

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL, }
Monday, August 20th, 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, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Walker, Wood, A. L. Wright, and W. G. Wright—21.

Absent—Councilmen Byram, Cochran, Tucker, and Watts—4.

The proceedings of the regular session, held August 13th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

Sealed proposals for grading and graveling Sixth street and sidewalks, between Delaware and Alabama streets, were opened and read.

On Councilman Layman's motion, the above proposals were referred to the Committee on Contracts, with instructions to prepare and submit a report on same at this session.

REPORT FROM COMMITTEE ON CONTRACTS.

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

Indianapolis, August 20, 1877.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to whom were referred sundry proposals, presented to Council, August 13th, 1877, have examined the same, and find them to be as follows, to-wit:

First. For grading and graveling Bellefontaine avenue, and paving with brick the sidewalks thereof, from Lincoln avenue to Tinker or Seventh street—

Henry Clay, 93 cents per lineal foot front on each side.

J. J. Palmer, 84 cents per lineal foot front on each side.

John L. Hanna, 75 cents per lineal foot front on each side.

C. S. Roney, 71 cents per lineal foot front on each side.

James W. Hudson, 70 cents per lineal foot front on each side.

Geo. W. Seibert, 70 cents per lineal foot front on each side.

S. J. Smock, 70 cents per lineal foot front on each side.

James Mahoney, 69½ cents per lineal foot front on each side.

John Greene, 69 cents per lineal foot front on each side.

Richard Carr, 69 cents per lineal foot front on each side.

E. B. Elliott, 36 cents per lineal foot on each side of said street for grading and graveling, and 30 cents per foot front for paving the sidewalks.

E. B. Elliott, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Second. For grading and graveling Herbert street and sidewalks, between Illinois and Meridian streets—

John L. Hanna, \$1.15 per lineal foot front on each side.

J. J. Palmer, 71 cents per lineal foot front on each side.

Richard Carr, 69 cents per lineal foot front on each side.

Geo. W. Seibert, 69 cents per lineal foot front on each side.

John Greene, 67½ cents per lineal foot front on each side.

James Mahoney, 65 cents per lineal foot front on each side.

Henry Clay, 65 cents per lineal foot front on each side.

R. P. Dunning, 63 cents per lineal foot front on each side.

C. S. Roney, 61 cents per lineal foot front on each side.

Samuel J. Smock, 55 cents per lineal foot front on each side.

E. B. Elliott, 48 cents per lineal foot front on each side.

E. B. Elliott, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

J. W. BUGBEE,
T. C. READING,
Committee on Contracts.

COMMUNICATIONS, ETC., FROM THE MAYOR.

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

Indianapolis, August 20, 1877.

To the Common Council of the City of Indianapolis:

Gentlemen:—The amount of fines collected by me during the month of July, 1877, due the City Treasury, is \$69.90; which amount I have paid the City Treasurer, as shown by his duplicate receipt, filed herewith.

Respectfully submitted,

J. CAVEN, Mayor.

Also, presented the following communication; which, on Councilman Reed's motion, was referred to the Fire Board and the City Attorney:

Indianapolis, August 20, 1877.

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

Gentlemen:—The Water Works Company of Indianapolis desire to call the attention of your honorable body to some facts found almost wholly within the Council records, and to an important conclusion obviously resulting therefrom.

1. By section 3 of the original Water Works ordinance, the company was required, at its own cost, "to erect and attach as many hydrants or fire plugs as the City Council may direct." This provision related to the first twenty miles of pipe put down by the company. In the exercise of the discretion thus given, the Council located and required the company to furnish and erect one hundred and eighty-five fire-plugs or hydrants on the twenty miles of pipe aforesaid. This was promptly done, and the plugs went into use by the city, and have, until now, been paid for at the price mentioned in the ordinance.

Upon these facts, the company is advised that, after the notice by the city of the number of hydrants to be placed on this first twenty miles of pipe, the case is the same as if the ordinance had provided that this company

should "erect and attach not less than one hundred and eighty-five hydrants or fire-plugs." In other words, that there was here a contract, on the part of the company, to erect and supply one hundred and eighty-five plugs with water, and on the part of the city to pay for them at the stipulated rate per plug.

This company protests that a construction of this ordinance, which would allow the city to throw out of use one hundred and eighty-four of these plugs, and require the company to maintain its works in a condition to furnish a fire pressure to the one remaining plug, finds no support in the letter of the ordinance, and is utterly variant from its spirit and to the conduct of the parties under it.

2. On the 15th of June, 1874, your honorable body proposed, in the form of a preamble and resolution, certain terms to this company, for an extension of the line of pipes and for an increase of the number of fire-plugs. By the contract resulting from an acceptance by the company of the terms thus proposed, it became obligatory upon the company to make large and very expensive additions to their pumping machinery, and to put down twenty miles more of pipe. All this was promptly done. On the part of the city, it was stipulated that three hundred and sixty-five fire-plugs, "in addition to those now in use," to be located on the old mains or upon the extension pipe, as the city might direct, should be accepted by the city, and paid for at the rate of fifty dollars per annum for each plug. These plugs were put in, and have, until now, been paid for by the city.

This company understands that your legal adviser, in his opinion given to you on this subject, admits that there is here a contract which binds the city, for the time, to take and pay for these three hundred and sixty-five additional plugs.

We suggest, but do not stop to press the point, that an agreement to take three hundred and sixty-five "in addition" to the one hundred and eighty-five then in use, is very much like a contract to take five hundred and fifty hydrants.

3. On the 18th day of June, 1877, in response to a resolution of your honorable body, R. O. Hawkins, Esq, City Attorney, submitted an opinion upon this whole subject, from which the following extract, showing his conclusion, is taken: * * * "And, therefore, I think the city is not obligated to use any specified number of fire-plugs for any particular time, but that the Common Council and Board of Aldermen have the right and power to designate what number they will use, and the city would be bound to pay only for those so used."

Afterwards, on July 16, 1877, the following preamble and resolutions were passed by the City Council, viz.:

"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."

The City Marshal and Chief Fire Engineer have discharged the duties thus devolved upon them. Eighty of the three hundred and sixty-five plugs, and twenty of the original one hundred and eighty-five, have been ordered out of use.

This arbitrary action of your honorable body is so injurious to this company, that it has been compelled to consider the question, Whether, if the city has no contract with the company, it can be possible that this company has any contract with the city?

Upon advice taken, we have concluded that mutuality is of the essence of contract. That if this is true, as you have resolved, "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," then it must be true that this company is under no contract-obligation to furnish to the city all or any of the fire-plugs now in use. This company rejects the idea that the city may order plugs in or out as may suit its caprice.

The very large expense incurred by this company for additional machinery, for the purchase and placing of twenty miles of pipe, and for the fire-plugs now to be made useless, was incurred upon the faith of the city's promise to take and pay for three hundred and sixty-five *additional* fire-plugs. This expressly so recited in your resolutions. Upon the income thus to be derived the company largely relied for means to pay the interest upon the bonded debt necessarily created in doing the work.

In view of the position taken by the city, but one course is open to this company, and that is to give notice, as is hereby done, that, on account of the flagrant violations of said contracts by the city, this company will, after the expiration of thirty days from this 20th day of August, 1877, cease to furnish, for the use of the city, any fire-plugs, and will turn off the water supply for all plugs now in use. Very respectfully,

JOHN R. ELDER,
President Water Works Company of Indianapolis.

Also, presented the following report; which, on Councilman Reed's motion, was referred to the Committees on Judiciary and on Finance, with the City Attorney:

Indianapolis, August 13, 1877.

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

In accordance with a resolution of the City Council, adopted last evening, which authorized the selection of a committee, consisting of Gov. James D. Williams, Hon. John Caven, Adjutant-General Russ, General Thomas A. Morris, Commissary John D. Nicholas, William Wallace, and Arthur L. Wright, said committee met at the Governor's office this day, all the members being present save General Morris and Mayor Caven, who were represented, respectively, by General Love on behalf of the Committee of Safety, and City Attorney Hawkins on behalf of the city.

The object of the appointment of the committee was to adjudicate certain expenses incurred during the recent strike, and, after full consultation, the following report was adopted:

WHEREAS, During an emergency, a number of debts were contracted, which should be paid promptly; and,

WHEREAS, It has come to the knowledge of this committee that the Military Contingent Fund of the State, consisting of only \$3,000, has been entirely exhausted, with provision yet to be made for the payment of three companies; and,

WHEREAS, The State has assumed, as far as it is possible to separate accounts, all bills for rations incurred by companies regularly mustered into the service and under marching orders, amounting to \$413.50, of the total of bills in the hands of Commissary Nicholas:

It is, therefore, recommended by this committee, that the City of Indianapolis assume and authorize at once the payment of \$1,873.00 (eighteen hundred and seventy-three dollars), or such portion thereof as may be necessary in order to liquidate the balance of accounts outstanding.

Respectfully submitted,

JAMES D. WILLIAMS,
WILLIAM WALLACE,
A. L. WRIGHT.

Indianapolis, August 20, 1877.

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

I have signed the report of the committee appointed to apportion the account of commissary for supplies furnished the several military companies during the late strike, without intending thereby to admit the liability of the city to pay said accounts.

On the other hand, I am inclined to the opinion that the State should pay them. But I am informed that the fund provided for such a purpose by the proper appropriation has been exhausted, and the effect of a refusal, on the part of the city, to pay them, will be to delay payment to persons who, under circumstances of great emergency, promptly advanced what was desired and necessary. I am of the opinion that this would be unjust, and that all citizens should bear the burthen equally.

It may be possible that what is now advanced by the city may be refunded by the State.

Respectfully,

WILLIAM WALLACE.

A. L. WRIGHT.

I concur in the above.

Councilman A. L. Wright reported that Councilman Byram was absent from the city, and, on his motion, leave of absence was duly accorded the latter gentleman.

REPORTS, ETC., FROM CITY OFFICERS.

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

Indianapolis, August 20, 1877.

To the Mayor and Common Council:

Gentlemen:—I herewith report a first and final estimate allowed John Greene, for grading and graveling the first alley east of Alvord street, between Home and Malott avenues—

1282 58 lineal feet at 27 cents.....	\$346 29
2 yards of gravel at 60 cents	1 20
Total.....	\$347 49

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.

The following estimate resolution was then offered:

Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate allowed John Greene, for grading and graveling the first alley east of Alvord street, between Home and Malott avenues, 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.

Which was adopted by the following vote:

Affirmative—Councilmen Brown, Bugbee, Case, Izor, Layman, Marsee, McGinty, Pouder, Reading, Reed, Sindlinger, Steinhauer,

Stoner, Thomas, Walker, Wood, A. L. Wright, and W. G. Wright—18.

Negative—None.

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

Indianapolis, August 20, 1877.

To the Mayor and Common Council:

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

John Schier vs. Simpson Grant Lemmon, for ..	\$9 18
John Schier vs. Ira Bell Lemmon, for.....	9 18
John Schier vs. Oscar W. Kelley, for.....	9 18
John Schier vs. Mary C. Ransdell, for.....	9 31
John Schier vs. Joseph Martin, for....	9 99
Fred. Gansberg vs. Mary E. and Joseph Moore, for.....	7 59
Fred. Gansberg vs. Isabella Crouch, for.....	16 70
John Flaherty vs. John Carlisle, for.....	50 62
John Flaherty vs. Benjamin F. Riley, for.....	4 22
John Flaherty vs. Benjamin F. Riley, for.....	13 75
John Greene vs. Henry Meyer, for.....	4 66
John Greene vs. Charles Beck, for.....	2 38
John Greene vs. Charles and John Beck, for.....	2 38

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT, City Clerk.

The precepts were ordered to be issued by the following vote:

Affirmative—Councilmen Brown, Bugbee, Case, Dill, Izor, Layman, Marsee, McGinty, Pouder, Reading, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Walker, Wood, A. L. Wright, and W. G. Wright—19.

Negative—None.

The Board of Police, through Councilman Brown, submitted the following report; which was received:

Indianapolis, August 20, 1877.

To the Mayor, Common Council, and Board of Aldermen:

Gentlemen:—We herewith submit copy of charges and specifications made by J. Moreau against officer Captain Ohaver of the Police Force.

The Board is without information in the matter, except as to the allegations as set forth by the complainant.

We have, therefore, only to recommend that your honorable bodies take such action in the case as you may deem best.

Respectfully submitted,

W. D. WILES,
M. L. BROWN,
J. W. BUGBEE,

Board of Police.

Councilman Thomas moved to lay the accompanying charges upon the table.

A call of the "ayes and noes" were demanded upon preceding motion; which being had, the charges were "laid upon the table" by the following vote:

Affirmative—Councilmen Brown, Bugbee, Dill, Izor, Layman, Marsee, Pouder, Steinhauer, Stoner, Thomas, Walker, Wood, A. L. Wright, and W. G. Wright—14.

Negative—Councilmen Case, McGinty, Reading, Reed, and Sindlinger—5.

REPORTS FROM STANDING COMMITTEES.

The Committee on Gas-Light, through Councilman Izor, presented the following bond of the Citizens' Gas-Light and Coke Company:

THIS INDENTURE WITNESSETH, That we, the Citizens' Gas-Light and Coke Company, a corporation organized under the laws of the State of Indiana, and.....
are held and firmly bound unto the City of Indianapolis, Indiana, in the penal sum of Twenty-Five Thousand Dollars, for the payment whereof, well and truly to be made, without relief from valuation or appraisement laws, we bind ourselves, our heirs, executors, administrators, and assigns, by these presents.

Provided, however, and these presents are upon this express condition, viz.: That, whereas, the said City of Indianapolis has, by virtue of an ordinance of said city entitled "An ordinance investing Robert Dickson and his associates, and their assigns, with the privilege of furnishing gas to the City of Indianapolis and the inhabitants thereof, upon certain conditions therein named; approved the 22d of May, 1876"; and by virtue of an ordinance, entitled "An ordinance to amend the first section" of the above entitled ordinance; approved April 23d, 1877, invested said Citizens' Gas-Light and Coke Company with the privilege of using the streets, lanes, alleys, and pub-

lic grounds of said city, for the purpose of laying down in the streets, etc., pipes for the conveyance of gas in and through said city, for the use of said city and its inhabitants, upon certain conditions and provisos in said ordinances fully set out and defined.

Now, therefore, If said Citizens' Gas-Light and Coke Company shall furnish, and continue to furnish, the said city and its inhabitants with gas, as provided for in said ordinances, for a period of at least ten years, distinctly and apart from any other gas company, and shall not sell to nor consolidate with the Indianapolis Gas-Light and Coke Company, then this obligation shall be null and void, else to remain in full force and virtue in law.

And it is agreed by us, further, that said amount of *twenty-five thousand dollars* shall be considered as liquidated damages if said Citizens' Gas-Light and Coke Company shall fail to comply with any and all provisions of said ordinances; such failure to be determined by judicial decision.

But in case said company shall be delayed beyond the time specified in said ordinances, in laying the ten miles of pipe therein provided for, by reason of the interruption of transportation over the railroads, from causes over which said company have no control, or by reason of the interposition of legal proceedings, restraining their proceeding with such work, such delay shall not be deemed a violation, on the part of said company, of the provisions of such ordinances.

It is understood and agreed, That each party who signs this bond as surety for said Citizens' Gas-Light and Coke Company, binds himself only for, and limits his liability to, such amount of said penal sum named therein as is set opposite his signature.

In witness whereof, We have hereunto set our hands and seals, this 25th day of July, A. D. 1877.

C. E. MERRIFIELD, two thousand dollars.
 M. S. FROST, twenty-five thousand dollars.
 F. RUSCHAUP, two thousand dollars.
 J. S. BENSON, two thousand dollars.
 C. ZIMMERMAN, two thousand dollars.
 J. H. ROSS, two thousand dollars.
 G. C. VAN CAMP, two thousand dollars.
 ALF. J. WILSON & CO., one thousand dollars.
 F. G. WHITE, one thousand dollars.
 BEN. F. GRESH, one thousand dollars.
 R. A. MILLER, one thousand dollars.
 JOHN MARTIN, two thousand dollars.
 ATKINSON & CO., two thousand dollars.
 H. C. McFARLAND, one thousand dollars.
 JOHN MAC INTIRE, one thousand dollars.
 A. A. CARWIN, two thousand dollars.
 THOMAS CUMMINGS, one thousand dollars.
 CITIZENS' GAS-LIGHT & COKE CO., per
 C. E. MERRIFIELD, Pres't, twenty-five thousand
 dollars.

[L. S.]

On Councilman Steinhauer's motion, the above bond was referred to the Committee on Judiciary, the City Attorney, and City Assessor, to examine and report upon the legality of same and the moneyed responsibility of the bondsmen.

Councilman Pouder was excused for balance of this session.

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

Indianapolis, August 20, 1877.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom were referred sundry papers, would report on the following :

1st. Is a petition from certain citizens for changing the name of "Eutaw street," extending from the corner of Pratt and Paca streets, to "Pratt street."

We recommend that the prayer of the petitioners be granted, and that the City Civil Engineer and City Assessor note such change on the city maps and plat-books.

2d. Is a motion to instruct the Street Commissioner to scrape the dust, and fill the chuck-holes of New York street, between Meridian and East streets.

We recommend that this work be done.

3d. Is a motion to instruct the Street Commissioner to fill the chuck holes of and clean Alabama street, between Washington street and Massachusetts avenue.

We recommend that this work be done.

4th. Is a motion to instruct the Street Commissioner to clean the gutters on Massachusetts avenue, between East and Noble streets.

We are informed that this work has already been done by said officer, and, therefore, the adoption of above motion is now unnecessary.

5th. Is a motion to instruct the Street Commissioner to fill or drain a pond in Spruce street, near Woodlawn avenue.

We respectfully report against this work at the expense of the Street-Repair Department.

6th. Is a motion to instruct the Street Commissioner to fill a certain ditch in New York and Clinton streets, left in an impassable condition by the Gas Company.

We recommend that the Street Commissioner notify the Gas Company to fill and grade said ditch within ten days; or, on its failure so to do, within

the allotted time, that the Street Commissioner do the work, and collect cost of same from said company.

7th. Is a motion, originated in and adopted by the Board of Aldermen, reciting that the two hundred and fifty dollars recently appropriated for the repair of Virginia avenue, from Louisiana to Dillon street, had been exhausted; that there still remained about two squares unrepaired; and recommending that the Council appropriate a sufficient sum to finish said street.

The Street Commissioner informs us that he yet has enough of the aforesaid appropriation, unexpended, to complete this work; therefore, it is not necessary for the Council to take action upon this motion.

Respectfully submitted,

JAS. E. WATTS,

JAMES T. LAYMAN,

GEO. P. WOOD,

Committee on Streets and Alleys.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was read :

To the Mayor and Common Council :

Gentlemen:—At a meeting of the Board of Aldermen, held Wednesday evening, August 15th, 1877, the following proceedings were had, viz :

1st. Draft of lease of South Park to George W. Scott & Co.; also bond of said G. W. Scott & Co., in the penal sum of \$1,000, providing for the faithful performance of the conditions of said lease. Said draft of lease and bond were approved by the Board of Aldermen at the meeting above named.

2d. The Board had concurrent action upon the motion of your honorable body, providing for the appointment of a special committee of three, consisting of two Councilmen and one Alderman, with a view of securing rooms in the new Court House for city officers, etc. The Board appointed Alderman Stratford as the aldermanic member of said committee.

Respectfully submitted,

GEO. T. BREUNIG,

Clerk of Board of Aldermen.

The first clause being under consideration, the action of the Board of Aldermen was concurred in. The lease and bond, mentioned in said clause, and printed on pages 174, 175, and 176, of Proceedings of the Board of Aldermen, were then duly approved.

The second clause of the message was duly received.

By consent, the City Clerk submitted the official bonds of William M. Wiles, as City Treasurer—penalty of bond, \$1,500,000; Benj. C. Wright, as City Clerk—penalty of bond, \$5,000; and of William Hadley, as City Assessor—penalty of bond, \$5,000.

On Councilman A. L. Wright's motion, said bonds were referred to the Committee on Judiciary.

The Committee on Contracts, through Councilman Bugbee, and in compliance with instructions given on page 360, *post*, submitted the following report; which was concurred in, and the contract duly awarded, as recommended:

Indianapolis, August 20, 1877.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to whom was referred sundry proposals, have examined the same, and find them to be as follows, to wit:

For grading and graveling Sixth street and sidewalks, from Delaware to Alabama street—

- J. W. Hudson, 63 cents per lineal foot front on each side,
- Richard Carr, 52 cents per lineal foot front on each side.
- John Greene, 51 cents per lineal foot front on each side.
- James Mahoney, 49 cents per lineal foot front on each side.
- Geo. W. Seibert, 49 cents per lineal foot front on each side.
- C. S. Roney, 47 cents per lineal foot front on each side.
- Henry Clay, 47 cents per lineal foot front on each side.
- E. B. Elliott, 39 cents per lineal foot front on each side.
- J. J. McNight & Co., 34 cents per lineal foot front on each side.

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

Respectfully submitted,

J. W. BUGBEE,
M. L. BROWN,
T. C. READING,
Committee on Contracts.

Councilman Bugbee also presented the contract and bond of E. B. Elliott, for grading and graveling Bellefontaine avenue, and paving with brick the sidewalks thereof, from Lincoln avenue to Tinker or Seventh street; penalty of bond, \$1200; giving as surety, Isaac Russell; and said contract was duly concurred in and bond approved.

INTRODUCTION OF ORDINANCES.

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

G. O. 37, 1877—An ordinance creating the office of City Guager, defining his duties, and prescribing penalties for the violation of the same.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Case offered the following motion; which was referred to the Committee on Streets and Alleys:

Moved, That the Street Commissioner be, and he is hereby, instructed to build a wooden culvert over the east ditch of Cady street, from Lord street to the I. C. & L. R. R. tracks.

Councilman Izor offered the following motion; which was adopted:

Moved, That George Woodfill & Son have permission to grade, and pave with brick, the north side of St. Joseph street, from the first alley east of Delaware street to Pennsylvania street; the work to be done under the direction of the City Civil Engineer, and at the expense of the property owners, and the work to be completed within sixty days.

Councilman Morse offered the following motion; which was referred to the Committee on Streets and Alleys:

Moved, That the Street Commissioner be, and is hereby, ordered to put in a wooden culvert at the crossing of North and California streets, south side of North street.

Councilman Steinhauer presented the following remonstrance against the passage of special ordinances Nos. 24 and 25, 1877:

Indianapolis, August 18, 1877.

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

Gentlemen:—The undersigned, owners of the real estate fronting on the first alley west of Franklin street, between Coburn street and Nebraska street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of said alley. Our reasons for not wanting it done at this time, are—

1st. Our inability to pay for it.

2d. Enough dirt for filling the holes and low places in the neighboring lots can soon be had from grading to be done on East street.

And your petitioners will ever pray, etc.

Wm. E. Alcorn, 120 feet; Wm. E. Alcorn, 140 feet; H. Stumph, 130 feet; William Rowe, 120 feet; Justus Decker, 130 feet; William Leadley, 120 feet; Josephina Balz, 110 feet; B. Tohornos, 110 feet; Christopher Gompf, 110 feet; H. Helm, 90 feet; C. Rassfeld, 130 feet; C. Kuhn, 130 feet; M. Caroline Hildebrand, by H. Borchers, 130 feet: W. McGaffigan, 130 ft.

Indianapolis, August 17, 1877.

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

Gentlemen:—We, the undersigned property holders on Franklin street, respectfully remonstrate against the improvement of said street, and submit to your honorable body, that, should said improvements be made, many of us will be unable to pay our assessments therefor, and will thereby lose our property.

Mildred Davidson, per D. E. Myers, agent, 135 feet; Theodore Blume, per R. Keller, agent, 135 feet; C. S. Douglass, per Thomas E. Swain, agent, 130 feet; W. H. Drapier, 135 feet; Wm. M. Carothers, 135 feet; Jacob Ehrisman, 135 feet; Sarah Sinker; Clark Griggs.

Councilman Steinhauer moved to strike special ordinance No. 24 from the files.

Councilman Walker moved, as a substitute for the above, that the remonstrance and ordinance be referred to the Committee on Streets and Alleys; which was adopted.

Special ordinance No. 25, and remonstrance against its passage, were given the same reference.

Councilman Stoner offered the following motion; which was adopted:

Moved, That John Karnatz be granted permission to grade, and pave with brick, the sidewalks along his property on Park avenue and Arch street, on the northeast corner of said streets, at his own expense, within sixty days,

and under the direction of the City Civil Engineer, who is hereby directed to set the proper grade stakes.

Also, the following motion ; which was referred to the Committee on Streets and Alleys :

Moved, That the Street Commissioner be authorized to clean the gutters of St. Clair street, between Broadway and Plum streets.

Councilman Thomas offered the following motion ; which was referred to the Committee on Streets and Alleys :

Moved, That the Street Commissioner be, and is hereby, instructed to open the ditch, leading from the corner of Union and Hill streets, to and under the Bluff Road.

Also, the following motion, which was adopted :

Moved, That the Committee on Streets and Alleys are hereby requested to examine the alley running south from South street, between Madison avenue and Pennsylvania street, with power to act.

Councilman Walker offered the following motion ; which, on Councilman Layman's motion, was referred to the Committee on Gas-Light and the City Attorney, with instructions to report how many of the public gas lamps now in use can be legally discontinued :

Moved, That the City Civil Engineer, with the Committee on Gas, be authorized to select one thousand lamps to be discontinued, in the most suitable locations.

Councilman A. L. Wright offered the following motion ; which was adopted :

Moved, That when this Council adjourns, it adjourn to meet on Monday evening, August 27, 1877; and that the Judiciary Committee be requested to report, to said meeting, their recommendations regarding the several bonds referred to them by this Council.

Councilman W. G. Wright offered the following motion ; which was referred to the Committee on Streets and Alleys :

Moved, That the Street Commissioner be, and is hereby, instructed to clean the gutters on Bismarck street, from Virginia avenue to Sullivan street.

On motion, the Common Council then adjourned until Monday evening, August 27th, 1877.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.