grounds. There was nothing in it in relation to the street-crossings. When the sidewalk is paved by ordinance and contract by the city, the city is liable to the work done upon the street-crossings; but when parties are granted

permission to pave at their own expense, the city is not liable for any work done by them upon the city street-crossings, unless the same is ordered to be done by the Council.

We would, therefore, recommend that the bill be not allowed.

Respectfully submitted,

JAMES T. LAYMAN,

JAMES E. WATTS,

Committee on Accounts and Claims.

R. O. HAWKINS, City Attorney.

The Committee on Finance, through Councilman A. L. Wright, submitted the following report; which was concurred in:

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

*Gentlemen*:—Your Committee on Finance, to whom was referred the resolution introduced by Alderman Stratford, and passed by the Board of Aldermen, "That the Board of Aldermen recommend to the Mayor and Common Council the appointment of two or more experts to examine the books of the City Treasurer and City Clerk," would respectfully recommend that the matter be referred back to the Board of Aldermen, with a request that they make their recommendation more specific, by stating from what date they wish the examination made; and that they be, also, requested to report an estimate of the costs of said examination.

Respectfully submitted,

A. L. WRIGHT,

N. S. BYRAM,

J. B. DILL,

MARTIN MCGINTY,

Committee on Finance

The same committee and the City Assessor submitted the following report; which was considered by clauses, and duly concurred in:

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

*Gentlemen*:—Your Committee on Finance and City Assessor, to whom were referred sundry communications, respectfully report:

1st. Is a petition from Janet Pullen, asking that the amount of \$7.50 taxes, paid by her for the year 1875, be refunded to her under the provisions of the law known as the Widows' Exemption Law.

We have examined the petition, and recommend that it be granted, and that the Committee on Accounts and Claims insert it in the next appropriation ordinance.

2d. Is a petition from Hester Beckman, a widow, asking that certain taxes paid by her, be refunded.

We have examined the petition, and it does not sufficiently describe the property claimed to be exempt, and recommend that the petition be not granted.

Respectfully submitted,

A. L. WRIGHT,

N. S. BYRAM,

J. B. DILL,

Committee on Finance.

WILLIAM HADLEY,

City Assessor.

The same committee and City Attorney submitted the following report; which was concurred in:

*Indianapolis*, July 16, 1877.

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

*Gentlemen*.—Your Committee on Finance and City Attorney, to whom was referred the petition of B. F. Abbott and others, as a committee, asking the city to furnish the means to defray the expenses of certain parties to go to the State of Mississippi to obtain work for the unemployed men of the city, would report that we have examined the matter, and find that there is no provision of law authorizing such an expenditure of money by the city, and, in view of the present financial condition of the city, we would recommend that the prayer of the petition be not granted.

Respectfully submitted,

A. L. WRIGHT,

N. S. BYRAM,

J. B. DILL,

MARTIN MCGINTY,

Committee on Finance.

R. O. HAWKINS,

City Attorney.

The Committee on Gas Light, through Councilman Izor, submitted the following report; which was concurred in:



Indianapolis, July 16, 1877.

To the Mayor and Common Council :

*Gentlemen:*—Your Committee on Gas-Light would respectfully report in regard to the motion of Mr. Weinburger, asking permission to move his private lamp-post, on Louisiana street, between Illinois and Meridian streets, and recommend that the request be granted, the work to be done under the direction of the City Civil Engineer.

A. IZOR,  
W. H. TUCKER,  
T. C. READING,  
Committee on Gas Light.

Councilman A. L. Wright was granted leave of absence for the balance of session.

The Committee on Parks, through Councilman Tucker, submitted the following report ; which was concurred in :

To the Mayor and Common Council :

*Gentlemen:*—Your Committee on Parks, to whom was referred the proposition of George W. Scott & Co. to lease the Southern Park, most respectfully recommend that said grounds be leased to the above-named parties, upon the terms and conditions named in their proposition, provided said Scott & Co. will construct a road, or drive-way, for the general use of the public, inside of the main fence around the grounds.

Most respectfully submitted,

W. H. TUCKER,  
M. STEINHAUER,  
ENOS B. REED,  
Committee on Parks.

The same committee made the following report ; which was concurred in :

Indianapolis, July 16, 1877.

To the Mayor and Common Council :

*Gentlemen:*—Your Committee on Parks, to whom was referred the claim of J. Updike for pruning trees and repairing fence about Circle Park, would report

same as correct, and recommend that the amount charged (\$2.50) be incorporated in next regular appropriation ordinance.

Respectfully,

W. H. TUCKER,

ENOS B. REED,

M. STEINHAUER,

Committee on Parks.

The Committee on Opening and Laying Out Streets and Alleys and the City Attorney, through Councilman Steinhauer, submitted the following report; which was considered and concurred in by clauses:

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

*Gentlemen:*—Your Committee on Laying out and Opening Streets and Alleys, to whom was referred the following papers, report:

1. The proposition from Mrs. Catharine C. Bobbs, the same herewith accompanying, be concurred in.
2. The petition from Messrs. Wright, Jones, and Coburn to vacate certain alley, the same herewith accompanying, be concurred in.
3. The petition of T. C. Vinton and others, for opening of an alley ten feet wide, from Pearl street to Maryland street, between Meridian street and Illinois street, be not concurred in.

Respectfully submitted,

MICHAEL STEINHAUER,

W. G. WRIGHT,

A. L. STONER,

Committee.

Councilman Tucker was granted leave of absence for balance of session.

The Committee on Printing, Stationery and Advertising, through Councilman Reed, submitted the following report; which was concurred in:

To His Honor, the Mayor, and City Council:

*Gentlemen:*—Your Committee on Printing would beg leave to report that for the city's advertising, they received the following bids:

From the Journal, 50 cents per square, nonpareil type.

From the Sentinel, 13 cents per square.

From the Southside, 13 cents per square.

Your committee would recommend that the city's advertising be awarded to the Sentinel Company as the lowest and best bidder.

For the delinquent list, bids were received as follows:

From the Southside, 20 cents per description.

From the Sentinel Company, 17 cents per description.

From the Journal, 20 cents per description.

From the Indianapolis Journal Company, 12 cents per description.

Your committee would recommend that the printing of the delinquent list be awarded to the Indianapolis Journal Company as the lowest and best bidder.

For the proceedings of Council, stationery, blank work, etc., bids were received from the Indianapolis Journal Co., the Publishing House, William B. Burford, Cathcart & Cleland, Southside, Indiana Farmer, and Sentinel Co.

The following were the respective bids on the Council Proceedings:

The Indianapolis Journal Company, per page, 50 cents; Index thereto, per page, \$1.75 to \$1.50.

The Publishing House, per page, 55 cents; Index thereto, per page, \$2.20 to \$1.20.

William B. Burford, per page, \$1.20; Index thereto, \$1.75 to \$1.47.

Indiana Farmer, per page, 57 to 65 cents; Index thereto, \$1.40 to 90 cents.

Sentinel Company, per page, 75 cents; Index thereto, \$2.50 to \$1.35.

Your committee finding, after a careful examination, that the Indianapolis Journal Company is the lowest and the best bidder for the printing of the Council Proceedings, as well as for the furnishing of the Stationery, Blanks, etc., would respectfully recommend that they be awarded the contract therefor.

Respectfully submitted,

ENOS B. REED,

JAMES E. WATTS,

T. C. READING,

Committee on Printing.

Councilman Walker moved that the Common Council do now adjourn; on which motion, Councilman Steinhauer demanded a call of the "ayes and noes"; which being had, the adjournment was defeated by the following vote:

Affirmative—Councilmen Brown, Byram, Izor, McGinty, Walker, Watts, and Wood—7.

Negative—Councilmen Bagby, Dill, Layman, Marsee, Reading, Reed, Steinhauer, Stoner, and Wright, W. G.—9.

Councilman Reed called up general ordinance No. 28, 1877, which was read the second time.

Councilman Steinhauer called attention to the fact that there were only sixteen Councilmen present, and, on his motion, further consideration of said ordinance was postponed for two weeks.

On motion of Councilman Walker, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.

FRANK B. BERRY  
JAMES E. WALKER  
T. E. BRADLEY